

ORDINANCE NO. 779

**AN ORDINANCE OF THE CITY OF MEXICO BEACH AMENDING THE LAND DEVELOPMENT CODE TO ALLOW FOOD TRUCKS IN CERTAIN ZONING DISTRICTS AND PROVIDING ASSOCIATED LIMITATIONS; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF THAT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WITNESSETH:

WHEREAS, the City of Mexico Beach, Florida (the “City”) regulates land use and development issues through its Land Development Code; and

WHEREAS, the City has previously prohibited Food Trailers; and

WHEREAS, Florida Statute 509.102, among other things, preempted to the State the regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees and provided that a municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction; and

WHEREAS, mobile food dispensing vehicles generally means what is commonly understood to be a food truck; and

WHEREAS, Ordinance 742 temporarily allows food trucks in certain locations, but the Land Development Code is unclear where food trucks may be operated once Ordinance 742 expires; and

WHEREAS, the City Council has determined the the Land Development Code should be amended as provided herein.

NOW THEREFORE, be it ordained by the City of Mexico Beach, Florida:

Section 1. The Land Development Code of the City of Mexico Beach, Florida, is hereby amended to read as follows (deleted text ~~stricken~~, new text underlined):

2.02.07 SPECIFIC RESTRICTIONS

A. Food Trailers prohibited.

1. Food Trailers are prohibited in the City except as provided in this subsection.
2. “Food Trailer” means any structure or vehicle, fixed or mobile, used for the purpose of selling food or beverages or producing food or beverages for commercial purposes, and which is not:

- i. a building compliant with the Florida Building Code and these this Land Development Codes Code;
  - ii. a home occupation compliant with these this Land Development Codes Code and the Florida Building Code;
  - iii. a Food Truck, as defined by subsection B. of this Section. ~~a vehicle licensed by the State of Florida as a Mobile Food Dispensing Vehicle or a successor program used by the State to license what is generally understood to be a food truck; or~~
  - iv. a food or beverage vending structure, vehicle, or cart operated for a maximum of seventy-two (72) hours and only as part of a festival or special event not prohibited by the City. To qualify for this exception, at the end of the seventy-two hour period, the vending structure, vehicle or cart must either be removed from the City or placed into storage not visible from a public right-of-way and in compliance with these this Land Development Codes Code.
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## **B. Food Trucks.**

1. Food Truck shall have the same definition as "mobile food dispensing vehicle" pursuant to Florida Statute 509.102, as amended, which initially means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. However, to be considered a Food Truck for the purposes of this Code, a mobile food dispensing vehicle must hold an active and valid mobile food dispensing vehicle license from the Florida Division of Hotels and Restaurants and a copy of such license must be kept inside of the licensed vehicle at all times while it is located in the City. Any food dispensing vehicle that does not strictly meet the requirements of this definition, including the requirement to hold State of Florida licensure, shall be considered a Food Trailer and be regulated under paragraph A. above.
2. Food Trucks are permitted in zoning districts that allow (i) restaurants and open air cafes or (ii) neighborhood and community-scale commercial pursuant to the zoning districts tables provided by Section 2.02.02 of this Code. In such cases, Food Trucks may only be placed on the property where they will be operated after obtaining the advanced written permission of the property owner, a copy of which shall be kept in the Food Truck while it is located within the City. In addition, Food Trucks may be allowed within the Recreation zoning district on publicly

owned property, but only with the advanced written permission of the government agency that owns the location and a copy of such written permission must be kept in the Food Truck while it is located in the City.

3. Food Trucks shall be set back a minimum of ten feet from all property lines or comply with the applicable setback rules for the property, whichever are greater. Food Trucks shall be considered an accessory structure for the purposes of determining setbacks. Food Trucks may not be stored or operated in any public right-of-way within the City. Moreover, the location of the Food Truck may not obstruct or create unsafe ingress and/or egress.
4. Food Truck operators shall be required to immediately comply with any request by law enforcement and/or code enforcement officers relating to safety, which may include relocation of the Food Truck if deemed by the officer to be creating an unsafe situation.
5. Trash and recyclable receptacles shall be provided by the Food Truck and, at a minimum, emptied daily. All trash is to be removed from the site daily. Dumpsters of permanent businesses shall not be used without permission of that business(es).
6. The Food Truck business owner shall obtain a local business tax receipt from the City.

Section 2. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

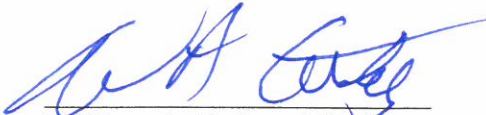
Section 3. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Land Development Code. Section numbers may be assigned and changed whenever necessary or convenient.

Section 5. This Ordinance shall become effective immediately upon its passage.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the 14th day of December, 2021. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 11 day of January, 2022.


CITY OF MEXICO BEACH



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William A. Cathey, Mayor

ATTEST:



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Tammy Brunson, City Clerk