

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • JANUARY 6, 2020

City Commission Chamber

BOPA Regular Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur J. Byrnes

Board Member
Dennis Smith

Board Member
Robin D. Hanger

Board Member
Tony Cassata

CITY PLANNER
Brian Walker

Building & Zoning
Liz Nelson

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPOINT CHAIRMAN & VICE CHAIRMAN**
5. **BOPA MINUTES APPROVAL**

1. Approve

(Requested by Brian Walker, City Planner)

6. **AGENDA ITEM(S)**

1. Ordinance An Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

7. **OLD BUSINESS**
8. **BOARD/STAFF COMMUNICATIONS**
9. **ADJOURNMENT**

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she 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. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals
Agenda Item**

5.1

MEETING DATE: January 6, 2020
FROM: Brian Walker
SUBJECT: Approve
NUMBER: (ID # 2806)
APPLICANT:
PLANNER: Brian Walker

DISCUSSION: Approve Setembr 23, 2019 BOPA Mintues

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve September 23, 2019 Minutes

COMMISSION GOAL: N/A

MOTION: As determined by BOPA

- September 23, 2019 BOPA MInutes (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • SEPTEMBER 23, 2019

City Commission Chamber

BOPA Regular Meeting

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	Board Member	Present	
Mike Myer	Chairman	Present	
Robin D. Hanger	Board Member	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	

2. INVOCATION

Invocation was given by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Board member Arthur Byrnes led in the Pledge of Allegiance.

4. BOPA MINUTES APPROVAL

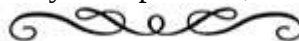
1. Minutes of August 5, 2019 BOPA Meeting

(Requested by Brian Walker, City Planner)

At this time recording secretary Liz Nelson read into the record the fact that we received Form 8B Memorandum of Voting Conflict for County, Municipal and local public officers from Board member Robin Hanger disclosed that on August 5, 2019 a measure came before the Board and the nature of his conflict interest in the measure is that he owns the property.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Arthur J. Byrnes, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata

Enacted and approved this 23rd day of September, 2019, in Holly Hill



5. AGENDA ITEM(S)

Attachment: September 23, 2019 BOPA Minutes (2806 : September 23, 2019 Minutes)

1. An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Rezoning the Parcel Described in Exhibit a from Mpud (Mixed-Use Planned Unit Development) to Mpud (Mixed-Use Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)

Brian Walker, City Planner, summarized his staff report stating that this is a rezoning from MPUD (Mixed-Use Planned Unit Development) to a MPUD including a density bonus, for approximately 5.4 acres, located on the northeast corner of Ridgewood Avenue and 3rd Street. The property was rezoned from CC-1 (Commercial Corridor) and R-2 (Low Medium Density Single-Family Residential) to MPUD (Mixed-Use Planned Unit Development) on January 24, 2006. The base residential density permitted by the mixed-use II future land use is 20 dwelling units an acre, however performance standard bonuses would allow a density bonus of up to an additional 15 dwelling units an acre, for a total of up to 35 units/acre for innovation and high quality design. The proposed MPUD differs from the current MPUD in a few key areas related to the average unit size, type of development, site area, commercial component and phasing.

The staff report points out the differences between the current MPUD and the proposed MPUD. He further commented that staff looks at the future land use and zoning of surrounding properties as well as a site analysis. Also, the request is consistent with the Land Development Regulations of Holly Hill and the surrounding area. The proposed affordable senior housing project is consistent with the objective's of the PUD zoning designation in that it supports the goal for integrated developments, which are consistent with the comprehensive plan, and that promote a mixture of housing costs and types and economical and orderly development consisting of a single or mixture of compatible land uses. The proposed Mixed Use Planned Unit Development (MPUD) is compatible with the allowable uses and density provisions of the Mixed Use-II future land use designation, if granted the requested density bonus, as well as with existing adjacent and future land uses, the natural environment and the impact upon supporting public infrastructure.

Staff has reviewed the applicant's proposed performance standard bonuses and recommends approval of the density bonus. Staff also recommends that the City Commission adopt the Ordinance enacting a Rezoning to the MPUD and approve the associated Development Agreement including a density bonus of 15 dwelling units per acre and the Preliminary Development Plan for approximately 5.4 acres for property located on the northeast corner of Ridgewood Avenue and 3rd Street.

Chairman Mike Myer asked if the previous PUD stated that it would consist of 55 units per acres, is that still in this PUD? Staff informed him that the Future Land Use Designation never would have allowed 55 units per acres.

Arthur Brynes asked why the Master Development Agreement states that "residential dwellings to be used for **affordable senior housing**". He suggested a change to the development order to state a specific age requirement. After some discussion with the applicant Michael Sznajstajler, with Cobb Cole, 149 S Ridgewood Avenue, Daytona

Beach, FL it was agreed to change the development order to specify the age of 55 years and older.

At this time the applicant, Michael Sznajstajler started a power point presentation. Outlining Madison Bay LLC's facilities around the State of Florida and more specific about the location proposed for Holly Hill. He stated that the main element of the development is two (2) multi-story secured residential dwellings with multi amenities. He opened the floor to questions from the Board. He was asked about the smallest unit size. He stated it was 574 sq'...the development agreement states that 574 sq' is the average size per dwelling unit. The development agreement, Section 3(b) needs to be changed, by removing the word "**average**" out of that statement.

Stacy Banach. Madison Bay, LLC, 558 W New England Avenue, Suite 250, Winter Park, FL representing the development company stepped to the podium to answer the question dealing with timing of the project. He informed the board that after dealing with the State of Florida and closing on the property, they should break ground around August 2020.

Chairman Mike Myer questioned the allowable height of the buildings, stating that he believes that these buildings will be 7 stories, however the Development Agreement stated 170 feet high, which is around 17 stories high. Mr. Banach informed the Board that was in the previous Development Agreement and they left that as is. After a brief discussion it was agreed to have the Development Agreement language changed in Section 3(d) from **One Hundred and Seventy (170) feet to Eighty (80) feet**.

Pam & David Shafer, 421 Miram Avenue, stepped to the podium expressing that they are concerned with the project making the flooding in their area worse. They were informed that the project has to meet all state and local stormwater retention regulations and that flooding in that area may improve due to the retention ponds being constructed on the property.

Karen Bruha, 212 3rd Street, stated that she is totally against this project.

Camille Ingham, 334 Daytona Avenue stepped to the podium stating she has concerns with the height as stated in the Development Agreement, she was informed that has been taken care of and it will be changed to reflect 80 ' in height maximum. She further stated concerns with the parking, buffering, trees and flooding. She was informed that there are design standards that the developer will have to meet. She expressed that the City should look more carefully at this project before approving it.

Lynne Smith, 107 7th Street, stated that she is in favor of the project. She questioned about the loan the developer received from the City, what happens to the loan if they do not get approval from the state. She was informed by Scott Simpson, City Attorney that they will not be getting any funding from the City until they have State approval for the project.

Heidi Heller, 460 Ridgewood Avenue, questioned if there will be any mention of Holly Hill on their signage, also will there be a covered bus stop at this location for the

development and if the building would be used for an emergency shelter. She was informed that the bus stop would be up to Votran. There is no intention of using these residential buildings as an emergency shelter.

Michael Sznajstajler, Attorney for applicant, stepped to the podium to state that the Development Order will be changed to reflect the building height of eighty (80') feet, there is a parking study that will dictate the parking requirements, there is a 25' rear setback with a substantial buffer, the retention pond in the rear of the property is dry and there should be no flooding, as well as meeting all state and local stormwater regulations.

Arthur Byrnes questioned the phasing of this project. Scott Simpson, City Attorney stated that the Development Order Section 13 lays out the phasing of the project.

Robin Hanger moved, seconded by Tony Cassata to approve the Rezoning and to delete the word "average" in Section 3(b), change Section 3(d) to change the maximum height to eight (80') feet, all discussions will be incorporated within the Development Agreement.

Robin Hanger made a statement that this project will be a vast improvement over the vacant land that is there at this time. This change is good for the citizens of Holly Hill.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Robin D. Hanger, Board Member
SECONDER:	Tony Cassata, Board Member
AYES:	Byrnes, Myer, Hanger, Smith, Cassata



6. OLD BUSINESS

None

7. BOARD/STAFF COMMUNICATIONS

Members asked if there would be a October BOPA Meeting. Staff informed the Board that there will be no October Meeting.

8. ADJOURNMENT

This meeting adjourned at 7:05 PM



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals
Ordinance**

MEETING DATE: January 6, 2020
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 2807)
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION:

This proposed Ordinance would amend Section 114-904 of the Land Development Regulations titled, Food Truck Services.

BACKGROUND:

On October 25, 2016, in response to the growing popularity of the mobile food market, the city adopted Ordinance 2981. That Ordinance created section 114-904 of the city code, to establish permitting and operating procedures for mobile food vending within the city. A review of mobile food vending activity shows that since the adoption of Ordinance 2981 over two years ago, there have been 8 mobile food vendors that have registered with the city. Staff is not aware of any problems that have been created by their presence within the city.

DISCUSSION:

Since mobile food vending has been permitted to operate in the city for approximately two years, we have had the opportunity to reflect on the activity's effect on the city and whether or not any updates to the current regulations would be appropriate.

Thus far, there have been no known negative impacts on the city from mobile food vending. However, neither does it appear to be having a large effect in terms of increased human and economic activity. Based on comments from mobile food vendors, as well as property owners hosting such activity, the city may benefit from refining the current regulations. That is the purpose of this Ordinance.

While much of the current ordinance is preserved in the proposed Ordinance, there are some key changes proposed. Perhaps the largest change has to do with the number of days that a site can host a mobile food vendor. Current regulations state that "no site may host food trucks for more than one day per week." Part of the reasoning for such a restriction has to do with maintaining

and promoting the temporary nature of a mobile food vendor. However, some vendors have stated that not being able to be at one location for more than one day per week, makes it very hard for their business to become known and establish a reliable client base. Something that may contribute to generating more local human and economic activity.

A review of the literature on mobile food vending, shows that the number of days per week municipalities around the country, permit a site to host a mobile food vendor, varies widely - from one day per week, to no limitation at all. In response to requests from mobile food vendors and their hosting site owners, this Ordinance proposes to extend the time permitted for a site to host a mobile food vendor, from one day a week, to a maximum of four (4) days within a calendar week, for a maximum of 16 days within any calendar month. The proposed Ordinance continues to be tailored to health, safety, and welfare concerns and does not address the issue of regulating competition via a separation requirement between brick-and-mortar food establishments, and mobile food vendors.

The proposed Ordinance defines what is meant by a commissary, mobile food vehicle, mobile food rally, and mobile food vendor. These terms are currently not defined in our regulations.

While the current regulations do not specifically address the issue of enforcement, the proposed Ordinance does not allow a property with active code violations to host a mobile food vendor, and it specifically addresses the issue of enforcement of the regulations.

FISCAL ANALYSIS:

Adopting the Ordinance will have minimal fiscal impact on the City.

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, regulating mobile food vehicles; amending section 114-904 of the city code to add definitions; update permitting requirements, restrictions, operating requirements and establish enforcement procedures; providing for codification; providing for conflicting ordinances; providing for severability; and providing an effective date.

ATTACHMENTS:

- Sec. 114-904 - Food Trucks (PDF)
- Permitted Mobile Food Vending Units (PDF)

Ordinance No. (ID # 2807)

**AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA,
REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-
904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING
REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND
ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR
CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

ORDINANCE

**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA, REGULATING MOBILE FOOD VEHICLES;
AMENDING SECTION 114-904 OF THE CITY CODE TO
ADD DEFINITIONS; UPDATE PERMITTING
REQUIREMENTS, RESTRICTIONS, OPERATING
REQUIREMENTS AND ESTABLISH ENFORCEMENT
PROCEDURES; PROVIDING FOR CODIFICATION;
PROVIDING FOR CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City Commission finds that food service from mobile food vehicles has become a popular food service venue; and

WHEREAS, mobile food vehicles can be a source of business development and provide dining options for residents and visitors; and

WHEREAS, the City Commission desires to clearly define mobile food vehicles, mobile food vendors, and related terms, and adopt regulations addressing their allowed operations within the city; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food vendors protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by properly regulating the location and operation of mobile food vehicles.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF HOLLY HILL, FLORIDA:**

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That the entire language of Section 114-904 is repealed and replaced with the following:

114-904 - Mobile Food Vehicle and Vendor Regulations

1. DEFINITIONS

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting Site Property Owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile Food Vehicle is a truck, or van, including an enclosed food concession trailers, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

Class I-Mobile kitchens. In addition to the vending of products allowed for Class II and Class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles have a relationship with a commissary.

Class II-Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.

Class III-Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location, except when approved to do so as part of a special event. A mobile food vehicle permit is not required.

Mobile Food Vehicle Rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit or they can be approved as part of a city sponsored event.

Mobile Food Vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

2. LICENSING AND PERMITTING REQUIREMENTS

- (a) Prior to setting up at a location, the mobile food vendor must provide the following to the city:
 - 1. Annually, the mobile food vendor must register with the city and receive a Mobile Food Vendor Certificate. Registration applications must be renewed annually and shall be due September 30th of each year.
 - 2. A copy of the Mobile Food Dispensing Vehicle License from the Florida Division of Hotels and Restaurants.
 - 3. A completed indemnification statement for city files. To be updated annually.
 - 4. A copy of the operator's driver license and photos of the mobile food vehicle including the license plate.
 - 5. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.
- (b) Mobile food vehicles must be inspected by the city's Fire Marshall or Fire Chief or their designee, and comply with all city safety regulations.
- (c) The mobile food vendor must permanently display to the public in a clearly visible area, their Mobile Food Vendor Certificate.
- (d) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least 7 days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:
 - 1. Location address and hosting dates
 - 2. A signed indemnification statement
 - 3. A sketch plan showing the subject property and the proposed location of the mobile food vehicle
 - 4. Owner contact information
 - 5. Vendor contact information
 - 6. The Mobile Food Vehicle's MFDV #
 - 7. Fees as established by the City Commission

3. PROHIBITIONS AND RESTRICTIONS

- (a) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.
- (b) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.
- (c) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.

- (d) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.
- (e) Except with permission of the city, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.
- (f) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall be in compliance with all applicable laws and regulations.
- (g) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.
- (h) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.
- (i) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD and may not locate any closer than 100 feet from a residentially zoned area.
- (j) The mobile food vehicle, or its seating areas, may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas or designated public safety lanes.
- (k) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more 4 days in any calendar week, meaning Sunday through Saturday, for a maximum of 16 days within any calendar month. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.
- (l) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.

4. OPERATING REQUIREMENTS

- (a) Zoning requirements. The property on which the mobile food vehicle and vendor propose to locate must be business, commercial or industrially zoned. If the property is zoned as a PUD, the mobile food vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.

- (b) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.
- (c) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of fifty feet (50') from the sales area.
- (d) The mobile food vendor may set up no more than two tables, including counters or stands, with chairs.
- (e) Property owners hosting a mobile food vendor for more than 1 hour must provide readily accessible restroom facilities.
- (f) All mobile food vehicles must park on a hard stabilized surface such as a paved or asphalt surface.
- (g) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed 6 square feet on the subject property where the mobile food vendor is conducting business.
- (h) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.
- (i) There shall be a minimum distance of two hundred feet (200') between mobile food vendors unless specifically permitted by the city to locate closer.
- (j) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary.

5. **ENFORCEMENT**

Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action, including a citation, or civil action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate within the city for a period of 90 days. The special magistrate will have jurisdiction to enforce these provisions pursuant to F.S. Ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

SECTION 6. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid,

unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. CONFLICTS

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 8. EFFECTIVE DATE

That this Ordinance shall become effective immediately upon its adoption.

Sec. 114-904. - Food truck services.

Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

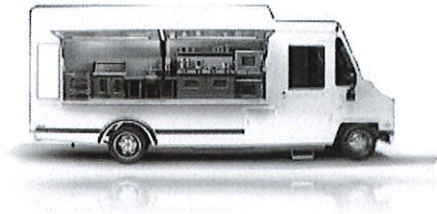
- (1) All food truck units shall comply with state requirements for food service and display certification of compliance.
- (2) No discharge of grease or other cooking waste is permitted.
- (3) The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
- (4) The property owner is responsible for the provision of restroom facilities.
- (5) No site may host food trucks for more than one day per week. Food truck operations approved as part of a city-sponsored special event or under a special use permit issued per section 114-902 shall not count against the day limitations of this section. (A multiple tenant location is considered one property for purposes of this code provision.)
- (6) Food trucks may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
- (7) Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
- (8) Any music provided shall comply with the city's standard noise ordinance.
- (9) Food trucks may place one supplemental A-frame or similar temporary sign not to exceed six square feet of area.
- (10) Each food truck location shall obtain a permit from the city at least seven days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the city and contain at a minimum the following information:
 - a. Location address.
 - b. Property owner approval.
 - c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
 - d. Proposed date(s) and hours of operation.
 - e. Owner contact information.
 - f. Vendor contact information.
 - g. Photo of the vendor and food truck.
 - h. Fees as established by the city commission.

(Ord. No. 2981, § 1, 10-25-16)

PERMITTED MOBILE FOOD VENDING UNITS

Class I

Mobile Kitchen, (most commonly referred to as a “food truck”)



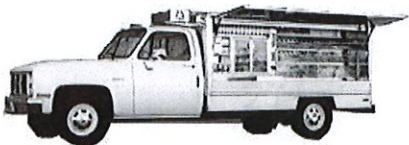
A mobile kitchen typically operates on private property with service to the general public. Mobile kitchens generally include a full-service, commercial kitchen accommodating the production of specialized and gourmet cuisine in large quantities. The food is cooked, prepared and then distributed directly from the vehicle through a side-access window. Unlike an ice-cream truck, which is constantly in motion and responds to customers waiting along the side of a public right-of-way, mobile kitchens are typically stationary through the meal period and advertise their daily location using social networking services, such as Facebook and Twitter.

Mobile Food Vending Trailer



Class II

Mobile Canteen Truck



A mobile canteen truck is a self-propelled vehicle that typically sells products on private property, to employees of a private client or contracted business. Food sales are conducted from the exterior of the vehicle.

Class III Mobile Ice Cream Truck



A mobile ice cream truck is a vehicle serving only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand dipped frozen dairy products and pre-packaged beverages.

TYPES OF MOBILE FOOD VENDING VEHICLES NOT PERMITTED IN THE CITY

Pushcarts



A pushcart is small in scale, designed for manual operation and restricted to a specific list of items including flowers, plants, fruits, vegetables, beverages, hot dogs and other prepared and prepackaged food including sandwiches, ice cream and snack-type edibles.

Open trailers, smokers, or grills

