



**AGENDA
LOCA PLANNING AGENCY
THURSDAY, JUNE 18, 2020
5:30 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. February 27, 2020**
- 4. NEW BUSINESS**
 - A. A public hearing regarding Ordinance No. 20-14-LC relating to trenchless technology. The proposed Ordinance title is as follows:**

ORDINANCE NO. 20-14-LC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA
RELATING TO RIGHT OF WAY PROTECTION; PROVIDING
FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT;
PROVIDING FOR THE AMENDMENT TO ARTICLE 8,
TRANSPORTATION, OF THE LAND DEVELOPMENT CODE BY
CREATING SECTION 8.01.00.G., RIGHT-OF-WAY (ROW)
PROTECTION, TRENCHLESS TECHNOLOGIES; PROVIDING
FOR INCORPORATION INTO THE LAND DEVELOPMENT
CODE; PROVIDING FOR CONFLICTING PROVISIONS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

- B. A public hearing regarding Ordinance No. 20-16-LC relating to mobile vendor operations. The proposed Ordinance title is as follows:**

ORDINANCE NO. 20-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING ARTICLE 3, "DEFINITIONS"; AMENDING ARTICLE 7, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" RELATING TO MOBILE VENDING REGULATIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

- 5. DIRECTOR'S REPORT**
- 6. NEXT MEETING DATE: THURSDAY, JULY 16, 2020**
- 7. ADJOURNMENT**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**SPECIAL LOCAL PLANNING AGENCY
MEETING MINUTES
FEBRUARY 27, 2020 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Special Local Planning Agency Meeting to order on Thursday, February 27, 2020 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Don David
Corey Ledbetter
Kevin Schmidt
Jason Klosterman
James Geveden

Staff Members Present

Kim Montgomery, Deputy City Clerk
Lauren Witt, Planning Manager
Samantha Brisolara, Planner
Kimberly Kopp, Land Use Attorney
Kyle Bauman, City Attorney

****Chairman Wood welcomed new member James Geveden****

3. APPROVAL OF MINUTES:

January 16, 2020

Motion by Agency member Klosterman seconded by Agency member Shelton to approve the January 16, 2020 minutes as written, passed with a vote of 6-0.

4. NEW BUSINESS:

A. A public hearing regarding Ordinance No. 20-15-LC relating to parking requirements for outdoor dining parking requirements. The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-15-LC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORID AMENDING THE
LAND DEVELOPMENT CODE TO ESTABLISH MINIMUM PARKING
REQUIREMENTS FOR ALL OUTDOOR DINING AND SEATING AREAS IN
THE CITY OF DESTIN; PROVIDING FOR AMENDMENTS TO ARTICLE 8
OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AUTHORITY;
PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR**

INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Brisolara explained that Council directed staff to prepare an ordinance to address parking requirements for outdoor seating. And this ordinance provides for one parking space for every 100-square feet of outdoor space. She added that a definition of outdoor seating will be added to the criteria of the Land Development Code (LDC) to ensure health, safety and welfare of patrons utilizing outdoor seating areas.

The Chairman opened the public hearing portion of the meeting for comment. With no one coming forward, he closed the public and turned the comments over to the Agency members.

Agency member Schmidt asked about the businesses that currently don't have enough parking for their outdoor seating. According to the LUA, they are considered legal non-conforming uses and will stay that way unless they make changes to their business. Then they would have to come into compliance.

Motion by Agency member Shelton, seconded by Agency member Ledbetter; the members voted 6-0 to recommend the adoption of Ordinance 20-15-LC by City Council.

B. A public hearing regarding Ordinance No. 20-06-LC relating Marina Siting. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 3 "DEFINITIONS"; AMENDING SECTION 11.05.00 OF THE LAND DEVELOPMENT CODE; AMENDING REGULATIONS FOR MARINA SITING; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

-CONTINUED TO A LATER DATE-

Motion by Agency member Shelton seconded by Agency member Ledbetter, the members voted 6-0 to continue Ordinance 20-06-LC.

The City Attorney informed the members that he would be reading items 4C through 4G altogether.

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- C. A public hearing regarding Ordinance No. 20-09-PC relating to an update to the Future Land Use Map. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-09-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI), RECREATION (REC), AND INSTITUTIONAL (INST) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. A public hearing regarding Ordinance No. 20-10-PC relating to an update to the Future Land Use Map. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-10-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM NORTH HARBOR MIXED USE (NHMU) AND RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- E. A public hearing regarding Ordinance No. 20-11-PC relating to an update to the Future Land Use Map. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-11-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI) TO RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

F. A public hearing regarding Ordinance No. 20-12-PC relating to an update to the Future Land Use Map. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-12-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM BAY ESTATES (BE) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

G. A public hearing regarding Ordinance No. 20-13-PC relating to an update to the Future Land Use Map. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-13-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE

LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND TOWN CENTER MIXED USE (TCMU) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Brisolara explained the members that over the past year, staff has worked to eliminate the inconsistencies with the Zoning Map and the Future Land Use Map. Adding that with these changes, they both will be in line with one another.

The Chairman opened the public hearing portion of the meeting for comment. With no one coming forward, he closed the public and turned the comments over to the Agency members.

Agency member Shelton made the motion for City Council to approve Ordinances 20-09-PC, 20-10-PC, 20-12-PC, 20-13-PC and approve the adoption and codification of the Zoning Map and the Future Land Use Map, with Agency member Schmidt providing the second. The motion passed with a roll call vote of 6-0.

H. A public hearing regarding Ordinance No. 20-16-LC relating to mobile vendor operations. The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING ARTICLE 3, "DEFINITIONS"; AMENDING ARTICLE 7, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" RELATING TO MOBILE VENDING REGULATIONS; REGULATING "LONG TERM SEASONAL OPERATIONS"; REGULATING "SPECIAL EVENT OPERATIONS"; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

According to Mrs. Brisolara, the purpose of the ordinance is to provide clarification of the Mobile Vending definition in the Land Development Code as well as for short term, long

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term and Special Events. She explained that Short Term would be less than 72-hours, Long Term would be 72-hours or more and Special Events Operations would be 72-hours or less with a temporary Change of Use Application.

The Chairman opened the hearing to the public.

Mr. Casey Jones owner of the Big Red Truck, 3830 Indian Trail explained that he was involved with the original ordinance, being on the committee that worked to get them created. And if they had any questions he should be able to answer them. Adding that the reason they put in 72-hours for short term was to cover the Seafood Festival, which is 3-days.

The Chairman closed the public portion and asked the LPA members for comment or a motion.

Agency member Klosterman made the motion to recommend City Council approve the proposed Ordinance 20-16-LC with Agency member Ledbetter providing the second. A roll call vote of 6-0 was taken and the motion passed.

I. A public hearing regarding Ordinance No. 20-17-CC relating to the mobile vendor definition. The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-17-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; PROVIDING FOR AMENDMENTS TO CHAPTER 13, ARTICLE IX, MOBILE VENDING PERMITS; AMENDING AND CREATING DEFINITIONS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

The Chairman opened the public portion of the hearing, with no one coming forward, he closed the public portion and asked the LPA members for comment or a motion.

Agency member Shelton made the motion to recommend City Council adopt Ordinance 20-17-CC. With Agency member Klosterman proving the second.

Agency member Schmidt asked if the short term is for special events or when someone would want to have a food truck to come to their home for a party. According to Mr. Jones, Food Trucks are not allowed at residential neighborhoods, it would have to be catered event only, as outlined in the zoning districts.

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The LUA explained that there is a Mobile Business Permit that they must obtain for operating as well as a Business Tax Receipt.

With no further questions or comments, the Chairman called for the vote and the motion passed 6-0.

J. A public hearing regarding Ordinance No. 20-18-LC relating to the prohibition of e-scooter rentals in the City Limits. The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-18-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 “DEFINITIONS” OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” TO PROHIBIT MOTORIZED SCOOTER BUSINESSES FROM LOCATING WITHIN THE CITY OF DESTIN FOR THE PURPOSE OF PROTECTING THE PUBLIC SAFETY AND WELFARE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

-CONTINUED TO A LATER DATE-

The LUA explained that there is a case pending in the Florida Supreme Court that they need to wait on. There was a brief discussion regarding these types of businesses that operate in Walton County and how those rentals cannot be regulated to not come into the city.

Motion by Agency member Shelton seconded by Agency member Ledbetter, the members voted 6-0 to continue Ordinance 20-06-LC.

4. DIRECTOR’S REPORT:

Mr. Zunguze explained to the members that there is a list of dates for training on ethics which is free and both he and the City Attorney highly encouraged the members to attend.

He also informed the members staff is about to undertake the process of updating the Land Development Code which should take the rest of the year and starting in April, they should start having two scheduled meeting per month.

The City Attorney explained to the members that they should be getting their City of Destin email addresses soon and he would have more information for them at their meeting in April. Mrs. Witt explained that once they get their email addresses they should also be able to access their packets a lot easier as well.

5. NEXT MEETING: March 19, 2020

6. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:00 p.m.

Adopted and approved this _____ day of _____ 2020.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 18, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Local Planning Agency

THRU: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director

FROM: Joe Bodi, Engineering Asst. II

DATE: June 15, 2020

SUBJECT: A public hearing regarding Ordinance No. 20-14-LC relating to trenchless technology. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-14-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO RIGHT OF WAY PROTECTION; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE 8, TRANSPORTATION, OF THE LAND DEVELOPMENT CODE BY CREATING SECTION 8.01.00.G., RIGHT-OF-WAY (ROW) PROTECTION, TRENCHLESS TECHNOLOGIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

I. BACKGROUND: Last year, during the course of undertaking installation work, telecommunications contractors damaged City infrastructure in several parts of the City. Although some protections are in the Land Development Code, there is not enough language to provide a standard guide for the installation of the types of trenchless technology used for boring under the City's roadways, contractor registration, licensing and insurance, right-of-way standards for repairing the rights-of-ways, roadways and sidewalks.

II. DISCUSSION: City Council directed staff to research and propose language to allow guided or controlled boring technologies only under public roadways and provide better safeguards and repair standards to protect the City's rights-of-ways.

A. Link to Strategic Goals / Objectives: I. Enhanced Quality of Life, I.C.2., I.C.3, I.C.4, I.C.5 and III. Organizational Excellence, III.A.1

B. Effect on Budget (EOB): No effect on the Budget

C. Level of Service (LOS): This action shall protect and not reduce the current LOS.

III. CONCLUSION: Adoption of this ordinance would provide additional protections to the City's infrastructure in the following areas:

1. Providing for guided or controlled boring technology
2. Ensuring protection and repairing of City's existing infrastructure
3. Requiring registration and insurance of the boring companies working in the City

IV. RECOMMENDED MOTION: I move that the LPA recommend approval of the proposed Ordinance No. 20-14-LC, Right-of-Way Protection, Trenchless Technologies and forward to City Council for adoption

Attachments:

1. Ordinance 20-14-LC Trenchless Tech

ORDINANCE NO. 20-14-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO RIGHT OF WAY PROTECTION; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE 8, TRANSPORTATION, OF THE LAND DEVELOPMENT CODE BY CREATING SECTION 8.01.00.G., RIGHT-OF-WAY (ROW) PROTECTION, TRENCHLESS TECHNOLOGIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should provide additional regulations regarding trenchless technologies and right-of-way protection; and

WHEREAS, the City Council has determined that the Land Development Code needs to be modified to provide a standard for the types of trenchless technology uses for boring under the City's roadways, contractor registration, and licensing and insurance; and

WHEREAS, the City Council has determined that the Land Development Code needs to be modified to provide right-of-way standards for repairing the rights-of-ways, roadways, and sidewalks; and

WHEREAS, the City Council has determined, based on the recommendation of the Local Planning Agency, that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Land Development Code**

that have been skipped and remain unchanged.

SECTION 3: AMENDMENT TO ARTICLE 8, SECTION 8.01.00, OF THE LAND DEVELOPMENT CODE.

Article 8 Transportation, Section 8.01.00, of the Land Development Code is hereby amended as follows:

8.01.00. Right-of-way (ROW) protection.

G. Trenchless Technologies

1. Directional boring or Guided Boring, also referred to as horizontal directional drilling (HDD), is a minimal impact trenchless method of installing underground utilities such as pipe, conduit, or cables in a relatively shallow arc or radius along a prescribed underground path using a surface-launched drilling rig and shall be the only approved trenchless method allowed in the City's Rights-of-Way. Boring technologies that are not guided or controlled shall not be used within the City Right-of-Ways.
2. Boring, auger-ing or any other type subsurface means of utility installation shall be used for the following:
 - a. Installation of new underground utilities in areas that have established vegetation, i.e., landscaping, established lawns, etc. Replacement or upgrading of existing utilities where the existing utility shall remain in place and/or abandoned.
 - b. Road crossings except where conditions prohibit the process of directional drilling or boring.
 - c. Installation of new underground utilities in areas that are within the drip line of any trees on the Right-of-Way. A minimum depth of 3 feet is required to protect the roadbed and critical root zone for trees unless otherwise approved due to subsurface conditions. The City Engineer shall be notified of any trenching/cutting required within the drip line of a tree before the work is begun.
3. Any and all work performed in the City's rights-of-way shall be performed by a contractor appropriately licensed by the State of Florida and all applicable Rights-of-Way permits shall be obtained by the current facility owner or their representative. All utility owner's contractors and subcontractors (regardless of tier) doing work within the City should be registered with City's building division and are responsible for keeping that information correct and up to date.
4. Any person or entity that causes damage to a public street or other public infrastructure while working in the public right-of-way must repair the street or infrastructure at the person's or entity's sole cost and expense in accordance with current City standards and specifications. The damaged street or infrastructure must be returned as close to its original condition as practicable or to current City standards and specifications and the repair maintained for a minimum of one year.
5. Wastewater produced, backwash created by directional boring shall be controlled by use of proper erosion control measures including capture and proper disposal of backwash using a vacuum truck or other pre-approved methods. Backwash shall not be discharged into any part of the storm sewer system including ditches, swales, retention areas, or onto the street, gutter or sidewalk.

6. Pavement Cuts. If a pavement cut is made to a City street, the following minimum requirements apply:
- a. The permittee must apply an asphalt mill and overlay/inlay pavement treatment to the full width of all lanes of an arterial, collector, or local street impacted by the cut(s). All repairs shall comply with FDOT specifications, the treatment must extend a minimum of 15 feet in both directions from the pavement cut(s);
 - b. The disturbed roadbed shall be refilled and compacted in 6" lifts compacted to 98% of the Maximum Standard Proctor Density (ASTM D698);
 - c. Inside White Sand Zones, provide 12" compacted base (no clay or staining material can be used in the white sand zones) to 98% of the Maximum Standard Proctor Density; and
 - d. Provide 3" FDOT SP-9.5 asphalt in two 1 ½" lifts and;
 - e. Associated certified compaction and core testing results shall be required to confirm these requirements are met.
 - f. Provide thermoplastic striping to match what was existing.
 - g. Sidewalks cut or damaged must be replaced with a minimum of 4" of concrete and only in full panels. City staff will inspect the forms prior to the concrete being delivered. In the case where the sidewalk is 6 feet or wider, 4000 psi fiber reinforced concrete must be used.

SECTION 4: INCORPORATION INTO THE LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5: CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6: SEVERABILITY. If any section, phrase, sentence, provision or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council and the signature of the Mayor.

ADOPTED THIS ____ DAY OF _____ 2020.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 18, 2020

TYPE OF AGENDA ITEM: Action Item

TO: Local Planning Agency

THRU: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director
Lauren Witt, Planner

FROM: Traci Goodhart

DATE: June 15, 2020

SUBJECT: A public hearing regarding Ordinance No. 20-16-LC relating to mobile vendor operations. The proposed Ordinance title is as follows:

ORDINANCE NO. 20-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING ARTICLE 3, "DEFINITIONS"; AMENDING ARTICLE 7, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" RELATING TO MOBILE VENDING REGULATIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

I. BACKGROUND: In the City's Code of Ordinances and Land Development Code, there is not enough clarity of requirements for Mobile vendors related to Food trucks and Food Trailers. Additionally, the Land Development Code does not address the duration of "short-term," "long-term," and "special event" mobile vendors.

II. DISCUSSION: The current definition for Mobile Vendors is not inclusive of both, motorized and non-motorized Food truck and/or Food trailers that wish to operate within the City limits. Additionally, the Land Development Code is not clear regarding the frequency of "short-term" mobile vending operations. The proposed ordinance amends Chapter 13, Section 13-160, Code of Ordinances, Article 3.00.01 – Definitions, and Article 7.21.00 – Mobile Vendors, Land Development Code to include:

- Motorized and non-motorized vehicles

- State of Florida Division of Hotels and Restaurants definition for Mobile food dispensing vehicle (Rule 61C-4.0161)
- Explicit language for both Food Truck and Food Trailers
- Clarification regarding “long-term” and “short-term” mobile vending operations. The proposed categories are:
 - o Long-term Operations (more than 72 hours)
 - o Short-term Operations (less than 72 hours)
 - o Long-term seasonal operations (more than 72 hours and/or recurring anytime from May thru September).
 - o Special event operations (72 hours or less). A temporary Change of Use application is required to be submitted to the City for review.
 - o Seasonal Marine Vendor Operation (more than 72 hours and/or recurring anytime from May thru September).
- Enforcement – Class II Violation in accordance with Section 14-401 of the City’s Code of Ordinances
 - A. **Link to Strategic Goals / Objectives:**
 - B. **Effect on Budget (EOB):**
 - C. **Level of Service (LOS):**

III. CONCLUSION: The proposed ordinance provides consistency with the State definition of a “mobile vendor” which includes food trailers. Additionally, there is clarification regarding the duration and frequency of “mobile vending” operations within the City of Destin.

Staff recommends the LPA recommend City Council approval of proposed Ordinance 20-16-LC.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed Ordinance 20-16-LC.

Attachments:

1. Ordinance 20-16-LC Mobile Vending LDC

ORDINANCE NO. 20-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING ARTICLE 3, “DEFINITIONS”; AMENDING ARTICLE 7, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” RELATING TO MOBILE VENDING REGULATIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should amend Article 3 of the Land Development Code to amend definitions, and Article 7 of the Land Development Code, relating to mobile vending regulations, regulating long term seasonal operations, and relating to special event operations; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Land Development Code that have been skipped and remain unchanged.**

SECTION 3. AMENDMENT OF ARTICLES 3 AND 7 OF THE LAND DEVELOPMENT CODE.

Articles 3 and 7 of the Land Development Code is hereby amended as follows:

3.00.01. - Definitions.

For the purpose of this Code, the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

Mobile Vendor: A person who is in the business of selling food, beverages, flowers or other merchandise or services from a motorized or non-motorized vehicle. For the purpose of this section, Mobile Food Dispensing Vehicle, includes both Food Trucks and Food Trailers and is defined by the State of Florida Divisions of Hotels and Restaurants Rule 61C-4.0161.

~~Vending, mobile: A transportable retail or food service business that does not have a permanent/fixed location.~~

7.21.00. - Mobile vendors.

7.21.02. *Zoning districts.* The location of any mobile vendor shall be entirely within an approved zoning district.

- A. Long term operations (more than 72 hours). Mobile vendors may operate within the following zoning district: South Harbor Mixed Use (SHMU) and Calhoun Mixed Use (CMU).
- B. Short term operations (72 hours or less). Mobile vendors may operate within the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), North Harbor Mixed Use (NHMU), Commercial Trades and Services (CTS), Industrial (IN), Institutional (INST), Residential, Office and Institutional - ~~General Development~~ Village Residential (ROI-VR), Town Center Mixed Use (TCMU).
- C. Long term seasonal operations (more than 72 hours and/or recurring anytime from May thru September). Mobile vendors with long term seasonal operations may operate within the following zoning district: South Harbor Mixed Use (SHMU) and Calhoun Mixed Use (CMU).
- D. Special event operations (72 hours or less). Mobile vendors with special event operations may operate within the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), North Harbor Mixed Use (NHMU), Commercial Trades and Services (CTS), Industrial (IN), Institutional (INST), Residential, Office and Institutional - Village Residential (ROI-VR), Town Center Mixed Use (TCMU). A temporary Change of Use application is required to be submitted to the City for review prior to conducting any special event operations.
- E. Seasonal marine operations (more than 72 hours and/or recurring anytime from May thru September). Marine mobile vendors may operate from the surface waters adjacent to the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR).

7.21.12. *Enforcement.* Failure to comply with the provisions of this section is a Class II Violation, in accordance with Section 14-401 of the City Code of Ordinances and shall be grounds for denial or revocation of a mobile vendor permit in accordance with section 13-162 of the City Code, denial of a business tax receipt, revocation an existing business tax receipt or may result in code enforcement or civil action against the mobile vendor or the owner of the subject property, or both.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS _____ DAY OF _____, 2020.

By: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____