

ORDINANCE NO. 660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT FOOD TRAILERS; PROVIDING DEFINITIONS AND EXCEPTIONS; GRANDFATHERING EXISTING FOOD TRAILERS; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the City of Mexico Beach, Florida (the "City") regulates land use and development issues through its Land Development Regulations; and

WHEREAS, the City is authorized to require all restaurants and similar businesses to operate in buildings that comply with the Florida Building Code; and

WHEREAS, food trailers and food trucks are exceptions to this rule that some localities allow; and

WHEREAS, the Land Development Regulations do not directly address the permissibility of food trailers or food trucks; and

WHEREAS, in recent years one food trailer has operated in the City; and

WHEREAS, a second food trailer began operating in the City in the Spring of 2016, which made the City Council decide to formally evaluate the issue of food trailers and, to a lesser extent, food trucks and adopt clear rules in the Land Development Regulations;

WHEREAS, the City Council requested the Planning and Zoning Board meet to consider these issues and provide recommendations to the City Council; and

WHEREAS, after multiple public meetings and hearing substantial public input, the Planning and Zoning Board recommended that food trailers be prohibited in the City except for the two that currently exist and that no specific rules regarding food trucks must be adopted presently.

NOW THEREFORE, be it ordained by the City of Mexico Beach, Florida:

Section 1. The Land Development Regulations of the City of Mexico Beach, Florida, are hereby amended to read as follows:

2.02.07 SPECIFIC RESTRICTIONS

A. Restrictions applicable only to Tourist Mixed Use land use districts:

- 1.** Where practicable, native vegetation will be used for residential lots and common open spaces. Native vegetation to be used can be identified from Waterwise Florida Landscape as produced by Florida's water management districts.
- 2.** Connection to central water and sanitary sewer systems shall be required prior to any certificate of occupancy being issued.
- 3.** The Tourist Mixed Use category may be implemented through the Planned Unit Development process as defined in this Code.
- 4.** A property must be under single ownership or under unified control at the time the Tourist Mixed Use category is assigned.

B. Food Trailers prohibited.

- 1.** Food Trailers are prohibited in the City except as provided in this subsection.
- 2.** "Food Trailer" means any structure or vehicle, fixed or mobile, used for the purpose of selling food or beverages or producing food or beverages for commercial purposes, and which is not:
 - i. a building compliant with the Florida Building Code and these Land Development Regulations;
 - ii. a home occupation compliant with these Land Development Regulations and the Florida Building Code;
 - iii. a vehicle licensed by the State of Florida as a Mobile Food Dispensing Vehicle or a successor program used by the State to license what is generally understood to be a food truck; or
 - iv. a food or beverage vending structure, vehicle, or cart operated for a maximum of seventy-two (72) hours and only as part of festival or special event not prohibited by the City. To qualify for this exception, at the end of the seventy-two hour period, the vending structure, vehicle or cart must either be removed from the City or placed into storage not visible from a public right-of-way and in compliance with these Land Development Regulations.

3. Non Conforming Use Established.

Food Trailers operating within the City prior to the Effective Date of this ordinance and holding a local business tax receipt validly issued by the City Clerk shall be considered a nonconforming use that is permitted to continue as governed by the rules for structures provided by Section 7.12.00, notwithstanding that said Food Trailers are not "dwelling units." In addition to those rules, permissible non-conforming status shall be lost upon a change of ownership of the Food Trailer or a relocation of the Food Trailer to a different parcel of property. Furthermore, Subsections 7.12.00 B.3. and 7.12.00 B.4. shall not apply to these nonconforming Food Trailers. These nonconforming Food Trailers shall otherwise comply with these Land Development Regulations and shall be considered restaurants for purposes

of parking, landscaping, and other instances when requirements vary depending on use of property.

Section 2. 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.

Section 3. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Land Development Regulations. Section numbers may be assigned and changed whenever necessary or convenient.

Section 5. This Ordinance shall become effective immediately upon its passage.

INTRODUCED at the Special Meeting of the City Council on the 13th day of December, 2016. Adopted at a Regular Meeting of the City Council on the 10th day of January, 2017.

CITY OF MEXICO BEACH, FLORIDA



Tom Bailey, Mayor

ATTEST:



Adrian Welle, City Clerk