



SPECIAL MEETING AGENDA

Planning and Zoning Board City of St. Augustine, Florida

Alcazar Room

Tuesday, April 19, 2022, 9:00 am – 12:00 pm

Agenda

- 1. Roll Call**
- 2. General Public Comments for Items Not on the Agenda**
- 3. Discussion and Recommendation Related to Mobile Food Dispensing Vehicles (Food Trucks)**
 - a. Discussion Related to the Draft Ordinance to establish regulations in the City's Land Development Code for Mobile Food Dispensing Vehicles (Food Trucks) for Recommendation to the City Commission
 - b. Planning and Zoning Board discussion and recommendation
- 4. Discussion Related to Potential Initiatives Regarding the Provision of Affordable/Workforce Housing**
- 5. Adjournment**

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Planning and Zoning Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

DATE: April 19, 2022

RE: **Item 3**

**Discussion and Recommendation Related to Mobile Food Dispensing Vehicles
(Food Trucks)**

This Special Meeting of the PZB provides an opportunity for the Board to discuss and potentially recommend the adoption of an Ordinance to establish definitions, locations, policy, and procedures clearly in the Land Development Code (LDC), specifically in Chapter 28 Zoning Code, for the regulation of Mobile Food Dispensing Vehicles (Food Trucks).

The State of Florida has somewhat preempted the City's ability to regulate these types of businesses (See attached Florida Statute 509.102), however the city can adopt regulatory language to establish locations and review criteria. The State also regulates these uses through the Florida Administrative Code (FAC) (See attached 61C-4.0161 FAC).

In practice the City has been implementing these regulatory policies through the Business Tax Receipt process and the Public Works review process. The drafted ordinance would adopt these procedures into the code. This would effectively codify the language clarifying requirements for all involved and more clearly establishing the code requirements for this type of use within the city.

The proposed ordinance is attached for your review along with the current application process through our Public Works Department. This item is for the PZB to discuss and make a recommendation to the City Commission, but also to garner public comment, and provide an opportunity for staff to respond to any questions and concerns.

Thank you for your attention to this matter. If you have any questions, please call me at (904) 209-4320 or email at askinner@citystaug.com, or Richard Thibault at (904) 825-1052 or email at rthibault@citystaug.com.



Amy McClure Skinner, AICP
Director, Planning and Building Department

509.102 Mobile food dispensing vehicles; preemption.—

(1) As used in this section, the term “mobile food dispensing vehicle” means 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.

(2) Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity’s jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity’s jurisdiction.

(3) This section may not be construed to affect a municipality, county, or other local governmental entity’s authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in subsection (2).

(4) This section does not apply to any port authority, aviation authority, airport, or seaport.
History.—s. 75, ch. 2020-160.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) Except as otherwise specified in this rule, mobile food dispensing vehicles and theme park food carts shall comply with applicable requirements of Rules 61C-4.010 and 61C-4.023, F.A.C.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) Food serving openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served.

(b) Waste containers shall be provided for the deposit of food scraps, food wrappings, cups, napkins and discarded single-service articles.

(c) Mobile food dispensing vehicles shall operate from an approved commissary that meets all applicable requirements of this rule. The commissary must be provided with potable water and adequate facilities for disposal of liquid and solid waste. The mobile food unit must report to the commissary to store or replenish supplies, clean utensils and equipment, or dispose of liquid and solid waste. Mobile food dispensing vehicles must report to their commissary at least once daily.

(d) When a service area is provided at the commissary for cleaning and servicing mobile food units, the service area shall be physically separated from other food operations; shall be equipped to furnish potable water in accordance with applicable provisions of Chapters 62-550 and 62-555, F.A.C.; and shall provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of Chapter 64E-6 or 62-601, F.A.C., and the local building authority having jurisdiction. The surface of the servicing area shall be constructed of a smooth nonabsorbent material such as concrete or machine laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

(e) The owner of each mobile food dispensing vehicle shall notify the division of each commissary they intend to utilize for support services before using the commissary by submitting DBPR HR-7022, COMMISSARY NOTIFICATION (<https://www.flrules.org/Gateway/reference.asp?No=Ref-12479>), incorporated herein by reference and effective 2020 December.

(f) Mobile food dispensing vehicles shall not obtain water from or dispose of wastewater at a private residence or prepare food; store food products, equipment or utensils; or conduct warewashing or any other activities related to the public food service in a private residence. The exterior of the vehicle may be washed in any location, provided the wastewater does not create a sanitary nuisance.

(g) Self-sufficient mobile food dispensing vehicles are exempt from paragraphs (2)(c) and (2)(e) of this rule.

(3) Mobile food dispensing vehicles which limit the preparation of food to frankfurters only shall comply with all applicable requirements set forth in Rules 61C-4.010 and 61C-4.023, F.A.C., as well as the additional requirements set forth in subsections (2), (4), (5) and (8) of this rule; except that:

(a) A utensil washing sink will not be required when all necessary washing and sanitizing of utensils and equipment are conducted at a designated approved commissary or fixed food establishment. An adequate supply of spare preparation or serving utensils shall be maintained on the vehicle and used to replace any utensils that become contaminated.

(b) Paragraph (2)(a) of this rule shall not apply when adequate precautions are utilized to prevent contamination of the frankfurters during cooking operations.

(c) Time/temperature control for safety (potentially hazardous) foods such as chili, cooked onions and peppers, cheese, and cheese sauce may only be served in individually portioned and packaged or pre-packaged containers that are maintained at proper temperatures on the unit. Non-time/temperature control for safety (non-potentially hazardous) foods such as relish, raw onions and peppers, and other such condiments may be served directly from the unit.

(4) Mobile food dispensing vehicles which fail to provide water and waste systems or which otherwise fail to meet all applicable requirements of this chapter shall not engage in food preparation except as permitted in subsection (3) of this rule. Such mobile food units shall handle only completely wrapped or packaged food which has been manufactured, processed, prepared, and packaged in individual servings at an approved public food service establishment or a food processing plant and transported and stored in accordance with the provisions of this chapter. Bulk beverages from approved sources may be dispensed from covered urns or other protected containers.

(5) Mobile food dispensing vehicles may temporarily connect to an approved utility system for no more than one day's operation, if the utility system provides water, wastewater, or electricity adequate to meet the needs of the unit; bathroom facilities are available for employees in accordance with the local building authority having jurisdiction or, where no plumbing code has been adopted locally, with Chapter 64E-10, F.A.C.; and the unit returns to its base commissary as described in paragraph (2)(c) of this rule.

(6) A mobile food dispensing vehicle which conducts business within a theme park or entertainment complex may be stationary; may connect to an approved utility system; and shall be exempt from the further requirements of paragraph (2)(c) and subsection (5) of this rule.

(a) The mobile food dispensing vehicle shall designate a commissary within the theme park or entertainment complex. The designated commissary shall be equipped with a mobile cleaning unit that will travel from the commissary to the mobile food dispensing vehicle. The mobile cleaning unit will be based in a service area adjacent to the designated commissary as described in paragraph (2)(d) of this rule. The mobile cleaning unit shall be stocked with supplies to clean the interior and exterior of a mobile food dispensing vehicle. In addition, the mobile cleaning unit shall carry a supply of potable water sufficient to fill the mobile food dispensing vehicle's potable water tank, and shall be able to pump waste water from a mobile food dispensing vehicle into holding tanks on the mobile cleaning unit, if necessary. The mobile cleaning unit holding tanks shall be emptied in accordance with the provisions of paragraph (2)(d) of this rule.

(b) Mobile cleaning units shall be subject to the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

(c) The mobile cleaning unit shall travel to and service the mobile food dispensing vehicle not less than once weekly or more often as needed to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes.

(7) If a theme park has a servicing area to support its theme park food carts which meets the sanitation and safety standards of this rule, deviations from the provisions of this rule are allowed for theme park food carts, provided there is full compliance with the following additional requirements:

(a) The preparation of time/temperature control for safety (potentially hazardous) foods shall be prohibited; except that, frankfurters and hamburger patties, obtained from approved sources, which prior to service require no further preparation except cooking, may be served. Time/temperature control for safety (potentially hazardous) food, which has been portioned for individual service at an approved fixed food service establishment, may be served from an enclosed theme park food cart as long as the food is protected from contamination by way of enclosures with self-closing doors, screens, air curtains, or other approved methods. Sandwich fillings may be individually portioned from protected containers. Condiments may be served individually packaged, from approved dispensers, or by the operator as a part of food preparation. Theme park food carts shall operate adjacent to or within 300 feet of the support facility.

(b) Ice which will be consumed or which will come into contact with food shall be obtained from an approved source only in chipped, crushed or cubed form. The ice shall be held in a way that protects it from contamination until dispensed.

(c) Food and food-contact surfaces shall be protected from rain, dust, rodents, insects and customer contamination. Where necessary to prevent such contamination, overhead protection and effective shields or air curtains shall be provided.

(d) All food carts, when used, shall be cleaned and serviced at least once daily.

(e) At the end of each period of operation, all foods and supplies shall be stored in the theme park's commissary or at an approved fixed food service establishment within the park.

(f) Each theme park food cart other than those offering only packaged shall provide employees with adequate and conveniently located handwashing facilities equipped with running hot and cold water, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying device.

(g) An adequate supply of sanitized, covered, or wrapped spare preparation or serving utensils shall be maintained in the theme park food cart and used to replace any utensil that becomes contaminated. All multi-use preparation and serving utensils used in theme park food carts shall be washed and sanitized daily at the theme park's commissary or at an approved fixed food service establishment within the park.

(h) All storage cabinets must be of closed construction to prevent the entrance of vermin.

(8) Fire extinguishing equipment and liquified petroleum gas appliances, equipment, apparatus or containers shall be installed, approved, maintained, and used in accordance with the Florida Fire Prevention Code as approved by the local fire authority.

(9) Copies of all forms adopted in this section are available from the Division of Hotels and Restaurants Internet website <http://www.myfloridalicense.com/DBPR/hotels-restaurants>; by e-mail request submitted at www.MyFloridaLicense.com/DBPR/contact-us; by phone request to the department at (850)487-1395; or upon written request to the Department of Business and Professional Regulation, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.101, 509.211, 509.215, 509.221 FS. History—New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, 6-13-10, 11-1-12, 7-4-13, 1-6-15, 4-29-15, 7-29-18, 2-

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO PROVIDE DEFINITIONS FOR MOBILE FOOD DISPENSING VEHICLE; MOBILE FOOD VENDOR, MOBILE FOOD ESTABLISHMENT, MOBILE FOOD COURT AND COMMISSARY; AMENDING CODE SECTIONS 28-165, 28-167, 28-206, 28-207, 28-208, 28-209, 28-311, AND 28-312 TO ALLOW FOR MOBILE FOOD DISPENSING VEHICLE AS A PERMITTED USE; AMENDING CODE SECTIONS 28-207, 28-209 AND 28-312 TO ALLOW FOR FOOD TRUCK COURTS; AMENDING CODE SECTIONS 28-163, 28-164, 28-226 AND 28-246 TO ALLOW FOR MOBILE FOOD DISPENSING VEHICLE AS A PERMITTED USE BY EXCEPTION; AMENDING CODE SECTION 28-226 TO ALLOW FOR MOBILE FOOD COURTS; AMENDING CODE SECTION 28-347 TO PROVIDE FOR SUPPLEMENTARY REGULATIONS OF MOBILE FOOD DISPENSING VEHICLES AND FOOD TRUCK COURTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, Section 509.102, Florida Statutes has defined the term Mobile food dispensing vehicle and preempted local ordinances with regard to regulation of mobile food dispensing vehicles; and

WHEREAS, in order to clarify the intent of the regulations, the City wishes to adopt an amendment of terms to clearly define the applicable law as it relates to zoning districts for mobile food dispensing vehicles; and

WHEREAS, on April 19, 2022 the Planning and Zoning Board acting as the designated land planning agency for the City of St. Augustine recommended the included additions and revisions to Chapter 28, the Zoning Code to the City Commission; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending the Code of the City of St. Augustine. Sections 28-2 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

"Sec. 28-2. - Definitions.

For the purpose of this chapter, certain words and terms used herein shall be interpreted to have meanings as defined below. Where words or terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular. The word 'shall' is mandatory; the word 'may' is permissive. The word 'used' or 'occupied' includes the words 'intended, designed or arranged to be used or occupied.' The word 'lot' includes the word 'plot' or 'parcel.' The word 'structure' includes the word 'building' as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. The word 'land' includes the word 'marsh,' 'water' or 'swamp.' The word 'map' shall mean the 'Zoning Maps of the City of St. Augustine, Florida' and the 'city' shall mean the City of St. Augustine, Florida, a corporation of the State of Florida.

...

Mobile food dispensing vehicle (MFDV) means any vehicle that is a public food service establishment as defined in section 509.013(5)(a), Florida Statutes, as may be amended, and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal, as defined in section 509.102, Florida Statutes as may be amended. MFDVs are regulated by the Florida Department of Business and Professional Regulation.

Mobile food vendor means any person or business selling food from a mobile food dispensing vehicle or mobile food establishment from which food items are sold to the general public.

Mobile food Establishment means any mobile food vendor who sells prepackaged food and non-potentially hazardous food items, including coffee, tea, pastries, popcorn, candies and ice confections and are regulated by the Florida Department of Agriculture and Consumer Services (FDACS).

Commissary means an approved facility that provides support services for specific required functions of a **mobile food** vendor. Any **food** establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where **food**, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. A private residence may not be used as a commissary

Operator means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public food service establishment.

Food truck court means a property used or developed to accommodate one or more mobile food dispensary vehicles as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational

opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

...”

Section 2. Amending the Code of the City of St. Augustine. Sections 28-165, 28-167, 28-206, 28-207, 28-208, 28-209, 28-311, and 28-312 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

“Sec. 28-165. - Residential and general office: RGO.

Intent. This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures:*

...

- I. Mobile food dispensing vehicle as per section 28-347(9).

...”

“Sec. 28-167. - Residential and general office-A: RGO-A.

(a) *Intent.* This district is intended to apply to those neighborhoods designated for mixed residential and commercial uses so as to create a medium intensity residential and low intensity commercial mix of uses.

(1) *Permitted uses and structures.*

...

- I. Mobile food dispensing vehicles as per section 28-347(9).

...”

“Sec. 28-206. - Commercial low-one: CL-1.

Intent. This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The CL-1 district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. However, professional and business offices and similar uses are encouraged.

(1) *Permitted uses and structures:*

...

- p. Mobile food dispensing vehicle as per section 28-347(9).

...”

“Sec. 28-207. - Commercial low-two: CL-2.

Intent. This district is intended to apply to areas where low intensity commercial uses may be located to serve one (1) or more neighborhoods. The CL-2 district is

not intended for use by medium intensity commercial uses but low traffic generating commercial uses are encouraged.

(1) Permitted uses and structures:

...

- r. Mobile food dispensing vehicle as per section 28-347(9).
- s. Mobile food court as per section 28-347(9).

...”

“Sec. 28-208. - Commercial medium-one: CM-1.

Intent. This district is intended to apply to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted principal uses and structures:*

...

- q. Mobile food dispensing vehicle as per section 28-347(9).

...”

“Sec. 28-209. - Commercial medium-two: CM-2.

Intent. This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities. It is not intended that this district become or be used for strip commercial purposes.

(1) *Permitted uses and structures.* As for CM-1 (section 28-208), and in addition:

...

- o. Mobile food dispensing vehicle as per section 28-347(9).
- p. Mobile food truck court as per section 28-347(9).

...”

“Sec. 28-311. - Maritime use district: MUD.

Intent: The city has a long history of marine uses, such as boat building, fishing, and seafood processing, to include the historic lighthouse. This zoning district is intended to recognize these uses, and establish areas where this industry, and associated uses are allowed.

(a) *Permitted uses and structures:*

...

- (9) Mobile food dispensing vehicle as per section 28-347(9).

...”

“Sec. 28-312. - Maritime use district-A: MUD-A.

Intent: The city has a long history of marine uses, such as boat building, fishing, and seafood processing along its waterways. This zoning district is intended to recognize the historic maritime uses in our community and establish areas where this maritime industry, and similar uses that are compatible with maritime uses are allowed, but also recognize that a mix of commercial uses along the waterways protects the city's maritime heritage and promotes the working waterfronts and access to the waterfronts. To this end a ratio of sixty (60) percent of the gross land area of a site must be used for water dependent uses associated with maritime industries or working waterfronts with a maximum of forty (40) percent of the gross land area of a site allowed for non-water dependent uses as listed below.

(a) *Permitted uses and structures:*

...

Non-water dependent permitted uses:

...

(10) Mobile food dispensing vehicles as per section 28-347(9).

(11) Mobile food truck court as per section 28-347(9).

...”

Section 3. Amending the Code of the City of St. Augustine. Sections 28-163, 28-164, 28-226, and 28-246 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

“Sec. 28-163. Residential, general-one: RG-1.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a medium intensity residential character.

...

(3) *Permitted uses by exception:*

...

j. Mobile food dispensing vehicle as per section 28-347(9).

...”

“Sec. 28-164. Residential, general-two: RG-2.

Intent. This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character.

...

(3) *Permitted uses by exception:*

...

h. Mobile food dispensing vehicle as per section 28-347(9).

...

“Sec. 28-226. - Industrial and warehousing: IW.

Intent. This district is intended to allow light manufacturing and related service, storage and commercial uses.

(1) *Permitted use by exception:*

o. Mobile food dispensing vehicle as per section 28-347(9).

p. Mobile food truck court as per section 28-347(9).

...”

“Sec. 28-246. - Open lands district: OL.

Intent. This district is intended to apply to areas which are sparsely developed and including uses as normally found in environmentally sensitive areas away from urban activity. It is intended that substantial residential, commercial or industrial development shall not be permitted in the OL district; but lands in such district may be rezoned to the proper district to accommodate such uses when conditions warrant rezoning.

...

(3) *Permitted uses by exception:*

...

m. Mobile food dispensing vehicle as per section 28-347(9).

n. Mobile food truck court as per section 28-347(9).

...”

Section 4. Amending the Code of the City of St. Augustine. Sections 28-347 of the Zoning Code of the City of St. Augustine are hereby amended, as follows:

“Sec. 28-347. - Supplementary regulations for certain uses.

In addition to the permissible uses by exception listed in the schedule of district regulations, (article III), the following uses shall be permissible by exception in the districts indicated; and, unless specific provision is made otherwise in the grant of exception, such uses, whether permitted or permissible by exception, shall conform to all supplementary regulations listed under such use:

...

(9) *Mobile food dispensing vehicle.* Where such use is permitted or permitted as a use by exception it shall be subject to the following conditions:

a. Complete a Public Works Mobile Food Vendor Application on forms supplied by the Public Works Department as updated from time to time with the following requirements:

1. All applications shall include the name, address, telephone number, and email address of the applicant and vehicle owner, where applicable;
 2. All applicants shall provide a list of pre-approved locations for set up within 30 days of registration.
 3. Description of the proposed hours of operation, and mobile food establishment business name;
 4. Color photograph of the mobile food dispensing vehicle and a scaled drawing of the mobile food dispensing vehicle or mobile food unit showing all kitchen equipment and plumbing fixtures for compliance with state and local requirements
 5. Provide a site plan to Public Works indicating where the mobile food dispensary vehicle or mobile food vendor will be set up on the property.
- b. No vehicle shall be licensed or used for the sale of products as provided in this article until it has been inspected and certified by an ASE certified mechanic to ensure the following equipment is maintained and in good working condition: Front, rear and directional lights meeting state standards; Adequate brakes on all wheels; Tires with sufficient tread and in safe operating condition; Speedometer in good working order.

c. **Location and Separation Requirements**

1. Mobile food dispensary vehicles shall not be operated on unimproved surfaces, vacant lots, and abandoned business locations where public safety is a potential issue, unless otherwise approved by the Building official and Fire Marshall. Any denial of a location may be appealed through the City's Planning and Zoning Board.
2. Any food truck gatherings or mobile food truck courts of two or more mobile food dispensary vehicles shall consider the estimated public attendees and the maximum number of individual food trucks on site. This will include: general placement of the individual food trucks, location of garbage and recycling receptacles, public bathroom locations, location of onsite and offsite parking areas.
3. Any mobile food dispensary vehicle that provides its own outdoor seating will be required to pay applicable utility capacity charges, i.e. flow based fees, pursuant to Sec.26-53 of the Municipal Code of the City of St. Augustine. Mobile food truck courts shall be required to pay applicable utility capacity charges, i.e. flow based fees.
4. Mobile food dispensary vehicles that are present in the same location more than three times per week and/or park on site overnight shall also provide a notarized letter/affidavit from the property owner authorizing the food truck be located on the property.
5. Mobile food dispensary vehicles that are present in the same location more than three times per week shall not be located in parking spaces

required by the use on the property unless the number of spaces exceeds the minimum amount required for other uses on the property.

6. Individual mobile food dispensary vehicles shall not be required to have a flushable restroom unless outdoor seating is provided pursuant to a site plan provided to the City. All food truck courts shall confirm that employees and patrons have a flushable restroom within one hundred fifty (150) feet of the vending location during hours of operation.
7. Mobile food dispensing vehicles may not be located within five feet of any right-of-way or public sidewalk and may not disrupt vehicular or pedestrian circulation for ingress and egress to the property.
8. Mobile food dispensing vehicles may not enter or park upon any "no parking" area, loading zone, driveway, handicapped parking space, or designated public safety lane (e.g., fire lanes) or within twenty (20) feet of a crosswalk or within fifteen (15) feet of a fire hydrant or storm drainage structure.
9. No more than one mobile food dispensary vehicle may be operating on any property at any given time unless it is by special event, or at an established mobile food truck court or food truck gathering approved by the City.
10. Mobile food dispensary vehicle gatherings and mobile food courts shall be permitted without the need for a public hearing and by a temporary event permit for food truck gatherings issued by the City Manager.
11. With the exception of allowable outdoor seating areas, all equipment must be contained within, attached to, or within 3 feet of the mobile food dispensing vehicle.

d. Hours of Operation, Signage and Noise.

1. The mobile food vendor or designee must be present at all times during operation of the mobile food dispensing vehicle. Hours of operation are limited to the hours between 6:00 a.m. and 10:00 p.m. unless the designated location on the lot accommodating the mobile food dispensing vehicle is located within one hundred fifty (150) feet of the property line of a dwelling unit in a residential zoning district, in which case the hours of operation are limited to the hours of 7:00a.m. and 9:00p.m. In the case that a mobile food dispensary vehicle is located at a site of an established business that operates until after the times designated above, that mobile food dispensary vehicle may continue operations until that established closes but no later than 1:30 a.m.
2. Mobile food truck courts hours of operations shall be limited to the hours between 6:00 a.m. and 10:00 p.m.
3. One (1) freestanding sandwich board or A-frame type sign is permitted on private property, for each mobile food dispensing vehicle. The total

size of the sign may not exceed forty-eight (48) inches in height and thirty-six (36) inches in width.

4. No audio amplification is authorized as part of a mobile food dispensing vehicle operation.
5. Mobile food dispensary vehicles are prohibited from selling or distributing alcoholic beverages within the city limits of the City of St. Augustine.

e. Waste Management

1. Mobile food vendors must keep all areas within twenty-five (25) feet of the vehicles and any associated seating areas clean of grease, trash, paper, cups or cans associated with the mobile food dispensing operation.
2. No grease shall be released or disposed of in the City's sanitary or stormwater systems. Each food dispensing vehicle must provide for grease interception by either:
 - i. Install a grease interceptor approved by the city within the mobile food dispensing vehicle to receive drainage from fixtures and equipment with grease-laden waste and meet the definition of a Self-Sufficient Mobile Food Dispensing Vehicle as stated in 61C-1.001 of the Florida Administrative Code; or
 - ii. Discharge wastewater into an approved commissary grease interceptor on a daily basis with a fully executed commissary agreement verifying the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statute, where applicable.
3. Provide for recycling of used cooking oil with a rendering company.
4. Provide a reduced pressure backflow preventer on the potable water service used by the mobile food dispensing vehicle.
5. Provide solid waste service pursuant to Chapter 30 of this code.
6. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vendor will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the city, and shall not resume operation of the mobile food dispensing vehicle until an alternate method of disposal has been approved by the city public works department.

f. Enforcement.

1. All mobile food dispensing vehicles shall make the vehicle available for routine inspections by the city fire marshal, building official, environmental compliance inspectors, or code enforcement officer at any time requested and at any frequency deemed appropriate, while

at location or in operation, to ensure compliance with all applicable federal, state, and local fire safety statutes, regulations and codes, and local regulation of this section.

2. All mobile food dispensary vehicles shall comply with all requirements of the most current edition of the Florida Fire Prevention Code (FFPC) and the National Fire Protection Association (NFPA). Upon inspection, if the fire marshal or his designee determines any violations of the FPC or NFPA exists, the mobile food dispensing vehicle may be required to cease operations immediately.
3. If at any time, the State of Florida revokes or suspends the issued mobile food dispensing vehicle permit, the City of St. Augustine local business tax receipt will simultaneously be revoked or suspended. A mobile food dispensing vehicle that has its state license or permit declared null and void or revoked for any of the reasons set forth in this section shall not be allowed to reapply for a mobile food dispensing vehicle authorization or a local business tax receipt for a period of ninety (90) days after the effective date of such action.
4. If at any time evidence is provided that a mobile food dispensing vehicle is being operated in a way that does not comply with these guidelines, a notice of violation shall be issued to the lot owner and mobile food vendor and the violation shall be referred to the code enforcement board for a hearing and disposition in accordance with the provisions of Chapter 2, Article VI of this Code of Ordinances.

g. Non-Transferability.

1. All mobile food dispensing vehicle operation locations approved by the City are non-transferable upon the sale or transfer of ownership of the mobile food dispensing vehicle. All local business tax receipts issued by the City are non-transferable upon the sale or transfer of ownership of the mobile food dispensing vehicle. Each location application for operation of a mobile food dispensing vehicle requires separate zoning approval and a separate local business tax receipt.

...

Section 5. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that repealed language shall be removed and that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 6. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 8. Effective Date. This ordinance shall become effective upon passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2022.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)



City of St. Augustine
Public Works Department

Mobile Food Vendor REQUIREMENTS

City Hall – Public Works Department
75 King Street, Elevator Lobby B, 4th Floor
P.O. Box 210, St. Augustine, FL 32085-0210
Phone: (904) 825-1040
www.CityStAug.com

Email all required documents to PublicWorks@CityStAug.com, *or* hand deliver *or* mail directly to the Public Works Department at the above address. Public Works will not sign-off on the business license until all requirements have been satisfied.

Note: Mobile food vendors are not allowed to connect to City water and sewer service lines.

1. Complete the required **Public Works Mobile Food Vendor Application form**.
2. Submit a site plan to Public Works indicating where mobile food unit will be set up on the property. Identify any customer seats that are existing and/or proposed at the location (fees may apply for seats).
3. Submit a scaled drawing of the mobile food unit, showing all kitchen equipment and plumbing fixtures, including sinks, oven, microwaves, etc.
4. A grease interceptor is required (see options and requirements below):

Option 1: Install grease interceptor within the mobile food unit to receive drainage from fixtures and equipment with grease-laden waste, i.e. the kitchen sink. Requirements:

- Submit plumbing schematic indicating fixtures discharging to grease interceptor.
- Provide size of grease interceptor and dimensions of sink.
- Grease interceptor must be an approved device meeting the requirements of the [City's Fats, Oils & Grease Program Manual](#).
- Maintain an on-site cleaning/maintenance log documenting date, time, volume removed and name of person performing activity.

Option 2: Discharge wastewater into an approved commissary's grease interceptor. Requirements:

- Commissary must be inside the [City Utility Service Area](#) or within 10 miles of vending location.
- Submit a signed agreement for waste disposal – **use this Commissary Form**.
- Maintain an on-site log of wastewater disposed at Commissary. Include date, time, volume removed and name of person discharging.

5. Used fryer oil must be recycled with a rendering company, either through commissary or on-site.
6. A reduced pressure backflow preventer is required on the potable water service that will be used to fill the mobile food unit. A passing test report must be submitted prior to Public Works signing off on the business license. Requirements:

If backflow preventer is already installed:

- Submit current backflow preventer test report (within past 12 months). If test fails, device must be repaired and retested.

If backflow preventer is not yet installed:

- Installation guidelines and approved backflow devices are available on the [City website](#). Submit proposed device and installation location for Public Works approval **before** installation. Device must be tested by a certified backflow prevention assembly tester immediately following installation, and annually thereafter, with test report submitted to Public Works (Backflow@CityStAug.com).



City of St. Augustine
Public Works Department

Mobile Food Vendor REQUIREMENTS

7. Solid Waste (trash) service must be obtained (see options and requirements below):

Option 1: Obtain a signed letter of agreement for solid waste service from the utility bill account holder at the physical address where the mobile food unit will be located for vending. Letter must be on the account holder's business letterhead stating all of the following:

" [Utility bill account holder] hereby allows [mobile food vendor name] to deposit their solid waste materials in [utility bill account holder]'s [dumpster/cart] for the duration of the [mobile food vendor name] operating on [utility bill account holder]'s business property located at [physical address]. [Utility bill account holder] understands that the City will monitor the [dumpster/cart], and if an increase in service is required, [utility bill account holder] will be billed accordingly. "

**** If the utility billing account is closed for any reason, then the mobile food vendor is responsible for obtaining a new agreement with the new account holder and submitting this agreement to the Public Works Department; or, mobile food vendor must open their own "Trash Only" billing account ****

Option 2: Set-up a "Trash Only" account by contacting Customer Service at (904) 825-1037 or UtilityBilling@CityStAug.com. Minimum charge is \$25 per month and will be adjusted based on volume of trash generated at site.

Submittals to the Public Works Department:

- ☐ Completed Mobile Food Vendor Application form
- ☐ Site plan showing mobile food unit location, and any seats
- ☐ Scaled drawing of mobile food unit showing all kitchen equipment, plumbing fixtures, etc. If grease interceptor is installed, include a plumbing schematic.
- ☐ Commissary Form (if applicable)
- ☐ Backflow preventer test report (if device is already installed)
- ☐ Solid waste signed letter of agreement (if applicable)

PROTECT OUR WATERWAYS FROM ILLICIT DISCHARGES



ONLY wash hood fan filters, floor mats and other kitchen equipment in a sink or wash down area that is connected to a grease trap on the sanitary sewer line.

It is **UNLAWFUL** to wash these items in streets or alleys where discharged water will flow into storm drains.

Violators may be subject to fines per City Code of Ordinances, Chapter 29, Article III, Section 29-43.



City of St. Augustine
Public Works Department
Mobile Food Vendor
APPLICATION FORM

City Hall – Public Works Department
 75 King Street, Elevator Lobby B, 4th Floor
 P.O. Box 210, St. Augustine, FL 32085-0210
 Phone: (904) 825-1040
PublicWorks@CityStAug.com
www.CityStAug.com

Section 1: Applicant Information

First Name: _____ Middle Initial: _____ Last Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Email: _____ Daytime Phone Number: _____

Section 2: Mobile Food Unit Information

Business Name: _____
 Vending Location Address: _____
 FL Dept of Business and Professional Regulation License #: _____
 Type of unit: ☐ Mobile Food Dispensing Vehicle ☐ Hot Dog Cart
 Will location include a seating area? ☐ Yes, _____ # seats (fees may apply) ☐ No
 Is vehicle self-sufficient?* ☐ Yes ☐ No (**must submit Commissary Form**)

*Self-sufficient means all food activities are performed inside the vehicle, such as storing food, preparing food, dishwashing, etc.

Section 3: Wastewater / Fats, Oils & Grease

Wastewater **must** be routed through a grease interceptor; select one of the following options:

- ☐ Grease interceptor is installed as part of the mobile food unit, between the sink drain(s) and wastewater tank
☐ Discharge into a Commissary's grease interceptor (**must submit Commissary Form**)

Used fryer/cooking oil disposal: ☐ Using Commissary ☐ On-site collection bin for rendering company

Section 4: Potable Water

A reduced pressure backflow preventer is required on the potable water service that will be used to supply water to the mobile food unit. Environmental Compliance staff will review backflow preventer information currently on file and contact applicant with requirements. If assembly is already installed, a current passing test report must be submitted from within the last 12-months. If assembly is not yet installed, [installation procedures](#) will be provided.

Address from which potable water will be obtained: _____

Section 5: Solid Waste (Trash Service)

Select one of the following options:

- ☐ Use the trash service currently provided at the property (must submit solid waste signed letter of agreement; see page 2 of [Mobile Food Vendor Requirements](#))
☐ Open a "Trash Only" account - contact Customer Service at (904) 825-1037 or UtilityBilling@CityStAug.com

Section 6: Required Supporting Documents

The following documents must be submitted with this form:

1. Site plan showing where mobile food unit will be set up for business, and any existing/proposed seats
2. Scaled drawing of mobile food unit showing all kitchen equipment, plumbing fixtures, etc.
3. Commissary Form (if applicable)
4. Backflow preventer test report (if device is already installed)
5. Solid waste signed letter of agreement (if applicable)

Section 7: Applicant Signature

Signature: _____ Date: _____

Submit completed form and supporting documents to the Public Works Department at the contact information listed in the upper right corner, preferably via email PublicWorks@CityStAug.com.

Public Works will not sign off on the business license until all requirements have been satisfied.

City Hall Office Hours: Mon - Fri, 8:00am - 5:00pm ■ Environmental Compliance Office Hours: Mon - Thurs, 7:00am - 4:30pm and Fri, 7:00am - 11:00am



City of St. Augustine
Public Works Department
Mobile Food Vendor
COMMISSARY FORM

City Hall – Public Works Department
 75 King Street, Elevator Lobby B, 4th Floor
 P.O. Box 210, St. Augustine, FL 32085-0210
 Phone: (904) 825-1040
PublicWorks@CityStAug.com
www.CityStAug.com

*If the mobile food unit will utilize a **Commissary** for water supply and/or wastewater disposal, then submittal of this form is required to Public Works along with the **Mobile Food Vendor Application form**. If a Commissary will **not** be used, then the mobile food unit must be self-sufficient and have in-unit grease interceptor installed.*

Section 1: Mobile Food Vendor

Business Owner Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ Daytime Phone Number: _____

Vending location address: _____

Section 2: Commissary Information

Commissary Business Name: _____

Commissary Physical Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ Daytime Phone Number: _____

Utilizing commissary for: ☐ Water Supply (refer to section 3) ☐ Wastewater Disposal (complete section 4)

Section 3: Commissary Water Supply

A reduced pressure backflow preventer is required on the potable water service from which the mobile food vendor will fill. If backflow preventer is already installed, a current passing test report must be submitted dated within the last 12-months. If assembly is not yet installed, installation guidelines and a list of approved backflow preventers are available on the City's website at:

http://www.citystaug.com/document_center/Publicworks/EnvComp/BackflowPreventerInstallations.pdf

Note: Reduced pressure backflow preventers must be tested annually by a certified backflow tester. The commissary location is responsible for having this test performed and submitting results to Backflow@CityStAug.com.

Section 4: Commissary Wastewater Disposal

Wastewater must be disposed in a location that flows through the grease interceptor. The flow rate must be limited to the design flow of the grease interceptor.

Commissary grease interceptor size: _____ Gallons; or _____ Pounds

Volume of mobile food vendor's wastewater tank: _____ Gallons

Anticipated frequency of disposal: _____ times per week, or other: _____

Mobile food vendor will be utilizing commissary's used cooking oil recycling bin: ☐ Yes ☐ No

Note: The City of St. Augustine Fats, Oils & Grease Program conducts routine inspections on facilities with grease interceptors connected to the City's sewer system. The commissary location is responsible for cleaning and maintaining their grease interceptor to maintain compliance. More information is available on the City's website:

http://www.citystaug.com/government/public_works/wastewater/CommercialFOGProgram.php

Section 5: Commissary Owner Signature

Printed Name: _____ Title: _____

Signature: _____ Date: _____

*Submit completed form to the Public Works Department at the contact information listed in the upper right corner, preferably via email PublicWorks@CityStAug.com. Public Works will **not** sign off on the business license until all requirements have been satisfied.*

City Hall Office Hours: Mon - Fri, 8:00am - 5:00pm ■ Environmental Compliance Office Hours: Mon - Thurs, 7:00am - 4:30pm and Fri, 7:00am - 11:00am

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Planning and Zoning Board

Date: April 19, 2022

RE: Affordable Housing Density Bonuses and Incentives – Discussion Items

There is a lack of affordable housing in St. Augustine and St. Johns County. This is the result of a dramatic increase in real estate prices and the conversion of long-term rental housing into vacation rentals. Service industry and hospitality industry workers are becoming priced out of this real estate market.

The city has begun an affordable housing initiative with the goal of increasing the number of affordable/workforce housing units available within the community.

Housing experts defined *affordability* as households spending less than **30%** of their budget on housing, including rent or mortgage, property taxes, maintenance and repairs and basic utilities.

The area median income for a family in St. Johns County is **\$54,468**, meaning this family should not spend more than **\$1,361** per month on housing and basic utilities.

According to the January 2022 data from the St. Johns County Board of Realtors:
The average sales price for a single-family home as of January 2022 was **\$590,393**.
The median sales price for a single-family home as of January 2022 was **\$479,900**.

According to the National Low Income Housing Coalition, a worker in St. Johns County must earn at least \$21.40/hr and work 40 hours per week in order to afford a 2 bedroom apartment and that goes up to \$27.98/hr for a 3 bedroom apartment.

One way to address the issue is to develop affordable housing units on city owned property. This option is currently being explored for the property at 450 N. Holmes Boulevard.

Another way to address the issue is to offer incentives for the private sector to develop affordable housing on private property or for land donations for affordable housing.

PROPOSAL #1 – Creation of Land Donation Density Bonus program, pursuant to F.S. 420.615

Concept – A property owner (individual, institutional, government, etc.) can donate land to the city for development of affordable housing. The process allows the city to assign a residential density bonus to the development and record deed restrictions.

The State of Florida allows for affordable housing land donation density bonuses. This program works when a property owner donates land to the city for affordable housing, a residential density bonus is assigned to the property. This could either be private property land donations or it could be land donated from other public agencies.

Step 1 – City defines “affordable housing density bonus” in the city’s comprehensive plan. This is a text amendment to the comprehensive plan and it will include the number of residential units that can be developed for affordable housing and can also include the duration these units must remain as affordable housing.

Step 2 – A property owner contacts the city with the intent to donate land for affordable housing. City staff reviews the property to determine if the land is “appropriate for use as affordable housing” and drafts deed restrictions to apply to the property, per F.S.420.615(1). A review and determination of appropriateness is done by the Planning and Zoning Board, who would make the formal recommendation to assign the density bonus as a site-specific Future Land Use Map amendment to the property.

Step 3 – The City Commission considers the PZB recommendation and a development agreement that memorializes the density bonus, including the duration of affordable housing status and details of any other deed restrictions, if any. A real estate closing is scheduled and title to the property is transferred to the city, including the recordation of any deed restrictions.

Step 4 – An Ordinance to adopt the Future Land Use Map (FLUM) amendment (to assign the density bonus to the property) is approved by the City Commission and adopted as required by state law.

Step 5 – The City transfers donated land to a nonprofit housing agency for development and management of affordable housing.

Discussion Items – Creation of affordable housing policy in the Comprehensive Plan and affordable housing section in the Zoning Code to;

- 1. Create a policy to allow for additional residential density for affordable housing in the Future Land Use Element of the Comprehensive plan.**
- 2. Create an affordable housing density bonus program in the zoning code, including procedures and requirements.**

3. Codify the maximum residential density allowed for affordable housing as well as the maximum allowable height, lot coverage, parking requirements, etc. in the zoning code.

F.S. 420.615 Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

(2) For purposes of this section, the terms “affordable,” “extremely-low-income persons,” “low-income persons,” “moderate-income persons,” and “very-low-income persons” have the same meaning as in s. 420.0004.

(3) The density bonus may be applied to any land within the local government’s jurisdiction provided that residential use is an allowable use on the receiving land.

(4) The density bonus, identification of receiving land for the bonus, and any other conditions associated with the donation of the land for affordable housing are the subject of review and approval by the local government. The award of density bonus pursuant to this section, the legal description of the land receiving the bonus, and any other conditions associated with the bonus shall be memorialized in a development agreement or other binding agreement and recorded with the clerk of court in the county where the donated land and receiving land are located.

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187 and is not subject to the requirements of s. 163.3184(4)(b)-(d).

(6) The deed restrictions required pursuant to subsection (1) for an affordable housing unit must also prohibit the unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under this chapter. The deed restriction may allow affordable housing units created under subsection (1) to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.

(7) The local government may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing.

PROPOSAL #2 – Creation of Transfer of Development Rights Section in the City Code

Concept - A property owner (sending property) transfers the residential density or the “fractional” residential density they own (above what is required to meet their minimum density requirements), to another property owner (receiving property) for affordable housing.

- Sending property – Square footage of the total site is calculated and enough square footage is reserved on the site for the parcel to be conforming, the remaining square footage is available for transfer

Example – A subject property is 75' x 100' = 7,500 square feet in area and it has RS-2 zoning. RS-2 zoning allows 8 dwelling units per acre, which equates to 5,445 square feet of land per residential unit. The subject property can reserve 5,445 square feet of land and transfer the development rights to the remaining 2,055 square feet of land (for density purposes) for the development of affordable housing ($7,500 - 5,445 = 2,055$). The sending property retains its rights to lot coverage for the total property size (7,500 square feet) after transferring the development credit, essentially commoditizing the extra land it does not need for its own conforming density.

- Receiving property – Acquires the fractional density from the sending property and accumulates residential density credits for affordable housing, up to the maximum that is allowed in the comprehensive plan and zoning code.

A restrictive covenant shall be recorded with both properties to memorialize the transfer of development rights.

Discussion Item - Should there be different affordable housing densities in different areas of the city.

David Birchim, AICP
Assistant City Manager