AGENDA

February 12, 2020

6:30 P.M.

City Council Chambers

Notice to Visitors: All persons who desire to speak on any public hearing item must fill out an Oath Card, sign the card, and submit to one of the City Planners. Speakers will be heard in the order received by the Chairman. The applicant may make a brief rebuttal if necessary. Anyone who speaks is considered a witness. If you have photographs, sketches, or other documents, you must provide 9 copies to one of the City Planners for distribution to the board members. These items will be retained by the Board members, City Attorney and City Staff. Purpose: The purpose of the Planning and Zoning Board is to provide recommendations to City Council about all matters that are development applications or staff initiatives relating to the City’s comprehensive plan, known as the “Horizon 2030 Comprehensive Plan” and the City’s Land Development Regulations found in Subpart B of the Municipal Code of Ordinances.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES

   Planning and Zoning Board Meeting of December 11, 2019

5. PUBLIC HEARING(S)

   a. Initial/Conceptual Site Plan – Space Coast Town Center Apartments – (SIT-2019-20)

   Initial site plan approval for Space Coast Town Center Apartments consisting of 300 multi-family units on 12.18 acres, more or less. Located to the west of Interstate 95, and south of U.S. 192 in the Gateway Interchange zoning district.

   Applicant: Bruce Moia, PE, MBV Engineering, Inc. for Integra Land Company

   Location: West of I-95 on the south side of U.S. 192
b. Code Amendments to the Land Development Regulations – Mobile Catering Kitchens (food trucks) – (LDR 2019-03)

Staff is proposing code amendments to the City’s land development regulations to allow mobile catering kitchens (food trucks) as an accessory use in our city limits year round and not just at special events.

Applicant: City of West Melbourne
Location: Citywide

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

6. PLANNING DIRECTOR REPORTS & BOARD MEMBER REPORTS

7. ADJOURN

All persons wishing to be heard or to have their opinion known should appear in person at these hearings or send written comments to City staff. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City’s ADA coordinator at 837-7774 at least 48 hours in advance of this meeting.
1. CALL TO ORDER

Planning Director Fischer called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

2. ROLL CALL

Present were:
- Board Member Jennifer Spagnoli
- Board Member Paul Bernkopf
- Board Member Anna Kapnoula
- Board Member George Cronin

Absent were:
- Chairman Jim Liesenfelt
- Vice Chairman Chris Jaudon
- Board Member Rob Brothers

Moved by Board Member Kapnoula, seconded by Board Member Bernkopf to excuse the absences. Motion passed, 4-0.

Moved by Board Member Kapnoula, seconded by Board Member Bernkopf to select Board Member Cronin as Acting Chair. Motion passed, 4-0.

3. APPOINTMENT OF CHAIR AND VICE-CHAIR

Moved by Board Member Cronin, seconded by Board Member Bernkopf to nominate Chris Jaudon as Chair and Jennifer Spagnoli as Vice Chair. Motion passed, 4-0.

4. ADOPTION OF 2020 CALENDAR
Staff explained that there were a few dates on the calendar that either had to be amended or kept the way they were shown including the March Planning and Zoning meeting. If the March meeting were to be moved to March 11th, staff would have to ensure that there were no conflicts for this new date.

Moved by Board Member Bernkopf, seconded by Vice Chair Spagnoli to approve the 2020 meeting calendar but change the March 10th date to March 11th. Motion passed, 4-0.

5. MINUTES

Planning and Zoning Board Meeting of November 13, 2019

Moved by Vice Chair Spagnoli, seconded by Board Member Kapnoula to approve the minutes as written. Motion passed, 4-0.

6. GRACE CHURCH CONCEPTUAL SITE PLAN TIME EXTENSION REQUEST – (SIT-2018-06)

Grace Church is requesting an 18-month extension for their approved conceptual site plan until June 11, 2021.

Planning Director Fischer explained the request and there are no changes to the concept plan.

There was some discussion regarding the 18-month time period for the extension.

Moved by Board Member Bernkopf, seconded by Vice Chair Spagnoli to extend the approved conceptual site plan for Grace Church until June 11, 2021. Motion passed, 4-0.

7. PUBLIC HEARING(S) – Code Amendment to the Land Development Regulations – Chapter 82, Streets, Sidewalks and Public Ways – (LDR 2019-04)

Staff is proposing code amendments to the City’s land development regulations to address the traffic impacts of extra-jurisdictional roads that are proposed to be connected to City roads that will serve or be connected to extra jurisdictional development.

Applicant: City of West Melbourne
Location: Citywide

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

City Attorney Richardson presented the staff report. He explained the proposed code amendments are the result of development proposed in the City of Melbourne just west of Sawgrass Lakes and the possible impacts the development could have to Norfolk Parkway in regards to traffic and the infrastructure in the City of West Melbourne. He explained the City of Melbourne’s staff and/or Melbourne City Council had offered no assurances or guarantees that those impacts would be considered and as a result the City of West Melbourne declared a moratorium on the applications or issuance of any
right-of-way permits for connection of development located in other jurisdictions to city roadways.

City Council then directed him to prepare an ordinance to address the impacts of those sorts of connections to city roadways. He stated in his research of other places and how this is addressed, there are regional or countywide agreements that adequately cover the scenario. He talked about the same scenario in reverse and gave the example of the Springs of Hibiscus Apartment development on Hibiscus Boulevard. He explained that although the development is within the City of West Melbourne, they are making a driveway connection onto a City of Melbourne roadway and as such the City of Melbourne would require them to address the impacts of the additional traffic onto their roadway in order to get a driveway permit. He stated but in this instance someone was proposing to connect a road to a road and it’s a different scenario and this ordinance is designed to capture those situations.

He explained that the proposed ordinance contains a lot of findings to support and explain its purpose, which is to address the provisions of the City’s comprehensive plan because, one the City of West Melbourne is responsible for growth and development within the city; two development should pay for itself and its impacts; and three when approving development, the levels of services on West Melbourne facilities aren’t negatively impacted. It is aimed at public or private road connections and provides for a traffic study as a mechanism to address the impacts of development.

He recommended the following motion: recommend approval of proposed Ordinance 2019-24, providing for the establishment of regulations, procedures, and criteria for the review, denial, approval, or approval with conditions of extra-jurisdictional developments that require infrastructure improvements within the City of West Melbourne due to significant and adverse impacts on infrastructure and existing communities within the City of West Melbourne.

Acting Chair Cronin opened the public hearing and asked for comments from the audience. Seeing none, he closed the public hearing.

Discussion Included:

- There have not been any applications filed yet that this ordinance would apply to but it would apply to the development proposed in the City of Melbourne on the Platt Ranch and the extension of Norfolk Parkway.
- This would also apply to other neighboring jurisdictions.
- Section 5e. Not in favor of subjective determination by City Manager suggested to include a trip generation threshold instead.
- Suggested revision to include involvement of P&Z and not just City Council on roadway connections.
- Another example of working with other jurisdictions on impacts – Lake Ibis development used an inter-local agreement to finalize drainage details.
- If funding is needed it could come from West Melbourne for example if a turn lane on Norfolk is already in the Capital Improvements Projects (CIP) then the city can contribute for a better project.

Acting Chair Cronin passed the gavel to Vice Chair Spagnoli.
Moved by Board Member Cronin, seconded by Board Member Bernkopf to recommend approval of proposed Ordinance 2019-24, providing for the establishment of regulations, procedures, and criteria for the review, denial, approval, or approval with conditions of extra-jurisdictional developments that require infrastructure improvements within the City of West Melbourne due to significant and adverse impacts on infrastructure and existing communities within the City of West Melbourne with the inclusion of a standard threshold instead of determination by the City Manager and Planning and Zoning Board review in addition to City Council approval. Motion passed, 4-0.

8. PLANNING DIRECTOR REPORTS & BOARD MEMBER REPORTS

Planning Director Fischer gave an overview of the list Capital Improvement Projects provided as a handout to the board.

9. ADJOURN

Acting Chair Cronin adjourned the meeting at 7:10 p.m.

Acting Chair George Cronin

________________________

Denise Curry, Planner
Robert Gorlow and Space Coast Town Centre 1, LLC is selling 12.18 acres of property to a multi-family developer, Integra, who is proposing a complex consisting of 300 units as the first development of their master plan known as the Space Coast Town Center (see attached conceptual/initial site plan). Currently the property has a PI, Parkway Interchange, land use designation and GTWY-I (Gateway Interchange) zoning assigned. In 2019, the applicant submitted a future land use policy amendment to allow more density on their property in case the residential component becomes a majority of the land use. The total amount of apartment units allowed now for the overall 154 acres is 2,445 dwelling units and the applicant can build at a density of twenty two (22) dwelling units/acre.

The purpose of the Planning and Zoning Board acting as a quasi-judicial body in making a determination regarding an initial site plan for development of approximately 125 acres is to ensure that a use is not detrimental to the public safety and welfare and is consistent with the City’s Land Development Regulations (LDR) related to the initial (also called conceptual) site plan process. Initial site plan approval does not grant special privileges but rather is a mechanism to ensure compatibility with surrounding uses. The following staff report has been compiled to assist the Board in making a determination concerning the attached conceptual/initial site plan request.

**Background Information—**

<table>
<thead>
<tr>
<th>Applicant Property Owner:</th>
<th>Bruce Moia, P.E. agent for developer, Integra, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>East of St. Johns Heritage Parkway &amp; South of US 192</td>
</tr>
<tr>
<td>Acreage:</td>
<td>Approximately 12.18 acres</td>
</tr>
<tr>
<td>Zoning:</td>
<td>GTWY-I (Gateway Interchange – mixed use district)</td>
</tr>
<tr>
<td>Proposed Development:</td>
<td>Multi-family complex – 300 units (no change in zoning needed)</td>
</tr>
</tbody>
</table>
**Proposed Density:**

24.63 dwelling units an acre (gross density) but within the overall project total of 2445 dwelling units which equates to 22 dwelling units per acre.
Adjacent Properties:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Use</th>
<th>Zoning</th>
<th>Future Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant land that will be part of the commercial component of the Space Coast</td>
<td>GTWY-I</td>
<td>PI</td>
</tr>
<tr>
<td></td>
<td>Town Center mixed use development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Vacant land that is part of the Space Coast Town Center and may be additional</td>
<td>GTWY-I</td>
<td>PI</td>
</tr>
<tr>
<td></td>
<td>multi-family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>Burrow pond on another property</td>
<td>GTWY-I</td>
<td>PI</td>
</tr>
<tr>
<td>West</td>
<td>Vacant land that is part of the Space Coast Town Center master development</td>
<td>GTWY-I</td>
<td>PI</td>
</tr>
</tbody>
</table>

Staff Analysis-

Multiple family developments five (5) acres or greater must obtain their initial site plan approval from the Planning and Zoning Board (LDR Section 98-553). When reviewing the multiple family request for initial site plan, with the applicant’s proposed GTWY-I zoning district, staff and the Planning and Zoning Board must follow criteria and regulations from the following:

1. Initial site plan submittal criteria as listed in LDR Section 66-557
2. GTWY-I zoning district per the applicant’s proposed zoning (LDR Sections 98-841 through 98-847)

As long as the applicant has met the submittal requirements for the City Codes, the request cannot be denied.

General Set of Review Criteria – Submittal Items for Initial Site Plans (these are not 100% drawings and do not provide all of the details for construction):

The initial site plan (also referred to as a conceptual site plan) is sufficient to move forward with the Planning and Zoning Board public hearing process. The Planning and Zoning Board, after holding a public meeting, votes to approve, deny, or conditionally approve the initial site plan in accordance with a review of the criteria for multi-family and the 16 provisions required for initial site plans. There is no approval from City Council with an apartment initial site plan.

The following lists the sixteen (16) provisions that have been adequately addressed to receive approval as well as staff’s comments on each (refer to the attached 9-page conceptual plan):

1. **Vicinity Map** – A location map is on the cover of the site plan sheet.
2. **Notes about adjacent roads** – The applicant’s “conceptual site plan” shows two new driveways leading to the new roadway that the developer will build which will connect to US 192 (see Sheet G-002). This apartment driveways will not be gated unlike other recent apartment complexes. However, the developer has instead gated the main entrances to the apartment buildings so that they provide the security the residents’ desire while maintaining the community connection within the master plan. The plan also shows a future connection to the property to the south which is also part of the overall master development. None of the private roads for this development will be gated and will not be turned over to the City of West Melbourne. This is one of the few developments with private roads that is not gating the driveway.
Roadway network – The roads that are being built for access to the apartments will eventually be extended to the St. Johns Heritage Parkway. The County and State are not considering traffic signals at this time for this development on their roads. Depending on the future traffic counts of both US 192, a State of Florida road (AKA SR 500). The Florida Department of Transportation (FDOT) is requiring that Brevard County will review the new development and will require changes to the medians along SR 500. The master developer is still working with FDOT to obtain a right of way permit to gain access to SR 500 (AKA US 192).

3. Date – The date of the “conceptual site plan” drawing is indicated on the plan under the title of the cover page.

4. North Arrow – The north arrow is shown on the plans.

5. Scale – the appropriate scale of one inch equals sixty feet is shown.

6. Site Characteristics – The “conceptual site plan” depicts the lot coverage and multiple family unit descriptions as required by subsections “a” through “m”. Staff would like to highlight the following features:

- There are 10 apartment buildings, approximately 48’ tall or less (see Sheet C-201), with six of them being 4 stories per the architect’s sheet, A0.04, containing 300 units total on approximately 12+ acres. The density on this property that will be a separate lot when the subdivision plat is finalized is 24 dwelling units per acre which conforms the Parkway Interchange future land use designation’s limit of 65% multi-family on the total parent property of 154 acres.

- Square footage of units - The living area of units containing 1 to 3 bedrooms ranges from 638 square feet to 1,360 square feet which exceeds the City’s minimum size requirements for 1, 2 or 3 bedroom units as stated in the “Building Data Table” on Sheet C-201.

- Building coverage - The maximum building coverage is 43.25% of the 12.18 acres. The difference between this and other recent multi-family development is that since Integra’s apartments are part of the overall 154 acre master development, the retention pond and roadway connection to a public road is off-site which means that the property acreage can be maximized on a smaller footprint than the +19 acre properties of Aventine, Oasis, Springs at Hibiscus and Carlton apartments. Retention ponds usually take up to 20-30% of a site, while this site gets to enjoy a central retention pond which will be made a recreation feature with a sidewalk around the pond.

- Parking - The conceptual site plan shows 556 spaces to accommodate residents and guests. The required parking for any multi-family that gets built in this Space Coast Town Center can be as low as 76% of the City’s codes for specific uses. Meaning, that although the City parking code requires 2 spaces per dwelling unit, the development agreement allowed a discount of 24% of the required parking. This reduction was justified with a master plan parking study that counts on the interconnectedness of parcels and shared parking spaces. This means that the required parking for this site is 456 spaces, not 600 spaces, and the Integra apartments provides 556 spaces.

- The parking space size of regular and handicap spaces is shown and meets the City’s minimum widths of 10’ for multi-family and 12’ for handicap (Florida Statutes Chapter...
553) plus 5’ of handicap accessible off-loading area. The length varies from 18 to 20 feet (as allowed by the parking code) depending on whether there are overhang areas in landscaping or sidewalk of at least two feet per LDR (Land Development Regulation) Section 74-54(d).

- **Setbacks** - The 12 total buildings on site meet the building setbacks in the GTWY-I zoning district from the proposed property lines.

- The property will not commence vertical construction until the final plat is recorded for Phase I of the Space Coast Town Center subdivision. This will be one of the conditions of the approval of this apartment proposal.

**Legal Description** – A survey was submitted that contains the legal description of the 31 acres, as was filed with the application.

7. **Existing easements and facilities** – There are no existing easements on site since there are existing utility easements on the Minton Cove 1 site.

8. **Disabled parking spaces** – The plan shows the location of the 14 handicap parking spaces and their dimensions. The amount of handicap parking spaces shall comply with State and federal handicap parking requirements. The total width of the handicap stalls and shared access area for wheelchairs, etc. is 17”, however, our code is more restrictive than the Florida Statutes and requires that the handicap space be 12’ wide, not 10’ wide as shown on Sheets C-202 through C-204 and then the shared diagonal striped area can be 5’ wide instead of 10’ wide (these dimensions of 12’+5’ wide spaces complies with the requirements for width, and parking access aisle width specifically stated in Florida Statutes Section 553.5041). This will be noted as a condition of conceptual plan approval.

9. **Sidewalks, driveways** – The location of the proposed sidewalks leading up to each of the six (6) large apartment buildings and the clubhouse is indicated on the plan. There are no sidewalks leading up to the carriage house styled buildings 7B, and 7D but these buildings are surrounded by asphalt and the tenants will probably walk from their garage parked cars into their units and not from surface parking lot (see Sheet C-201). Staff recommends that one of the two paths in front of the clubhouse be eliminated since this is duplicative and placed instead from Building 1 to the new sidewalk that will be along the frontage road.

The driveway connecting the complex to the private master development frontage road contains a sidewalk but does not include a dimension of that sidewalk. The minimum requirement is for a 7’ wide sidewalk when a sidewalk is placed on only one side of a roadway, whether private or public. This will also be a condition of the approval.
10. **Type of pavement** – The City requires that only either concrete or asphalt be used with a curb. Other types of materials can be allowed but must still meet the specifications to hold the weight of vehicles (the developer indicates asphalt pavement on the site plan).

11. **Water and Sewer** – The location of the connecting water and sewer lines to service the 300 units has been shown on the site plan. The extension of water and sewer and the access to these services are a cost to be borne by the applicant to serve the project.

12. **Drainage plan** – The plan shows the system of pipes to collect the pavement run off to the proposed pond and to the existing canal on the north side of the property. The conceptual storm drainage sheet shows the conceptual drainage pattern and system of inlets to convey the stormwater run-off. The exact size and configuration of the pond and conveyance facilities will be determined during the administrative “final site plan” process.

13. **Outside Agency Permits** – The outside agencies that must approve are the Florida Department of Environmental Protection for water and sewer service and St. Johns River Water Management District for stormwater and wetlands on site. A condition of approval shall be for a permit from FDEP and SJRWMD to be submitted prior to final site plan approval.

14. **Natural Habitats** – An environmental study must be submitted prior to final site plan approval indicating the viability of the on-site wetlands, and if there are protected species. If there are protected species, a professional biologist will submit a permit from the Fish and Wildlife agency stating there is permission to either remove the species or to provide land area as a remaining natural habitat.

15. **Architectural style** – A set of building elevation renderings was submitted. – *The project architect has described the style in this narrative paragraph:*

   a. “The architectural style of this project will be a clean, contemporary design with modern accents and warm materials. Primary building façade materials include fiber cement lap siding and panel, stucco and metal accents. The roofs will be primarily flat with parapets, with standing seam metal on sloped portions.

   The applicant has included colored renderings of the front of the residential buildings and clubhouse on Sheets A2.10, A2.40, A2.50. However, none of the roofs for the main 4-story buildings are sloped and the rooflines must be revised to meet the code intent for the Gateway Interchange zoning district.

   Other amenities they will provide are the pool, dog park and part of a 20’ wide retention pond trail. See the features identified on the site plan on the next sheet.
No RV/Boat space identified. Will have to note on plans.
The proposed use and initial site plan of the master layout of the infrastructure meets the criteria listed in LDR Section 66-557, except for those items noted above. Staff ensures that the final site plan continues to meet these criteria, and that as additional phases are proposed, that the initial site plan is revised and any additional approvals are pursued.

GTWY-I, Gateway Interchange Criteria:

Requirements of the GTWY-I zoning district are similar to criteria in other zoning districts. Criteria mainly consist of uses, lot dimensions, setbacks, building coverage, density, appearance and recreation requirements. Properties located in the GTWY-I zoning district are allowed to have apartment units, and the density in this case is a maximum of 24 dwelling units/acre but within the context of the overall master development maximum of 22 dwelling units per acre of 154 acres.

The size of the property and its configuration results in the project exceeding the minimum lot dimension and building setbacks of the GTWY-I district. Section 98-846 contains the design provisions for master developments with the GTWY-I zoning. The design of the individual site has two access driveways to the main frontage road for the Space Coast Town Center and the mail kiosk and vehicle only garages are located behind most of the main 4-story buildings. However, the flat roof design of the apartment buildings does not comply with the code requirement for sloped roofs in Section 98-846. The project architect has said that…

Recreation fee – A condition of approval is that the project either meets the requirements for providing recreation facilities to its residents or shall pay a fee in lieu of providing the recreation. At this time, there is a recreation area proposed as outdoor recreational amenities and these partially count (35%) towards the requirement to pay for public recreation. Final assessment of the recreation requirements will occur prior to administrative review of the final site plan. Approval of the payment must be obtained from City Council in accordance with Chapter 86.

Traffic - The City required that a traffic statement be submitted. The traffic statement noted that all of the roadway segments that may be impacted by the more than 2000 average daily trips from the apartment complex would decline in level of service standard. Finalization of the improvements needed to provide safe maneuvering of the new trips to and from the apartments onto the private road and then on to US 192 will occur prior to final site plan approval with coordination through the Florida Department of Transportation (FDOT). The development is expected to generate 157 PM peak hour trips (evening “rush hour”) with the majority of these being dispersed through US 192. FDOT has stated that as long as the master developer completes the change in the median to accommodate a west bound left turn lane into the new frontage road and constructs a left turn lane into Columbia Lane to allow for U-turns, then the immediate impacts from this phase of the multi-family development will have been met.

Conclusion—

Staff recommends approval of the initial site plan with the following conditions:

1. Commencement of on-site construction shall not occur until the final plat is recorded for Phase I of the Space Coast Town Center subdivision and performance bonds have been posted.
2. Mark the handicap spaces as indicated by the City and State of Florida as 12’ wide spaces with a 5’ wide access area instead of 10’ wide with a 10’ wide shared access area.
3. Ensure that the proposed sidewalk along the frontage road is at least a minimum requirement of 7’ wide sidewalk.
4. Pitched (sloped) roofs shall be provided as an architectural feature of the development. Deviations from the colors shown with this approval shall maintain the same groupings of color. Details on the materials and colors shall be submitted prior to final site plan approval.
5. The project will pay the code requirement portion of fee in lieu of providing public recreation prior to final site plan approval.
6. Obtain outside agency approvals for wetland mitigation and extension of utility services.

Attachments—

1. Initial Plan (labeled by the applicant as the “Conceptual Plan”) which includes the architectural renderings as Sheets A0.04 to A2.50
2. Existing tree aerial
3. Architect’s January 22, 2020 letter describing the architectural elevation views and features.
4. Color rendering of all three types of main buildings on site
5. Building materials example from the master developer, Space Coast Town Center
SPACE COAST TOWN CENTER APARTMENTS
INITIAL SITE PLAN
SECTION 03, TOWNSHIP 28S, RANGE 36E
BREVARD COUNTY, FLORIDA
DECEMBER 2019
REVISED JANUARY 2020

OWNER / APPLICANT
ROBERT GORLOW
SPACE COAST TOWN CENTRE 1, LLC
7485 FARRAVERS DR. SUITE 430
MIAMI LAKES, FL 33014
(305) 556-4739

APPLICANT
DAVID C. MCDANIEL
INTEGRA LAND COMPANY
1525 INTERNATIONAL PARKWAY
LAKE MARY, FL 32746

ENGINEER
MBV ENGINEERING, INC.
CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL
1500 W. KAUAI GABLES BLVD., SUITE H
MIAMI LAKES, FL 33014
PH: (305) 556-4739
FAX: (305) 556-4739
LAKE MARY, FL 32746
PH: (772) 569-7880
FAX: (772) 569-7880
MELBOURNE, FL 32935
PH: (321) 253-1510
FAX: (321) 253-1510
VERO BEACH, FL 32960
PH: (772) 569-0035
FAX: (772) 569-0035
FORT PIERCE, FL 34982
PH: (772) 468-9055
FAX: (772) 468-9055
MIAMI LAKES, FL 33014
PH: (305) 556-4739
FAX: (305) 556-4739

SURVEYOR
INDIAN RIVER SURVEY, INC.
Professional Surveying and Mapping
1835 20TH STREET
VERO BEACH, FL 32960
PH: (772) 569-7880
FAX: (772) 778-3617

NOTE:
SUBMITTAL.
SHEET. FORMAL TREE AND TOPOGRAPHICAL SURVEY TO BE PROVIDED WITH FORMAL
TREE EXHIBIT INCLUDED WITH SUBMITTAL PACKAGE NOT PRODUCED AT FULL SIZE
SHEETS INCLUDED FROM MASTER DEVELOPER PLAN SET ARE FOR INFORMATION
PURPOSES (SHEETS 1 THROUGH 54) AND ARE UNDER SEPARATE PERMIT.
NOTE:
SUBMITTAL.
SHEET.

G-001
NOTES:
1. INFORMATION DEPICTED HEREON IS BASED ON PLANS PROVIDED BY T.Y.LIN INTERNATIONAL DATED JANUARY 2019 AND IS SUBJECT TO CHANGE OTHER THAN PHASE I IMPROVEMENTS REQUIRED FOR PARCEL 29 TO OBTAIN APPLICABLE PERMITS.
2. PARCEL 29 IS BEING DESIGNED BY MBV ENGINEERING, INC. SEE INCLUDED PLANS FOR ADDITIONAL INFORMATION.
1. Project site is part of master plan development. Stormwater management system is located adjacent to, but off-site of this project. Stormwater management system design and construction is the responsibility of the master plan developer. The project site is responsible for conveyance to the stormwater facilities.

2. Construction of the retention pond to be completed at the same time as the drainage system shown hereon.
Connect to existing water main and install 12" x 4" reducer.

directory branches (by others)
Continued from previous page.

12" DUCTILE IRON PIPE

CA#3728

10" SCH 35 PVC GRAVITY WATER MAIN (BY OTHERS)

SANITARY MANHOLE (DIMENSIONS FROM PIPE EASEMENT)

BUILDING 5

FHA #4

FHA #5

BUILDING 6

10" SCH 40 PVC (GRAVITY) DRAIN MAIN (BY OTHERS)

8" 11.25º BEND

6" 22.5º BEND

4" TEE

8"X4" TEE

8"X6" REDUCER

8"X2" REDUCER

3" SHUT OFF VALVE

4" SHUT OFF VALVE

2" R.P.Z. & METER

10"X8" REDUCER

4" TEE

2" 90º BEND

8" 45º BEND

8" 11.25º BEND

8" 11.25º BEND

8" 11.25º BEND

8"X4" REDUCER

8"X4" TEE

8"X2" TEE

10"X8" REDUCER

6" TEE

8" TEE

6" 45º BEND

6" 45º BEND

8" 45º BEND

2" 45º BEND

NOTES

1. All dimensions shown are architectural in nature and are approximate.

2. All materials listed are best of brand or type as specified.

3. All valves are to be 150# class unless otherwise specified.

4. All pipe sizes are nominal unless otherwise specified.

5. All plumbing fixtures are to be 150# class unless otherwise specified.

6. All plumbing fixtures are to be 150# class unless otherwise specified.

7. All plumbing fixtures are to be 150# class unless otherwise specified.

8. All plumbing fixtures are to be 150# class unless otherwise specified.

9. All plumbing fixtures are to be 150# class unless otherwise specified.

10. All plumbing fixtures are to be 150# class unless otherwise specified.

11. All plumbing fixtures are to be 150# class unless otherwise specified.

12. All plumbing fixtures are to be 150# class unless otherwise specified.

13. All plumbing fixtures are to be 150# class unless otherwise specified.

14. All plumbing fixtures are to be 150# class unless otherwise specified.

15. All plumbing fixtures are to be 150# class unless otherwise specified.

16. All plumbing fixtures are to be 150# class unless otherwise specified.

17. All plumbing fixtures are to be 150# class unless otherwise specified.

18. All plumbing fixtures are to be 150# class unless otherwise specified.

19. All plumbing fixtures are to be 150# class unless otherwise specified.

20. All plumbing fixtures are to be 150# class unless otherwise specified.

21. All plumbing fixtures are to be 150# class unless otherwise specified.

22. All plumbing fixtures are to be 150# class unless otherwise specified.

23. All plumbing fixtures are to be 150# class unless otherwise specified.

24. All plumbing fixtures are to be 150# class unless otherwise specified.

25. All plumbing fixtures are to be 150# class unless otherwise specified.

26. All plumbing fixtures are to be 150# class unless otherwise specified.

27. All plumbing fixtures are to be 150# class unless otherwise specified.

28. All plumbing fixtures are to be 150# class unless otherwise specified.

29. All plumbing fixtures are to be 150# class unless otherwise specified.

30. All plumbing fixtures are to be 150# class unless otherwise specified.

31. All plumbing fixtures are to be 150# class unless otherwise specified.

32. All plumbing fixtures are to be 150# class unless otherwise specified.

33. All plumbing fixtures are to be 150# class unless otherwise specified.

34. All plumbing fixtures are to be 150# class unless otherwise specified.

35. All plumbing fixtures are to be 150# class unless otherwise specified.

36. All plumbing fixtures are to be 150# class unless otherwise specified.

37. All plumbing fixtures are to be 150# class unless otherwise specified.

38. All plumbing fixtures are to be 150# class unless otherwise specified.

39. All plumbing fixtures are to be 150# class unless otherwise specified.

40. All plumbing fixtures are to be 150# class unless otherwise specified.

41. All plumbing fixtures are to be 150# class unless otherwise specified.

42. All plumbing fixtures are to be 150# class unless otherwise specified.

43. All plumbing fixtures are to be 150# class unless otherwise specified.

44. All plumbing fixtures are to be 150# class unless otherwise specified.

45. All plumbing fixtures are to be 150# class unless otherwise specified.

46. All plumbing fixtures are to be 150# class unless otherwise specified.
1. 1/8" BUILDING PLANS PROVIDED AS CONTROL DRAWING ONLY. UNIT A5 - SHEET A4.05  UNIT C2 - SHEET A4.10
UNIT A3 - SHEET A4.03  UNIT B3 - SHEET A4.08
UNIT A2 - SHEET A4.02  UNIT B2 - SHEET A4.07
UNIT A1 - SHEET A4.01  UNIT B1 - SHEET A4.06
REFER TO 1/4" UNIT LAYOUT PLANS FOR COMPLETE DIMENSIONS
2. INDICATES DOOR MARKER. SEE SCHEDULE ON SHEET A7.01.
UNIT C3 - SHEET A4.11
BREEZeways TO BE FLUSH W/ FINISHED SURFACE. (WITHIN 1/8" TOLERANCE.
6. REFER TO ELECTRICAL SHEETS FOR FIRE ALARM, PULL, CONTROL PANEL, SIGNALS, HORN LOCATIONS, AND EXIT SIGNS.
CODE DATA / LIFE SAFETY SHEETS FOR SPECIFICATIONS.
CONSTRUCTED TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. REFER TO SHEETS A0.06 AND A0.07 FOR INFORMATION ON FAIR HOUSING ACT. COMMON AREAS SHALL BE
5. INDICATES 1-HOUR FIRE SEPARATION. REFER TO SHEET A7.01.
8. INDICATES 2-HOUR FIRE SEPARATION. REFER TO
BUILDING TYPE VB CONSTRUCTION, SPRINKLERED W/ 13R SYSTEM.
10. BUILDING TYPE V TO HAVE 6" OR MORE BEARING WALLS AT
DRAWINGS.
11. BUILDING TYPES I, II AND III ARE TYPE VA, 1-HOUR PROTECTED CONSTRUCTION, SPRINKLERED W/ 13R SYSTEM. BUILDING TYPE IV IS
MEET 137 MPH WIND LOADS.
13. INDICATES PARTITION TYPES ON SHEET A5.01 THRU A5.02.
14. INDICATES INTERIOR BEARING WALL.
15. BREEZeway FLOORS TO BE FREE OF SPILLS, SPALLING MUD & MAJOR CRACKS.
1. 1/8" BUILDING PLANS PROVIDED AS CONTROL DRAWING ONLY.
UNIT A5 - SHEET A4.05  UNIT C2 - SHEET A4.10
UNIT A4 - SHEET A4.04  UNIT B4 - SHEET A4.09
UNIT A3 - SHEET A4.03  UNIT B3 - SHEET A4.08
UNIT A2 - SHEET A4.02  UNIT B2 - SHEET A4.07
UNIT A1 - SHEET A4.01  UNIT B1 - SHEET A4.06
REFER TO 1/4" UNIT LAYOUT PLANS FOR COMPLETE DIMENSIONS
A7.01.

AND NOTES. 1/4" PLANS ARE LOCATED ON THE FOLLOWING SHEETS:
UNIT C3 - SHEET A4.11

BREEZWAYS TO BE FLUSH W/ FINISHED SURFACE. (WITHIN 1/8"
6.

REFER TO ELECTRICAL SHEETS FOR FIRE ALARM, PULL,
CONTROL PANAL, SIGNALS, HORN LOCATIONS, AND EXIT SIGNS.
CODE DATA / LIFE SAFETY SHEETS FOR SPECIFICATIONS.

CONSTRUCTED TO COMPLY WITH THE AMERICANS WITH DISABILITIES
ACT. REFER TO SHEETS A0.06 AND A0.07 FOR INFORMATION ON
TOLERANCE.

BUILDING TYPES I, II AND III ARE TYPE VA, 1-HOUR PROTECTED
FIRST FLOOR ONLY UNLESS NOTED OTHERWISE BY STRUCTURAL
DRAWINGS.

BUILDING TYPE V TO HAVE 6" OR MORE BEARING WALLS AT

INDICATES 1-HOUR FIRE SEPARATION. REFER TO
WALL SECTIONS AND UL SHEETS FOR INFORMATION.

BUILDINGS ARE DESIGNED AND SHALL BE CONSTRUCTED TO

INDICATES 2-HOUR FIRE SEPARATION. REFER TO

INDICATES INTERIOR BEARING WALL.

PARTITION TYPES ON SHEET A5.01 THRU
A5.02.

INDICATES 2-HOUR FIRE SEPARATION. REFER TO

BUILDING TYPES I, II AND III ARE TYPE VB CONSTRUCTION, SPRINKLERED W/ 13R SYSTEM.

7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.

TYPICAL BUILDING FLOOR PLAN NOTES

1. ALL DIMENSIONS W/IN A SPACE ARE MINIMUM. REFER TO DRAWING SHEET A4.01 FOR DIMENSIONS.
2. NO DIMENSIONS OR INFORMATION SHOWN MANDATORY. REFER TO DRAWING SHEET A4.01 FOR DIMENSIONS.
3. ALL DRAWINGS ARE DRAWN TO SCALE UNLESS OTHERWISE NOTED.
4. SMALLEST DIMENSIONS SHOWN ON DRAWING SHEET A4.01 FOR DIMENSIONS.
5. REFER TO ELECTRICAL SHEETS FOR ALL ELECTRICAL REQUIREMENTS.
6. REFER TO MECHANICAL SHEETS FOR ALL MECHANICAL REQUIREMENTS.
7. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
8. ALL DRAWINGS ARE DRAWN TO SCALE UNLESS OTHERWISE NOTED.
9. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
10. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
11. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
12. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
13. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
14. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
15. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
16. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
17. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
18. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
19. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
20. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
21. REFER TO LOCAL CODES AND MUNICIPAL REQUIREMENTS FOR ALL SPECIFICATIONS.
COLOR PALETTE
- REMNANT OLIVE SW 2815
- JUBILEE SW 4248
- SNOWBOUND SW 7234

MATERIALS
- STUCCO SYSTEM
- 12" LAP SIDING
- 10" LAP SIDING

BREVARD COUNTY, FL
INTEGRA SPACE COAST

Integra Land Company, LLC
1525 International Parkway, Suite 2001
Lake Mary, FL 32746
PH. 407-833-3927

Gary F. Brock, Architect AAC000798

ISSUE FOR 90% CONSTRUCTION DOCUMENTS FEBRUARY 7, 2020 - NOT FOR CONSTRUCTION

STUCCO SYSTEM
- 6" LAP SIDING
- 10" LAP SIDING

COLOR PALETTE
- REMNANT OLIVE SW 2815
- JUBILEE SW 4248
- SNOWBOUND SW 7234

TYP. BUILDING EXTERIOR ELEVATION
GENERAL NOTES:
1. ALL LANDSCAPE AND IRRIGATION SHALL MEET Chapter 71 - NATURAL RESOURCES AND STORMWATER ARTICLE IV. - LANDSCAPING AND TREE PRESERVATION DIVISION 3. - LANDSCAPE AND BUFFER REQUIREMENTS
2. ALL DISTURBED AREAS NOT OTHERWISE LANDSCAPED TO BE SODDED.
3. FINAL LOCATION FOR DOG RUN TO BE APPROVED BY OWNER.

IRRIGATION NOTES PER SEC. 71-124
1. FOR ALL PROJECTS REQUIRING THE INSTALLATION OF LANDSCAPING, AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED.
2. THE SYSTEM SHALL HAVE A MINIMUM OF A TWO-INCH SHALLOW WELL AND A PUMP OF SUITABLE SIZE FOR THE PROJECT.
3. A COMPLETE DESIGN FOR THE SYSTEM WILL INCLUDE AN IRRIGATION CONTROLLER, WORKING RAIN SENSOR, VALVE TYPES AND SIZES, POLYVINYL CHLORIDE LINE SCHEDULES AND SIZES AND IRRIGATION SPRINKLER TYPES INCLUDING NOZZLES.
4. THE VOLUME OF WATER IN GALLONS PER MINUTE IS SPECIFIC TO EACH ZONE.
5. THE SYSTEM HAS COMPLETE SITE COVERAGE WITHOUT INTRUSION INTO IMPERVIOUS AREAS.
6. THE IRRIGATION SYSTEMS MEETS OR EXCEEDS THE STANDARDS AND SPECIFICATIONS PROVIDED FOR IN TURF AND LANDSCAPE IRRIGATION SYSTEMS.
7. THE IRRIGATION SYSTEMS SOURCE IS WELL WATER.
1. PROPOSED SITE IS MOSTLY CLEARED DUE TO AGRICULTURAL USES.

2. PROPOSED SITE BEING FILLED 2 OR MORE FEET ABOVE EXISTING GRADE TO MEET FINISHED FLOOR CRITERIA.

3. PROPOSED REGIONAL UTILITIES SHALL BE INSTALLED ALONG THE EASTERN PROJECT BOUNDARY.

4. EXISTING TREES WITHIN THE PROJECT LIMITS ARE GENERALLY UNABLE TO BE PRESERVED DUE TO FILL AND THE LOCATION OF REGIONAL UTILITIES ALONG THE EASTERN PROPERTY BOUNDARY.

5. SITE VISIT CONDUCTED 11/26/2019 REVEALED ONLY ONE TREE OF SIGNIFICANT SIZE (GREATER THAN 18”). A 18” PINE TREE WAS OBSERVED ALONG THE WESTERN SHORE OF THE BORROW PIT. ALL OTHER TREES ENCOUNTERED WITHIN THE PROJECT LIMITS WERE LESS THAN 18” IN DIAMETER WITH THE MAJORITY OF THE TREE SPECIES BEING PALM TREES.

6. A FORMAL TREE SURVEY FOR THIS SITE HAS NOT BEEN COMPLETED. HOWEVER, TREES SHOWN HEREON ARE DEPICTED FROM DATA ACQUIRED ON 1/17/2020.
1. Proposed site is mostly cleared due to agricultural uses.
2. Proposed site being filled 2 or more feet above existing grade to meet finished floor criteria.
3. Proposed regional utilities shall be installed along the eastern project boundary.
4. Existing trees within the project limits are generally unable to be preserved due to fill and the location of regional utilities along the eastern property boundary.
5. Site visit conducted 11/26/2019 revealed only one tree of significant size (greater than 18''). A 18'' pine tree was observed along the western shore of the borrow pit. All other trees encountered within the project limits were less than 18'' in diameter with the majority of the tree species being palm trees.
6. A formal tree survey for this site has not been completed. However, trees shown hereon are depicted from data acquired on 1/17/2020.
January 22, 2020

City of West Melbourne
Planning & Economic Development Dept.
2240 Minton Road
West Melbourne, Fl 32904

Re: Space Coast Town Center Multi-family project on US 192 for a public hearing.

The following are our responses to code comments for above referenced project:

13. Comment: Provide a digital copy of the architectural styles of the proposed development, and a statement of the building materials to be used on the buildings, roofs, and accessory buildings such as the clubhouse, maintenance buildings and dumpster fences.

Response: Please see attached Architectural Inspiration Styles and elevation sheets showing proposed materials (stucco, fiber cement siding and paneling and aluminum/metal awnings).

16. Comment: Provide a color rendering of the proposed clubhouse and at least one of the buildings identifying materials and a color palette. Have the architect either state in writing or show how the project complies with Section H (lists 17 items) in the approved development agreement.

Response: Please see attached Architectural sheets for Architecture and features. List of Section H items as follows:

1. Please see plans and elevations for interruptions, recesses and wall plan projections. Maximum uninterrupted wall length is less than 30 linear feet for any building surface.
2. Acknowledged. There are no service areas facing I-95 or Brandywine Lane.
3. Acknowledged. Please see elevations and architectural character image provided by Space Coast Town Center developer.

4. Please see elevations for architectural style and accent materials.

5. Please see colored elevations for building colors.

6. Acknowledged. Building entrances are clearly defined.

7. Acknowledged. Please see site plan and landscape plan.

8. Roofs will have parapets, minimum 30” high.

9. Acknowledged. Please see site plan for setbacks from linear park and other community features.


11. Acknowledged.

12. No shopping areas on this site.

13. No cart corrals on this site.

14. Acknowledged (not a shopping center)

15. Acknowledged.


17. Acknowledged. Site illumination plan with ornamental poles shall be provided.

17. Comment: Architectural Sheet A2.11 shows a flat roof height of 50 ft and 1 and ¼” inches must be removed from the building wall.

Response: Please see revised sheet A2.11.

18. Comment: Architectural sheets A1.11 through A1.51 do not indicate where the gates are to prevent entrance to the buildings. This was expressed by the developer as their alternative to erecting gates around the perimeter of their property so depict these gates.

Response: Metal gate systems are been provided at all stairs entrances to prevent entrance to the buildings. See attached Building plans. Carriage buildings (A1.41) do not need gates for protection.

19. Comment: Architectural sheets A1.11, A1.12, A1.31, A1.41 do not identify the required columns, façade engraving or etching, porches, overhangs and other features to provide building mass relief. Only Sheet A1.51 which shows the clubhouse labels porches, breezeways (must indicate if this is covered with a roof) and what appears to be columns but is not labeled.

Response: Please see attached sheets A1.11, A1.21, A1.31, and typical elevation and colored elevation sheets for architectural features.
20. **Comment:** Architectural sheet A1.61 identifies a covered mail kiosk but does not identify this feature on Sheet C-201 or other sheets.

**Response:** Please see revised sheet C-201 for location of covered mail kiosk.

If you have any further questions or comments, then please give me a call.

Sincerely,

Gary F. Brock, AIA
Vice President
CHARLAN BROCK & ASSOCIATES, INC.
To: Honorable Members of the West Melbourne Planning and Zoning Board  
From: Christy Fischer, AICP, Planning Director  
Meeting: February 12, 2020

**SUBJECT**

Pilot program of food trucks as ongoing use with specific requirements.

**RECOMMENDATION**

Staff recommends the following motion:

Approve Ordinance Number 2020-01 that provides a process for food trucks to operate permanently and not just at special events.

**FISCAL IMPACT**

The City Clerk has budgeted the advertisement and codification of new zoning codes.
**DISCUSSION**

**PROPERTY ADDRESS**  
Not applicable  

**APPLICANT/PROPERTY OWNER**  
City of West Melbourne

---

**PUBLIC MEETING DATES**  
City Council  
March 3, 2020

**LOCATIONS**  
The Zoning Code allows food trucks as special events.  
This code change allows for food trucks as accessory uses in commercial, industrial and institutional districts

---

**BRIEF SUMMARY OF REQUEST**  
City Council asked staff to look into expanding city codes to allow food trucks to operate as a more permanent use and not just for special events like the one the City hosts in the West Melbourne Community Park.

---

**STAFF RECOMMENDATION**  
APPROVE  
APPROVE WITH CONDITIONS  
DENY

---

**Staff Analysis—**  
Staff’s process for determining what type of requirements and framework for expanding the scope of when and where food trucks could be allowed in our city limits was 4 fold:

1) Staff assembled a committee of five (5) members of the community to serve as the guiding committee of the food truck code revisions. These members were-  
   a. Rande Matteson of Keke’s restaurant  
   b. Leandro Badi of Brazil 4 U market  
   c. Sal Tawilco of Harbor City Diner  
   d. Tess and Jeff Jones with a barbecue food truck  
   e. Rusty Melle of ITG Realty office

2) Staff reviewed numerous documents regarding food truck issues and compared codes and strategies (see the reference list and code comparison attachments)

3) Staff drafted a food truck ordinance, presented it to the guiding committee and now will obtain feedback from both the Planning and Zoning Board and Business Advisory Board

4) Staff will present the final version to City Council for their deliberation

---

**Food Truck Challenges and Opportunities:**

The American Planning Association provides guidance on the opportunities and challenges of “planning for food trucks” and they describe the issues as follows:

---

**ITEM**

February 12, 2020
Policy Consideration 1: Location
Policy Consideration 2: Operations
Policy Consideration 3: Health and Safety
Policy Consideration 4: Administration and Enforcement

City staff used this model of policy considerations to create a code that allows food trucks as a more permanent accessory use to existing businesses that have commissaries and then addressed the operations, health and safety issues that are not already addressed by the State of Florida.

In Florida, the Florida Department of Business and Professional Regulation categorizes food trucks as “Mobile Food Dispensing Vehicles”. The basic requirements are for these vehicles and operators to have a food service license that addresses minimum criteria:

**Basic Requirements**

- Be a vehicle
- Be mobile – can move
- Have protection from the elements and vermin – walls, ceiling, floor
- Have dishwashing capacity – a 3 compartment sink
- Have a separate hand sink
- Have equipment to keep food at safe temperatures – refrigeration/steam tables
- Have power to keep the equipment running – a generator or temporary connect to electricity
- Have a plumbing system that allows you to wash dishes and hands while operating
- Have either a water and sewer location or a commissary

The State of Florida has an initial inspection for these Mobile Food Dispensing Vehicles to pass sanitation and safety codes and then as many inspections as needed to enforce the rules and protect the public’s health, safety and welfare.

City staff presented the attached ordinance to the Food Truck Guiding Committee and their feedback is reflected in the attached ordinance and they believed that implementing the new codes as a pilot program for one year was a beneficial manner to address any hiccups that may come with this type of new use.

**COUNCIL ACTION**

On March 3, 2020, City Council will consider whether to adopt the food truck ordinance as presented by the draft with feedback from the various city boards or to direct staff to make other changes or deny the pilot program.

**ATTACHMENTS**

1. Ordinance Number 2020-01
2. Reference List
3. Food truck codes comparison
4. Florida Department of Business and Professional Regulations on Mobile Food Dispensing Vehicles
ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF REGULATIONS, PROCEDURES, AND CRITERIA FOR THE REVIEW, DENIAL, APPROVAL, OR APPROVAL WITH CONDITIONS OF MOBILE CATERING KITCHENS AS PART OF A PILOT PROGRAM THAT REQUIRES COMPLIANCE WITH MINIMUM STANDARDS WITHIN THE CITY OF WEST MELBOURNE TO ADDRESS IMPACTS ON PEDESTRIAN AND TRAFFIC CIRCULATION, SANITATION, AND TO MINIMIZE NUISANCES WITHIN THE CITY OF WEST MELBOURNE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of West Melbourne currently allows food trucks associated with special events as an outdoor use; and

WHEREAS, the City has recently been requested to allow food trucks as an ongoing use; and

WHEREAS, conversely, the City recognizes that the use of mobile vehicles to sell food or other items results in some inequities with the regulations imposed on existing storefront businesses as permanent principle uses within the City of West Melbourne; and

WHEREAS, the State of Florida regulates food trucks for health code compliance, power, plumbing, refrigeration, sanitation, and either water and sewer connection or use of a commissary;

WHEREAS, the City codes can supplement State laws and rules; and

WHEREAS, food trucks can have a direct impact on existing infrastructure within the City of West Melbourne, including roads, sanitation, noise, and health; and

WHEREAS, the City of West Melbourne staff is proposing a pilot program for one year to allow for the refinement of codes related to this new accessory use; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1. Recitals and Findings. The foregoing Recitals are hereby ratified and incorporated as findings of the City Council and as the legislative intent of this ordinance.

Section 2. Purpose. The purpose of this ordinance is to amend the City’s land development regulations to address the impacts of food trucks, also known as mobile
catering kitchens as accessory uses to existing bars, restaurants and cafeterias. Those impacts may include, but are not limited to:

a. Conflicts with sidewalks, driveways and right of way for pedestrian and vehicular movement;

b. Containment of refuse from the mobile catering kitchen outdoor use;

c. Placement of proposed mobile catering kitchens within existing business areas;

d. Consistency or inconsistency of such mobile catering kitchens with sign codes, merchandising, the State alcohol beverage laws, and setbacks;

e. Identification of bathroom facilities to accommodate the employees and customers; and

f. Coordination of access to and from the food truck.

Section 3. Definitions. Chapter 63, “Subdivisions”, Article II, “Improvements” of the Code of Ordinances of the City of West Melbourne, shall be amended and read as follows (deletions are indicated in strikethrough, and additions in underline):

Sec. 63-8. - Zoning definitions.

Food truck commissary. An established commercial kitchen where mobile catering kitchens and other food service providers can go to prepare and store food, and which the State Department of Agriculture and Consumer Services or State Hotels and Restaurants departments has deemed to be an acceptable location for food service. Commissaries include stores that sell food in a dining room, cafeteria, restaurant, pub, eating and drinking establishment, or snack bar.

Mobile catering kitchen. A self-propelled food truck or vending trailer with preparation and service inside the trailer/truck. A mobile catering kitchen is a state-licensed mobile food dispensing vehicle that acts as an accessory kitchen to restaurant, bar or brewpub, and for industrial and institutional businesses, a commercial kitchen or cafeteria. A mobile catering kitchen must meet the requirements found in the Zoning Code and must be associated with a State of Florida approved commissary.

Section 4. Location of food trucks. Mobile catering kitchens shall be allowed in the C-P, C-1, C-2, M-1, P-1, C-NH, C-W, IB zoning districts specified in Chapter 98, Zoning, of the Code of Ordinances of the City of West Melbourne. This code shall be amended and read as follows (deletions are indicated in strikethrough, and additions in underline):
Sec. 98-363. - Accessory uses and structures.

The accessory uses and structures in the **C-P** commercial parkway district are the customary accessory uses of one or more of the principal uses clearly subordinate to the principal use, in keeping with the highway approach character of the district. **Mobile catering kitchens (food trucks) are allowed with restaurants and other commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).**

Sec. 98-443. - Accessory uses and structures.

The accessory uses and structures in the **C-1** low density commercial district are customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal uses, in keeping with the low density commercial character of the district. **Mobile catering kitchens (food trucks) are allowed with restaurants and other commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).**

Sec. 98-483. - Accessory uses and structures.

The accessory uses and structures in the **C-2** general commercial district are customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the intense commercial character of the district. **Mobile catering kitchens (food trucks) are allowed with restaurants and commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).**

Sec. 98-523. - Accessory uses and structures.

The accessory uses and structures in the **M-1** light industrial and warehousing district are as follows:

(5) **Mobile catering kitchens (food trucks) are allowed with restaurants and other commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).**

Sec. 98-643. - Accessory uses and structures.

The accessory uses and structures in the **P-1** institutional district are as follows:

(3) **Cafeterias, restaurants or similar eating establishments providing the use is an accessory to a permitted use and is located on the same site as a permitted use or within the same building as a permitted accessory use and is primarily for the residents or employees of the district. Mobile catering kitchens (food trucks) are allowed with restaurants and commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).**

Sec. 98-821. - Accessory uses and structures.

(c) Accessory nonresidential uses that are clearly incidental and subordinate to the principal uses.
(d) Mobile catering kitchens (food trucks) are allowed with restaurants and other commissaries according to the accessory use requirements in Article V, Division 12 of Chapter 98 (Zoning Code).

Sec. 98-831. - Use table.

The following table specifies if uses are permitted by right (P), permitted as an accessory use only (A), or if they require conditional use approval (C) in the C-NH district. Uses not specifically listed are prohibited in the district.

**Table 1. Uses**

**Notes:** *P = Permitted; C = Conditional; A = Accessory; blank = prohibited*

<table>
<thead>
<tr>
<th>Use</th>
<th>See Sec.</th>
<th>C-NH</th>
<th>C-W</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult day care center</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Agricultural activities</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Airports, heliports (these uses are only allowed with the Inst. FLU)</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Artisan beverage establishment</td>
<td>98-832</td>
<td>C(1)</td>
<td>C(1)</td>
</tr>
<tr>
<td>Assisted Living Facilities, Large (these uses are only allowed with the Ins)</td>
<td></td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Assisted Living Facilities, Small (this is only allowed with the Inst. FLU)</td>
<td></td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Automotive repair facilities, minor</td>
<td></td>
<td>P(2)</td>
<td>-</td>
</tr>
<tr>
<td>Automotive repair facilities, major</td>
<td></td>
<td>C(3)</td>
<td>C</td>
</tr>
<tr>
<td>Automotive and recreational equipment sales</td>
<td>98-832</td>
<td>P(4)</td>
<td>P(4)</td>
</tr>
<tr>
<td>Automotive wrecking yards, junkyards, scrap and salvage yards</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bars</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Building materials sales and storage establishment, except scrap materials</td>
<td></td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Business service establishments</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car wash facility</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cemeteries, mausoleums (this is only allowed with the Inst. FLU)</td>
<td></td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Child care facilities</td>
<td></td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Churches or places of worship within shopping centers</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Churches, not part of a shopping center (only allowed with the Inst. FLU)</td>
<td></td>
<td>P(5)</td>
<td>P(5)</td>
</tr>
<tr>
<td>Clubs and lodges, Public and private, fraternal organizations</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Clinics</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Communication facilities</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Corrections facilities</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Crematoriums as a principal use (this use only allowed with Inst. FLU)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Crematoriums, accessory use to a funeral home or cemetery</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Cultural institutions [cemeteries, churches included in other categories]</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dormitories</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drinking and eating establishments</td>
<td>98-832</td>
<td>P(6)</td>
<td>P(6)</td>
</tr>
<tr>
<td>Drive-in restaurants</td>
<td>98-832</td>
<td>C(7)</td>
<td>-</td>
</tr>
<tr>
<td>Drive-in theaters</td>
<td>98-832</td>
<td>C(8)</td>
<td>C(8)</td>
</tr>
<tr>
<td>Drive-through establishments</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Dry cleaning establishments using nonflammable solvents and cleaning fluids as determined by the building official</td>
<td>98-832</td>
<td>P(9)</td>
<td>P(9)</td>
</tr>
<tr>
<td>Emergency feeding establishments (only allowed with INST. FLU)</td>
<td>98-832</td>
<td>-</td>
<td>C(10)</td>
</tr>
<tr>
<td>Equipment sales, storage, rental, leasing &amp; repair, heavy</td>
<td></td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Equipment sales, storage, rental, leasing &amp; repair, light</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Family day care home</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Financial institutions and banks</td>
<td>98-832</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Use</td>
<td>See Sec.</td>
<td>C-NH</td>
<td>C-W</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Flea market, enclosed (inside buildings)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Flea market, open</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Food catering establishment</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Funeral home (this use only allowed in the INST. FLU)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Gas Station</td>
<td>98-832</td>
<td>C (21)</td>
<td>C(21)</td>
</tr>
<tr>
<td>Golf course (including clubhouse)</td>
<td></td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Group quarters (this use only allowed with INST. FLU)</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Guest house</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Health institutions (hospitals and same day surgery with INST FLU)</td>
<td></td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>High-tech facilities with computer simulation (see definition in Ch. 63)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>High-tech facilities for any other research and development</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hotels, motels</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Junkyard</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kennels</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Laboratories, medical and dental</td>
<td>98-832</td>
<td>P(11)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing (heavy) (these uses are allowed in industrial zoning)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Manufacturing (light) (these uses are allowed in industrial zoning)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mental institutions</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mini-warehouse/self-storage</td>
<td>98-832</td>
<td>-</td>
<td>C(12)</td>
</tr>
<tr>
<td>Mixed Use Development</td>
<td></td>
<td>P (13)</td>
<td>P(13)</td>
</tr>
<tr>
<td>Mobile catering kitchen (food trucks)</td>
<td></td>
<td>A (14)</td>
<td>A (14)</td>
</tr>
<tr>
<td>Mobile homes, individual</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mobile home parks and subdivisions</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Motor freight terminal, storage and maintenance facility</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nightclubs</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Offices, medical and dental</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Offices, professional</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor storage , as a principal use</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor sales, storage and/or display areas temporary</td>
<td>98-832</td>
<td>P(14)</td>
<td>P(14)</td>
</tr>
<tr>
<td>Parking garage, principal use</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parking lot, as principal use</td>
<td>98-832</td>
<td>C(15)</td>
<td></td>
</tr>
<tr>
<td>Personal service establishments</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Planned commercial (3 acres or larger of any use)</td>
<td>98-891</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Plant nurseries and greenhouses</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private indoor recreation facilities</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public parks and recreation facilities (only if the site contains INST. FLU)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public and semipublic uses</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utility facilities/sites</td>
<td>98-832</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Puppy mill</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Radio and television broadcasting, telephone, cellular and other types of communication facilities</td>
<td></td>
<td>C(16)</td>
<td>C(16)</td>
</tr>
<tr>
<td>Recovery or treatment centers</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Recreation (indoor)</td>
<td></td>
<td>P (17)</td>
<td>P(17)</td>
</tr>
<tr>
<td>Recreation (outdoor)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Stadiums/sports arena (indoor)</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Recreational vehicle (RV) parks and subdivisions</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Recreational vehicle/mobile home sales, rentals &amp; leasing (new and used)</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling centers</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Residential – Duplex</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential –Single Family Dwelling Unit</td>
<td>98-832</td>
<td>C(18)</td>
<td>C(18)</td>
</tr>
</tbody>
</table>
Section 5. **Procedure and Conditions for Obtaining City Approval**. A food truck (mobile catering kitchen) operator shall follow these procedures for operation of the use. This code shall be amended and read as follows (deletions are indicated in strikethrough, and additions in underline):

**ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS**

DIVISION 1. - GENERALLY
DIVISION 2. - HEIGHT, YARD AND AREA REQUIREMENTS
DIVISION 3. - ACCESSORY STRUCTURES
DIVISION 4. - HOME OCCUPATIONS
DIVISION 5. - FENCES, WALLS, HEDGES AND BUFFERS
DIVISION 6. - MOBILE HOMES, RECREATIONAL VEHICLES
DIVISION 7. - CONSTRUCTION AND SECURITY MOBILE STRUCTURES AND TEMPORARY SALES TRAILERS OR MODULAR UNITS
DIVISION 8. - ADULT ENTERTAINMENT ESTABLISHMENTS
DIVISION 9. - OUTDOOR SALES
DIVISION 10. - COMMUNICATIONS FACILITIES
DIVISION 11. – MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED
DIVISION 12. – MOBILE CATERING KITCHEN (FOOD TRUCK)

Section 98-1401. – Mobile Catering Kitchen (food truck).

Mobile catering kitchens (also known as food trucks) shall be allowed as accessory uses in those zoning districts that allow restaurants, eating and drinking establishments and commercial kitchens. An operational certificate and any applicable building permits to operate are required for the vehicle, whether stationary or not. The following sections provide the regulations for this accessory use when the food truck is permanently located on a site. The definition of a mobile catering kitchen is provided in Section 63-8, Zoning Definitions. Permanency is described as more than 40 consecutive days, or 75 calendar days in a year.

Section 98-1402. – Pilot Program

The City shall enact a one (1) year trial period, with an option to extend, to allow a test program of mobile catering kitchens with these zoning codes and enforcement of requirements. “Operational Certificates” shall only be issued for one (1) year from enactment of this code.

Section 98-1403. Permits required.

(a) Except as otherwise provided in this division, it shall be unlawful for any person to display, sell, offer for sale or in any way invite someone to purchase any food products located outdoors in a permanent capacity without first obtaining a mobile catering kitchen certificate from the City.

(b) An additional electrical permit shall be required for the use of any electrical equipment incident to the mobile catering kitchen. Other permits may be needed as determined by the City’s Building Department.

(c) Temporary food trucks must comply with the requirements in Division 9, Outdoor Sales, Sections 98-1281 through 98-1287.


Food trucks shall not create or become a nuisance, or increase traffic congestion or delay, or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles. In order for a mobile catering kitchen to obtain an operational certificate, the following codes shall be met.

(a) General: All businesses are required to make themselves accessible to people with disabilities under the Americans with Disabilities Act (ADA). Mobile catering kitchens shall provide written consent from the property owner allowing the accessory use on their property.

(b) Fee: $200 per year per truck

(c) Operations:

   i. Size: No food truck shall exceed a length of 18.5 feet or a width of 10 feet, and shall not take up required parking but can be used in excess parking areas.

   ii. Seating: Outdoor seating arrangements shall be adjacent to the food truck in a maximum 200 square foot area (a standard parking space). Exceptions
shall be considered on a case by case basis if an alternative location provides enhanced safety or accessibility. Outdoor seating is not allowed in a road right-of-way and is not allowed to be affixed to trees or traffic signs. Umbrellas and other shading materials used shall be fire retardant or manufactured of fire resistant material.

iii. Audible Advertisements: No audible advertisements shall emit from the mobile catering kitchen.

iv. Power: Electrical power supplied to mobile catering kitchens may be provided by a portable generator with a maximum noise output rating not to exceed seventy (70) decibels as confirmed by the manufacturer’s specifications for that model of generator. The generator shall be capable of operating the refrigerator at 41 degrees or below, and a freezer at zero degrees or below.

v. Water and sewer: A plumbing permit is required if a water service or sanitary sewer connection is made.

(d) Health and Safety:

i. Sanitation: Mobile catering kitchens shall be equipped with a suitable trash container readily accessible to the public, in which the vendor’s customers may deposit any litter, trash or waste related to the vendor’s business. The area shall be neat and orderly at all times and garbage or trash shall be removed each day in an area within a fifty (50) feet radius to the vendor.

ii. Grease disposal: All food trucks shall have a written agreement, with a state licensed facility, for the proper disposal of grease and wastewater available upon request by the City. Under no circumstances may the grease be released into the City’s sanitary sewer system.

iii. Restrooms: All mobile food trucks shall have a written agreement, with a state licensed facility which confirms that employees and customers have access to a flushable permanent restroom within 150 feet of the vehicle during the hours of operation.

Section 98-1405. On Site Placement.

A mobile catering kitchen shall only be permitted as an accessory use to those restaurants, eating and dining establishments, cafeterias, and commissaries on the same property as such other permitted food establishments. The food prepared in a mobile catering kitchen shall be vended in accordance with the requirements in this code.

Section 98-1406. Setbacks and separation distances.

(a) A mobile catering kitchen shall be setback at least ten (10) feet from all property lines and shall not obstruct pedestrians, handicapped access, vision of motor vehicle operators or create other traffic hazards.

(b) A mobile catering kitchen shall maintain a 500 foot distance from all schools, public or private.

(c) A mobile catering kitchen shall maintain a 20 foot distance to all driveway intersections on private property and at least 30 feet to all public road intersections.
Section 98-1407. Prohibited Uses.

(a) There shall be no display, advertising, or detached signs (other than the sign affixed to the food truck) and the single “sandwich” board allowed per each business in the Sign Code.
(b) There shall be no merchandise sales or display, other than inside the food truck.
(c) There shall be no storage of an unused mobile unit; therefore, any permitting mobile catering kitchen shall not remain, parked, stored or inoperable on the principal business property without being utilized as an accessory kitchen.
(d) Mobile catering kitchens shall not operate on vacant property.
(e) The sale of alcoholic beverages is prohibited.

Section 98-1408. Exemptions.

(a) Special events sponsored by the City of West Melbourne shall be exempt from obtaining an operational certificate, however, the requirements in Section 98-1408 are applicable.
(b) Special events approved by the City of West Melbourne shall be exempt from obtaining an operational certificate, however, the requirements in Section 98-1408 are applicable.

Section 98-832. Criteria for Uses in Table 1 (development standards not specified here are located in other chapters of the City’s Land Development Regulations)

(14) Mobile catering kitchen (food trucks) – permanent accessory use
   a. Permits required –
      i. State permit required. A mobile catering kitchen must hold a mobile food vehicle license for a mobile food dispensing vehicle (mobile unit), issued by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.
      ii. City permit required. A mobile catering kitchen certificate issued by the Planning department is required. A mobile catering kitchen certificate allows for a principal business to utilize one mobile unit as a mobile catering kitchen at a time; however, more than one mobile unit may be approved as part of the application and permit process to allow for rotating mobile units to serve the customers of the principal business. Division 12 of Article V in Chapter 98 contains the criteria for the mobile catering kitchens.
   b. Location – A mobile catering kitchen shall only be permitted as an accessory use to a licensed principal business (restaurant, bar, commercial kitchen) with a current business tax receipt on the same property.
   c. A mobile catering kitchen shall be setback at least ten (10) feet from all property lines and shall not obstruct pedestrians, handicapped access, vision of motor vehicle operators or create other traffic hazards.
   d. A mobile catering kitchen shall maintain a 500 foot distance from all schools, public or private.
   e. A mobile catering kitchen shall maintain a 20 foot distance to all driveway intersections on private property and at least 30 feet to all public road intersections.
f. Operations –
   i. **ADA compliance.** All businesses are required to make themselves accessible to people with disabilities under the Americans with Disabilities Act (ADA).

   ii. **Mobile Catering Kitchen Size.** The size of food trucks shall be limited to 18.5 feet long, 10.5 feet tall and 8 feet wide.

   iii. **Sidewalks and Right of Way.** Food trucks are not allowed to dispense products on a public sidewalk or in the right of way nor to set up tables and chairs on a public sidewalk or right of way.

   iv. **Agreement.** The mobile catering kitchen must maintain a written agreement with each property that contains the principal business granting permission to vend at the location and to provide access to toilet facilities for the food service employees.

   v. **Noise.** Amplified noise associated with the mobile catering kitchen is prohibited.

   g. Health and Safety –
   i. **Licenses.** The food truck shall prominently display their licenses from the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.

   ii. **Sanitation.** Mobile catering kitchens shall be equipped with a suitable trash container readily accessible to the public, in which the vendor’s customers may deposit any litter, trash or waste related to the vendor’s business. The area shall be neat and orderly at all times and garbage or trash shall be removed each day in an area within a fifty (50) feet radius to the vendor.

   iii. **Grease disposal.** All food trucks shall have a written agreement, with a state licensed facility, for the proper disposal of grease and wastewater available upon request by the City. Under no circumstances may the grease be released into the City’s sanitary sewer system.

   iv. **Restrooms.** All mobile food trucks shall have a written agreement, with a state licensed facility which confirms that employees and customers have access to a flushable permanent restroom within 150 feet of the vehicle during the hours of operation.

**Section 6. Inclusion in the Code.** It is the intention of the City Council of the City of West Melbourne that Sections 3, 4 and 5 of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances. Any section, paragraph number, letter
and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected.

**Section 7. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 8. Conflict with Other Ordinances.** The provisions of this ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

**Section 9. Effective Date.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of West Melbourne, Brevard County, Florida, this ___ day of March, 2020.

_______________________________
HAL J. ROSE, MAYOR

ATTEST:

_______________________________
CYNTHIA HANSCOM, CITY CLERK

Reviewed as to form and legal sufficiency:

_______________________________
Morris Richardson, City Attorney

1st READING: ___ 2020
2nd READING: ___ 2020
2020 Food Truck References

1. Florida Department of Business & Professional Regulation – 2019 (see attached)
2. City of Melbourne code – (see attached)
3. American Planning Association–Planning Quick Notes 49
4. Plannersweb.com – Eating on the Go Mobile Food Trucks
5. Institute for Justice – Food Truck Freedom: How to Build Better Food Truck Laws in your City
7. Maine Law Review - Hungry Industry on Rolling Regulations: A Look at Food Truck Regulations in Cities across the United States
8. City of Hollywood Mobile Food Dispensing Permit
9. City of Leesburg Mobile Vendor Permit Application
10. City of Mascotte Mobile Food Trucks Vendor Permit
11. City of Orlando Mobile Food Vendor FAQs
12. City of Pensacola Proposed Food Truck Ordinance
<table>
<thead>
<tr>
<th>City</th>
<th>Where are the trucks allowed? Are there buffers?</th>
<th>What are the days and hours trucks are allowed?</th>
<th>Permits: what is required? Are they limited? What is the application process like?</th>
<th>What are the operational requirements or restrictions?</th>
<th>How are these regulations enforced?</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacksonville, FL</td>
<td>Only where zoning is commercial or industrial, and must be located in the City right-of-way. Buffers include: 300' from property line of an established business selling a similar product, 10’ from any driveway, 15’ from crosswalk or building exit, 20’ from a bus stop, 75’ from another vendor, 10’ from a fire hydrant</td>
<td>Vending is allowed between 11PM and 3PM downtown, and must be approved with application otherwise</td>
<td>A Non-Specified Vending Area Permit is needed to vend anywhere in the City; Applicants must submit: a vending location; a menu; days and hours of operation; a site plan; current zoning of the proposed lot; proof of Drivers Insurance; an Occupational License; a Health License; General Liability Insurance ($200,000)</td>
<td>The cart must be self-contained; the vendor is responsible for all litter and trash within 15’ of the cart; no more than 2 accessory containers are allowed and they must be placed within 3’ of the cart; no selling merchandise to a vehicle occupant; no obstructing more than half the width of the City sidewalk</td>
<td>Citations will be issued by the Downtown Development Authority to vendors who do not comply with the ordinance</td>
<td>The City is not clear on legislation and rules concerning food trucks, and enforcement is erratic</td>
</tr>
<tr>
<td>Tallahassee, FL</td>
<td>The City designates public property sites and streets that can accommodate food trucks; not more than 2 vendors of similar food products will be permitted in close proximity</td>
<td>Applications for permit will indicate the requested hours of operation, and must be approved; the vendor is not permitted at the same location for more than 60 consecutive days</td>
<td>Permits are issued on a first-come, first-served basis; applicants must submit: a list of requested vending locations in order of preference; proposed days and hours of operation; a copy of current Business/Occupational License; a copy of a State Business License; a photograph of the vending unit/vehicle; a copy of insurance (minimum $1 million); applications are reviewed by the Downtown Development Authority and Parks and Recreation</td>
<td>The vendor is responsible for the daily management of waste; operation during a special event requires a special event permit; the area of usage will be determined at the time the permit is issued; the use of generators are not permitted; the vehicles will be moved overnight; there will be no selling of alcohol, nor use of an amplified speaker</td>
<td>Operating without a proper permit or in violation of the ordinance may result in fines; the City Manager may revoke a permit of an operation that does not serve the public’s best interest, if the vendor does not pay fees, or if the vendor fails to comply with policy requirements</td>
<td>Restaurant owners like that there are restrictions on where food truck parking is allowed, and it provides for less encroachment upon brick and mortar establishments</td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Panama City Beach, FL</td>
<td>Privately-owned, non-residential properties with permission of the property owner</td>
<td>Trucks are allowed during Special Events only</td>
<td>Need a Special Events permit and a Portable Food Vending license; must submit a site plan showing setbacks and sanitary facilities; must have a consent letter from the property owner; must have proof of Business Tax Receipt; must submit a sanitation plan</td>
<td>There must be a restroom available on site; all non-permanent structures must be removed 7 days after the event ends; permits must be visibly displayed; the vendor cannot take up any required parking of the existing use</td>
<td>Special Events are the responsibility of the Chief of Police, the Fire Chief, and the Director of Medical Services</td>
<td>Not specified</td>
</tr>
<tr>
<td>Pensacola, FL (ordinance is under construction)</td>
<td>Trucks can park anywhere on public property as long as they are legally parked and not obstructing traffic; trucks can park on vacant private lots that are adjacent to an existing brick and mortar</td>
<td>Not specified</td>
<td>Vendors must have a business license, a Seller’s permit, a Tax ID, and a Health Certificate; there is no application as of yet</td>
<td>Private lots – units shall be connected to the sewer system and have a grease trap, permanent restrooms will be provided via the adjacent property; 1 customer seat is allowed per foot of mobile unit; there is a maximum of 4 units per site, all of which must have the same design and color consistency; generators are not allowed; the units shall not occupy more than 25% of the lot</td>
<td>Inspections by Code Enforcement</td>
<td>Private lots are being used by the adjacent brick and mortar to expand their businesses in a more cost-efficient manner</td>
</tr>
<tr>
<td>Largo, FL (proposed)</td>
<td>Private, non-residential property; no more than 2 vendors are allowed per lot</td>
<td>Daily hours of operation are 6AM-3AM, and the trucks must move when business hours are over</td>
<td>15 permits are issued annually and with annual renewal; applicants must submit a site plan, required licenses, and permission from the property owner to allow patrons to use the restrooms</td>
<td>Permits must be attached to the vehicle; the vendor shall adhere to principal setbacks; waste shall be disposed of properly; the vendor will not take up required parking for the existing use; no alcoholic beverages, no amplified noise</td>
<td>Permits will be revoked if a health violation has not been corrected by the next inspection</td>
<td>The ordinance was put on hold, with concerns that food trucks are a trend, that 15 permits is too many, that the hours of business are too relaxed, that permit fees are not enough, that food trucks have an unfair advantage over brick and mortar</td>
</tr>
</tbody>
</table>
## Mobile Food Vending Research

<table>
<thead>
<tr>
<th>City</th>
<th>Where are the trucks allowed? Are there buffers?</th>
<th>What are the days and hours trucks are allowed?</th>
<th>Permits: what is required? Are they limited? What is the application process like?</th>
<th>What are the operation- al requirements or restrictions?</th>
<th>How are these regulations enforced?</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Lauderdale, FL</td>
<td>Private, non-residential property; must be 500’ from any school or church within 1 hour of school/church opening and within 1 hour of church/school closing, and 25’ from any intersection</td>
<td>Not specified</td>
<td>Need mobile vendor license, health department certificate; applicants must submit: permission from the property owner; a site plan; public restroom availability; on-site parking availability; proof of insurance coverage ($300,000); a menu; photographs of any equipment to be used</td>
<td>Licenses must be displayed at all times; must have a litter receptacle and dispose of all trash; no advertising except the name of the vendor and a menu; no vending in metered spaces; can’t sell anything that is not licensed; can’t increase the selling or display capacity of the vehicle; no motioning to vehicles on the street</td>
<td>The Planning, Zoning and Building Department is responsible for enforcement</td>
<td>Residents are happy with the current food truck trend, although they are mostly experienced through special events</td>
</tr>
<tr>
<td>Miami, FL</td>
<td>Private non-residential property, shall be located 20’ from property line of a residential use</td>
<td>Weekdays 7AM-10PM; Weekends 7AM-11PM; Operations may be open until 1AM where there is no residential area within 1000’</td>
<td>A Certificate of Use (CU) must be obtained for each MOFSE (special event) site on an annual basis. Applicants must submit: a copy of the required State license for Food Service Establishments; sign off from Miami PD; site plan; signature of approval from 80% of residents within 1000’ of the location</td>
<td>Vendor must provide consent letter of property owner; no alcohol; no sound amplification; signs must be fixed to the vehicle; special events are limited to 1 per week in the same location; no traveling mobile operation may be permitted on each site that contains a minimum of 10,000 sq. ft.</td>
<td>Violations are mostly complaint-driven; trucks operating outside of a special event may only stop to make a sale, violation results in $500 fine; the Special Events Director has the authority to revoke the permit if it is found that a truck is operating in a manner not consistent with the representation made in the application package</td>
<td>Food truck regulations have only recently been put into legislation, due to setbacks from brick and mortar restaurants, who for the most part do not back food trucks</td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Marathon, FL</td>
<td>Developed non-residential private property, and City right-of-way</td>
<td>Private lots-not to exceed 2 consecutive hours in a 24-hour period, and cannot remain in the right-of-way for more than 10 minutes</td>
<td>The vendor shall obtain all necessary permits, licenses and inspections are required by the City; must have written consent of a property owner for permit applications</td>
<td>The unit must be removed from the site at the end of every business day; vendor shall provide trash receptacles; shall leave the site in a clean state at the end of each business day; when located on private property, must be of a legally operating permanent business; shall not damage landscaped areas or block sight distances for drivers</td>
<td>Not specified</td>
<td>Residents and mobile vendors have expressed concern that new vending time restraints are extreme</td>
</tr>
<tr>
<td>State of Florida</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Permit approval is contingent upon the verification of an approved commissary facility</td>
<td>Must be capable of visiting the commissary each day of operation; single-service articles for use only; food products and supplies must be stored at commissaries; waste must be disposed of properly; cannot provide seating for customers; no homemade food items shall be provided</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
</tbody>
</table>

Residents and mobile vendors have expressed concern that new vending time restraints are extreme.
<table>
<thead>
<tr>
<th>City</th>
<th>Where are the trucks allowed? Are there buffers?</th>
<th>What are the days and hours trucks are allowed?</th>
<th>Permits: what is required? Are they limited? What is the application process like?</th>
<th>What are the operational requirements or restrictions?</th>
<th>How are these regulations enforced?</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles, CA</td>
<td>Allowed in public parking, but vendors have to follow parking rules and pay the meter.</td>
<td>Not specified</td>
<td>Operators need a Public Health License; a parking permit is required. Applicants must submit: a Business License; food service wastewater report; site plans; health inspection approval; Commissary agreement.</td>
<td>Certification sticker must be fixed to unit; must have a certified Food Handler on staff; there must be a restroom within 200' if parked for more than 1 hour; commissary is required in order to buy food and supplies; both the commissary and the food truck will receive letter grades, and those below 70% will be shut down.</td>
<td>Street Vending Compliance Program: a team of 10 inspectors who investigate public complaints concerning food trucks.</td>
<td>The proposition will build upon the public's current understanding of the restaurant grading program and will provide a means of distinguishing between permitted and non-permitted MFF.</td>
</tr>
<tr>
<td>Portland, OR</td>
<td>Located mostly in pods, which are surface parking lots of former vacant lots that provide space for multiple carts in the Business District; Trucks and carts must be at least 100' away from an established restaurant or fruit and vegetable market</td>
<td>Vending is permitted from 6AM to 10PM</td>
<td>Operator must have a Food Vendors License. Applicants must submit: a certificate of insurance; 2 photos of the vending mobile; base operation location; a menu; proof of insurance ($1,000,000).</td>
<td>All items must be vended from a regulation size cart; services shall involve a short transaction period; items must be easily carried by pedestrians; must receive approval from the County Health Department; vehicles and carts must be mobile, but there is no requirement for them to move; vendors must display permit on vehicle; vendors must pick up all litter within 25' of conducting business; services shall not lead to or cause pedestrian traffic; shall not cause undue noise or offensive odors.</td>
<td>Enforcement is complaint-driven; the City offered a 30 day timeout during which any unpermitted structures could be brought up to code or taken down without citation; the City Engineer may revoke/suspend permit if: (1) Vendor has violated or failed to meet any of the ordinance provisions; (2) If the cart has become detrimental to surrounding businesses and/or the public; (3) If any required permit has been suspended, revoked, or cancelled; (4) Or if the permitted does not have a currently effective insurance policy.</td>
<td>Food carts/trucks are seen as an easy business opportunity; food carts/trucks can also be a community asset to neighborhoods by providing fresh and local produce; this has led to other pop-ups that are not just food related, such as vintage clothing, bike repair, and tailoring.</td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>-----------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Raleigh, NC</td>
<td>Conditional use allowed within commercial districts; must be 100’ away from an established restaurant; 50’ from another vendor; 5’ from driveway, sidewalk, or emergency access; 15’ from fire hydrant</td>
<td>6AM to 3AM; limited to 7AM to 10PM if located 150’ away from any residential dwelling</td>
<td>Permits are required from both the truck owner and the property owner, and must be renewed annually. The vendor applicant must submit: Business License; commissary location; County Food Vending Permit; Sales and Use certificate; copy of vehicle registration; location of grease disposal facility. The property owner applicant must submit: Business license; total acres of parcel and site plan; number of food trucks requested</td>
<td>Will not be left overnight; the vendor is responsible for waste disposal and trash; all equipment required shall be within 3’ of the truck; all permits and licenses shall be clearly displayed on the food truck; the operator must be present at all times, except in case of an emergency; no free-standing signage; no audio amplification; outdoor seating permitted only on lots greater than 2 acres; shall not occupy required parking for the existing use</td>
<td>If the Wake County Environmental Services revokes or suspends the issued Food Vending Permit, the permit from the City is revoked simultaneously; if there is evidence of improper disposal of waste, the permit will be revoked; penalties for violating the ordinance—first offense: $100; second offense: $300; revoked after the 3rd offense</td>
<td>Mixed results: food truck operators welcome the ordinance, while restaurant owners are worried about their business, and would prefer for food trucks to not set up downtown. The City Council will review the results of the ordinance in 6 months</td>
</tr>
<tr>
<td>Asheville, NC (proposed ordinance)</td>
<td>Food sales must occur from a private permitted parcel, 10’ spacing is required between mobile vendors</td>
<td>Closed between 2:30AM and 6AM</td>
<td>Permits must be obtained for both the parcel and the vendor; the vendor permit must be linked with an existing restaurant or commissary; the number of permits for vendors is limited downtown. Parcel applicants must submit a site plan for the parcel. Vendor applicants must submit compliance with Health Department regulations</td>
<td>The unit must leave the site each day for cleaning and storage; up to 5 mobile units are allowed on a single parcel; permits must be displayed on the vehicle; no roaming and vending is permitted; signage is allowed, but unlimited; if more than 1 site is requested in the application, then a separate permit is required</td>
<td>Not specified</td>
<td>Vocal and politically connected restaurants are trying to push back the ordinance; tourism officials say truck vendors will cheapen the &quot;Foodtopia&quot; brand that has been built around local brick and mortar establishments</td>
</tr>
<tr>
<td>City</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Houston, TX</td>
<td>The Mobile Food Unit must first be inspected by a health officer; vendors must also have a Food Dealer's Permit. Applicants must submit: address of the location at which the unit is stationed when not in use; business name and address of the commissary; description of Mobile Food Unit (make, model, registration)</td>
<td>The business name must be permanently affixed on 2 sides of the unit; a garbage can must be provided for patron use, to be attached to the unit; hand washing sink is required; a lighting plan is required; the Mobile Unit Operator must give written notice within 24 hours of adding a location to his/her route; single service article use only; menu changes must be submitted to the Health Department; cannot display the selling capacity of the vehicle; cannot provide a dining area</td>
<td>The Director of Health and Human Services Department may suspend a permit (with hearing) if the operation is a public health hazard; a medallion to operate a Mobile Food Unit may be revoked for up to 180 days if: (1) The permit holder interferes with health inspections; (2) If there are serious and/or repeated violations; (3) If the permit holder has not reported an accident within 24 hours</td>
<td>Unity between mobile food vendors and the Houston Restaurant Association is needed for food trucks to survive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco, CA</td>
<td>Separate permits are required from the Public Works Director, the Health Department, and the Fire Marshal, all with annual renewal. Applicants must submit: address of where the vehicle is stored during non-operational hours; description of the vehicle; picture of the permit applicant; a menu; specific locations of activity; proposed hours and days of operation. In no case may a single vendor have more than 7 Mobile Food Facility Permits</td>
<td>Any permits issued are not final until the vendor has obtained a Certificate of Sanitation and approval from the Fire Marshal within 3 months; proper storage and disposal of debris/garbage shall be provided; noise/odors shall be contained within the immediate area so as not to be a nuisance; employees of the Mobile Food Facility shall pick up trash left over 30 minutes after closing, within a 100' radius.</td>
<td>Permit may be suspended/revoked by the Director of Public Works if: (1) The Mobile Food Facility is selling product similar to a previously established business within 200'; (2) if the Mobile Food Facility has not operated in location for 6 months; (3) If the Mobile Food Facility is a public nuisance. Any person who shall violate any of the provisions of the ordinance shall be guilty of an infraction at each location where such violation occurs. First violation: $100; second violation: $200; third violation: $500</td>
<td>Legislation is in the works to decrease the allowable distance from schools; there are issues concerning healthy food options and obese children; brick and mortar restaurants want to protect their profitability</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Mobile Food Vending Research

<table>
<thead>
<tr>
<th>City</th>
<th>Where are the trucks allowed? Are there buffers?</th>
<th>What are the days and hours trucks are allowed?</th>
<th>Permits: what is required? Are they limited? What is the application process like?</th>
<th>What are the operational requirements or restrictions?</th>
<th>How are these regulations enforced?</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Antonio, TX (pilot program)</td>
<td>Allowed on 3 designated sites that are located Downtown. Parking is prohibited within 50’ of an intersection</td>
<td>HemisFair Park: Weekdays 11AM to 2PM. Historic Civic Center Annex: Weekdays 11AM to 2PM. Maverick Park: Thursdays 6PM to 9PM. Other locations and times must be approved by the City</td>
<td>Vendors must obtain a Downtown Mobile Food Truck Permit from the Downtown Operations Department; vendors must have all the required San Antonio Metro Health permits for a food establishment. Applicants must submit: Sales and Use Tax Permit ID number; a menu; color photos of the truck and its dimensions; completed criminal background investigation; must notify downtown operations of all employees; location of the approved site; location of available restrooms. Participants are selected based on food redundancy</td>
<td>All trucks will remain at the fixed location on the approved day and times as per the permit; vendors must remove their supplies, food truck, and equipment from the Downtown area at the end of each business day; waste and litter shall be disposed of safely and properly by the vendor; the vendor shall comply with any corrective actions asked by a Health Officer; the vendor shall make the truck available for inspection any time the unit is on public property; no alcoholic beverages; liability insurance must be purchased after application is approved ($500,000); no loud speakers or amplified noise</td>
<td>The Committee that selects participants is made up of representatives of the Center City Development Office, Downtown Operations Department, the City Manager's Office, San Antonio Police Department, Metro Health, and the San Antonio Restaurant Association; the permit will not be given if the applicant is a registered sex offender; the permit will be revoked if the vendor transfers their permit rights; the San Antonio Police and Park Police will enforce codes in the CBD; Violations include not adhering to sound restrictions, solicitation, queuing and hawking laws and regulations</td>
<td>Food truck operators believe that the City and restaurant owners were previously working together to push food trucks out of downtown</td>
</tr>
</tbody>
</table>

| Austin, TX | Restricted from City property unless authorized by a rental agreement and written permission of the Parks and Recreation Director is obtained. Parking is prohibited within 50’ away from dwelling | Operation is prohibited between 3AM and 6AM | Permits are approved by the Health Authority. Applicants must submit: license number and type of vehicle; proof of sales/tax use; schedule; statement of use of central preparation facility | Must follow noise ordinance; Fire and Explosion Safety Standards; must use single service utensils; vehicle must be readily movable; if at a location for more than 2 hours, there must be restroom facilities within 150’. No non-food items, or not described in the permit; no seating for patrons is to be provided; alterations, removals, attachments, placement, or change that reduces mobility is prohibited | The Health Authority may suspend a permit if: (1) There is false information on the application; (2) If an employee is infected with or carries a communicable disease; (3) If the continuation of the establishment is a threat to public health; (4) If the Mobile Food Establishment violates a Health Authority code | Operators welcome more regulations so that competition is fair and the City can rise above problems and prevent accidents. Issues between truck vendors, and concern is to balance safety/health concerns and the ability of the vendors to provide services |
## Mobile Food Vending Research

<table>
<thead>
<tr>
<th>City</th>
<th>Where are the trucks allowed? Are there buffers?</th>
<th>What are the days and hours trucks are allowed?</th>
<th>Permits: what is required? Are they limited? What is the application process like?</th>
<th>What are the operational requirements or restrictions?</th>
<th>How are these regulations enforced?</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Orleans, LA</td>
<td>Not allowed in CBD or French Quarter. Parking is prohibited within 600' from an established restaurant; trucks cannot stop at one site for more than 30 minutes</td>
<td>Vending is prohibited from 7PM to 7AM daily</td>
<td>Orleans Parish allocates 100 mobile vending permits annually. Applicants must submit: Business application; must pass fire and health inspection</td>
<td>The permit must be conspicuously displayed at all times; cannot impede vehicular or pedestrian traffic; all vendors must comply with City and State health laws and shall make Sales Tax return reports. During Mardi Gras, it shall be unlawful for a food vendor to sell in front of an existing brick and mortar establishment, cafeteria, or public school. No sales shall be permitted at any other location other than that determined by the Department of Street Rules and regulations will be enforced by the 8th District of the New Orleans Police Department under the supervision of the Downtown Development District (DDD); DDD will make quarterly reports to the City Council regarding enforcement activities; the DDD shall also report infractions to the Director of Finance, who shall take appropriate action as authorized under the terms of the ordinance</td>
<td>Vendors want to help rewrite the ordinance. They want: CBD access, a 300' distance from an established restaurant, expansion of hours of operation, more time allowed in one location, and an increase in the number of permits</td>
<td>Concerns that the Downtown Core is not concentrated enough to make it profitable. The public thinks trucks will be good for the late-night bar scene</td>
</tr>
<tr>
<td>Dallas, TX</td>
<td>May be located on public or private property in the Downtown CBD; may also be located on private property outside the CBD</td>
<td>Not specified</td>
<td>Operators must receive a permit provided by the Restaurant and Bar Inspection Division. Applicants must submit: license and proof of insurance; a signed commissary form; a registered food service manager certificate; An itinerary consisting of stops and schedules that are accurate within 30 minutes; a menu; provide restrooms where stopped for vending; agreement from property owners of vending locations</td>
<td>The cab must be physically separated from the food prep area; must be equipped with a built in hose to wash the interior of the vehicle; ventilation systems must meet Fire Department requirements; adequate lighting must be provided for and properly shielded; owners must have a commissary form. Cooking will not be conducted while the vehicle is in motion; must park only on improved surfaces; only fast-cooked food items may be prepared on the vehicle; fryers will be covered while the vehicle is in motion</td>
<td>Enforced by the Restaurant and Bar Inspection Division, the Director of which may impose additional restrictions to protect against public health hazards</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Boston, MA</td>
<td>Routes of operation have been developed throughout the City, in which the food truck operators must apply for a route. Trucks must be parked within 500' of restrooms and hand washing facilities.</td>
<td>A route with hours of operation at each stopped location must be approved in order to receive the required permits.</td>
<td>Permits are required; numbers are limited by the Committee, made up of Public Works, Transportation, Inspectional Services, Police, Fire, Director of Food Initiatives, and Assessing Department. Applicants must submit: proposed business plan; proposed service route and hours of operation; certification that the vehicle has passed fire and inspection requirements; proof that the truck will be serviced by a commissary; certification of Insurance, in which permits will be issued for only the effective insurance dates.</td>
<td>Must use single-service utensils and articles; must provide a waste container for public use, to be emptied at the operator's expense; an accurate log of service trips to the commissary must be kept (at least twice daily); must have a permanent GPS located in the vehicle; permits are not transferrable. No operator of a mobile food truck shall park, stand, or move where unauthorized; no permit holder can keep their permit for a truck that is out of operation for more than 14 days (without approval); no dining area is allowed unless approved; no excessive noise; the truck cannot be parked on the street overnight; no more than 10% of the total permits distributed or 5 permits, whichever is greater, may be issued to a single person or business entity.</td>
<td>Any truck being operated without a valid Mobile Food Truck Permit shall be deemed a public safety hazard and may be ticketed/impounded; a truck operating outside of an approved route/authorized location/beyond hours is subject to enforcement; a permit holder operating in violation of any rule or regulation is subject to a fine of $300 per day. Each violation shall be a separate offense; a permit can be suspended for a maximum of 3 days without notice or hearing if it is in violation of public safety and health; enforced jointly by the Police and Transportation Department.</td>
<td>Concerns with delays in getting licenses.</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>Prohibited in certain districts in the Downtown Core. The unit must be at a 200' distance of any establishment that offers similar service; a 100' distance from any food establishment without owner consent.</td>
<td>Must provide a sample route map for 5 business days, complete with times and length of stay at each stop, to be approved by the City.</td>
<td>Applicants must submit: a plan of Mobile Food Facility; Health department approval; Name/address of commissary.</td>
<td>Must be operated from a licensed commissary, and must be cleaned and serviced twice daily, as well as stored there; single service utensils only shall be used; hand washing sink and running hot water is required; all licenses must be posted conspicuous place. No food that is sold or served can be stored in a residential home; no seating for customers.</td>
<td>The Board of Health has the authority to enact rules and regulations for the effective implementation; any person who violates provisions shall be fined; Fines range from $50-$500 for each offense.</td>
<td>The proposed bill is stuck, as the area's brick and mortar establishments believe that trucks have an unfair advantage, that they hurt the City's celebrated restaurant scene, and have voiced health concerns.</td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Virginia Beach, VA</td>
<td>No person shall peddle food from a cart, wagon, truck, automobile, basket, or tray within 300 ft. of 2 or more retail businesses</td>
<td>Operation between 9AM and 9PM is prohibited</td>
<td>Required Service Manager's Certificate and Food Service Establishment Permit. Applicants must submit: commissary location; location of stops; a menu; liability insurance of at least $100,000 for personal injuries</td>
<td>Holder of a valid Service Manager's Certificate must be present a minimum of 8 hours per operating day; certification must be displayed; the vendor must notify the Health Department if there are any changes to the menu, hours of operation, or months of operation. The vehicle operator shall not stop the vehicle to dispense food items on any street above with speed limits above 25 mph</td>
<td>The Director of Public Health is responsible for enforcement; any violations are considered a misdemeanor and are subject to a $1,000 fine; each day a violation exists shall constitute a separate offense</td>
<td>Not specified</td>
</tr>
<tr>
<td>Washington, D.C. (zone proposal)</td>
<td>Vending locations are approved by the DOT Director that meet the standards of locations on streets, sidewalks, and other public spaces. Zones include: the Central Vending Zone, Neighborhood Vending Zones, the Old Georgetown Vending Zone, and the Nationals Park Vending Zone. The trucks can pay the parking meter and must leave when the meter runs out</td>
<td>Sunday-Thursday: 5AM to 10PM. Friday: 5AM to 1AM. Cannot operate past 10PM in residential communities</td>
<td>Vending Business Licenses; approved site permits; Health Inspection certificates; Food Protection Manager Certificate. Applicants must submit: plan review with Health Department (equipment and food); submit vending application and depot letter to the Health Department; DCRA license</td>
<td>The vendor will obey all posted traffic and parking signs; must have a fire extinguisher on board at all times; permits shall be openly posted on the vehicle; at least 1 employee must be vendor certified; vendors are responsible for their own waste disposal, and must provide a garbage receptacle for their patrons. Truck size must conform to 18.5' long, 10.5' tall, and 8' wide; no advertising is to be utilized, other than the name of the business and the menu; no vendor shall park where not assigned nor impede the pedestrian pathway</td>
<td>A person violating any provision of the ordinance may be issued a civil infraction. Any fines issued may be in addition to the revocation or suspension of a vendor's Business License or Site Permit. District of Columbia Public Works has created a team to crack down on vehicles that exceed the 2 hour meter limits</td>
<td>The zone proposal could reduce over-saturation of vendors in certain areas, although this does not address time limit issues.</td>
</tr>
<tr>
<td>City</td>
<td>Where are the trucks allowed? Are there buffers?</td>
<td>What are the days and hours trucks are allowed?</td>
<td>Permits: what is required? Are they limited? What is the application process like?</td>
<td>What are the operational requirements or restrictions?</td>
<td>How are these regulations enforced?</td>
<td>Concerns</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
<td>------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Chapel Hill, NC</td>
<td>Privately owned non-residential property, allowed on streets and sidewalks; permitted for special events. Must be 100' away from an established restaurant during the restaurant's hours of operation; must be located 15' away from any fire hydrant, driveway entrances, landscaping, site triangles, alleys, handicap accesses, and tree trunks</td>
<td>The hours of operation are to be approved in each individual application</td>
<td>Operators must have a valid Chapel Hill Business License; if operating on private property, the property owner must acquire a Zoning Compliance Permit. Applicants must submit: vending location; current principle use of the property; operation days/hours of the existing business and proposed vending; location of commissary restaurant; site plan; Fire department sign-off; other plans (lighting, noise, signage)</td>
<td>Grease will be disposed of properly at the commissary location; must have a fire extinguisher on board; the noise level must comply with noise ordinances; a trash receptacle shall be provided for customers; vendors shall comply with all Retail Sales Tax regulations, including Food and Beverage Tax. No temporary potable water connections are allowed; no taking up parking spaces of existing use; a food truck vendor shall not operate the food truck as a drive-in window; no signage is allowed</td>
<td>Permit may be revoked if the vendor violates any provisions in the article; the Town Manager may revoke the permit if they determine the vendor operations are causing parking, traffic congestion, or litter problems. Any violations constitute a civil violation ($50 fine), each day that a violation continues constitutes as a separate violation. Enforcement by a code enforcement officer</td>
<td>The high cost of permits will keep vendors away. The costs also give the impression that food trucks are not welcome in Chapel Hill</td>
</tr>
<tr>
<td>Nashville, TN (pilot program)</td>
<td>Permitted only in specific zones, designated by signs; also allowed on private property with landowner permission. Buffer from 150' of brick and mortars; 20' from any structure built of combustible materials; 15' from any fire hydrant, fire escape, bus stop, intersection, driveway, or doorway. Parking is prohibited within a block of a school during school hours</td>
<td>Operation within the public right-of-way is prohibited between 3:30AM and 6AM</td>
<td>Operators must have a Mobile Food Vendor Permit. Applicants must submit: vehicle registration and photographs; a menu, site and unit plans; hours of operation; health permit; equipment list and proof of wastewater discharge; fire department check and approval; consent of the property owner; Business license copy, tax ID; solid waste/recycling plan</td>
<td>Must display permit on the vehicle; must obey noise and nuisance laws; must supply sufficient trash and recycling, and dispose of it themselves; must move vehicle outside of posted times; must park in the same direction as traffic and feed parking meters. The truck shall not obstruct sight distance for drivers; it cannot be fixed or drilled into place; there will be no dining area; food and beverage for sale only; for the program purposes, vending in the right-of-way is permitted only in specific zones that are identified by signs</td>
<td>Enforced by the Metropolitan Traffic and Parking Commission. Permit will be suspended/revoked if: (1) Misrepresentation in the permit application and in the course of conducting business; (2) Conducting business contrary to permit conditions; (3) Public nuisance; (4) If Health Department doesn't give authorization. Fines- first offense: $250; second offense: $350; third offense: $500; fourth offense: $500</td>
<td>The program is helpful to designate where and when food trucks can park</td>
</tr>
</tbody>
</table>
What is a Mobile Food Dispensing Vehicle License?

A Mobile Food Dispensing Vehicle license is a vehicle mounted food service license where the vehicle has adequate hand washing and dishwashing facilities, food protection, refrigeration, power and plumbing system. A MFDV operator performs food service activities inside the vehicle like food storage, cooking or preparation of food and dishwashing.

Basic Requirements

- Be a vehicle
- Be mobile – can move
- Have protection from the elements and vermin – walls, ceiling, floor
- Have dishwashing capacity – a 3 compartment sink
- Have a separate hand sink
- Have equipment to keep food at safe temperatures – refrigeration/steam tables
- Have power to keep the equipment running – a generator or temporary connect to electricity
- Have a plumbing system that allows you to wash dishes and hands while operating
- Have either a water and sewer location or a commissary

continued…

With an MFDV license you are fully able to drive place to place throughout the state and your menu is limited to what your equipment can prepare. You also can offer catering services and are a licensed food service so can operate at a 1-3 day temporary event without having to pay a temporary event fee.

What is a Self-sufficient MFDV?

A Mobile Food Dispensing Vehicle operator that can perform all food activities inside the vehicle, like storing food, preparing food and dishwashing, is self-sufficient. If later the operator were to expand operations beyond the unit’s capacity then they may need a commissary for storage or to conduct additional food preparation.

What is a Commissary?

The word ‘commissary’ has a lot of different meanings in common use. For Hotel & Restaurants (H&R) though ‘Commissary’ has a specific meaning.

Commissary Definition: A Florida Department of Agriculture and Consumer Services (FDACS) permitted or H&R licensed food service. Any FDACS permitted or H&R licensed food service can provide commissary services for your mobile.
**Exception** – If the Commissary you want to use is on a septic system the county Department of Health (DOH) would have to approve the system for increased use. This also applies to any water/sewer locations used by a MFDV.

**Do I Need a Commissary?**

Generally a commissary is used to store bulk foods, conduct food preparation and store and wash utensils. Self-sufficient MFDVs may choose not to utilize a commissary if all food activities are performed inside the vehicle. The requirements are that MFDV operators will use the commissary as needed to perform routine food service activities.

**What is a water/sewer location?**

If the vehicle is Self-sufficient, the one thing it won’t have is a permanent connection to utilities (if it did it would no longer be mobile). A location to properly fill and empty the holding tanks is required. In general, just about any commercial location (not a private home) that has municipal water and sewer can accept restaurant wastewater. For example, it is common for truck stops to be used.

**Exception** – If the water/sewer location is permitted by DOH, such as a school or fraternal organization or bar, then the Department of Health would be the permitting agency for the mobile unit.

**Exception** – If the location is on a septic system the county Department of Health (DOH) would have to approve the system for increased use. This also applies to any other water/sewer locations used by a MFDV. For this reason we recommend using a location that is on municipal water/sewer.

**Steps to acquiring an MFDV License**

There are generally three steps to acquiring a food service license with the division:

- Complete plan review (if required)
- Apply for a license and pay the license fee
- Schedule and pass the licensing Inspection

**Note:** Steps 1 & 2 can be completed using a single application for License and Plan Review [HR 7031-Application](#).

**Acquiring an existing licensed vehicle and no changes are made:**

No plan review is required if the vehicle is already licensed by the division and no changes were made. Get the license number of the mobile and verify it’s currently licensed by searching [here](#). Save the license number, it will be needed for the application. When you are ready apply online or complete the [HR 7007-Application](#) and mail it in with the appropriate fees.

**Licensing a new vehicle or acquiring a vehicle and changes are made:**

Plan review is required if the vehicle has never been licensed by the division, has been closed for more than one year, or has been remodeled. The following documents must be submitted with a plan review application: plan, menu, and proof of connection to approved water and sewer for
either the commissary or water/sewer location. When you are ready to apply complete the HR 7031-Application, or use the online system, or email the completed application to dhr.planreview@myfloridalicense.com. For more details about plan review visit the plan review web page.

**Opening Inspection**

All new licensees are required to pass a sanitation and safety inspection prior to opening. After meeting all requirements of the plan review and submitting your license application and fees, check your approved plan review packet for Inspector contact information or contact the department at 850.487.1395 to schedule an opening inspection. For more information about inspections view the inspections page.

**Requirements**

Once licensed, operators must meet and maintain all applicable standards of a public food service establishment as provided in rule, code and statute. Conduct all food storage and food preparation operations in an approved, licensed food service establishment. **You may not conduct food operations in a private residence.**

Division personnel inspect as often as necessary for enforcement of the provisions of law and rule, and the protection of the public’s health, safety, and welfare. MFDV operators must permit division personnel right of entry at any reasonable time to observe food preparation and service. If necessary, division personnel may examine records of the unit to obtain pertinent information regarding food and supplies purchased, received or used.