

Section 158.217 Zoning Text Amendment – Mobile Food Trucks
City of Port St. Lucie Text Amendment
P24-188

SUMMARY

Applicant’s Request:	A City initiated text amendment to Section 158.217 regarding Mobile Vending Sales, Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens.
Applicant:	City of Port St. Lucie
Location:	N/A
Project Planner:	Anne Cox, Assistant Director of Planning and Zoning

Background

Section 509.102 of the Florida Statutes generally preempts to the state certain regulation of the operation of mobile food dispensing vehicles (MFDV’s) and temporary commercial kitchens (TCK’s), (commonly referred to a Mobile Food Trucks and Food Trailers) as well as prohibits the City from banning their operation within the entirety of the City. A mobile food dispensing vehicle is defined in the Florida statues as any vehicle that is a public food service establishment and that is self-propelled or otherwise moveable from place to place and includes self-contained utilities, including but not limited to gas, water, electricity, or liquid waste disposal. A temporary commercial kitchen is defined as a public food service establishment used for the preparation of takeout or delivery-only meals housed in portable structure that are moveable from place to place by a tow or are self-propelled or otherwise axle -mounted, that include self-contained utilities, including but not limited to gas, water, electricity, or liquid waste disposal.

Currently, Section 158.217 of the Zoning Code restricts mobile vending of food or flowers to a business located in either zoning districts General Commercial (CG) or Planned Unit Development (PUD). Section 158.217(G) Mobile Sales does not address vendors operating mobile food trucks or food trailers within City limits.

The City Attorney’s Office has prepared an ordinance to present to the City Council to define the areas of the City where mobile food dispensing vehicles and temporary commercial kitchens may operate within the City and to mitigate any impacts in the permitted areas of operation. The ordinance creates a new Chapter of the City’s Code of Ordinances – Chapter 121- Mobile Food Trucks, which lists the zoning districts within which mobile food dispensing vehicles and temporary kitchens will be permitted and establishes general operation requirements and regulations. A section of the proposed ordinance is to amend Section 158.217 of the Zoning Code, therefore this agenda item is being presented to the Planning and Zoning Board to review and make a recommendation on the proposed changes to that section only.

Project Description and Analysis

This application is a city-initiated text amendment to Section 158.217 (G) “Mobile Sales” and to add Section 158.217(I) “Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens”. Mobile Vending Sales are currently allowed in the City. They must not exceed 200 square feet in size and be self contained, portable and removed from the site each night. They are allowed in the General Commercial

(CG) and Planned Unit Development (PUD) zoning districts on the sidewalk in front of a business that grants permission. Only one per lot is permitted. The proposed changes to Section 158.217 (G) are to reorganize the section and specify prohibited locations.

The proposed change to add Section 158.217(I) will define the areas of the city where MFDV's and TCK's will be permitted within the city. If approved, MFDV's and TCK's will be permitted accessory uses in the Neighborhood Convenience Commercial (CN) Zoning District under Section 158.120(D), General Commercial (CG) Zoning District under Section 158.124(D), Service Commercial (CS) Zoning District under Section 158.126(E), Warehouse Industrial (WI) Zoning District under Section 158.135 (D), and Industrial Zoning (IN) District under Section 158.136 (D).

The proposed text amendment is consistent with Policy 1.1.4.14 of the Future Land Use Element and Policy 8.3.1.7 of the Economic Development Element. Per Policy 1.1.4.14, the City may encourage economic development by revising the zoning code to allow for more flexibility in non-residential zoning districts. The proposed text amendment will allow mobile food trucks as an accessory use in several non-residential zoning districts. Per Policy 8.3.1.7, the City may consider potential changes to its Land Development Regulations to provide for a wide range of uses in commercial areas that contribute to the City's total employment base, provide the goods and services needed by the City's residents and promote the retention and expansion of businesses and attractions in the City's commercial areas.

The proposed changes to Section 158.177 are provided as Exhibit "A" of the staff report with additions shown as underlined and deletion shown as ~~strikethrough~~.

STAFF RECOMMENDATION

The Planning and Zoning Department finds the proposed text amendment to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.