



Cover Memorandum/Staff Report

File #: 20-982

Agenda Date: 12/1/2020

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: December 1, 2020

ORDINANCE NO. 56-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," SECTION 120.01, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," TO UPDATE THE DEFINITIONS, MODIFY THE REQUIREMENTS TO OPERATE MOBILE FOOD TRUCKS WITHIN THE CITY, MODIFY THE LIMITATIONS AND PROHIBITIONS FOR THE OPERATION OF FOOD TRUCKS WITHIN THE CITY, AND ELIMINATE AND REPLACE CIVIL CITATIONS WITH GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommended Action:

Review and consider a City-initiated request for amend CHAPTER 120 of the Code of Ordinances - "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS" to bring the adopted regulations into compliance with State of Florida regulatory changes.

Background:

The State Legislature adopted CS/HB 1193: Deregulation of Professions and Occupations, which became effective July 1, 2020. This legislation limits the ability of local governments to regulate food trucks. Specifically, municipalities are not allowed to require any additional permitting beyond the state requirements. Prior to the submittal of the subject request,

Mobile food trucks, which presently refers to mobile kitchens and canteen trucks, are regulated solely by the Code of Ordinances. There are no additional regulations or limitations provided in the Land Development Regulations. The operation of a mobile food truck is limited to commercial and industrial zoning districts.

The update to the Code of Ordinances brings the adopted regulations into compliance with State law, along with restructuring to improve clarity. Major changes include the following:

- "Class I - Mobile Kitchens" and "Class II - Canteen Trucks" were replaced with "Mobile Food Dispensing Vehicles (MDFVs)" and "Mobile Food Establishment (MFEs)."
- Elimination of permit requirements for MFDVs. Permit requirements for MFEs are retained.
- Addition of language to encourage mobile food vendors to use sustainable single-use products.
- Amendment of penalties for violation.

Amendments to the Code of Ordinances do not require recommendation by the Planning and Zoning Board. At the First Reading on November 17, 2020, a request was proposed as part of public comment to consider adding the portion of the Central Business District (CBD) zoning district that is north of Lake Ida Road as an area food trucks are allowed to operate. Per City Commission discussion and direction, this proposed change has been incorporated into the ordinance for second reading.

City Attorney Review:

Ordinance No. 56-20 is approved to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A.