



Legislation Details (With Text)

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Title: Public Hearing - Ordinance No. 03-2022, Amending Chapter 22, Businesses regulating the location, placement and use of mobile food dispensing vehicles (MFDV) (food trucks) within the City, at first reading - Ron A. Paradise, Community Services Director (386) 878-8610.

Strategic Goal: Enhance the attractiveness of the City

Sponsors:

Indexes:

Code sections:

Attachments: 1. food trucks underline-strike

Date	Ver.	Action By	Action	Result
1/18/2022	1	City Commission	accept	Fail
1/18/2022	1	City Commission	accept	Pass

TO: Mayor and Commission

AGENDA DATE: 1/18/2022

FROM: John A. Peters, III, PE, Acting City Manager **AGENDA ITEM:** 6 - D

SUBJECT:

Public Hearing - Ordinance No. 03-2022, Amending Chapter 22, Businesses regulating the location, placement and use of mobile food dispensing vehicles (MFDV) (food trucks) within the City, at first reading - Ron A. Paradise, Community Services Director (386) 878-8610.

Strategic Goal: Enhance the attractiveness of the City

LOCATION:

Citywide

BACKGROUND:

The proposed City mobile food dispensing vehicle (MFDV) (AKA food trucks) regulations are predicated on restricting food truck operations to certain developed and actively used areas within certain City zoning classifications. In addition, some land development elements such as parking and access can impact the availability of certain sites to be used for food trucks. The proposed regulations are consistent with a 2020 State law that limits local government regulation of MFDV. Basically, a local government cannot prohibit MFDV within a jurisdiction but can regulate the location and density of the vehicles.

Attached is Ordinance No. 03-2022 which includes changes to Chapter 22 regarding food trucks. Please be aware, this Ordinance only addresses mobile food dispensing vehicles and does not affect

other itinerate merchant activity, special event permitting, or solicitation requirements.

Highlights Ordinance No. 03-2022 are as follows:

- 1) Mobile Food Dispensing Vehicles (MFDV) are defined.
- 2) Requirement for a MFDV operation to submit a Department of Business and Professional Regulation license and a fire safety inspection report.
- 3) Permission from the underlying landowner required.
- 4) A site plan of the location of the MFDV is required. 1"=100' scale and base map can be an aerial photograph downloaded from the internet.
- 5) Limited to C-1, C-2, C-3 zoning classifications if associated with active commercial uses. Planned Unit Development (non-residential) may allow food trucks if facilitated as part of the Development Agreement.
- 6) Active house of worship properties may be used for MFDV consistent with other provisions of Ordinance No. 03-2022.
- 7) MFDV cannot be located within any right of way, must be located on a paved surface and cannot create parking, access, or internal circulation problems.
- 8) Limited outdoor seating is allowed.
- 9) Fire safety parameters required.
- 10) Hours of operation limited to 8:00 am to 10:00 pm.
- 11) No more than one (1) MFDV can be located on a property under five developed acres. No more than two (2) MFDVs can be located on an eligible site consisting of 5 or more developed acres.
- 12) Businesses with more than 100 full time equivalent employees per 8 hour shift may have multiple MFDVs notwithstanding certain provisions.
- 13) Advertising and signage is limited.
- 14) MFDV activity associated with City approved/permitted special events are exempt.
- 15) Enforcement will be addressed by Code Compliance and compliance will be the responsibility of the landowner.

On September 27, 2021, the City Commission conducted a workshop on mobile food dispensing vehicles to review an early draft of the regulations. This workshop was attended by several food truck vendors/stakeholders. At the workshop comments were accepted and staff did revise the document. On November 10, 2021 City staff scheduled a stakeholder meeting to discuss the revised MFDV regulations. After notifying numerous food truck interests, the stakeholder meeting was attended by one individual. There were no revisions made to the regulations as a result of the November 10, 2021 stakeholder meeting.

The Planning and Zoning Board heard this ordinance on December 15, 2021. Normally the Planning and Zoning Board does not hear Chapter 22, Businesses related ordinances. However, since the locational criteria of Ordinance No. 03-2022 was based heavily on zoning and involves land development type of criteria (parking, etc.), Staff advanced the MFDV ordinance to the Planning and Zoning for review. Five members of the Planning and Zoning Board voted in favor to recommend the City Commission adopt Ordinance No. 03-2022. The remaining two members abstained from the vote claiming personal conflicts. These members have been provided with forms for a conflict declaration.

The City Manager has the authority to make corrections of scrivener's errors and the like.

OPTIONS:

1. Approve Ordinance No. 03-2022.

Advantages:

- a. Mobile Food Dispensing Activities will be located in established commercial areas minimizing conflicts with residential neighborhoods.
- b. The City will be able to manage the location of MFDVs to ensure the sites used will remain functional, will not create safety challenges, and will not conflict with the operation of the developments in which they are located.
- c. MFDV operations will be made more aesthetic.
- d. MFDV will adhere to appropriate fire safety protocol.
- e. Public right of ways will not be used for food truck (MFDV) operation or related marketing.

Disadvantages:

- a. Sites available for MFDV activity will be limited. Therefore, some neighborhoods maybe underserved with dining choices.
- b. MFDVs will be required to adhere to certain parameters to meet fire safety and site plan matters thus making the spontaneity of the business model difficult to realize.

2. Do not approve Ordinance No. 03-2022.

Advantages:

- a. MFDV operations will have more choices and opportunities to set up within the City.
- b. MFDV activity will not be as greatly burdened by fire safety regulations.

Disadvantages:

- a. MFDVs could site in areas where they are incompatible with residential areas.
- b. MFDV operations could create safety problems.
- c. MFDVs within establishments featuring limited parking can inadvertently cause parking problems.
- d. Fire safety requirements will be more difficult to implement.
- e. The aesthetic of City thoroughfares could be negatively impacted.

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Community Services/City Legal

STAFF RECOMMENDATION PRESENTED BY:

Ron A. Paradise, Community Services Director - Staff recommends the City Commission adopt Ordinance No. 03-2022 updating Chapter 22, Businesses, to include regulations for mobile food dispensing vehicles at first reading and schedule a second and final reading for February 21, 2022.

POTENTIAL MOTION:

"I hereby move to adopt Ordinance No. 03-2022 updating Chapter 22, Businesses, to include regulations for mobile food dispensing vehicles at first reading and schedule a second and final reading for February 21, 2022. The City Manager has the authority to make corrections of scrivener's errors and the like."