

ORDINANCE 2074

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 2, ZONING DISTRICTS AND USES, CHAPTER 5, ACCESSORY, TEMPORARY, AND SPECIAL USE SITUATIONS AND CHAPTER 6, STANDARDS FOR TRANSPORTATION, ACCESS, PARKING, AND LOADING, OF THE LAND DEVELOPMENT CODE TO INCLUDE LIVERY VESSEL RENTAL AS A PERMITTED USE IN MX-2 ZONING DISTRICTS, ESTABLISH SUPPLEMENTAL STANDARDS FOR LIVERY VESSEL RENTALS, AND ESTABLISH PARKING STANDARDS FOR LIVERY VESSEL RENTALS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, municipalities under Chapter 327 of the Florida Statutes may adopt ordinances or local regulations relating to operation of vessels, boats, barges, watercraft, etc. with certain limitations; and

WHEREAS, the City has in the past two (2) years seen an increase in the number of commercial watercraft rental businesses (also known as livery vessel) operating within the city limits, and there are currently no ordinances to address such businesses currently in the city code; and

WHEREAS, there are currently twenty-two (22) livery vessel businesses with an active business tax receipt or seeking application for a business tax receipt to do business in the City; and

WHEREAS, due to the increase City Council directed Staff to work with stakeholders to develop a framework to establish an ordinance to regulate such watercraft rental businesses; and

WHEREAS, City Staff held a workshop on June 29, 2021, where it received input from stakeholders and the public on what may need to be included in any watercraft rental business ordinance; and

WHEREAS, a draft ordinance was completed and provided to all the stakeholders for review and feedback with focus on where such businesses may be located, parking requirements, and other important safety regulations; and

WHEREAS, it is in the best interest for the safety, health, and welfare of the City residents, City businesses, and visitors to have ordinances and regulations adopted for the operation of commercial watercraft rental businesses within the City of Fort Walton Beach.

NOW THEREFORE, BE IT ORDANED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH FLORIDA, AS FOLLOWS:

Section 1. Authority and Intent

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

Section 2. Recitals

The above recitals are true and correct and adopted herein and confirmed.

Section 3. Amendment of Section 2.03.00. – Land Uses Permissible in Each Zoning District

Table 2.03.02. – Table of Permissible Uses is hereby amended as follows:

Table 2.03.02. Permissible Uses in Each Zoning District

Principle Land Uses:	Zoning Districts:										
	R-1E	R-1	R-2	MX-1	MX-2	YC	CF	CG	CTP	MB	REC
Residential Uses											
Single-family dwelling	P	P	P	P		P					
Duplex or triplex structure			P	P	P						
Multifamily structure			P	P	P						
Townhouse			S 5.04.02	S 5.04.02	S 5.04.02	S 5.04.02					
Manufactured homes	S 4.01.02	S 4.01.02	S 4.01.02								
Manufactured homes in parks			S 5.04.14								
Nonresidential Uses											
Adult-Oriented Uses, including book stores, movie stores, theaters, entertainment, and retail stores					S 5.04.26			P		P	
Alcohol package store, no consumption on premises				P	P			P			
Animal hospital or veterinary clinic					P			P			
Arenas, band shell, amphitheater, outdoor performance area					S 5.04.10			S 5.04.10			S 5.04.10
Artisan studio				P	P			P		P	
Asphalt or concrete plant									P	P	
ATM kiosk				P	P		P	P		P	
Bait and tackle				P	P	P		P			

Farmer's market, outdoor sales, roadside vendors				S 5.02.03	S 5.02.03		S 5.02.03	S 5.02.03		S 5.02.03	
Financial institutions, banks, credit unions, brokerages, no drive-up window				P	P			P		P	
Financial institutions, banks, credit unions, brokerages, with drive-up window								P		P	
Financial Institutions, Nonchartered, such as payday loan establishments and check-cashing facilities				S 5.04.24	S 5.04.24			P		P	
Food stores, specialty, such as bakeries, candy, ethnic groceries, catering services				P	P			P			
Fortune tellers and psychics				S 5.04.27	S 5.04.27			P		P	
Freight and moving companies								S 5.04.17	P	S 5.04.17	
Fuel/gasoline station, may include convenience store, restaurant, automotive supplies, but not repair					S 5.04.05			S 5.04.05		S 5.04.05	
Funeral homes, mortuaries, crematoria					P			P	P		
Garden, community or neighborhood	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20	S 5.04.20
Golf course							S 5.04.19				S 5.04.19
Grocery store, supermarket				P	P			P		P	

industrial activities, includes production, fabrication, assembly, may include outdoor storage, includes bottling plant, dry cleaning plant, gas and fuel storage and wholesaling											
Manufacturing, light assembly, fully enclosed building									P	P	
Marinas, including fuel, supplies, docking, boat ramps					S 5.04.13	S 5.04.13		S 5.04.13			
Medical and dental clinics, outpatient facilities				P	P			P		P	
Medical facility for recovery or rehabilitation services, includes substance abuse center, physical or mental rehabilitation, overnight stays				S 5.04.28	S 5.04.28		S 5.04.28	S 5.04.28			
Medical Marijuana Dispensary				S 5.04.31	S 5.04.31			S 5.04.31			
Nursing home or convalescent facility, overnight stay				P	P			P			
Offices, general, includes offices for trades or construction businesses				P	P			P		P	
Parking lot or parking garage, commercial				P	P		P	P	P	P	
Pawnshops				S 5.04.25	S 5.04.25			P		P	

Personal services, such as jewelry repair, shoe repair, tailoring, dry cleaning pick-up center				P	P			P		P	
Professional offices, accounting, government operations, legal services, bookkeeping, realtors, brokers, insurance, etc.				P	P		P	P		P	
Public service facilities such as fire stations, emergency services, or public works, includes vehicle storage and maintenance							P		P	P	
Recreation, indoor, such as pool, bowling, game rooms, video arcades				P	P	P	P	P		P	
Recreation, indoor, intense, such as skating rinks, indoor shooting range, indoor kart tracks, and similar				P	P		P	P	P	P	
Recreation, outdoor, active, such as sports fields, courts, playgrounds				P	P		P				P
Recreation, outdoor, intense, such as go-karts, miniature golf, lighted courts and fields, water slides, boat ramps, and similar amusements					P		P	P		P	

Recreation, outdoor, passive, such as picnic areas, trails, open spaces, includes botanical gardens				P	P		P			P	P
Religious facility	S 5.04.06	S 5.04.06	S 5.04.06	S 5.04.06	P		P	P			
Repair shops, small equipment, small appliances				S 5.04.04	S 5.04.04			P		P	
Restaurants, indoor, enclosed outdoor seating, without drive-up windows				P	P	P		P		P	
Restaurants, drive-up and fast food					S 5.04.21			P		P	
Retail shops, freestanding or within centers, includes department stores or specialty shops, such as art, antiques, furniture, florist, appliances, jewelry, books, electronic media, office supplies, automotive supplies, etc.				P	P			P		P	
Retail, large-scale discount establishments, big-box stores								P		P	
RV, motor homes, travel trailers, or manufactured home sales lot								P			
Schools, academic, charter, public or private					S 5.04.22		P	S 5.04.22			
Schools, business, commercial, trade, vocational					P			P	S 5.04.29	P	
Self-storage, mini-storage facilities								S 5.04.12	P	S 5.04.12	

Warehousing, not including self-service storage									P	P	
Wholesalers									P	P	

Section 4. Amendment to Section 5.04.23. – Livery Vessel Rental

Section 5.04.00. – Supplemental Standards for Specific Uses is here amended as follows:

5.04.32 – Livery Vessel Rental

A. A Livery Vessel Establishment may include the following uses:

The lease, rental, or charter of livery vessels, including boats and personal watercraft, to members of the public for consideration pursuant to § 327.02, Florida Statutes, including the activities associated with this including the transport of customers to and from the livery vessels and service of other needs of such customers. It shall also include operation of and maintenance of "chase" vessels for retrieving customers from disabled or damaged vessels. It shall also include service, repair, and maintenance of livery vessels and chase vessels including, but not be limited to, pressure washing, sanding, painting, performing mechanical repairs, performing fiberglass and other repairs to the exterior of livery vessels, upholstery fabrication and repairs, gelcoat repair, buffing, waxing, polishing, and detailing vessel interiors and exteriors. These facilities may also engage in the storage of livery vessels and equipment, diesel fuel or gasoline fuel storage and fueling of livery vessels, and retail sales as an accessory use.

1. A Livery Vessel is as defined in F.S. § 327.02, but does not mean: (1) a vessel under the control at all times by a United States Coast Guard licensed Captain; or (2) paddleboards, kayaks, canoes, or any other vessel not powered by an internal combustion engine or a sail (sailboards excluded). A Personal Watercraft as defined in Section 327.02 (36) shall be included in the definition of a Livery Vessel for purposes of this Section.
2. A Livery Vessel Vendor means any person or dealer, as those terms are defined in F.S. § 327.02 who rents or leases for hire any livery vessel.
3. Vessel is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

B. A Livery Vessel Establishment must comply with Chapter 327, Florida Statutes.

C. A copy of the State of Florida Submerged Land Lease for every Livery Vessel Establishment shall be provided to the City of Fort Walton Beach Growth Management Department on an annual basis, with a drawing, to scale, showing that mooring of Livery Vessels will be contained within the boundaries of the subject lease and is in compliance with all local, state and federal law including, but not limited to, all requirements of the Florida Department of Environmental Protection and the Army Corp. of Engineers.

- D. Where fuel or other hazardous substances will be stored, handled, or sold, the boatyard shall provide facilities and procedures for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous substances. Facilities and procedures shall be designed to prevent such substances from entering the water or soil and shall include adequate means for prompt and effective cleanup of spills.
- E. A Livery Vessel Establishment must submit to the City of Fort Walton Beach Growth Management Department a site plan showing location of permanent ADA restroom facilities and business-owned trash and recycling receptacles.
- F. Livery Vessel Establishment must provide proof to the City of Fort Walton Beach Growth Management Department of Livery Vessel Vendor's right to conduct business at the livery vessel rental location.
- G. A Livery Vessel Establishment must have an established location for check in and out of customers. This may be accomplished through a permanent facility or a Non-Permanent Vessel (NPLV) Rental location.
 - 1. NPLV Rentals are either a self-propelled vehicle or other trailer/vehicle moved by a self-propelled vehicle shall adhere to the following standards:
 - a. Transferability: NPLV business tax receipts (BTR) shall not be transferred.
 - b. The applicant shall obtain all applicable City building permits for the installation of the NPLV for improvements including but not limited to temporary/accessory structures, site improvements, lighting, signage, and utilities prior to issuance of BTR.
 - c. The NPLV shall conform to all applicable Florida Building Code and Florida Fire Prevention Code standards.
 - d. All equipment and/or utilities associated with the NPLV shall be screened from public view. The NPLV shall not contain any structural defects (i.e. rust, broken parts, holes) and shall contain surfaces that are readily cleanable.
 - e. The applicant shall demonstrate that the NPLV meets all setback requirements.
 - f. A finished façade shall be applied to the NPLV to provide the appearance of a permanent structure.
 - 1. All parts involved in the movement of NPLV shall be covered. This includes, but is not limited to tires, wheels, tongue, and taillights.
 - 2. Façade must be able to be removed to allow for movement of NPLV should it become necessary.
- H. Livery vessels shall not be permitted to be rented from City Parks or boat launches. All Livery Vessel vendors must operate from an approved Livery Vessel Establishment. There shall be no "mobile" Livery Vessel Vendors or delivery of Livery Vessels to customers and customers may only pick up and return Livery Vessels from an approved Livery Vessel Establishment.

- I. A Storage Plan shall be submitted by the Livery Vessel Establishment and approved by the City of Fort Walton Beach Growth Management Department for any vessels which will be stored on the upland portion of any Livery Vessel Establishment. Such storage plan must show to scale the locations of all stored vessels and confirm that such vessels are being stored in legal parking spaces or other appropriate areas pursuant to the City of Fort Walton Beach Land Development Code.
- J. Boater safety information shall be located at all Livery Vessel Establishments in a place visible to the renting public pursuant to F.S. § 327.54 with content and size as provided in F.S. § 120.
- K. Livery Vessel Vendors shall provide local safety and regulatory instruction, such as no-wake zones, Crab Island safety corridor, etc. (may be combined with requirements of F.S. §327.54).
- L. Livery Vessel Vendors shall post appropriate boating safety information pursuant to F.S. § 327.54(1)(f) with content and size as provided in F.S. § 120.
- M. Each livery vessel for rental shall have legible information identifying the rental company name, telephone number and vessel name or number. Information shall be clearly visible from 20 feet away from vessel.
- N. All buildings and structures shall include a finished facade in accordance with Section 4.00.04 of the LDC.
- O. Standards for buffering. There shall be a buffer which is acceptable to the City between it and any residential, multifamily, or transient lodging use.
 - 1. The City shall require a solid wall, fence or landscape buffer. A wall or fence shall be a minimum of six (6) feet in height and meet the standards of Section 5.01.08 of the LDC.
 - 2. The wall or fence shall be solid and the finished side of such wall or fence shall face outward.
 - 3. Where a landscaped buffer is provided, the plants shall include evergreen trees and shrubs. The trees and shrubs shall be planted in double staggered rows to form a continuous screen at least six (6) feet in height.
 - 4. The landscaping shall be maintained to ensure continuation of the vegetative screen. Dead or damaged plant materials shall be replaced as soon as possible based on the growing season.
 - 5. Where the landscaped buffer is not adequately maintained, the City may require replacement of the landscaped buffer with a solid wall or fence.
- P. Secondary Uses.
 - 1. A Livery Establishment may operate as a secondary use on a development lot in accordance with Section 4.02.02 of the LDC provided the primary use is in compliance with all LDC standards.
 - 2. A Livery Establishment may be combined within one (1) building in accordance with Section 4.02.03 of the LDC and all applicable Florida Building Code and Florida Fire Prevention Code standards.

Section 5. Amendment to Section 6.04.02. – Standards for Parking

Table 6.04.02. – Required Parking Spaces for Vehicles and Bicycles is hereby amended as follows:

Table 6.04.02. Required Parking Spaces for Vehicles and Bicycles.

Use	Vehicle spaces (minimum)	Bicycle spaces (minimum)
Residential Uses		
Single-family dwelling	2 per unit	None
Multifamily structure	2 per unit	1 per 10 parking spaces
Nonresidential Uses		
Barber, beauty salon, nail salon, aesthetician, skin care salon, tattoo and body piercing	2 per chair or station	1 per 10 parking spaces
Business support services, such as copying, mailing, printing, private mail	1 per 300 s.f.	1 per 10 parking spaces
Car wash or detailing facility	1 per employee on largest shift	None
Car wash, self service	1 per stall	None
Community center, club, or lodge	1 per 100 s.f.	1 per 10 parking spaces
Cultural facilities, such as library, museum, or gallery	1 per 1,000 s.f.	1 per 4 parking spaces
Day-care (child or adult), nursery school, kindergarten, or pre-kindergarten	1 per employee plus 5 spaces	1 per 4 parking spaces
Distribution centers, may include warehousing, dispatch offices, vehicle yards	1 per employee on the largest shift	1 per 10 parking spaces
Drug stores and pharmacies	1 per 300 s.f.	1 per 10 parking spaces
Dry cleaning establishment	1 per 300 s.f.	1 per 10 parking spaces
Dry storage for watercraft	1 per 10 dry storage spaces	1 per 20 parking spaces
Equipment rental	1 per 400 s.f.	1 per 20 parking spaces
Farmer's market	1 per 300 s.f. of the leasable area	1 per 10 parking spaces
Financial institutions	1 per 300 s.f.	1 per 20 parking spaces
Food stores	1 per 200 s.f.	1 per 10 parking spaces
Freight and moving companies	1 per employee on the largest shift	1 per 10 parking spaces
Fuel/gasoline station, may include convenience store, restaurant, automotive supplies, but not repair	1 per 2 fuel pumps plus spaces needed for accessory uses	1 per 10 parking spaces
Funeral homes, mortuaries, crematoria	1 per 4 seats in largest chapel	None

Furniture and/or appliance sales	1 per 500 s.f.	1 per 10 parking spaces
Golf course	4 per hole	1 per 10 parking spaces
Golf driving range Principal use Accessory use	1 per tee 1 per 2 tees	1 per 10 parking spaces
Group home, congregate living facility and similar uses	1 per 2 beds plus 1 per employee	None
Health clubs, exercise clubs, spas, gyms	1 per 300 s.f.	1 per 4 parking spaces
Hospital	4 per bed	1 per 10 parking spaces
Hotels, motels, inns and similar lodging facilities	1.1 per unit plus parking for accessory uses	1 per 10 parking spaces
Ice vending machine	See supplemental standards	See supplemental standards
Industrial uses, heavy industry with nuisance factors, such as odor, noise, vibration, electronic interference	1 per employee on the largest shift	1 per 10 parking spaces
Junk or salvage yards, recycling facilities	1 per employee on the largest shift	1 per 10 parking spaces
Laundry facility, self-service	1 per 300 s.f.	1 per 10 parking spaces
<u>Livery Vessel Rental</u>	<u>1.5 per boat</u> <u>1 per every 4 jet-skis</u>	<u>1 per 10 parking spaces</u>
Lounge, bar, or nightclub	1 per 60 s.f. of customer service area	1 per 10 parking spaces
Lumberyard, nursery yard, similar outdoor sales establishments	1 per 300 s.f. office or indoor sales area plus 1 per 1,000 s.f. of outdoor sales and display area	1 per 20 parking spaces
Manufacturing, and intense industrial activities, includes production, fabrication, assembly, may include outdoor storage, includes bottling plant, dry cleaning plant, gas and fuel storage and wholesaling	1 per employee on the largest shift	1 per 10 parking spaces
Manufacturing, light assembly, fully enclosed building	1 per employee on the largest shift	1 per 10 parking spaces
Marinas, including fuel, supplies, docking, boat ramps	1 per 2 wet slips	1 per 20 parking spaces
Medical and dental clinics and offices, outpatient facilities	1 per 200 s.f.	1 per 20 parking spaces
Medical facility for recovery or rehabilitation services, includes substance abuse center, physical or mental rehabilitation, overnight stays	1 per 200 s.f.	1 per 10 parking spaces
Nursing home or convalescent facility, overnight stay	1 per 4 beds plus 1 per employee on the largest shift	1 per 20 parking spaces

Offices, general or government	1 per 400 s.f.	1 per 10 parking spaces
Pawn shops	1 per 300 s.f.	1 per 10 parking spaces
Personal services, such as jewelry repair, shoe repair, tailoring, dry cleaning pick-up center	1 per 300 s.f.	1 per 10 parking spaces
Professional offices, accounting, government operations, legal services, bookkeeping, realtors, brokers, insurance, etc.	1 per 400 s.f.	1 per 10 parking spaces
Public service facilities such as fire stations, emergency services, or public works, includes vehicle storage and maintenance	1 per employee on the largest shift	1 per 10 parking spaces
Recreation, indoor Arcades	1 per 300 s.f.	1 per 4 parking spaces
Pool/billiards	2 per table	1 per 4 parking spaces
Bowling	4 per alley plus accessory uses	1 per 4 parking spaces
Skating rinks	1 per 100 s.f.	1 per 4 parking spaces
Recreation, indoor, intense, such as, indoor shooting range, indoor kart tracks, and similar uses	1 per 2 users based on computed capacity plus 1 per employee on the largest shift	1 per 4 parking spaces
Recreation, outdoor, active, such as sports fields, courts, playgrounds	2 per court plus 1 per 1,000 s.f. of the active use area	1 per 4 parking spaces
Recreation, outdoor, intense Go-karts track	1 per 2 users based on computed capacity	1 per 4 parking spaces
Miniature golf	1 per hole plus 1 per employee	1 per 4 parking spaces
Lighted courts and fields	2 per court plus 1 per 1,000 s.f. of the active use area	1 per 4 parking spaces
Water slides	1 per 2 users based on computed capacity	1 per 4 parking spaces
Recreation, outdoor, passive, such as picnic areas, trails, open spaces, includes botanical gardens	1 per 2,000 s.f. of the active use area	1 per 4 parking spaces
Religious facility	See supplemental standards	1 per 10 parking spaces
Repair shops, small equipment, small appliances, shoes, etc.	1 per 300 s.f.	1 per 10 parking spaces
Restaurants, indoor, enclosed outdoor seating, with or without drive-up windows	1 per 100 s.f. (gross)	1 per 4 parking spaces

Retail sales, not otherwise listed	1 per 300 s.f.	1 per 10 parking spaces
RV park or campground	See supplemental standards	None
Schools, academic, charter, public or private Elementary or middle school	1 per classroom plus 1 per employee	5 per parking space
High school or college	1 per classroom plus 1 per employee plus 1 per 10 students	5 per parking space
Schools, business, commercial, trade, vocational	1 per classroom plus 1 per employee plus 1 per 10 students	1 per 10 parking spaces
Self-storage, mini-storage facilities	See supplemental standards	None
Shopping center, multi-tenant establishment	1 per 250 s.f.	1 per 10 parking spaces
Studios for personal instruction, such as music, dancing, art, or photography	1 per 300 s.f.	1 per 10 parking spaces
Terminals, bus, transit, includes truck stop	1 per employee on the largest shift	1 per 10 parking spaces
Theaters, movie or performing arts	1 per 4 seats	1 per 10 parking spaces
Trades, maintenance services, and heavy repair services, including outdoor storage, equipment yards, machine shops, welding shops, towing services	1 per employee on the largest shift plus 1 per service bay	1 per 20 spaces
Vehicle repair or body shop	3 per service bay	2 spaces
Vehicle sales, showroom, office, and retail space	1 per 400 s.f.	2 spaces
Vehicles, storage yards	1 per employee	2 spaces
Veterinary clinic	1 per 200 s.f.	1 per 20 parking spaces
Video and DVD rentals and sales	1 per 300 s.f.	1 per 10 parking spaces
Warehousing, not including self-service storage	1 per employee on the largest shift or 1 per each 1,000 s.f., whichever is less	1 per 10 parking spaces
Wholesalers	1 per employee on the largest shift	1 per 10 parking spaces

Section 6. Findings

The City Council of the City of Fort Walton Beach, Florida, finds that:

The Local Planning Agency reviewed and recommended approval of Ordinance No. 2074 on August 5, 2021.

The proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

All notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

Section 7. Effective Date and Compliance

This Ordinance shall take effect immediately upon approval on second reading by City Council and signature of the Mayor. Any person or business who at the time of adoption of this Ordinance has a Livery Vessel Establishment within the City must bring such establishment into compliance on or before September 30, 2023.

Adopted: August 24, 2021

Nic Allegretto, Mayor Pro-Tem

Attest:

Approved for form, legal sufficiency

Kim M. Barnes, City Clerk

Hayward Dykes, Jr., City Attorney