

MEMORANDUM

Agenda Item No. 7(D)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 5-7-13)
March 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to zoning;
amending Sections 33-1, 33-14,
33-14.1 and 33-243 of the Code
reauthorizing and amending the
provisions regulating mobile
sales and mobile food service
operations
Ordinance No. 13-42

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.




R. A. Cuevas, Jr.
County Attorney

RAC/cp

Date: May 7, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Proposed Zoning Ordinance Reauthorizing and Amending the requirements for Mobile Operations

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance reauthorizing and amending the requirements for Mobile Operations.

Scope

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance creates no new fiscal impact on Miami-Dade County.

Track Record/Monitor

Eric Silva, Assistant Director for the Development Services Division of the Department of Regulatory and Economic Resources (RER), will be responsible for the administration and implementation of this ordinance.

Background

On November 15, 2011, the Board of County Commissioners adopted Ordinance No. 11-92 which provided for the operation of mobile sales and mobile food service operations (collectively Mobile Operations) on improved private property in the commercial, industrial zoning districts as well as limited properties in the residential zoning districts. The ordinance contained a sunset provision which indicated that the regulations shall stand repealed 18 months after adoption unless reauthorized by the Board. Further, at adoption, the Board directed the administration to compile a report on the implementation of the regulations to inform the Board's decision. The attached report provides the information necessary to allow the Board to consider the reauthorization of Board Ordinance No. 11-92.

During the drafting of the attached report, feedback was compiled from industry representatives, the Zoning Permitting Division of RER and the Miami-Dade Police Department to identify issues encountered in the implementation of the provisions. Feedback focused on two main areas: regulations and permitting requirements. To address the feedback related to the permitting and regulations, the proposed ordinance contains the following amendments to the current regulations:

- Amend Ordinance 11-92 to remove the requirement for each mobile operation to obtain a Certificate of Use.
- Limit the timeframe mobile operations may operate on churches, schools, museums and hospitals in residential districts to no more than once per week and not to exceed three consecutive days.
- Simplify the regulations to remove the distinction between "traveling" and "stationary" operations. All mobile operations will be subject to the current regulations for "stationary" operations.
- Amend the sign regulations to allow one detached sign not to exceed nine square feet within the authorized vending area.

- Clarify that the total area dedicated to the mobile operation and vending area shall not exceed 600 square feet and shall not be located within required parking or landscaped areas.
- Amend the definition for "mobile operations" to exclude lunch trucks (as regulated by Section 33-14 of the Code). To further distinguish the uses, amend Section 33-14 to clarify that lunch trucks are only permitted to make a "temporary stop" on private property while making a sale.



Jack Osterholt, Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 7, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
5-7-13

ORDINANCE NO. 13-42

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-14, 33-14.1 AND 33-243 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REAUTHORIZING AND AMENDING THE PROVISIONS REGULATING MOBILE SALES AND MOBILE FOOD SERVICE OPERATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. - Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

* * *

(70.2) *Mobile Food Service Operation.* The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food service operation. Mobile food service operations must >>obtain all required licenses from<< ~~[[be licensed by-]]~~the State of Florida>> prior to operating in Miami-Dade County<<.

(70.3) *Mobile Sales Operations.* Sales of products, limited to flowers, plants and produce, that are conducted from a portable stand, vehicle or trailer. Each such portable stand,

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

vehicle or trailer shall be considered a mobile sales operation.

- (70.4) Mobile Operations, as referred in this chapter, shall mean mobile food service operations and mobile sales operations. >>The distribution of box lunches in compliance with Section 33-14 shall not constitute a mobile operation.<<

* * *

Section 2. Section 33-14 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-14. - Box lunches, distribution.

No person shall distribute box lunches in the unincorporated areas of the County until such person has obtained >>all required permits from the County and the State of Florida<<[[a permit from the Director]].

[[Such permit]]>>The distribution of box lunches<< shall be subject to the following restrictions:

- (1) >>A box lunch operation shall only be permitted to stop temporarily on private property and only when actively serving customers. Once all transactions are complete, the box lunch operation must vacate the premises.<< No selling to be conducted on, or from, the public right-of-way and such sales to be made only from private property on which is located the use whose employees desire the service, and then only with the consent of the owner of such private property. (In the event active construction prevents access to private property, a temporary stop may be made on right-of-way.)
- (2) The uses to be served to be confined to industrial and manufacturing plants, including commercial uses such as garages and the like, and such uses also to include the servicing of building projects under active construction.
- (3) Owners of the box lunch business to be responsible for the action of their drivers and salesmen, and that such drivers and salesmen to do everything possible to prevent and eliminate the scattering of food, cups, napkins, etc., at their stops.
- (4) That such business shall have a properly authorized and licensed place of business.
- (5) That if any time following the issuance of such permit it shall appear to the Director that the holder of same has [[wilfully]]>>willfully<< violated the above restrictions, such

permit shall be canceled with approval of the County Commission.

Section 3. Section 33-14.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-14.1. - Mobile sales and mobile food service operations.

(A) Notwithstanding any provisions of this chapter to the contrary, mobile sales operations, as defined in Section 33-1(70.3), and mobile food service operations, as defined in Section 33-1(70.2) of this Code (collectively defined as mobile operations under Section 33-1(70.4)) are permissible on private property subject to the following conditions:

~~[[1] General requirements:]]~~

>>(1)<<[[a]] Mobile operations are permissible only in the following zoning districts: BU, IU, urban center, urban area, and GU (where zoned for industrial, or business use). ~~[[Traveling m]]~~>>M<<obile operations are also permissible in residential zoning districts on properties having a current certificate of use and occupancy as a museum, hospital, school or church>> provided such use does not operate more frequently than once per week and no longer than three consecutive days<<.

>>(2)<<[[b]] Mobile operations may only be conducted from 7:00 a.m. to 10:00 p.m. on weekdays and from 7:00 a.m. to 11:00 p.m. on weekends.

>>(3)<<[[c]] Mobile operations shall not be located in any driveway aisles, no parking zones, >>landscaped area, <<loading areas, or parking lanes, nor may mobile operations impede the on-site circulation of motor vehicles.

>>(4) Mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for other uses on the property. The utilization of an off-street parking space for the operation of a mobile operation must not cause the site to become deficient in required off-street parking.<<

>>(5)<<[[d]] Mobile operations shall not be located on the public right-of-way.

>>(6)<<[[e]] Mobile operations are permissible on vacant, unimproved property only when approved as a special event pursuant to Section 33-13(h) of this Code.

>>(7)<<[[f]] Mobile operations shall be located a minimum of 20 feet from the property line of an existing residential

use, except that mobile operations may be located at a minimum of 10 feet from the property line if the residential use is separated by a six (6) foot high masonry wall.

>>(8) The total space dedicated to the mobile operation and vending area shall not exceed an area of six hundred (600) square feet.<<

>>(9)<<[[~~(g)~~]] Alcoholic beverage sales >>and use of sound amplification devices<< are prohibited.

>>(10)<<[[~~(h)~~]] Electric service connection to an on-site approved outlet is permitted provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons. For purposes of this requirement, the vending area includes the space taken up by: a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awnings.

[[~~(i) Use of sound amplification devices is prohibited.~~]]

>>(11) A Certificate of Use (CU) must be obtained by the property owner to permit mobile operations on the site. A site plan or survey shall be submitted indicating the following:

(a) Location of the individual mobile operations and associated vending area. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.

(b) Location of improvements on the site.

(c) Location of on-site parking areas.

(d) Rights-of-way, internal circulation and ingress and egress.<<

[[~~(i) Each operator of a mobile operation shall obtain a Certificate of Use (CU), renewable on an annual basis. The application package shall include at a minimum the following information:~~

(1) ~~Narrative from the applicant describing the operation and its hours of operations.~~

(2) ~~For mobile food service operators, a copy of the required State license for food service establishments.]]~~

>>(12) Signage associated with the mobile operation shall be confined to the mobile operation and authorized vending area. Signage attached to the mobile unit shall be permitted. Detached signage shall be limited to one sign not exceeding nine (9) square feet.<<

[[~~(2) Stationary mobile operations. These are mobile operations that operate from the same site for more than six days within a thirty day time period. The property owner is~~

~~responsible for ensuring that all mobile operations operating on the site have obtained a Certificate of Use.]]~~

>><<[[~~(a)]] The number of ~~[[stationary-]]~~mobile operations permissible on a site at any one time shall be limited as follows:~~

- (1) One (1) mobile operation may be permitted on each site which contains a minimum of 10,000 square feet of net lot area.
- (2) An additional mobile operation may be permitted for each additional 50,000 square feet of net lot area, up to a maximum of three (3) mobile operations per site.

>><<(3) Mobile operations in excess of these thresholds may only be permitted as a special event pursuant to Sections 33-13(g) and 33-13(h) of this Code.<<

~~[[~~(b) Stationary mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for the other uses on the property.~~~~

~~(e) In addition to the CU obtained by the mobile operation, a CU must also be obtained by the property owner to permit stationary mobile operations on the site. A site plan or survey shall be submitted indicating the following:~~

- ~~(1) Location of the individual mobile operations. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.~~
- ~~(2) Location of improvements on the site.~~
- ~~(3) Location of on-site parking areas.~~
- ~~(4) Rights-of-way, internal circulation and ingress and egress.~~

~~(3) Traveling mobile operations. These are mobile operations that do not operate from the same site for more than six days within a thirty day time period. Traveling mobile operations must be removed from the site when not in operation.~~

~~(a) In addition to the CU obtained by the mobile operation, the property owner must also obtain a CU or amend a current CU to allow for traveling mobile operations. The number of days mobile operations may locate on a given site shall be limited to six days within a thirty day time period.~~

~~(b) The number of traveling mobile operations permissible on a site at any one time shall be limited as follows:~~

- ~~(1) One (1) traveling mobile operation may be~~

~~permitted on each site which contains a minimum of 10,000 square feet of net lot area.~~

~~(2) An additional traveling mobile operation may be permitted for each additional 30,000 square feet of net lot area, up to a maximum of five (5) mobile operations per site.~~

~~(3) Mobile operations in excess of these thresholds may only be permitted as a special event pursuant to Section 33-14.1(e) of this Code.~~

~~(4) Sites that have a CU for stationary mobile operations may also contain traveling mobile operations provided that the cumulative total does not exceed the thresholds outlined above. In no event shall the number of stationary mobile operations exceed three.~~

~~(c) The operator of a traveling mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.]]~~

(B) If it is found that a mobile operation is operating in manner not consistent with the representations made in the application package provided to the Department, the Director shall have the authority to revoke the CU of the ~~[[mobile operation and/or the]]~~ property owner immediately.

(C) Except as otherwise provided in this Code, it is unlawful to conduct mobile operations in any outdoor location without first obtaining a CU in accordance with the provisions of this Section.

>>(D) The operator of a mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.<<

~~[[(D) Existing mobile operations operating prior to the effective date of this ordinance shall have 180 days from the effective date to obtain a CU and otherwise comply with the terms of this section.]]~~

(E) Mobile operations located at County parks, sports stadiums or racetracks during events shall be exempt from the requirements of this section but must otherwise comply with all other applicable requirements in this Code.

Section 4. Section 33-243 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE XXIV. - BU-1, NEIGHBORHOOD BUSINESS DISTRICT

* * *

Sec. 33-243. - Prohibited uses.

Sale of fruit or merchandise from trucks, wagons or other vehicles parked on or along public or private streets ~~[[or from open stands or vacant lots]]~~ shall be prohibited. ~~[[Such business on private or public property shall be conducted only from within approved permanent substantial buildings.]]~~

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. The sunset provision contained in Ordinance 11-92 is hereby repealed.

Section 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: May 7, 2013

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Abbie Schwaderer-Raurell

**SUNSET REVIEW REPORT FOR
MOBILE SALES AND FOOD SERVICE
(ORDINANCE 11-92)**

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

FEBRUARY 20, 2013

Introduction:

On November 15, 2011, the Board of County Commissioner (BCC) adopted Ordinance 11-92 which provides for mobile sales and mobile food service on private, developed property. The ordinance contains a sunset provision which indicates that the provisions of the ordinance shall stand repealed 18 months after adoption unless reauthorized by the BCC. At adoption, the BCC directed staff to compile a report summarizing the effectiveness of the provisions. This report provides an analysis on the implementation of Ordinance 11-92 and is intended to inform a decision by the BCC on whether to reauthorize the provisions of the ordinance.

A companion ordinance, #11-32, was adopted by the BCC on May 17, 2011 which provided for Mobile Food Service Special Events (food truck round-ups). The sunset review report addressing the Mobile Food Service Special Events was presented to the Board in October, 2012. In contrast to the ordinance addressing food truck round-ups, Ordinance 11-92 provides for up to three individual food trucks (in addition to flower vendors and fruit/vegetable stands) to operate continuously from a given site or rotate among several sites. Up to five may operate from a given site when limited to six days in a thirty-day time period. This report specifically addresses the mobile sales and food service as authorized in Ordinance 11-92.

Background and Summary of Regulations:

The ordinances addressing food truck operations were adopted in response to a trend that was occurring in Miami-Dade County and nationwide. Cities around the nation had already adopted similar provisions allowing for food truck operations. In Miami-Dade County, events involving mobile food trucks are occurring more frequently in public parks. Vendors operating in public parks are regulated by administrative order and are not subject to the regulations of Ordinance 11-92.

Prior to the adoption of the ordinance regulating mobile sales and food service, only trucks distributing boxed lunches were permitted to operate and only on industrial and manufacturing plants, including commercial uses such as garages and the like and such uses also to include the servicing of building projects under active construction. Aside from seasonal tent sales, mobile sales were not permitted on private property.

Throughout the drafting of Ordinance 11-92, representatives from the food truck industry were consulted through a series of meetings and email correspondence. Input received from the industry provided insight into the nature of food truck operations.

Mobile Sales and Food Service Regulations: On November 15, 2011, the BCC adopted Ordinance 11-92 providing for mobile sales and food service. The ordinance created Section 33-14.1 of the Code and set out the following general requirements for mobile operations:

- Mobile operations are permissible only in the following zoning districts: BU, IU, urban center, urban area, and GU (where zoned for industrial, or business use). Traveling mobile operations are also permissible in residential zoning districts on properties having a current certificate of use and occupancy as a museum, hospital, school or church. Mobile operations located at County parks, sports stadiums or racetracks during events shall be exempt from the requirements of this Section but must otherwise comply with all other applicable requirements in this Code.
- Hours of operation are 7 a.m. to 10 p.m. on weekdays and 7 a.m. to 11 p.m. on weekends
- Mobile operations shall not be located in any driveway aisles, no parking zones, loading areas, or parking lanes, nor may mobile operations impede the on-site circulation of motor vehicles.
- Mobile operations shall not be located on the public right-of-way.
- Mobile operations are permissible on vacant, unimproved property only when approved as a special event pursuant to Section 33-13(h) of this Code.
- Mobile operations shall be located a minimum of 20 feet from the property line of an existing residential use, except that mobile operations may be located at a minimum of 10 feet from the property line if the residential use is separated by a six (6) foot high masonry wall.
- Alcoholic beverage sales are prohibited.
- Electric service connection to an on-site approved outlet is permitted provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons. For purposes of this requirement, the vending area includes the space taken up by: a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awning.
- Use of sound amplification devices is prohibited.
- Each operator of a mobile operation shall obtain a Certificate of Use (CU), renewable on an annual basis. Mobile food service operators must also submit a copy of the required State license for food service establishments.

Ordinance 11-92 also distinguished between stationary mobile operations, those that operate from a given site for an extended period of time, and traveling mobile operations, those that operate from a given site for a limited period of time. The purpose of distinguishing between the two types of operations is to allow for more lenient standards for those operations that are only located on a given site for a limited period of time. In addition to the general requirements outlined above, the following regulations apply to stationary and traveling operations:

Stationary Mobile Operations. These are mobile operations that operate from the same site for more than six days within a thirty-day time period. The property owner is responsible for ensuring that all mobile operations operating on the site have obtained a Certificate of Use.

- The number of stationary mobile operations permissible on a site at any one time shall be limited as follows:
 - (1) One (1) mobile operation may be permitted on each site which contains a minimum of 10,000 square feet of net lot area.
 - (2) An additional mobile operation may be permitted for each additional 50,000 square feet of net lot area, up to a maximum of three (3) mobile operations per site.

- Stationary mobile operations shall not be located in required parking spaces unless the number of spaces exceeds the minimum amount required for the other uses on the property.
- In addition to the CU obtained by the mobile operation, a CU must also be obtained by the property owner to permit stationary mobile operations on the site. A site plan or survey shall be submitted indicating the following:
 - (1) Location of the individual mobile operations. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.
 - (2) Location of improvements on the site
 - (3) Location of on-site parking areas.
 - (4) Rights-of-way, internal circulation and ingress and egress.

Traveling Mobile Operations. These are mobile operations that do not operate from the same site for more than six days within a thirty-day time period. Traveling mobile operations must be removed from the site when not in operation.

- In addition to the CU obtained by the mobile operation, the property owner must also obtain a CU or amend a current CU to allow for traveling mobile operations. The number of days mobile operations may locate on a given site shall be limited to six days within a thirty-day time period.
- The number of traveling mobile operations permissible on a site at any one time shall be limited as follows:
 - (1) One (1) traveling mobile operation may be permitted on each site which contains a minimum of 10,000 square feet of net lot area.
 - (2) An additional traveling mobile operation may be permitted for each additional 30,000 square feet of net lot area, up to a maximum of five (5) mobile operations per site.
 - (3) Mobile operations in excess of these thresholds may only be permitted as a special event pursuant to Section 33-14.1(e) of this Code.
 - (4) Sites that have a CU for stationary mobile operations may also contain traveling mobile operations provided that the cumulative total does not exceed the thresholds outlined above. In no event shall the number of stationary mobile operations exceed three.
- The operator of a traveling mobile operation must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's required State license for food service establishments.

Permitting Requirements:

Prior to applying for permitting through Miami-Dade County, food truck operators must obtain a Mobile Food Dispensing Vehicle license from the State of Florida Department of Business and

Professional Regulation. As part of the approval, food trucks are required to comply with state regulations for sanitation and food safety. Other mobile sales operations are not required to obtain permits through the State.

Local Business Tax Receipt: Peddlers and mobile food truck operators must obtain a local business tax receipt from the County. The fee for a local business tax receipt is \$100, renewable annually.

Certificate of Use: A Certificate of Use (CU) must be obtained from the Department of Regulatory and Economic Resources (RER) to allow for a mobile operation. Both the food truck operator and the property owner must obtain a CU. The CU is valid for one year for the dates specified on the CU application. The application fee for the Certificate of Use and Zoning Inspection is \$293. This fee is assessed upon initial application and annually upon renewal. Mobile food trucks must also submit a description of the business and proof that a Mobile Food Dispensing Vehicle license has been obtained from the State of Florida Department of Business and Professional Regulation.

Permitting Activity and Outreach Efforts:

Since the adoption of Ordinance 11-92, fifty-two permits have been issued for mobile operations. Ordinance 11-92 included an amnesty period that provided existing businesses six months to comply with the new regulations and obtain the required permits. During the amnesty period, which expired on May 23, 2012, staff embarked on an extensive outreach effort to inform existing mobile operations of the new regulations. To notify mobile operations of the new regulations, over 800 mailers with information in English and Spanish were sent to business owners with an occupational license as a lunch truck in Miami-Dade County. In addition, code enforcement staff distributed flyers with information in English, Spanish and Creole to businesses they encountered in the field that may be subject to the new regulations. A webpage was also established on the County's permitting website to provide prospective applicants with a summary of the regulations and the pertinent application forms. Since the expiration of the amnesty period, approximately 200 enforcement citations have been issued to mobile operations for non-compliance with the requirements of Section 33-14.1.

Implementation Issues Identified:

In connection with this report, representatives of the industry were contacted to elicit feedback on any issues they have encountered in the permitting process or practical application of the food truck round-up provisions. The industry provided the following additional feedback for consideration during the reauthorization:

- Amend Ordinance 11-92 to remove the requirement for each mobile operation to obtain a Certificate of Use. Each property owner where the mobile unit operates would still need to get a Certificate of Use that would ensure compliance with the regulations.

The Miami-Dade County Police Department was contacted in connection with this report. They were not aware of any police enforcement activity or citizen complaints regarding food truck

special events. Police Department staff provided the following recommendation for consideration during reauthorization:

- Prohibit food trucks from operating within close proximity to nightclubs and package liquor stores.

Below is a summary of other issues identified either through implementation of the provisions or communication received from the public:

- Limit the timeframe mobile operations may operate on churches, schools, museums and hospitals in residential districts to no more than three consecutive days per week.
- Simplify the regulations to remove the distinction between traveling and stationary operations.
- Clarify the signage requirements to indicate that signage must be confined to the mobile operation.
- Clarify whether seating areas are permitted in connection with a mobile food truck.
- Further clarify the differences between mobile operations and lunch trucks (as regulated by Section 33-14 of the Code).

Recommendation for Reauthorization:

It is recommended that the Board of County Commissioners reauthorize the provisions of Ordinance 11-92 to allow for the continuation of the provisions related to mobile operations. To address the implementation issues identified, it is recommended that the following amendments be considered in conjunction with the reauthorization of Ordinance 11-92:

- Amend Ordinance 11-92 to remove the requirement for each mobile operation to obtain a Certificate of Use.
- Limit the timeframe mobile operations may operate on churches, schools, museums and hospitals in residential districts to no more than once per week and not to exceed three consecutive days.
- Simplify the regulations to remove the distinction between “traveling” and “stationary” operations. All mobile operations will be subject to the current regulations for “stationary” operations.
- Amend the sign regulations to allow one detached sign not to exceed nine square feet within the authorized vending area.
- Clarify that the total area dedicated to the mobile operation and vending area shall not exceed 600 square feet and shall not be located within required parking or landscaped areas.
- Amend the definition for “mobile operations” to exclude lunch trucks (as regulated by Section 33-14 of the Code). To further distinguish the uses, amend Section 33-14 to clarify that lunch trucks are only permitted to make a “temporary stop” on private property while making a sale.