

ORDINANCE NO. 2018-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTION (43), MALTED BEVERAGE PRODUCER, TO ALLOW MOBILE FOOD DISPENSING VEHICLES (MFDV) UNDER CERTAIN CONDITIONS AS PART OF THE CONDITIONAL CRITERIA FOR THE MALTED BEVERAGE PRODUCER USE OF *THE LAND DEVELOPMENT CODE*; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is a request by Justin Robinson, business owner of Ormond Brewing Company located at 301 Division Avenue, Unit #15, to amend the City of Ormond Beach *Land Development Code* (“the *LDC*”), by amending Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Criteria for review of specific conditional and special exception, subsection (43), malted beverage producer, to allow mobile food dispensing vehicles (MFDV) under certain conditions as part of the conditional criteria for the malted beverage producer use, and

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on August 9, 2018, on the requested amendment and has made recommendations thereon to the City Commission, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 2-57, Criteria for review of specific conditional and special exception, subsection (43), Malted beverage producer of Article IV, Conditional and Special Exception Regulations, of Chapter 2, District and General Regulations, of the *LDC* is hereby amended to read as follows:

- (43) Malted beverage producer.
 - a. ...(No change in existing text)...
 - b. ...(No change in existing text)...
 - c. ...(No change in existing text)...
 - d. ...(No change in existing text)...
 - e. ...(No change in existing text)...
 - f. ...(No change in existing text)...
 - g. Shall be permitted to allow Mobile Food Dispensing Vehicles (MFDV) at the location of the malted beverage producer, under the following conditions:
 - 1. Shall only operate within the I-1 (Light Industrial) zoning district;
Shall not be visible from any arterial or collector road;
 - 3. Shall not block any public traffic flow;
 - 4. Shall comply with Chapter 500 Florida Statutes, Chapter 5(k)(4), Florida

Administrative Code, and FDA Food
Code; and

5. Shall not use public parking or land for
the MFDV.

...(No change in balance of existing text)...

SECTION TWO. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 19th day of September, 2018.

PASSED UPON at the second and final reading of the City Commission, this 2nd day of October, 2018.

BILL PARTINGTON
Mayor

ATTEST:

LISA DAHME
City Clerk