



AGENDA
TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE
WEDNESDAY, NOVEMBER 18, 2020
5:30 PM
DESTIN CITY HALL BOARDROOM

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A) October 21, 2020**
- 4. OLD BUSINESS**
 - A) Gulf Power Linear Park**
- 5. NEW BUSINESS**
 - A) Mobile Vending**
- 6. COMMITTEE MEMBER COMMENTS/QUESTIONS**
 - A) Lockwood Wernet**
 - B) Michelle Sandstead**
 - C) Delores Morrell**
 - D) Justin Woodard**
 - E) Matthew Sweetser**
- 7. PUBLIC COMMENTS**
- 8. NEXT MEETING DATE: December 16, 2020**
- 9. 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)

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MINUTES TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE MEETING OCTOBER 21, 2020 - 5:30 PM DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Wernet called the meeting to order at 5:30 PM on Wednesday, October 21, 2020 at the Destin City Hall Boardroom with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

Lockwood Wernet
Michele Sandstead
Delores Morrell
Matthew Sweetser

Members Absent

Justin Woodard

Staff Present

Kim Montgomery Deputy City Clerk
Traci Goodhart, Planner/ Floodplain Manager
Louis Zunguze, CD Director
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES: June 17, 2020

Motion by Committee member Morrell, seconded by Committee member Sandstead to approve the June 17, 2020 meeting minutes as written passed 5-0.

4. OLD BUSINESS:

➤ **Gulf Power Easement Linear Park**

Mrs. Goodheart spoke of bringing the preliminary scope of work for the park to them at their June meeting and staff will also be bringing this before the Parks & Recreation Committee at their meeting this month for their recommendation to City Council. She explained that this park has been discussed and planned since 2007. There was a question as to why it has taken so long. The Chairman informed the members that the city has been paying back the bonds for the reconstruction of Legion Drive, Main Street and Airport Road. And with the crash of the economy, the Town Center is just recently starting to see revenue and is why this park has been delayed for so long.

➤ **FDOT Median Landscaping Plan**

Mrs. Goodhart explained to the members that for the past year, City Council has expressed interest in selecting some plant species for the FDOT median landscaping plan. And that plan in its 90% status was presented to them for review and comment. The plan in their packet is now at 100% and is what will be installed on the medians.

➤ **20/21 Work Plans**

Mrs. Goodhart explained that because of Covid and not being able to meet too much this year, staff recommends moving their 2020 Work Plan items over to 2021. Adding that the Linear Park Work

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Plan item and the Landscaping of the median are the two that are getting some action even though they will still roll over into 2021.

Committee member Sweetser asked for assurance that even though the Linear Park is being rolled over into 2021, it is still going before the Parks & Recreation Committee for input. Mrs. Goodhart reassured him that it is.

With no further discussion, **Chairman Wernet made the motion to approve the 2020 Work Plans as presented as the 2021 Work Plans with Committee member Morrell providing the second. The motion passed with a 4-0 vote.**

5. NEW BUSINESS:

None

6. COMMITTEE COMMENTS:

Committee member Sandstead spoke of the banner program that her husband Ron has been working on. She mentioned how some of the banners were damaged from a storm earlier this year and subsequently, they were delayed getting put up, but they are back up on the poles now and the artists are happy. She also mentioned they are tentatively working on getting some holiday banner artwork put up.

7. VISITOR COMMENTS:

None

8. DIRECTOR'S REPORT:

Mr. Zunguze asked the City Attorney to address the committee members city email addresses.

Mr. Bauman reminded the committee members of the importance of using their @cityofdestin.com e-mail addresses. He spoke of how most members are using them. However, there are still some people still have not had them set up. And if anyone needs help setting it up, the IT staff can help getting it finalized to use. Or they can send instructions to help you set that up. Emphasizing that it is of critical importance that they start using that email address for all city correspondence.

He then spoke to the members the primarily reason is if the city were to ever get into any public records litigation, the last thing we want is for the opposing party or the Court to start looking through members personal e-mail address, and all the e-mails you've sent, because if you are conducting city and business using your personal e-mail addresses, by law they can go so far as confiscating your computer. And is the reason why the city decided to give each member their own email

Mr. Zunguze informed the members of the upcoming election member on the 16th of November where four the new council members will be seated. And anyone whose Council member's term is up needs to reapply to possibly be reappointed to the committee. Adding that the Clerk's Office will co-ordinate with them, as well as he sent out a letter to each member providing direction on how to go about re-applying to be to be re-instated.

➤ New Projects in the Town Center CRA District

Mr. Zunguze brought the members attention to the map located in the back of their packet that shows the new projects that have been approved and will be or are under construction. Adding how good

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it is to see old projects that were abandoned being brought back to life and generating revenue for the Town Center.

He then thanked the members for their patience during the time that the offices were closed because of the health challenges his department experienced during the height of the virus.

➤ **Next meeting is November 18, 2020.**

ADJOURNMENT:

Having no further discussions, the meeting was adjourned at 6:00 PM.

Adopted and approved _____ day of _____ 2020.

Lockwood Wernet, Chairman

Kim Montgomery, Deputy City Clerk

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: November 18, 2020

BOARD/COMMITTEE: Town Center Community Redevelopment Agency Advisory Committee

TYPE OF AGENDA ITEM: Action Item

TO: Town Center Community Redevelopment Agency Advisory Committee

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

FROM: Traci Goodhart

DATE: November 6, 2020

SUBJECT: Gulf Power Linear Park

I. BACKGROUND: One of the key projects that the Committee has identified, as vital to redeveloping the Town Center Redevelopment Area is the proposed Linear Park. The Linear Park extension of 98 Palms Boulevard to the east, will connect portions of the Gulf Power easement providing an opportunity to create a “linear park/multi-use trail” connecting Main Street to Airport Road.

II. DISCUSSION:

On October 27, 2020, Staff presented the preliminary scope of work to the City’s Parks & Recreation Committee. The Parks and Recreation Committee voted unanimously to request City Council consideration to have staff draft the Request for Bid (RFB) for the project schematic design.

The Gulf Power Linear Park has been identified as a Capital Improvement Project (CIP). There is \$55,000 budgeted from FY 2019 and FY 2020 for architectural design and engineering.

III. RECOMMENDATIONS:

The proposed Gulf Power Linear Park will:

- Improve mobility and connectivity
- Improve infrastructure that includes multi-modal aspects
- Improve recreational opportunities

IV. RECOMMENDED MOTION: I move the Town Center CRA request City Council consideration to have staff draft the RFB for architectural design and project engineering for the Gulf Power Linear Park.

Attachments:

1. CRT17 Gulf Power Easement Trail
2. Gulf Power Linear Park Scope of Work

CAPITAL IMPROVEMENT PROJECT REQUEST

CRT17

Gulf Power Easement Trail/Linear Park TOWN CENTER CRA

Purpose and Justification: in 2015 the Town Center CRA created a workplan to design and construct a multi-use trail along the Gulf Power Easement to connect Main Street to Mattie M. Kelly Boulevard, a residential neighborhood. The purpose of the pathway system is to promote the multi-modal goal of a convenient and pleasant access to Main Street shops and amenities without the need to drive. It will also serve as a recreational pathway for bicyclists, joggers, and walkers. **The FY19 goal for the CRA Committee is to develop a schematic design for the pathway and investigate R/W and easement acquisitions.**

Capital Expenditure Overview					Total Project
	FY19	FY20	FY21		\$605,000
Schematic Design	\$ 5,000				
Final Design and Permitting		\$ 50,000			
Construction			\$ 550,000		
TOTAL	\$5,000	\$50,000	\$550,000		

Status:

Comprehensive Plan Policy:2-1.3.1

Is this a Multi-Year Project: Yes

If yes, what was/is the Project's initiation Date: FY07

Operations & Maintenance (O & M) impact(s): Completed project will require periodic maintenance, including routine cleaning and scheduled resurfacing. No O&M costs in FY19.

Total Funding Requirement(s):	
Expenditures to Date	
Land Acquisition	
Architectural/Engineering Design	\$55,000
Permitting & Construction	\$550,000
Equipment/Furnishings (Signs)	
Landscaping & Site Amenities	
Other(s) (please list)	
TOTAL	\$605,000
Funding Source(s):	
General Fund/ Capital Carryover	\$55,000
Gas Tax	
Recreation Impact Fees	
Bond	
Grant	\$550,000
FY19 TOTAL (carryover)	\$605,000



A multi-modal pathway connecting neighborhoods to Main St. shops via 98 Palms Blvd. will be a pleasant addition



**Community
Development
Planning and
Zoning Division**

Phone: 850-654-1119

Fax: 850-460-2171

Proposed Scope of Work

DATE: June 8, 2020
TO: Town Center Community Redevelopment Area (CRA)
THRU: Lance Johnson, City Manager
FROM: Louis Zunguze, Community Development Director
SUBJECT: Gulf Power Easement/ Linear Park

A. PROJECT DESCRIPTION:

The Gulf Power Easement/Linear Park is an extension of 98 Palms Boulevard that will connect portions of the Gulf Power easement providing an opportunity to create a “linear park/multi-use trail” connecting Main Street to Airport Road.

B. PROJECT OBJECTIVE

The project objective is to provide a safe area for walking, jogging, biking and exercise, with rest areas and vegetation, and provide connectivity from the residential areas off Airport Road to shops, restaurants and other amenities in the Town Center CRA.

The proposed project is included as a FY2020 Work Plan item for the Town Center and meets the objective for improved mobility and connectivity as described in the Town Center CRA Master Plan. In addition, the project has been prioritized as a Level 1 Priority Planned Improvement as part of the Pathways Master Plan Update ([Article 8.07.02, Land Development Code](#)).

C. DESCRIPTION OF WORK

The Scope is organized into the following tasks:

1. Land Acquisition (ROW and Easements)
2. Conceptual Design Plan
3. Conceptual Budget

(C-1) LAND AQUISITION

- 98 Palms Blvd to Quail Lake Blvd
- Destin Water Users ROW Acquisition
- 80’ ROW Acquisition
- Quail Lake (Quiet Woods) Easement Acquisition

(C-2) CONCEPTUAL DESIGN PLAN

The design concept includes a paved trail and boardwalk connecting Airport Road to Main Street. The proposed ±1,300 linear foot boardwalk from Airport Road and Twin Lakes Lane to Jewel Melvin Park will include interpretive and way-find signage. The multi-use trail will be landscaped and will include lighting. The trail will begin at Jewel Melvin Park and continue east approximately ±3,100 linear feet and will be between 12-15 feet wide with curbing to support emergency vehicles.

(C-3) CONCEPTUAL BUDGET - TBD

- Reference Capital Improvements Project Request CRT17
- FDOT FY2019 12' Multi -Use Trail Cost Estimate

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: November 18, 2020

BOARD/COMMITTEE: Town Center Community Redevelopment Agency Advisory Committee

TYPE OF AGENDA ITEM: Action Item

TO: Town Center Community Redevelopment Agency Advisory Committee

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

FROM: Traci Goodhart

DATE: November 9, 2020

SUBJECT: Mobile Vending

I. BACKGROUND: Currently, the Land Development Code does not address the duration of “short-term,” “long-term,” and “special event” mobile vendors. Ordinance 20-16-LC defines the duration and modifies the mixed-use zoning districts where mobile vendors are permitted to operate.

City staff is updating Chapter 13, Article IX Mobile Vendor, Code of Ordinances per Florida State Statute, Section 509.102 which excludes municipalities from requiring additional permitting for mobile vendors. Ordinance 20-17-CC removes mobile vendor permitting requirements and includes a revised definition for food truck and trailers to match the State of Florida

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:

- Removed permitting requirements for Mobile Vendors per Section 509.102. F.S.
- Add language 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

III. RECOMMENDATIONS: 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 and removed the permitting requirement for Mobile Vendors per Section 509.102 F.S.

Staff recommends Town Center CRA recommend City Council approval of proposed Ordinance 20-16-LC & 20-17-CC.

IV. RECOMMENDED MOTION: I move the Town Center recommend City Council approval of proposed Ordinance 20-16-LC & 20-17-CC.

Attachments:

1. Ordinance 20-16-LC Mobile Vending LDC
2. Sec. 13-160
MOBILE_VENDING_PERMITS
02.27.20 DRAFT
3. Ordinance 20-17-CC Mobile Vending

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 (ROI-GD)~~, Town Center Mixed Use (TCMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR).
- 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), Town Center Mixed Use (TCMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR). 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: _____

ARTICLE IX. - MOBILE VENDING PERMITS

Sec. 13-160. - Mobile vendor, defined.

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. except, however, that the provisions of this ordinance shall not apply to mobile caterers, generally defined as a person engaged in the business of transporting, in motor vehicles, food, beverages, or service equipment to residential, business and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles the items or services at retail, for the convenience of the personnel of such establishments. Mobile vendor vehicles are establishments that are self-propelled or otherwise moveable from place to place, such as a truck, trailer, or similar self-propelled conveyance, or non-permanent kiosk or table where products are sold directly from the vehicle.~~

Mobile food dispensing vehicle. For the purpose of this section, is defined by the State of Florida Division of Hotels and Restaurants in Rule 61C-4.0161.

Food truck. Includes both Food Trucks and Food Trailers and is defined as any motorized or non-motorized vehicle that fulfills the definition for "Mobile Food Dispensing Vehicle", as defined by Rule 61C-4.0161.

(Ord. No. 17-15-CC, § 2, 3-19-18)

Sec. 13-161. - Permit required.

It shall be unlawful for any mobile vendor to operate upon public or private property in the city without first having secured a permit as required by this section. All permits issued under the provisions of this article shall be valid for no more than one (1) year. It is not the intent of these regulations to be applied to mobile vendors temporarily approved in conjunction with a city special event permit.

(Ord. No. 17-15-CC, § 2, 3-19-18)

Sec. 13-162. - Process for application and revocation of permits.

- (1) *Filing application.* A person shall apply for a mobile vendor permit by completing a written application in a form provided by the city and paying the required permit fee. An application will not be considered until a complete application has been submitted to the city, the permit fee has been paid, any check or draft for such payment has cleared, and all information required by the City Code or Land Development Code has been provided to the city.
- (2) *Permit fee.* The permit fee to accompany the application shall be established by the City Council and may be modified by City Council. Each application permit fee shall cover the one-year term of the permit.
- (3) *Permit Information.* In addition to the application and fee, the applicant shall provide satisfactory proof to the city that the mobile vendor has obtained all required licenses, permits and inspections required by any federal, state or local regulatory agency, including but not limited to a current state vehicle license and inspection.
- (4) *Action on permit.* An application for a mobile vending permit will be reviewed by the city manager or city manager's designee. A permit may be denied if the applicant or any person involved in the mobile vending operation has, within one year of the date the application is filed: (i) failed to provide any information or fee requested by the city pursuant to the City Code or Land Development Code or (ii) been found in violation of this article or any provision of the city Land Development Code regulating mobile vending; or (iii) had a permit issued pursuant to this article revoked.
- (5) *Revocation of permit.* A permit issued by the city under this article shall be conditional and may be revoked if:
 - (a) The city determines that any of the information provided in the application process or on the application was false when submitted or has become false since the permit was issued; or

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- (b) The permittee, or any person associated with the permittee's operations as a mobile vendor, violates any of the provisions of this article, any provision of the city Land Development Code regulating mobile vending, or the applicable regulations of any federal, state, or local regulatory authority; or
 - (c) The activities of the permittee, or any person associated with the permittee's operations as a mobile food vendor, endanger, or are likely to endanger the public health, safety or welfare.
- (6) *Effect of permit revocation.* If a permit is revoked, the application fee shall be forfeited and the permit shall be null and void. A permittee whose permit has been revoked may not reapply for a permit for a period of one year from the date the permit was revoked.
- (7) *Appeal.* An applicant or permittee will be given written notice of the denial of an application or the revocation of a permit. Such applicant or permittee shall have thirty (30) days from receipt of the written notice to appeal the denial or revocation of the permit to the city council. The city council's determination shall be final.

(Ord. No. 17-15-CC, § 2, 3-19-18)

Sec. 13-163. - Permit not transferable.

No permit issued under this article shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(Ord. No. 17-15-CC, § 2, 3-19-18)

Sec. 13-164. - Enforcement.

Failure to comply with the provisions of this section shall be grounds for revocation of a permit in accordance with section 13-162, 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.

(Ord. No. 17-15-CC, § 2, 3-19-18)

Secs. 13-165—13-174. - Reserved.

ORDINANCE NO. 20-17-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING CHAPTER 13, ARTICLE IX OF THE CODE OF ORDINANCES TO EXCLUDE “MOBILE FOOD DISPENSING VEHICLES” FROM PERMITTING REQUIREMENTS FOR MOBILE VENDORS, DUE TO PREEMPTION BY THE STATE PURSUANT TO SECTION 509.102, FLORIDA STATUTES (2020); PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR 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, on July 1, 2020, House Bill 1193 became effective, and created section 509.102, Florida Statutes; and

WHEREAS, section 509.102 Florida Statutes preempted to the state the licensure, registration, and permitting of mobile food dispensing vendors and disallowed local governments from prohibiting mobile food dispensing vendors from operating within their jurisdictions; and

WHEREAS, section 509.102, Florida Statutes defines the term "mobile food dispensing vehicle" to mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the City may no longer require licenses, registration or permitting of mobile food dispensing vendors except for permitting in the context of land use regulations; and

WHEREAS, the City Council has determined that its existing permitting requirements in Chapter 13, Article IX of the Code of Ordinances have become obsolete with respect to “mobile food dispensing vehicles” due to the newly enacted state law, 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. DELETION OF CHAPTER 13 ARTICLE IX OF THE CODE OF ORDINANCES.

Chapter 13 Article IX of the Code of Ordinances is hereby amended as follows:

ARTICLE IX. - MOBILE VENDING PERMITS

Sec. 13-160. - Mobile vendor, defined.

Mobile vendor: A person who is in the business of selling ~~food, beverages, flowers or other~~ merchandise or services from any vehicle, including a motorized or non-motorized vehicle, except, however, that the provisions of this ordinance shall not apply to any “mobile food dispensing vehicle”, which is eaterers, generally defined as any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. ~~a person engaged in the business of transporting, in motor vehicles, food, beverages, or service equipment to residential, business and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles the items or services at retail, for the convenience of the personnel of such establishments.~~

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances 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: _____