

## ORDINANCE NO. 19-136

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5 § 5.4 TEMPORARY USES AND STRUCTURES TO ALLOW FOR MOBILE FOOD VENDING AS A TEMPORARY USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an amendment to Article 5 § 5.4 Temporary Uses and Structures of the Land Development Code (LDC) has been proposed to allow mobile food vending as a temporary use; and

WHEREAS, the Planning Board has reviewed the proposed amendment and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Article 5 § 5.4 Temporary Uses and Structures of the Land Development Code, is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 5.4. - Temporary Uses and Structures.

A. **Purpose.** This section allows for the establishment of certain temporary uses (including special events) of a limited duration and temporary structures, provided that such uses, structures, and events do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

B. **General.**

1. *Applicability.* Section 5.4.B.2, Prohibited Temporary Uses and Structures, lists several temporary uses and structures that are expressly prohibited. Section 5.4.B.3, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Section 5.4.B.4, Abbreviations Used in Temporary Use/Structure District Tables, explains the abbreviations used in the tables showing whether a particular type of temporary use or structure is permitted or prohibited

within the various zoning districts. Section 5.4.C, Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Code. The uses are organized alphabetically.

2. *Prohibited Temporary Uses and Structures.* Without limiting the standards of this Code, the following activities are prohibited in all districts:
- a. ~~Retail retail~~ sales or display of goods, products, or services within the public right-of-way, is prohibited in all districts, except as part of an authorized not-for-profit, special, or City-recognized or authorized event— and which only include mobile food vendors licensed by the City.
  - b. ~~Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.~~

\*\*\* [omitted text not affected by this ordinance]

5. *Temporary Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts.*

**Table 5.4.B.5: Temporary Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts**

**✓ = Temporary Use/Structure allowed without a Temporary Use Permit**

**T = Temporary Use/Structure allowed with a Temporary Use Permit**

**Blank Cell = Prohibited Temporary Use/Structure**

[illegible]



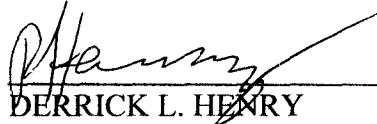




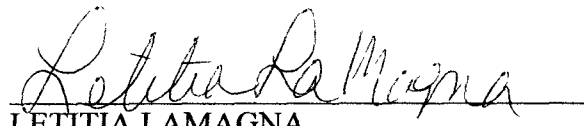
and hereby finds that the amendment is consistent with the City's Comprehensive Plan.

SECTION 3. A Public Hearings at 6:00 p.m., June 5, 2019 and June 19, 2019 in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, is deemed to comply with the requirements of the LDC and state law.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETITIA LAMAGNA  
City Clerk

Passed: June 5, 2019  
Adopted: June 19, 2019