Memorandum

MIAMI-DADE COUNTY

Date: June 19, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Report: Implementation of Ordinances No. 11-32 and 11-92 Related to Food Truck Operations in Miami-Dade County

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In 2011 the Board of County Commissioners adopted two ordinances related to mobile food services and mobile sales. The first ordinance (Ordinance No. 11-32) provided for the operation of what is commonly known as "food truck round ups" (Mobile Food Service Special Events) while the second ordinance (Ordinance No. 11-92) provided for the operation of individual food trucks (Mobile Food Service Operations) or mobile sales operations (i.e. flower stands) on private property. Both ordinances were developed with significant input from representatives of the industry through a series of meetings and email correspondence, including hearings before the Board. Below is a summary of the adopted ordinances and related permitting activity:

Ordinance No. 11-32: Ordinance No. 11-32 provides for the operation of food truck round-ups (Mobile Food Service Special Events) on private property in the unincorporated area upon the issuance of a certificate of use. The ordinance was adopted by the Board of County Commissioners on May 17, 2011 and became effective on June 16, 2011. To date, only one permit has been obtained for a food truck round-up. A review of food truck schedules shows that food truck round-ups have been occurring more frequently in public parks and within municipal boundaries, both of which are not subject to the provisions of Ordinance No. 11-32.

Ordinance No. 11-32 contains a sunset provision which indicates that the regulations shall stand repealed 18 months after adoption unless reauthorized by the Board.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 within one year following the effective date. The attached report provides the information necessary to allow the Board to consider the reauthorization of Ordinance No. 11-32.

Ordinance No. 11-92: Ordinance No. 11-92 provided for mobile operations (including food trucks) on private property upon the issuance of a certificate of use. In contrast to Ordinance No. 11-32, which specifically related to food truck round ups, Ordinance No. 11-92 provides for a limited number of mobile operations (including food trucks) to operate continuously from a given site or rotate among several sites. Ordinance No. 11-92 also required the issuance of a certificate of use per mobile operation. The ordinance was adopted by the Board of County Commissioners on November 15, 2011 and became effective on November 25, 2011.

Ordinance No. 11-92 included an amnesty period through May 23, 2012 that provided existing businesses six months to comply with the new regulations and obtain the required permits. To date, nine permits have been obtained under the provisions of

Ordinance No. 11-92 including seven permits for flower stands and two permits for food trucks.

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 food truck operators of the new regulations, over 800 mailers with information in English and Spanish were sent to business owners with a local business tax receipt 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.

Recommendation for Reauthorization:

During the drafting of the attached report, feedback was compiled from industry representatives, the Zoning Permitting Division of the Department of Regulatory and Economic Resources (RER) and the Police Department to identify issues encountered in the implementation of the food truck provisions. Feedback focused on two main areas, regulations and permitting requirements.

Regulations: The report contains a complete description of feedback received and issues identified throughout the year. Most of the issues relate specifically to the provisions of the ordinance and many are reflected in the recommended changes.

Permitting: In response to the request for input, one representative of the food truck industry contacted RER staff with concerns about the permitting requirements and fees being charged for water and sewer review of the individual food trucks. As detailed in the report, the State of Florida requires food trucks to operate from an approved commissary (typically a restaurant or commercial kitchen) where they obtain potable water and dispose of wastewater. Since these activities result in impacts to the water and sanitary sewer system, the Certificate of Use applications for the individual food trucks were also being reviewed by the Water and Sewer Department (WASD). Based on feedback received from the industry representative and further consultation with the state reviewing agency, staff from the RER and WASD revisited the permitting and review procedures. It was determined that the water and sewer impacts associated with the operation of the food trucks are easily accommodated by the commissary from which the food truck operates and can be encompassed within the original approval for that establishment. As a result, this additional review was determined to be unnecessary given the limited impacts of the food truck operations. Elimination of these reviews has resulted in a reduction in the application fee and the permitting review time.

The attached report provides the information necessary to allow the Board to consider the reauthorization of Ordinance No. 11-32. As indicated in the report, staff recommends reauthorization of Ordinance No. 11-32 with minor amendments to address the comments received since its adoption. An ordinance will be presented to the Board for consideration prior to December, 2012 to effectuate the reauthorization. A recommendation on Ordinance

No. 11-92 will be provided to the Board in connection with the sunset review report to be presented in November, 2012.

Attachment

c: Jack Osterholt, Deputy Mayor
Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

SUNSET REVIEW REPORT FOR MOBILE FOOD SERVICE SPECIAL EVENTS (ORDINANCE 11-32)

MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

MAY 30, 2012

MIAMI-DADE COUNTY
Delivering Excellence Every Day

Introduction:

On May 17, 2011, the Board of County Commissioner (BCC) adopted Ordinance 11-32 which provides for Mobile Food Service Special Events ("food truck round-ups"). 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 within one year following the effective date. This report provides an analysis on the implementation of Ordinance 11-32 and is intended to inform a decision by the BCC on whether to reauthorize the provisions of the ordinance.

A companion ordinance, #11-92, was adopted by the BCC on November 15, 2011 which provided for mobile operations (including food trucks) on private, developed property. In contrast to Ordinance 11-32 which specifically related to food truck special events, 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 food truck round-ups as authorized in Ordinance 11-32 and, to a limited extent, also addresses the companion ordinance related to individual food trucks (Ordinance 11-92). A sunset report more fully addressing the effectiveness of the provisions of Ordinance 11-92 will be presented to the BCC in November, 2012, one year following the effective date of the ordinance.

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. Prior to the adoption of the food truck round-up regulations, events were already occurring on sites throughout the community including shopping centers, automobile dealerships, and office building sites.

Prior to the adoption of Ordinance 11-32, food truck special events could be permitted under Section 33-13(g) of the Zoning Code which allows for special events such as circuses and carnivals on properties located inside the Urban Development Boundary and zoned GU, AU, BU-2, BU-3, IU-1, IU-2 and IU-3 as well as properties in other zoning districts with a current Certificate of Use and occupancy as a church or school. Under this Section of the Code, events are limited to two per calendar year not to exceed fifteen days per event. To allow for special events under this section, written waivers of objection are required from eighty percent of the property owners within five hundred feet of the proposed event. Ordinance 11-32 was intended to allow for greater flexibility for food truck special events while maintaining the requirement for written waivers of objection from adjacent property owners/residents.

Throughout the drafting of the two ordinances, 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.

Food Truck Round-up Regulations: On May 17, 2011, the BCC adopted Ordinance 11-32 providing for food truck round-ups, subject to the following requirements:

- Food truck round-ups are permitted on properties in commercial, industrial and urban center zoning districts as well as GU districts where trended for industrial or commercial use.
- Events are limited to one per week. Round-ups may operate until 10 PM on the weekdays and midnight on weekends, unless special times are approved through the site plan review. Events located in industrial areas where there are no residential areas located within 1,000 feet may operate until 1 a.m. on weekends. Up to four days per year, on a designated holiday, events may operate until midnight on a weekday, provided the dates are indicated on the CU application.
- Written waivers of objection must be obtained from 80% of residential property owners/tenants.
- Mobile operations may be located on vacant or improved property but may not be located on the public right-of-way.
- The sale of alcoholic beverages is prohibited.
- The ordinance applies to the unincorporated areas of Miami-Dade County.

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.

Local Business Tax Receipt: Operators of a mobile food truck 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 food truck 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. At the time of application, the food truck operator must 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.

Food Truck Round-Up Permitting: To allow for a food truck round-up, the designated coordinator must submit the following documents:

- A notarized letter from the property owner authorizing the round-up and authorizing the coordinator to pursue permits for the special event.

- Written waivers of objection from no less than 80% of property owners or residents within 1,000 feet of the proposed event. Unoccupied residences are excluded.
- A schedule of the events that will occur throughout the year.
- Sign-off from the Police Department
- A traffic safety and security plan
- A narrative describing the hours of operation, estimated attendance and a description of other installations that will be provided.
- Copies of state licenses for each food truck
- The maximum number of food trucks that will be permitted on the site.
- A site plan indicating:
  - General placement of the food trucks
  - Location of refuse facilities, sanitation facilities, on-site and off-site parking locations, lighting fixtures, internal access and circulation.

Environmental Review: When the food truck operates from a commissary (typically an established restaurant) located in Miami-Dade County, the following environmental review and analysis is required:

1. RER (Environmental Section) will verify that the commissary is a licensed or permitted food service establishment and has a valid Grease Discharge Operating license (unless connected to septic tank). If on septic tank, sewage loading may need to be verified.
2. RER (Environmental Section) will prepare a Sanitary Sewer Capacity Certification (SSCC) for a flow equal to the size of the wastewater tank.
3. The Water and Sewer Department will prepare a verification form and water allocation (where applicable) for the flow identified in the SSCC.

The application fee for the environmental review is a one-time fee of approximately $785 allocated, as follows:

- Certificate of Use (RER – Environmental Section): $75
- Sewer Flow Analysis: $120
- WASD Water Allocation: $90 (required when serviced by WASD)
- Capacity Verification: $150
- Impact Fees: ±$350 (~ $7/gpd)

Permitting Activity and Outreach Efforts:

Since the adoption of Ordinance 11-32, only one permit has been obtained for a food truck round-up. The application allowed for a food truck round up on a 3.2-acre professional office site in the Palm Springs North area. The applicant indicated that the food truck event will be held in conjunction with a charitable event. One presumed reason for the limited number of permit applications is that the food truck round-ups have been occurring more frequently in public parks. Often times, these large parks are more adequately buffered from adjacent uses and are better equipped to handle large events. These venues are also better able to accommodate the large crowds associated with the food truck special events. Special events in parks are regulated through Administrative Orders 8-3 and 8-5 and are, therefore, not subject to the regulations of

Ordinance 11-32. Many events are also occurring within the boundaries of municipalities, outside of the County's jurisdiction.

Since the adoption of Ordinance 11-92 which addresses individual mobile operations, nine permits have been obtained including seven permits for flower stands and two permits for food trucks. 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 food truck operators 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. Additional information on the effectiveness of Ordinance 11-92 will be provided to the BCC in December, 2012.

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 primary issue identified by the industry relates to difficulties encountered during the permitting process, primarily with the routing of information between the various review departments and unfamiliarity with the requirements for mobile operations. In response to this feedback, staff from the various review departments met to clarify the review procedures and implement protocol for better routing of information. The industry provided the following feedback for consideration during the reauthorization:

- Amend Ordinance 11-92 (individual mobile operations) to remove the requirement for each individual food truck to obtain a Certificate of Use. Instead, require proof of state license and insurance at the time of the Local Business Tax Receipt. Each property owner 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:

- Clarify the types of signage that can be provided in connection with a food truck round-up. Special events often provide temporary signage that may be inconsistent with the signage requirements of the underlying zoning district.

- Consider allowing the more stringent provision to prevail when a food truck use is located immediately adjacent to the boundary of a municipality that has more stringent regulations for food truck operations.
- Consider addressing food truck round-ups on public property in the unincorporated area and properties located in municipalities where the county retains jurisdiction over zoning issues such as Facilities of Countywide Significance.
- Clarify within the food truck round-up ordinance that public parks are exempt from the regulations since special events on these parks are regulated through administrative order.
- To provide consistency with Ordinance 11-92, allow food truck round-ups on sites in residential districts with a Certificate of Use for a school, church, museum or hospital.
- Clarify the number of consecutive days that the special event may operate on a given site.

Recommendation for Reauthorization:

Although there has been a limited number of permit applications over the last year, a review of the food truck event listing shows that interest in the events remains strong. It is recommended that the Board of County Commissioners reauthorize the provisions of Ordinance 11-32 to allow for the continuation of the food truck special events. The provisions of the food truck round-up ordinance provide greater flexibility for food truck special events than is otherwise permitted by the Zoning Code. To address the implementation issues identified, it is recommended that the following amendments be considered in conjunction with the reauthorization of Ordinance 11-32:

- Limit the number of consecutive days that an event may operate to three.
- Clarify that events held in public parks are exempt from the provisions.
- Expand the districts where food truck round-ups are permitted to include residentially-zoned properties with occupancy as a school, church, museum or hospital.
- Require special event signage to comply with Section 33-99 of the Code.
- Develop standards for food trucks on public property.