



Legislation Text

File #: ORD. NO. 2019-04, **Version:** 1

TO: Honorable Mayor & Members of the North Port Commission

FROM: Peter D. Lear, CPA, CGMA, City Manager

TITLE: Ordinance 2019-04, Amending the Code of the City of North Port to create a Mobile Food Vendor Permit and associated fees for the operation of Mobile Food Vendors and Ice Cream Trucks within the City of North Port

Recommended Action

Approve Ordinance 2019-04.

Background Information

Ordinance 2019-04 would serve to allow mobile food vendors to operate in the City on a regular basis, providing opportunities for entrepreneurs to start businesses in the City without the high startup costs associated with a brick and mortar restaurant location. The regulations proposed by staff started with the regulations from Sarasota County and were modified based on input from the City Commission. They have been tailored to fit the needs of the City of North Port. In previous discussion, food trucks were contemplated to be regulated through a Temporary Use Permit (TUP). In revising the draft ordinance language and refining the text amendment, staff felt that the TUP would not be the best method for the mobile food vendors to use, as the application is intended for a structure or event that lasts more than two weeks in length. The amount of detail required in a TUP is irrelevant for a mobile food vendor who may change locations daily. For this reason, the Mobile Food Vendor Permit (MFVP) is proposed through Ordinance 2019-04. Ordinance 2019-04 sets out the requirements to obtain this permit and the regulations to operate as a mobile food vendor within the City of North Port.

Added for Second Reading

Commission heard this item at a regularly scheduled meeting on June 25, 2019. Discussion ensued, and there was consensus on the following items. The changes made or responses are noted below each item.

1. Add limiting language to the definition of an *ice cream truck* to ensure that only ice cream trucks are allowed to operate while moving.
This change has been made.
2. Add the option for a mobile food vendor to submit a restaurant license in Sec. 34-55.(b)(3)c. pending confirmation from DBPR that this is permitted.
After speaking with DBPR, this change was not made. DBPR confirmed that while a restaurant owner could use the restaurant as the commissary for the mobile food vending operation, they would still need a separate mobile food vending license.
3. Add language to Sec. 34-55.(b)(3)e. to allow a mobile food vendor who does not have a fully enclosed truck to receive the permit contingent upon passing an inspection from the Fire Department at a later date.
After speaking with the Fire Marshal, the inspection would need to occur before we issue the permit. The applicant would be required to do a mock set-up to ensure they can pass the life safety inspection.
4. Modify the language in Sec. 34-55.(c)(2)d. to allow flexibility to not have a limiting effect on the size of mobile food vendors.
This language has been removed.
5. Add clarifying language to Sec. 34-55.(d)(1) to ensure that the hours of operation include setup and breakdown.
This language has been added.

6. Change the size of a permitted menu board from 24" x 42" to 30" x 50" (Sec. 34-55(e)(1)c.)
This change has been made.
7. Clarify the requirement for a special event permit as it relates to alcohol sales when an event is not open to the public.
Per Sec. 53-265.E. of the ULDC, a special event is required when an event is "open and advertised to the public, which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City rights-of-way or could affect public safety." In addition, Sec. 6-28 of the City Code prohibits consumption of alcoholic beverages on public property, however Sec. 6-32 allows for this to occur under a special occasion permit with approval from the chief of police. The special event permit serves as this approval. For this reason, no changes are recommended to Sec. 34-55(f)(1).

Strategic Plan

Support a vibrant and diversified economy to create local jobs and attract private investments.
Stimulate diverse economic opportunities and advocate for the creation of additional commerce parks.

Financial Impact

Each MFVP would require an annual fee of \$100.

Procurement

N/A

Attachments:

1. Ordinance 2019-04
2. Staff Report, TXT-18-248
3. Ordinance 2019-04 for Second Reading

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