

CITY COUNCIL
CITY OF PUNTA GORDA
8/31/2016

 Print

Unfinished Business*

Title: Discussion regarding amendments to mobile vending regulations.

Funds: N/A

Recommended Action: For discussion and recommendation to staff.

Summary: The Planning Commission had many varying recommendations regarding amendments to the mobile vending ordinance, and staff is requesting further direction from City Council prior to moving forward with amendments.

- Raised concern that the current ordinance is too restrictive and redundant.
- Does not see the need for a site plan. *Note: Staff believes the site plan is necessary to ensure public safety issues are addressed.*
- Concerned that the land owners' authorization for use of the property needs to be notarized. *Note: This ensures that the property owner/business owners are aware of the need to allow access to the restrooms inside the business, as well as that any trash or debris associated with the mobile vendor would also be their responsibility.*
- Does not see a need for the property owner to have to notify the City Clerk in writing if they revoked their approval for the mobile food vendor to operate on their property. *Note: This could probably be removed.*
- Suggested that the make, model & year of each vehicle could be included in the Local Business Tax application.
- Section 4.40(f)(1-7) and (10-11) were redundant. *(Inserted Section referenced below)*
- Objected to signage limitations. *Note: Staff agrees, as most mobile food vending vehicles are wrapped in signage.*
- Suggested that the ordinance should allow alcohol sales. *Note: This is also due to State alcoholic beverage licensing requirements. Unless the vendor is also licensed as a caterer, no mobile vendor could legally sell alcohol.*
- Suggested allowing in public rights-of-way, in some areas. *Note: This can be done now as part of a Special Event.*
- Want to ensure mobile food vendors are permitted to operate after 9:00 p.m. *Note: No restrictions on time, that would be up to the business owner.*
- Suggested annual registration, to include a list of locations at which the vendor planned to operate but that could be amended as other sites were added or removed.

Generally, the Planning Commission suggested simplifying the application.

SECTION 4.40

(f) Food Dispensing Vehicle Operating Standards. The following standards shall apply to the operation of all mobile food dispensing vehicles within the City of Punta Gorda:

(1) No food or beverages may be dispensed from a mobile food dispensing vehicle unless said vehicle is operating under an approved Special Exception and a current and valid Local Business Tax Receipt issued pursuant to the provisions of this Section and Chapter 12, Punta Gorda Code. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).

(2) The current Local Business Tax Receipt must be prominently displayed on the authorized mobile food dispensing vehicle at all times and must be presented for inspection upon the request of any City of Punta Gorda Code Compliance officer or Police officer. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).

(3) Mobile food dispensing vehicles shall only dispense food or beverages at the location(s) specified on the approved site plan which was approved with the Special Exception and Local Business Tax Receipt application. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).

(4) Mobile Vendors shall keep mobile food dispensing vehicles and the premises upon which food or beverages are dispensed in a sanitary, clean, neat, and orderly condition. Mobile Vendors shall be responsible for the removal of all litter in the vicinity of their vehicles.

(5) Mobile Vendors shall provide solid waste receptacles on or near mobile food dispensing vehicles when dispensing food or beverages.

(6) Mobile food dispensing vehicles shall not be parked in such a location so as to interfere with required parking, loading and unloading zones, no parking zones, or the vehicular access to such spaces.

(7) No mobile food dispensing vehicle shall operate upon any premises where the owner thereof has revoked prior authorization to the Mobile Vendor.

and

(10) Mobile Vendors shall operate mobile food dispensing vehicles in accordance with all terms and conditions specified in the applicable license granted for said vehicle by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency.

(11) Except for mobile food dispensing vehicles which are operating as part of a "Special Event", "Business Event", "Grand Opening Event", "Temporary Promotional Event", "Temporary Use" permit, or public property concession services agreement granted by the City of Punta Gorda, all mobile food dispensing vehicles must vacate the premises approved for their operation when not actively conducting business, unless specifically approved in the Special Exception review and approval process.

A mobile food dispensing vehicle shall be deemed to be "not actively conducting business" when said vehicle is unoccupied by an employee of the Mobile Vendor. Mobile food dispensing vehicles which are operating as part of a "Special Event", "Business Event", "Grand Opening Event", "Temporary Promotional Event", "Temporary Use" permit, or public property concession services agreement granted by the City of Punta Gorda shall vacate the premises approved for their operation when required to do so in the document authorizing their activity.

Department/Division: Urban Design

EXHIBITS:

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| 1. ☐ <u>Excerpt of the 5-4-2016 City Council Meeting Minutes</u> |
| 2. ☐ <u>Excerpt of the 5-23-2016 Planning Commission meeting minutes</u> |
| 3. ☐ <u>Excerpt of the 6-27-2016 Planning Commission meeting minutes</u> |
| 4. ☐ <u>Excerpt of the 7-25-2016 Planning Commission meeting minutes</u> |
| 5. ☐ <u>Mobile Vending Section 4.40</u> |
| 6. ☐ <u>Comparison Spreadsheet</u> |

EXCERPT – EXCERPT – EXCERPT

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MAY 4, 2016 9:00 A.M.**

COUNCILMEMBERS PRESENT: Cavanaugh, Devine, Keesling, Prafke, Wein

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Teri Tubbs, Urban Design; Tom Lewis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Keesling called the meeting to order at 9:00 a.m.

Citizen Comments - Regular Agenda Items Only

Mr. William Tears, Bull and Tarpon Restaurant owner, spoke in favor of allowing food trucks in the City without having to apply for a Special Exception and pay a fee of \$750 for each site, adding food truck vendors desired to operate on developed private property when they were invited to do so. He stated the large brick and mortar restaurants as well as the Downtown Merchants Association had given their consent for the food trucks to operate on private property with the property owners' consent.

NEW BUSINESS

Discuss options for Mobile Vending in the downtown/City Center zoning district.

City Manager Kunik explained the business owners in the downtown had a change of heart regarding food trucks, noting the proposal was to allow food trucks on developed property with the permission of the property owner. He stated regulations could be modeled according to City Council's desires, recalling the original idea was for the trucks to be located at restaurants; however, same could be expanded to non-restaurant locations.

Mayor Keesling questioned the fee.

Ms. Tubbs explained the purpose of the fee was to apply for a Special Exception, which required City Council approval, adding those regulations were adopted in 2014 and only allowed mobile food dispensing vehicles in certain special purpose districts; however, the City Center District was excluded.

Mayor Keesling inquired if anyone had applied for that type of Special Exception.

Ms. Tubbs replied the hot dog vendor at Home Depot.

Mayor Keesling opined the fee was steep, adding the Local Business Tax Receipt and proof of State licensing were also required.

City Attorney Levin stated the City's ordinance had been carefully drafted to comply with State law, adding the path of least resistance was to increase or add to the scope of zoning districts where food trucks would be permissible. He pointed out City Council could also reduce the fee for the Special Exception if desired.

Councilmember Devine commented it was necessary to ensure parking was sufficient. City Attorney Levin stated provisions for same were already in the ordinance.

Councilmember Devine commented she did not feel the fee was necessary as the trucks were providing a service.

Councilmember Cavanaugh recommended a trial period, such as one year.

City Attorney Levin suggested obtaining input from mobile food vendors who would likely be making an investment in a truck which could not be recouped within one year.

NOTE: Councilmember Devine left the meeting at 10:26 a.m.

Mayor Keesling stated she was not in favor of including a trial period.

Councilmember Prafke inquired if the location would be restricted to restaurants or whether other businesses would be included, adding she was in favor of same.

Discussion ensued with consensus to allow other business locations.

City Attorney Levin explained vendors could apply for more than one site; however, it was necessary to insure criteria were met, such as sufficient restrooms and parking. He stated the current language did not specify restaurant properties, adding it would be an easy amendment to the ordinance to allow for the activity.

Mayor Keesling stated she was in favor of charging some type of fee in order for the City to maintain records and track how many vendors were operating.

Councilmember Cavanaugh agreed, inquiring if the trucks would need to be moved each day.

City Attorney Levin replied he believed they had to be moved each day, adding per State law the trucks must utilize a special kitchen which provided the food.

Mayor Keesling confirmed the revision would allow food vendors on any developed property in the City Center as well as those which existed in the ordinance, adding the fee would also be lowered.

Ms. Tubbs explained costs were incurred when a public hearing was necessary due to advertising requirements, clarifying if a public hearing was not necessary, those costs could be removed from the fee.

Mayor Keesling opined same was reasonable.

Councilmember Wein stated the fee should cover the cost of policing and maintaining City records.

Councilmember Prafke suggested obtaining input from the food truck operators.

City Attorney Levin stated if Council wanted to reduce the cost and eliminate the public hearing, staff could be directed to eliminate the Special Exception requirement, confirming same could be replaced with an administrative permit.

Discussion ensued with consensus for staff to move forward with drafting an amendment.

Councilmember Prafke inquired if the business owner or the food truck operator could submit the application.

Mayor Keesling reiterated the food truck operator would need to provide their State license.

Ms. Tubbs stated the operator would also need to obtain an LBT.

City Attorney Levin stated the business owner would be part of the application process as they needed to provide permission, advising no change would be needed to the ordinance as it applied to the business owner; however, if there was an issue with the property, the property owner would be held equally responsible.

Mayor Keesling inquired if a new application was needed for an administrative permit.

Ms. Tubbs replied staff had created a unique Special Exception application for mobile vending, adding same could be amended slightly to accommodate the changes.

CITIZENS COMMENTS

Mr. Tears thanked City Council for their support of small business, explaining there were several different State license types for food trucks, and not all trucks must be tied to a restaurant. He agreed to assist with drafting the ordinance amendment.

EXCERPT – EXCERPT

**PLANNING COMMISSION
MEETING
MAY 23, 2016**

MEMBERS PRESENT: Charles Council, Chairman
Donna Aveck, Ronald Baxter, Joseph Comeaux,
Massey Loughman, Charles Thomas, Edward Zapke

OTHERS PRESENT: Teri Tubbs, Interim Urban Design Manager
Joan LeBeau, Chief Planner
Karen Smith, City Clerk
Ron Dewey, Pete Barbaro, Brian Brunderman

Recording Secretary Kelly swore in all participants.

NEW BUSINESS

- A. Discussion of Options for Mobile Vending in the Downtown/City Center Zoning District
- Ms. Tubbs announced at the May 4, 2016 City Council Meeting, staff was directed to move forward with an ordinance amendment to include removing the Special Exception requirement and to allow mobile food vending vehicles to operate on developed property within the CC zoning district as well as in all other commercial zoning districts. She noted the original mobile vending ordinance was specific with conditions such as property owner approval, site plan layout, trash and available sanitary facilities, for example. She stated the Downtown Merchants Association (DMA) had expressed support for the proposal contingent upon the property owner's approval of having a mobile vendor on site. She pointed out in the Neighborhood Center (NC) zoning district, mobile vending was originally limited to the Medical Overlay (MO) portion; however, there were certain properties zoned NC which were outside of the MO district, explaining some were pockets of commercial areas within residential areas. She asked if there were any concerns with allowing mobile vending without a Special Exception in the latter areas.
- Mr. Council clarified mobile vending would potentially be allowed in all commercially zoned districts.
- Ms. Aveck pointed out what appeared to be a typographical error in Section 26-3.8(f)(9). She commented on Section 26-4.40(a)(1), suggesting "and watercraft" be deleted on the last line.
- Ms. Tubbs concurred.

- Mr. Council stated the Twin Isles Country Club was planning a party which would include a mobile vendor in their parking lot, asking if the proposed ordinance would prohibit same.
- Ms. Tubbs replied in the negative as the party would be considered to be a special event at which mobile vending was allowed.
- Mr. Council commented the most significant benefit might be the savings of the \$750 Special Exception application fee. He confirmed some type of permit would be required, inquiring as to the associated fee.
- Ms. Tubbs replied a permit fee had not yet been determined.
- Mr. Zapke noted a few restaurant owners had some concerns regarding the concept but were open to see how the idea worked; however, food trucks could require a fair sized investment. He opined operators would not expend hundreds of thousands of dollars on a food truck simply to "see how it worked." He inquired if the City was being asked to create a concept plan. Ms. Tubbs replied downtown business owners were in favor of the proposed concept provided food trucks were allowed by invitation only to operate on a developed property.
- Mr. Zapke asked if the City Marketplace property was considered to be "developed" or "undeveloped."
- Ms. Tubbs replied undeveloped.
- Mr. Loughman recalled the extensive discussions required to allow a hot dog vendor to operate at The Home Depot.
- Consensus of the Commission was to allow mobile food vending vehicles to operate on developed property within the CC zoning district as well as in all other commercial zoning districts.

EXCERPT – EXCERPT - EXCERPT

**PLANNING COMMISSION
MEETING
JUNE 27, 2016**

MEMBERS PRESENT: Charles Council, Chairman
Donna Aveck, Ronald Baxter, Joseph Comeaux,
Massey Loughman, Charles Thomas, Edward Zapke

OTHERS PRESENT: Teri Tubbs, Interim Urban Design Manager
Joan LeBeau, Chief Planner
Geri Waksler, Max Doyle, John Swen,
Don Smith, Jerry Lechna

PUBLIC HEARINGS

- Recording Secretary Kelly swore in all participants.

- C. ZA-08-16 - An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 26, Land Development Regulations, Article 3, “Regulating Districts”, Section 26-3.8, “Neighborhood Commercial District”, Section 26-3.9 “City Center District”, Section 26-3.10, “Highway Commercial District”, Section 26-3.11, “Special Purpose District”, by amending Subsection (c), “Uses Permitted with Conditions”, adding mobile food dispensing vehicles as a use permitted with conditions on developed property; and amending Subsection (f), “Special Exceptions”, removing the Special Exception approval requirement for mobile food dispensing vehicles in any zoning district; amending Article 4, “Uses Permitted with Conditions”, Subsection 26-4.40, “Mobile Food Dispensing Vehicles”, Subsection (a), to remove reference to watercraft from the definition; amending Subsections (b)(1), (f)(1) and (f)(11), to remove Special Exception requirements for mobile food dispensing vehicles; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs stated as discussed by the Commission at their previous meeting, the subject ordinance had been drafted to remove the requirement for Special Exception approval. She explained mobile food vending vehicles would be allowed in all commercial zoning districts on developed property contingent upon approval of the property owner, all licenses and public safety/welfare needs being addressed and staff approval. She displayed zoning maps depicting the areas in which mobile food vending vehicles would be permitted. She noted a one-time application and associated fee would be required, adding a small additional fee would likely be charged for subsequent sites. She clarified application would be subject to staff review but would

not be required to undergo the public hearing process. She recommended approval of ZA-08-16, offering to answer questions.

- Mr. Council asked if ZA-08-16 covered a situation in which a mobile vendor wished to operate on the City Marketplace property every Saturday, for example, provided the property owner approved same.
- Ms. Tubbs replied affirmatively.
- Mr. Thomas commented the ordinance seemed very restrictive and, in parts, redundant, asking if other community's regulations were researched.
- Ms. Tubbs replied the City Attorney drafted the original ordinance, stating many of the requirements were derived from same. She pointed out there were a number of State requirements which must be met, adding an applicant would simply need to provide supporting documentation to the City.
- Mr. Thomas commented many vendors had experienced problems in St. Petersburg initially; however, their regulations were subsequently relaxed and were less restrictive than those proposed in ZA-08-16. He expressed surprise at the need for a site plan.
- Ms. Tubbs replied there were public safety concerns relative to traffic flow, parking and emergency access.
- Mr. Thomas stated it seemed the requirement for a site plan would not allow for a change in location such as to the opposite side of a parking lot.
- Ms. Tubbs explained such a change would require an amended site plan.
- Mr. Thomas reiterated some of the regulations seemed to be overreaching, citing the requirement for notarization of the property owner's signature/approval as an example. He opined no property owner would allow placement of a mobile vendor in a location which would present a public safety problem.
- Ms. Tubbs explained fire apparatus required a specific turning radius of which a property owner might not be aware.
- Mr. Thomas suggested simply requiring the vendor to park in a designated parking space.
- Ms. Tubbs countered some vendor's vehicles would not fit within a parking space.
- Mr. Thomas opined the notarized affidavit referenced in Section 26-4.40(c)(3) was burdensome as was the requirement for a property owner to notify the City Clerk in writing when the mobile vendor's authorization was revoked. He continued requiring an acknowledgement by the property owner of the mobile vendor's need for a Local Business Tax (LBT) receipt was redundant as a business could not operate without same.

- Ms. Tubbs responded the number of people who attempted to operate a business without first obtaining an LBT was surprising, adding the City Attorney believed it was important to denote the requirement.
- Mr. Thomas maintained much of the verbiage only increased the length of City Code and presented complications to a simple businessman attempting to operate a food truck. He suggested the make, model and year of each vehicle could be included in the LBT application as opposed to being a Code requirement. He pointed out St. Petersburg's ordinance was only eight pages in length. He opined the requirements denoted in Sections 26-4.40(f)(1-7),(10-11) were also redundant. He voiced objection to the signage limitations in Section 26-4.40(f)(12).
- Ms. Tubbs pointed out the latter restrictions were existing in the current City Code.
- Mr. Thomas clarified awnings which were a part of the vehicle were permitted. He spoke in opposition to prohibiting the sale of alcohol.
- Ms. Tubbs advised City Council expressed their desire to prohibit same.
- Mr. Council noted the proposed ordinance was only nine pages in length versus St. Petersburg's eight.
- Mr. Don Smith expressed appreciation for Mr. Thomas' comments. He then read a prepared statement into the record regarding his operation of a Kona Ice truck.
- Mr. Jerry Lechna thanked Mr. Thomas for his comments, stating the permitting involved in obtaining a food truck was significant. He pointed out a mobile food dispensing vehicle was open and thus easy to ensure it was being maintained in a sanitary manner. He opined Punta Gorda's regulations were too restrictive, expressing hope the fees were annual at the very least.
- Ms. Tubbs clarified an application was due initially as was an application fee. She explained regulations required operation on developed, private property; thus, set-up on a public street was not allowed.
- Mr. Doyle stated he hoped to develop a site for food trucks to gather together late at night for a type of "food truck rally."
- Ms. Tubbs explained an ongoing event on a regular basis could possibly be accomplished through the special event process.
- Mr. Council called three times for anyone to speak on ZA-08-16.
- Mr. Zapke MOVED, Ms. Aveck SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Aveck recalled a number of downtown merchants were originally skeptical of allowing mobile food trucks in the City, suggesting the restaurant owners and mobile vendors get together for more discussion to ensure everyone's success.

- Mr. Comeaux commented he hoped to see the idea developed further, including operations after 9:00 p.m. He opined the proposed ordinance represented a first step based on City Council's discussion, expressing hope regulations would be as flexible as possible.
- Mr. Zapke noted mobile food vending had been discussed in the past, adding he found the vendors' perspective educational. He agreed with Mr. Thomas' comments; however, he would not wish to see the mobile vending industry become a detriment to Punta Gorda's quality of life. He stated he was not comfortable making a definitive ruling this date based on this discussion, suggesting it be deferred back to the City Attorney in an effort to make the regulations more business friendly.
- Ms. Tubbs interjected approval of ZA-08-16 would at least remove the Special Exception requirement, adding a future ordinance amendment could address other concerns.
- Mr. Thomas stated approval would also open up other zoning districts to mobile food vendors where it was currently prohibited. He clarified his comments were specific to the 2014 ordinance.
- Ms. Tubbs offered to include this issue on the Commission's next agenda for additional discussion.
- Mr. Thomas MOVED, Ms. Aveck SECONDED to find ZA-08-16 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

EXCERPT – EXCERPT - EXCERPT

**PLANNING COMMISSION
MEETING
JULY 25, 2016**

MEMBERS PRESENT: Charles Council, Chairman
Ronald Baxter, Joseph Comeaux, Massey Loughman,
Lynne Matthews, Charles Thomas, Edward Zapke

OTHERS PRESENT: Teri Tubbs, Interim Urban Design Manager
Mitchell Austin, Urban Design Planner
Bruce Laishley, Don Smith

UNFINISHED BUSINESS

- A. Discussion regarding Current Regulations for Mobile Food Vending Vehicles
- Ms. Tubbs reported research showed the City's mobile vending ordinance was similar in many aspects to those of other municipalities, acknowledging some were more stringent while others were less so. She recalled a concern was raised at a previous Commission meeting regarding a requirement for the property owner's notarized signature on the application, confirming this was a standard requirement on all City applications. She explained the requirement protected the City and placed the property owner on notice the mobile vending vehicle was not permitted to be located in an area designated as a loading zone, fire lane or any other area deemed to create a traffic hazard, and access must be maintained to restroom facilities. She agreed some provisions, such as the reference to signage, needed to be adjusted as many mobile food trucks were "wrapped" in advertisement of their business. She advised the regulation regarding the use of sound equipment appeared to be a common standard among other municipalities and had been prohibited generally in Chapter 14 for many years to any and all other uses as opposed to only mobile vending vehicles. She pointed out no sales were permitted from the public right-of-way (ROW), not only from mobile vendors.
 - Mr. Zapke confirmed mobile vending no longer required a Special Exception.
 - Mr. Council noted the criteria for mobile vendors participating in a special event were different from those operating independently.
 - Ms. Tubbs stated any mobile vendor participating in a special event fell under that blanket permit approval, adding the event organizer must ensure their vendors had all necessary licensing.

- Mr. Thomas commented some municipalities allowed mobile vending in the public ROW, stating he believed there were some areas in Punta Gorda where it should be permitted. He disagreed with the need for the property owner's notarized signature in that the vendor was already regulated in many ways. He commented on the categories delineated in St. Petersburg's mobile vending code, i.e., license, location, permission, hours of operation, signage, sound, sanitation, restrooms and enforcement, stating he believed same was the reason their Code was kept to eight pages.
- Ms. Tubbs clarified St. Petersburg allowed mobile vending two days per calendar week from 7:00 a.m. to 9:00 p.m., adding vendors were also required to have a current written agreement with a State licensed facility for the proper disposal of grease. She opined the City should consider including a similar regulation.
- Mr. Comeaux commented it seemed regulations were more stringent in smaller municipalities, noting Boston's guidelines encompassed only two pages. He acknowledged certain regulations were needed; however, a number were already in place within the City Code or as a requirement of the State and County. He suggested a bit more flexibility would encourage mobile vendors. He commented on the current trend for truck rallies, opining the City Marketplace property, which sat empty for much of the year, would be an ideal location for same.
- Ms. Tubbs countered the demographics in Boston were a far cry from those in Punta Gorda. She advised the City Marketplace property was privately owned, adding a truck rally organizer could certainly apply for a special event. She explained the proposed regulations were directed toward those mobile vendors who wished to operate on a regular basis.
- Mr. Thomas asked if the City's goal was to discourage or encourage mobile food truck vendors. He cited as an example the vendor who typically set up at Palm Automotive, asserting that vendor would now be required to obtain notarized authorization and file a restrictive site plan.
- Ms. Tubbs disagreed, explaining the vendor would simply need a business event, which was done on a regular basis and involved a no-charge permit.
- Ms. Matthews asked if the standard permit for a mobile vendor would be required annually.
- Ms. Tubbs replied the mobile vending application was required to be submitted with a one-time fee, adding staff had proposed a dollar amount of \$250, as was the case with a Temporary Conditional Use permit. She explained staff would provide a technical review and conduct a site visit if necessary. She stated vendors could elect to operate

at additional locations for a smaller fee. She clarified vendors would be required to pay a Local Business Tax (LBT) annually; however, that was the case for any business.

- Ms. Matthews suggested requiring an annual registration, which would include a list of locations at which the vendor planned to operate but which could be amended as other sites were added or removed.
- Mr. Thomas argued each of those locations would require notarized permission from the property owner and a site plan.
- Mr. Zapke agreed with the idea of one application, one fee and an addendum for any changes beyond same.
- Consensus of the Commission was to recommend the regulations be simplified.
- Mr. Don Smith spoke in opposition to the current regulations, asserting same constituted protectionism.

Section 4.40 Mobile Food Dispensing Vehicles

- (a) Definitions. The following words and phrases, when used in this Section shall have the meanings respectively ascribed to them:
- (1) “Mobile Food Dispensing Vehicle” means a public food service establishment mounted on wheels and axle(s) that is movable from place to place and which is regulated and licensed by the State of Florida Department of Business and Professional Regulation or the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency, pursuant to Chapter 500, Florida Statutes and the rules and regulations promulgated thereunder. Such a vehicle may be self-propelled or mounted on a trailer, and includes bicycles, and pushcarts.
 - (2) “Mobile Vendor” means a person, corporation, company, or business, which owns or operates a Mobile Food Dispensing Vehicle, and includes employees of the vehicle’s owner.
 - (3) “License” means a current and valid license for a mobile food dispensing vehicle granted by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency.
- (b) Mobile Food Dispensing Vehicles Allowed. Notwithstanding any provision of the Punta Gorda Code to the contrary, and subject to the requirements of this Section, Mobile Food Dispensing Vehicles may be operated within the City of Punta Gorda in the following areas:
- (1) By staff approval on developed properties in the Neighborhood Center (NC) Zoning District, the City Center Zoning District, the Highway Commercial (HC) Zoning District, and the Special Purpose (SP) Zoning District.
 - (2) Any other zoning district within the City of Punta Gorda if expressly approved as part of a Special Event, Business Event, Grand Opening Event, Temporary Promotional Event, Temporary Use permit, or public property concession services agreement granted by the City of Punta Gorda.
 - (3) A Mobile Food Dispensing Vehicle may also be operated in any zoning district at an active construction site with a valid building permit provided the duration of selling food and beverages is limited to no more than one hour per day at any one such site.
- (c) Mobile Food Dispensing Vehicle Requirements. Prior to the dispensing of any food or beverage from any mobile food dispensing vehicle within the City of Punta Gorda, Mobile Vendors must have a valid Local Business Tax Receipt from the City of Punta Gorda for each mobile food dispensing vehicle. To obtain a Local Business Tax Receipt,

or renewal thereof, Mobile Vendors must submit the following with a completed Local Business Tax Receipt application and annual renewal:

- (1) Proof of a current and valid license for a mobile food dispensing vehicle granted by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency, for each mobile food dispensing vehicle to be operated within the City.
- (2) A site plan for each location the Mobile Vendor will operate a mobile food dispensing vehicle, depicting the specific location on each property where the vehicle will be parked for the purposes of dispensing food and/or beverages. It shall be a violation of this Section to operate a mobile food dispensing vehicle at any location other than as depicted on the site plan approved and made a part of the Local Business Tax Receipt issued by the City of Punta Gorda.
- (3) A notarized affidavit, on a form to be provided by the City Clerk, signed by each owner of the property upon which a mobile food dispensing vehicle will be parked for the purposes of dispensing food and/or beverages, indicating that the Mobile Vendor has the owner's permission to operate on the owner's premises in the location depicted on the approved site plan. The owner's notarized affidavit shall also include the following:
 - a. The property owner shall allow the Mobile Vendor, its employees, and customers access to bathroom facilities on the property owner's property, where available.
 - b. The property owner shall allow the Mobile Vendor access to solid waste collection facilities on the subject property, where available. If solid waste collection facilities are not available at the subject property, the property owner will ensure that the Mobile Vendor removes all solid waste generated by its operation from the owner's property daily.
 - c. The property owner shall ensure that the owner's property will be continuously maintained in a neat, clean, and orderly manner.
 - d. That the location approved by the property owner for the parking of a mobile food dispensing vehicle for the purposes of dispensing food and/or beverages is not otherwise allocated to another tenant of the subject property, and is not an area required for parking, loading or unloading, or vehicular access to such facilities under the provisions of the City of Punta Gorda Land Development Regulations.
 - e. The property owner shall notify the City Clerk in writing at any time that the owner revokes his/her authorization given to the Mobile Vendor.
 - f. An acknowledgement by the property owner that only mobile food dispensing vehicles which have a current Local Business Tax Receipt issued by the City of Punta Gorda may be allowed to operate on the property and that the property owner will be deemed to be in violation of this Section if mobile food dispensing vehicles are allowed to operate on

the owner's premises without a currently valid Local Business Tax Receipt issued by the City of Punta Gorda.

- g. Upon the sale of the property on which the Mobile Vendor has permission to operate, the City's authorization to operate a mobile food dispensing vehicle upon such property shall be suspended until the Mobile Vendor obtains and files with the City Clerk a notarized affidavit from the new owner of the property containing all of the information required in this Paragraph 3.
- (4) The make, model and year of each mobile food dispensing vehicle for which a Local Business Tax Receipt is sought.
 - (d) Exemptions. Mobile food dispensing vehicles which are operated within the City of Punta Gorda only when expressly approved as part of a Special Event, Business Event, Grand Opening Event Temporary Promotional Event, Temporary Use permit, are exempt from the requirements of Section 4.40(c), but shall be required to comply with the requirements outlined within the City of Punta Gorda Event Manual. Any Mobile Vendor operating under a public property concession services agreement approved by the City of Punta Gorda, is exempt from the requirements of Section 4.40(c), and shall be required to comply with the provisions of said agreement.
 - (e) Transfer or Change of Owner. A Mobile Vendor may apply for a transfer or change of ownership of an issued Local Business Tax Receipt when necessary to change the prior approved ownership. The application for transfer or change of ownership shall include all of the information required in Section 4.40(c), together with the required transfer or change in ownership fee pursuant to Chapter 12, Section 12.9, Punta Gorda Code.
 - (f) Food Dispensing Vehicle Operating Standards. The following standards shall apply to the operation of all mobile food dispensing vehicles within the City of Punta Gorda:
 - (1) No food or beverages may be dispensed from a mobile food dispensing vehicle unless said vehicle is operating under staff approval and a current and valid Local Business Tax Receipt issued pursuant to the provisions of this Section and Chapter 12, Punta Gorda Code. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
 - (2) The current Local Business Tax Receipt must be prominently displayed on the authorized mobile food dispensing vehicle at all times and must be presented for inspection upon the request of any City of Punta Gorda Code Compliance officer or Police officer. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
 - (3) Mobile food dispensing vehicles shall only dispense food or beverages at the location(s) specified on the approved site plan which was approved with the ~~Special Exception~~ and Local Business Tax Receipt application. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
 - (4) Mobile Vendors shall keep mobile food dispensing vehicles and the premises upon which food or beverages are dispensed in a sanitary, clean, neat, and orderly

condition. Mobile Vendors shall be responsible for the removal of all litter in the vicinity of their vehicles.

- (5) Mobile Vendors shall provide solid waste receptacles on or near mobile food dispensing vehicles when dispensing food or beverages.
- (6) Mobile food dispensing vehicles shall not be parked in such a location so as to interfere with required parking, loading and unloading zones, no parking zones, or the vehicular access to such spaces.
- (7) No mobile food dispensing vehicle shall operate upon any premises where the owner thereof has revoked prior authorization to the Mobile Vendor.
- (8) The use of sound equipment, bells or other devices that produce sound, which is audible outside of a mobile food dispensing vehicle shall be prohibited. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
- (9) Mobile food dispensing vehicles may not dispense food or beverages in any area that is a public right-of-way or City park or other public property unless expressly authorized by the City. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
- (10) Mobile Vendors shall operate mobile food dispensing vehicles in accordance with all terms and conditions specified in the applicable license granted for said vehicle by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency.
- (11) Except for mobile food dispensing vehicles which are operating as part of a “Special Event”, “Business Event”, “Grand Opening Event”, “Temporary Promotional Event”, “Temporary Use” permit, or public property concession services agreement granted by the City of Punta Gorda, all mobile food dispensing vehicles must vacate the premises approved for their operation when not actively conducting business.

A mobile food dispensing vehicle shall be deemed to be “not actively conducting business” when said vehicle is unoccupied by an employee of the Mobile Vendor. Mobile food dispensing vehicles which are operating as part of a “Special Event”, “Business Event”, “Grand Opening Event”, “Temporary Promotional Event”, “Temporary Use” permit, or public property concession services agreement granted by the City of Punta Gorda shall vacate the premises approved for their operation when required to do so in the document authorizing their activity.

- (12) Mobile food dispensing vehicles are authorized to display a maximum of one (1) City approved sign, no smaller than 1-foot by 1-foot, or larger than 3-foot by 3-foot that is attached to the mobile food dispensing vehicle. Additionally, a single portable sign shall be permitted within the parameters of the Punta Gorda Code regulations for portable signs.
- (13) The use of any temporary canopies, tents or any other temporary shade structure in conjunction with an approved mobile food dispensing vehicle is prohibited.

- (14) The sale, dispensing or distribution of intoxicating beverages including but not limited to liquor, wine and beer from a mobile food dispensing vehicle is prohibited.
- (g) Prohibition. It shall be unlawful to operate, or allow to be operated, any mobile food dispensing vehicle within the City of Punta Gorda, Florida except in full conformity with the provisions of this Section.

Subject	City of Punta Gorda	Pensacola	Miami-Dade	Jacksonville	Tallahassee	St. Pete	Boston	Evanston, IL	Jacksonville Beach	Town of Hillsborough NC
Location Permitted	Allowed in all commercial districts, and any construction site	All non-residential except downtown core area	Only certain commercial districts	Limited Commercial only	Not prohibited on private property	Permitted in all zoning districts that allow retail uses or restaurants & bars subject to conditions.	Public, private or restricted property	Public or private	Limited Commercial districts	Non-residential property only
ROW	Not on public right-of-way (unless as part of Special Event)	May be in legal ROW on improved surface, and pay associated parking fees	Not permitted in ROW	On public ROW, unless in downtown overlay, then not permitted	Permits required for public land	In ROW - Required liability insurance for the City - Other areas, not ROW, insurance required	Permitted with approvals	Limited use on ROWs and near schools when in session	Not in ROW	Not permitted in historic district, but may be approved as street vendor
Conditions and Limitations	On improved/developed property only, unless approved as a Special Event.	Must be setback from adjacent residential districts a minimum of 40' w/o buffer wall, and minimum 15' with buffer wall.	Improved property only unless part of Special Event. Must be 20' from the property line of an existing residential use or 10' from the property line if the residential use is separated by a 6' high masonry wall	Not w/in 50' of brick & mortar business w/o written consent of the property or business owner to allow the mobile food vendor to locate and operate on the established permanent business property.	Specific vending locations listed on application	Prohibited on vacant properties, with exceptions. Prohibited in certain downtown districts.	Must be equipped with GPS system	Not permitted w/in 100' of licensed food establishment. May be waived if the application is submitted with the written consent of the proprietor of the adjacent licensed food establishment. No person shall either pay or accept payment for the written consent provided herein.	Must be at least 100' from the entrance to any eating establishment or similar food service business & 100' from any outdoor dining area.	Vehicle dimensions cannot exceed 8' W x 25'L - must be located at least 10' away from the nearest building, unless approved by the Fire Marshal.
Number of days or time limits	No limits on time or number of days permitted in one location, except construction sites, limited to 1 hour per site	Maximum 180 minutes within 8 hours period. No vehicle may be permitted for more than 60 available consecutive days	No more than 6 days in a 30 day period permitted. 7A-10P weekdays, 7A-11P weekends	6A-3A hours	No more than 60 consecutive days for a vehicle at the same location	Two days per calendar week. 7A-9P, can get extension with special approval.	Not limited	7A-midnight or 7A-10, depending on location.	7A to 3A or 7A- 10P when w/in 150' to residential	8A-7P. No more than 10 active mobile food vendor permits shall be allowed at any given time.
Licensing	Proof of State licensing	Proof of licensing required	State license	Licenses must be displayed	State license	State license	City license	State health & transportation licenses	State & City licenses	County health dept. license & Mobile food license, which must be displayed.
Permit application, site requirement	Site plan showing where vehicles will be parked while serving food, can't be in any loading zone, or required parking area for another tenant or fire lane	May not disrupt vehicular or pedestrian circulation for ingress and egress to property. Sites that do not have excess parking are not eligible for mobile vending.	Not within 500 feet of brick & Mortar w/o written approval from them. Not in drive aisles, parking lanes or any place that will impede traffic circulation	In Downtown overlay district, not permitted w/in 15' of any other vendor who has been given permission, within 50' of permanent food establishment, w/in 50' of residential unit unless part of a mixed use structure	Specific sites listed	Various types of mobile vendors within this Code, various limitations and permitted conditions.	Proposed service route, hours of operation, business plan, detailed schedule of times & locations where the mobile food truck will be stationary and serving food, proof of serve by a mobile food commissary	Only 1 food vehicle per private parking lot. Shall not block drive aisles	Site plan drawn to scale, showing total SF of the property, location & sf of the existing principal & accessory uses, Proposed location of the mobile food vending vehicle & location of ingress/egress to the site. Also, address/location where mobile vending vehicle kept when not in use.	One vendor per site, unless approved Special Event.
Vehicle removal	Must be removed at the end of each day	Must be removed when not in operation	Does not say	Does not say	Must be removed at end of day	Does not say	Must be removed at end of day	Does not say	Must be removed daily	Must be removed each day

Dining Area	No temporary tents or canopies or other temporary shade structures permitted.	N/A	N/A	N/A	N/A	N/A	No dining areas in conjunction with mobile food truck permitted.	No dining areas	Temporary outdoor seating permitted, must be removed at the end of each day.	N/A
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	City of Punta Gorda	Pensacola	Miami-Dade	Jacksonville	Tallahassee	St. Pete	Boston	Evanston, IL	Jacksonville Beach	Town of Hillsborough NC
Permit submittal requirement	Make/model year of each vehicle NOTE, should also get license plate number	Name, requested vending location(s), type of business, start/end dates, days & hours of operation, Liability insurance, ADA accessibility, vehicle insurance, photo or detailed drawing of vending unit or vehicle.	Narrative from the applicant describing the operation & its hours of operation and copy of the required State licensed for food service establishments.	N/A	Not required	Must have written approval from property owner for private property.		Plans & specs for mobile food vehicle to include layout, photos, mechanical, construction materials, finish schedules, equipment types, manufacturers, model numbers, location, dimension, weight of vehicle per wheel, performance capacities, power source installation specs, etc.		Make, model & License plate # of vending unit, owner's contact information, operator's contact information if different, list of operating locations and times, calendar.
Disposal requirement for used waste water, grease.	Should have requirement for copy of agreement for disposal of all grease/oils from the business and that no disposing of oils/grease or other discharges permitted in City storm drains, sewers or on the ground.	Liquid waste or grease may not be disposed of in tree wells, storm drains, or onto the sidewalks, streets, or other public space. The vendor is responsible for removal of grease and liquid waste from the sidewalk and street surfaces resulting from its operation, or the unloading and loading of food carts. Vendor shall comply with all state laws for servicing the vehicle or cart for waste water and grease disposal, including commissary requirements	N/A	N/A	Self containing waste removal daily	Must have current written agreement, with a state licensed facility for proper disposal of grease	Must keep accurate log indicating that the mobile food truck is serviced at least twice daily by a mobile food commissary for all food, water & supplies and for all cleaning & servicing operations, including the emptying and cleaning of waste containers.	Name/address of commercial supply source & the affiliated licensed food establishment in the city, description of preparation methods & food product offered for sale, including the intended menu, display & distribution containers.	Liquid waste or grease shall be disposed of at an approved location, such as commissary & shall not be placed in tree pits, storm drains or onto any sidewalk, street or other public space. If improper disposal of liquid waste or grease is discovered, the responsible business will be required to cease operation immediately, clean up the improperly disposed material and shall not resume operation until clean up approved by PW.	
Display permit	Permit must be displayed		Must be available	Must be displayed	Must be submitted with application	Required	N/A		Must be visible	Must be displayed
Sound equipment	No use of sound equipment, bells or other devices that produce sound that is audible outside of the vehicle	No music or sound equipment	No music or sound equipment	N/A	No music or sound equipment	Must comply with Chapter 11	No unreasonable or excessive noise per CBC 16-26-1.	No use of sound equipment, lights or noisemakers.	No audio amplification is permitted.	No music or loud advertisements.
Signage	Signs-Allows up to 3' x 3' attached to vehicle, plus one portable A frame. Should amend to allow vehicle wraps.	N/A	Signs permitted to be attached to mobile unit. No signs in ROW, A frame menu board permitted up to 9 SF.	Menu board, 6 sf in area, 3' in height w/in 5' of vehicle.	Menu & prices must be submitted with application	A frame prohibited, otherwise must comply with Sign section	N/A		1 free standing A frame sign on private property not exceeding 42" H, or 36" W.	No signage except signage affixed to the mobile vending unit identifying the vendors and menu/price information

	City of Punta Gorda	Pensacola	Miami-Dade	Jacksonville	Tallahassee	St. Pete	Boston	Evanston, IL	Jacksonville Beach	Town of Hillsborough NC
Electric and generators	N/A - Private property	No generator	Electric service may be permitted as well as tents, tarpaulins, etc.	Does not say	No generator where electric is available	N/A	Must have GPS system			
Alcoholic Beverages	No alcoholic beverages	No alcoholic beverages	No alcoholic beverages	No alcoholic beverages	No alcoholic beverages	Not permitted unless special permit issued	N/A			N/A
Miscellaneous	N/A	No Styrofoam packaging or cups. Recycling receptacles must be provided for packaging that is recyclable	N/A			N/A	Single serve	Insurance & hold harmless for City and adjacent property owners		
Fees	One time application fee to be set by Council	\$25.00/day, additional charges may apply during peak seasons for certain locations. Electric, \$40.50/month for one 110 outlet.	Does not say	Does not say	\$26.00/day, possible additional charges during peak season. Additional electric charge of \$41.75/month	Does not say	\$500.00 application fee plus annual fee based on a taxable market value of City property by the Assessing dept., including sidewalks.	\$500.00 annual fee		Must pay Food & Beverage Tax per Town Charter