

ORDINANCE 742

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, ALLOWING FOOD TRUCKS, FOOD TRAILERS, AND MODULAR BUILDINGS TO REMAIN OR BE PLACED AT CERTAIN COMMERCIAL LOCATIONS FOR UP TO TWO YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") as a Category 5 hurricane resulting in massive damages to private and public property, as well as public infrastructure;

WHEREAS, most commercial buildings were made uninhabitable and many had to be demolished; and

WHEREAS, the City previously adopted Ordinance 709 tolling certain times limits during the previously established building moratorium, allowing recreational vehicles and campers to be placed on certain residential lots for 365 days, and allowing food trucks and modular buildings to be placed at certain commercial locations for 365 days; and

WHEREAS, several temporary commercial facilities were placed based on Ordinance 709 and remain in place currently and other temporary commercial facilities could be beneficial to the City; and

WHEREAS, generally the time periods provided by Ordinance 709 have expired; and

WHEREAS, the City has made substantial progress toward cleaning up the City and restoring basic infrastructure in the City, but hurricane recovery will be ongoing for many more months and the need for business services in temporary structures and facilities still exists; and

WHEREAS, the City wishes to extend the time allowed for temporary commercial structures and facilities, including certain food trailers, for up to two years from the date of the adoption of this ordinance and the City Council intends to reevaluate the rules provided by this ordinance as its one-year anniversary approaches; and

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

ARTICLE 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

ARTICLE 2. TEMPORARY COMMERCIAL FACILITIES.

Section 1. Food Trucks and Food Trailers. Food trucks and food trailers may be placed on and operated at any location that operated as a restaurant or other business that primarily sold food or drinks immediately prior to Hurricane Michael, but that was destroyed or made inhabitable. Food truck means a vehicle licensed by the State of Florida as a self-propelled Mobile Food Dispensing Vehicle. Food trailer¹ means a towable facility that remains on wheels and may be readily moved and that is licensed by the State of Florida as a non-self-propelled Mobile Food Dispensing Vehicle. Prior to placing a food truck or food trailer pursuant to this Ordinance, an applicant must receive advanced written approval from the City Administrator that the proposed location and food truck meet the requirements of this Ordinance. All food trucks and food trailers so placed must either comply with all normal City requirements or be removed on or before the expiration of this ordinance, as provided by Article 3. The City will require any food truck or food trailer to be removed that does not comply with this Section 1. or which does not meet the definition of food truck or food trailer.

Section 2 Modular Buildings. Notwithstanding any City restrictions on design, Commercial modular buildings may be placed on any parcel where a business was lawfully located prior to Hurricane Michael but is now either destroyed or damaged to point of being uninhabitable. This Section 2. shall only apply to modular buildings certified by the Department of Community Affairs or any successor State agency and shall not apply to (i) buildings that only qualify as storage sheds or any other modular building that is exempt from Florida Building Code requirements or (ii) mobiles homes, which are residential units constructed to standards promulgated by the U.S. Department of Housing and Urban Development (HUD). Applicable development order and building permit procedures must be

¹ The Land Development Code provides a different definition for “food trailer,” which does not apply to this Ordinance 742. The definitions provided by this Ordinance 742 only apply to this ordinance and do not amend the Land Development Code.

followed and associated approvals granted before a modular building may be placed. All modular buildings placed under this Section 2. shall either comply with all normal City requirements or be removed on or before the expiration date of this ordinance, as provided by Article 3.

ARTICLE 2. EXPIRATION. This ordinance shall expire two years following its effective date, unless the City Council provides by a duly adopted resolution that the rules provided by this ordinance will expire sooner. This ordinance specifically authorizes a resolution to that effect, but if the City Council does not adopt such a resolution, this ordinance shall expire by its own terms after two years.

ARTICLE 3. SEVERABILITY. Any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

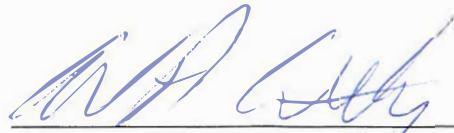
ARTICLE 4. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

ARTICLE 5. PUBLICATION. After its adoption, this ordinance shall be published and printed as prescribed for other adopted ordinances.

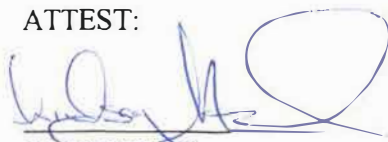
ARTICLE 6. REPEAL. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

ARTICLE 7. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at this public meeting of the City Council of the City of Mexico Beach, Florida, this 14th day of April, 2020.


William A. Cathey, Mayor

ATTEST:


CITY CLERK