

Legislation Text

File #: 21-19, **Version:** 2

P.H. 2021-10: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "BUSINESS TAX RECEIPTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," AND BY AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," TO AMEND SECTION 115.18, "MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," AND SECTION 115.19, "PIER AREA VENDING," TO MODIFY REQUIREMENTS FOR MOBILE VENDORS IN THE CITY; AND BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE DISTRICTS WHERE MOBILE VENDORS ARE PERMITTED ON PRIVATE PROPERTY, AND TO PROVIDE A DEFINITION AND STANDARDS FOR MOBILE VENDORS; BY AMENDING APPENDIX A, "CONSOLIDATED USE TABLE," TO REFLECT MODIFICATIONS MADE TO THE ZONING CODE FOR MOBILE VENDORS ON PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Jennifer Gomez/David Recor)

Summary Explanation/Background:

Section 75 of the recently adopted House Bill 1193, provides that licenses and fees to operate mobile food dispensing vehicles, which includes food carts per the definition, are preempted to the State. The City can no longer require a mobile vendor to obtain a license, registration or permit in order to operate in the City. The City also cannot prohibit mobile vendors from operating within the City. Municipalities are not, however, prohibited from regulating the operation of mobile food dispensing vehicles.

The amendments remove the requirements to obtain a Business Tax Receipt and pay City fees in order to operate. The text amendments extend the ability to operate on private property to the I-1X Heavy Industrial Zoning District and O-IP district. Staff is also revising Chapter 155 zoning code, to include a reference to this use.

The enclosed code amendments represent the revisions needed to comply with the State Statutes. The goal is to ensure the safety of pedestrians, vendors and motorists. Several regulations not directly related to safety were removed. Several other code provisions were reorganized for clarity; therefore, while there appears to be significant revisions, much of the underlined text is not actually modified regulations.

Please note, food truck or mobile vendors not covered by this code section can also be approved by a Special Event permit. This process covers most of the food truck events seen throughout the City.

The Planning & Zoning Board unanimously recommended approval at the September 23, 2020 P&Z meeting.

Origin of request for this action: Development Services/ City Attorney's Office

Fiscal impact and source of funding: N/A

