

ORDINANCE 2013-8

AN ORDINANCE OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, AMENDING THE 1995 ZONING ORDINANCE TO PERMIT MOBILE FOOD DISPENSING VEHICLES, AS DEFINED, AND UNDER THE CIRCUMSTANCES AND CONDITIONS INCLUDED IN THE DEFINITION, IN THE C ZONING DISTRICT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.12.8 of the Town of St. Lucie village's 1995 Zoning Ordinance provides that, "No mobile food vendor or peddler of any other type of plants, wares, or goods shall be permitted to sell or operate in St. Lucie Village";

WHEREAS, the Board of Aldermen has, on occasion, been asked to permit mobile food vendors, but has denied such requests based on the foregoing provisions;

WHEREAS, the State of Florida currently regulates mobile food vendors which alleviates safety concerns; and

WHEREAS, occupants of properties in the C zoning district desire to provide the additional service provided by mobile food vendors; and

WHEREAS, it is in the public interest that businesses be allowed to provide such additional services, provided they can be provided in a safe and non-disruptive fashion; and

WHEREAS, the Board of Aldermen, sitting as the local planning agency, has determined that such a use and change in the Zoning Ordinance are consistent with the St. Lucie Village Comprehensive Plan.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. The 1995 Zoning Ordinance is hereby amended so that Section 3.12.8 includes the additional italicized language and reads, in its entirety, as follows:

Section 3.12.8 Mobile Food Vendors

No mobile food vendor or peddler of any type of plants, wares, or goods shall be permitted to sell or operate in St. Lucie Village, *except that Mobile Food Dispensing Vehicles as defined herein may be permitted in C zoning districts under the conditions specified in the definition.*

2. The 1995 Zoning Ordinance is hereby further amended to include the following definition of mobile food dispensing vehicles, alphabetically, within Section 2 Definitions and Interpretations:

Mobile Food Dispensing Vehicle (MFDV) is classified as a vehicle-mounted public food service establishment, self-propelled or otherwise movable from place to place, having all required State and Health Department permits, licenses, and approvals. Such vehicles must be self-sufficient for utilities (e.g., gas, water, electricity, and liquid waste disposal). Each MFDV is required to have a state-approved commissary that they report to at least once a day. MFDVs may also be referred to as Mobile Food Establishments.

No MFDV may operate in St. Lucie Village without a permit and occupational license approved by the Board of Aldermen.

No permit or occupational license may issue for a MFDV without submittal of a sworn application meeting the following standards:

- (1) Name of the applicant.
- (2) Permanent home address and a valid telephone number.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) Copy of the approved license from the State of Florida / Department of Business & Professional Regulations or Department of Agriculture.
- (5) Copy of the vehicle plans as submitted to the State of Florida / Department of Business & Professional Regulations or Department of Agriculture.
- (6) Copy of a valid vehicle registration for any motorized unit.
- (7) Copy of the notarized Commissary Agreement.
- (8) A site plan including:
 - a) Plot plan of the lot showing existing structures and accessory structures or any other significant feature.
 - (b) Diagram of available parking.
 - (c) Identify set-backs from right of way line and structures.
- (9) A statement of the hours of operation (which may not start earlier than 6:00 a.m. or extend later than 8:00 p.m.).
- (10) Notarized affidavit of permission to vend from the property owner, if different from the applicant.
- (11) A photograph of the MFDV or Mobile Merchant Vehicle showing a side view of the vehicle from both front and back sides.

No MFDV may operate or continue to operate in St. Lucie Village without complying with the following standards:

(1) The telephone number included on the permit application must remain valid and active at all times. The vendor is responsible for notifying the Town of any changes to their contact information.

(2) Mobile vending units must comply with the following minimum distance requirements, which shall be measured from the approved vending location to the nearest point of an established property line:

- (a) 500 ft. from a non-mobile business selling similar food,
- (b) 1000 ft. from the nearest permitted MFDV location.

(3) May not block the ingress / egress to any property, sidewalk or street.

(4) May not block or impede pedestrian or vehicular traffic.

(5) May only operate at the approved location, clearly identified on the permit, and may only operate as described in the application submitted for the permit and license.

(6) May have one (1) advertisement sign with a maximum size of sixteen (16) sq. feet. Such sign may not be free standing (unless removed and secured when the business is closed), illuminated, moving, flashing or utilizing neon color typically reserved for emergency services.

(7) May have one (1) menu sign with a maximum size of nine (9) sq. feet.

(8) No amplified sounds, music or other loud noises.

(9) A trash receptacle must be provided and must be removed by the operator daily. Trash may not be placed within public street side trash receptacles.

(10) Mobile vendors are responsible for picking up all litter and waste within twenty-five (25) feet of their unit.

(11) No wastewater leakage or any other leakage is allowed.

(12) A single attached or anchored umbrella/awning is permitted for the service area, provided it is maintained in good condition and does not impede traffic or block clear vision areas.

(13) It shall be unlawful to place any further personalty or fixtures at the location, except that two tables, with associated chairs or benches to allow seating for no more than twelve, and an umbrella for each table, will be permitted to provide an area for eating.

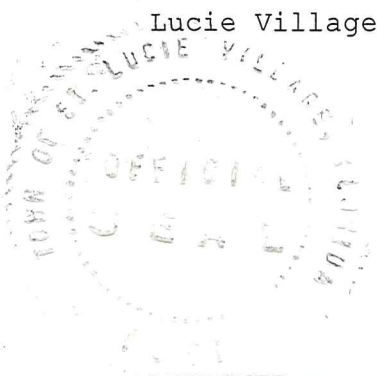
(14) No mobile vending unit is to be left open and unattended at any time and must be secured, including all personalty and fixtures, when not in operation.

3. The permitted use table in the 1995 Zoning Ordinance (Table 1 of said Ordinance) is amended to reflect that Mobile Food Dispensing Vehicles are permitted upon site plan and compliance review in the C zoning district, but otherwise prohibited in all other zoning districts.

4. This Ordinance shall be effective immediately upon passage or as soon thereafter as is permissible by law.

PASSED AND APPROVED by the Board of Aldermen of the Town of St.

Lucie Village on this 17th day of December, 2013.



APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: William G. Thiess
William G. Thiess, Mayor

ATTESTED:

By: Diane C. Orme
Diane C. Orme, Clerk

I, DIANE C. ORME, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance 2013-8 which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 17th day of December, 2013.

Diane C. Orme
DIANE C. ORME, CLERK