

Memorandum



Date: May 17, 2011
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Amended
Agenda Item No. 5(D)

From: Alina T. Hudak
County Manager 

Ordinance No. 11-32

Subject: Proposed Zoning Ordinance Establishing Mobile Food Service Operation Special Event (MOFSE)

Recommendation

It is recommended that the Board of County Commissioners adopt the attached ordinance establishing Mobile Food Service Operations Special Event (MOFSE).

Scope

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

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Department of Planning and Zoning will administer the implementation of this ordinance.

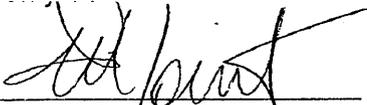
Background

More and more, sales and services are going mobile to meet the demands of an increasingly time-constrained society. This trend is reflected in the number of mobile food service operations such as food trucks springing up around the nation. Many of these mobile operations portray unique designs and cater to pedestrians; thus, contributing to the vitality of publicly-accessible spaces.

In the current business climate, many start-up businesses cannot afford the high overhead associated with a brick-and-mortar establishment. Mobile food service operations can provide an opportunity for these businesses to establish a foothold in the market and potentially evolve into an established facility.

The proposed ordinance provides definitions for mobile sales and mobile food service operations and it establishes the Mobile Food Service Operations Special Event (MOFSE). Under the ordinance, a MOFSE is a special event consisting of a concentration of Mobile Food Service Operations also known as a food truck round up.

The proposed ordinance provides a process by which a MOFSE may obtain a Certificate of Use as well as regulatory criteria for the operation of a MOFSE. The proposed ordinance includes a sunset clause whereby it shall stand repealed eighteen (18) month after its effective date. Within one (1) year of the effective date of the proposed ordinance, the County Manager shall prepare a report for the Board of County Commissioners on the implementation of this ordinance.


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: May 17, 2011

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

SUBJECT: Amended
Agenda Item No. 5(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 Manager'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 _____

Amended
Agenda Item No. 5(D)
5-17-11

ORDINANCE NO. 11-32

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-1 AND 33-13 OF THE CODE OF MIAMI-DADE COUNTY (CODE); PROVIDING FOR MOBILE FOOD SERVICES OPERATIONS SPECIAL EVENTS; PROVIDING COUNTY MANAGER'S REPORT ON IMPLEMENTATION OF ORDINANCE WITHIN ONE YEAR OF EFFECTIVE DATE; 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.

* * *

>>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 portable stand, vehicle, or trailer shall be considered a mobile food service operation.

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.

70.3 Mobile Sales Operations – The provision of services or sales that are conducted from a portable stand, vehicle or trailer. Each such portable stand, vehicle or trailer shall be considered a mobile sales operation.

70.4 Mobile Operations – as referred in this chapter shall mean mobile food service and mobile sales operations.<<

* * *

Section 2. Section 33-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-13. Unusual uses.

* * *

>>(h) Mobile Food Service Operations Special Event (MOFSE). Special event consisting of a concentration of Mobile Food Service Operations shall be permitted without a public hearing provided:

- (1) The MOFSE shall:
 - (a) be limited to one (1) MOFSE per week at the same location per calendar year,
 - (b) be permitted to operate in properties in commercial, industrial, urban center districts, and GU (where zoned for industrial or commercial use) zoning districts.
 - (c) operate no later than 10 PM on weekdays, midnight on weekends, and 1 AM on weekends in industrial areas where there are no residential areas within one thousand (1,000) feet. Up to four days per year, a MOFSE may operate until midnight on a weekday, provided that it occurs on a holiday, and provided that these four dates are included as part of the schedule of events

provided in the application and are indicated on the Certificate of Use.

- (d) not permit the sale of alcoholic beverages.
 - (f) obtain a building permit from the Building and Neighborhood Compliance Department in the event of erection of temporary structures or stages.
- (2) A Certificate of Use shall be obtained for each MOFSE site on an annual basis.
- (a) A Certificate of Use (CU) package for MOFSE sites shall be obtained, completed and submitted to the Department of Planning and Zoning. The completed package shall include all of the following:
 - (1) Notarized letter from property owner of record authorizing the MOFSE described in the application package and designating a MOFSE Coordinator and an alternate.
 - (2) Written waivers of objection from eighty (80) percent of the owners or residents of residentially zoned properties within one thousand (1,000) feet. The Director shall not count unoccupied properties in calculating the eighty (80) percent.
 - (3) Schedule of events.
 - (4) Notification and sign-off from Miami-Dade Police Department.
 - (5) A traffic safety and security plan.
 - (6) Narrative from applicant describing the hours of operations, estimated public attendance, and description of any other amenities provided.

- (7) Copies of State licenses of each of the individual Mobile Food Service Operations participating.
- (8) The maximum number of individual Mobile Food Service Operations which may be present at the MOFSE. This maximum number shall be indicated on the Certificate of Use.
- (9) Site plan or survey indicating the following, which shall consider the MOFSE's estimated public attendees and the maximum number of individual Mobile Food Service Operations:
 - (a) General placement of the individual Mobile Food Service Operations.
 - (b) Location of refuse facilities, if not hauled away by the individual Mobile Food Service Operations.
 - (c) Location of sanitation facilities.
 - (d) Location of on-site and off-site parking areas.
 - (e) Lighting fixtures, if applicable.
 - (f) Rights-of-way, internal circulation and ingress and egress.
- (b) If it is found that the MOFSE is operating in manner not consistent with the representations made in the application

package provided to the Department or that the MOFSE coordinator fails to comply with the provisions of Sec. 33-13(h)(3), the Director shall have the authority to revoke the CU immediately.

- (3) MOFSE Coordinator. The designated MOFSE Coordinator or alternate shall:
- (a) assist in the placement/positioning of individual Mobile Food Service Operations in a MOFSE.
 - (b) maintain for inspection at MOFSE site all pertinent documentation provided by the individual Mobile Food Service Operations such as proof of licensing and insurance.
 - (c) assure compliance with hours, clean-up and other CU requirements.<<

Section 3. Within one (1) year of the effective date of this ordinance, the County Manager shall prepare a report for the Board of County Commissioners on the implementation of this ordinance.

Section 4. 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.

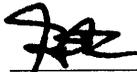
Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall sunset and stand repealed eighteen (18) month after its effective date.

Section 7. This ordinance shall become effective thirty (30) 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 17, 2011

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Abbie Schwaderer Raurell