



ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
115 S. Andrews Avenue, Room 329B • Fort Lauderdale, Florida 33301 • 954-357-6612 • FAX 954-357-8655

Date: January 2, 2014

To: The Honorable Mayor Barbara Sharief and Members
Broward County Board of Commissioners

From: Cynthia S. Chambers, Director
Environmental Protection and Growth Management Department

Subj: Additional information regarding "Stationary" Mobile Food Units

At the December 10th Commission meeting, the Board requested the following:

- 1) Comparison of other municipal food unit regulations, both mobile and stationary.
- 2) Letters of support from other businesses in the Central County Community.
- 3) Indication whether the proposed regulations would be applicable to more than one location.

Regarding Item 1, attached please find a copy of the memorandum dated December 23, 2013, sent to you by Joni Armstrong Coffey, County Attorney, containing a mobile food unit matrix comparing regulations in nearby local governments, none of which permits SMFU.

Regarding Item 2, to date, staff has not received letters of support from any local businesses. It is my understanding that letters were to be furnished by the applicant.

Regarding Item 3, attached please find a map indicating the B-3 Business zoning district for the Central County Community Overlay District. Applications for a SMFU would be accepted for properties within this area and would be processed in accordance with the attached provisions of the site plan review procedures of the Broward County Land Development Code. Additionally, the current permitted uses of the property would have to meet the requirements of the Zoning Code, i.e., be free of any nonconforming uses.

Attachments (3)

cc: Bertha Henry, County Administrator
Monica Cepero, Assistant to the County Administrator

Broward County Board of County Commissioners

Sue Gunzburger • Dale V.C. Holness • Kristin Jacobs • Martin David Kiar • Chip LaMarca • Stacy Ritter • Tim Ryan • Barbara Sharief • Lois Wexler
www.broward.org

Joni Armstrong Coffey
County Attorney



OFFICE OF THE COUNTY ATTORNEY
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

954-357-7600 • FAX 954-357-7641

MEMORANDUM

TO: Board of County Commissioners

FROM: Joni Armstrong Coffey, County Attorney

DATE: December 23, 2013

RE: Stationary Mobile Food Units in the Central County Community Overlay District
CAO Files: 13-026.00 & 13-053.00

This memorandum is in response to the Board's request that our office review other local government regulations pertaining to mobile food units. The rise in popularity of mobile food units has led to code revisions in many communities eager to acknowledge this business model but cautious about food safety, traffic, and neighborhood compatibility.

We have reviewed numerous local ordinances, including those in the cities of Sunrise and Hollywood. Most communities limit mobile food vending to nonresidential districts, and some areas have specific requirements for different types of carts or vehicles. A number of jurisdictions also have operational standards such as distancing requirements from other vendors or from brick and mortar restaurants, limitations on hours of operation, or limitations on the vendor's tenure in any one location. Typical local regulations require mobile food units to keep moving, with only temporary stops in varying locations in order to sell food products.

Traditional mobile food units/trucks are currently permitted in the B-3, B-4, C-1, CR, and OP zoning districts of the unincorporated areas of the County as a conditional use. However, under Section 39-840, Broward County Code of Ordinances ("Code"), these mobile food units are prohibited from stopping, standing, or parking within the Central County Community Overlay District.

The regulations envisioned and recommended by the Central County Community Advisory Board ("CCCAB") are different from those adopted in other jurisdictions. The CCCAB recommended that the Board amend the Code authorizing that Stationary Mobile Food Units ("SMFUs") be regulated and permitted to stop, stand, and park on a

**Board of County Commissioners
December 23, 2013
Page 2**

plot of land located in the Central County Community and zoned B-3, Intense Commercial Business District, for the purpose of selling food. Rather than the transient nature of traditional mobile food units/trucks traversing the community, the CCCAB desires to require more rooted SMFUs.

Attached hereto you will find a matrix outlining features between the regulations recommended by the CCCAB and those of surrounding communities.

Should you desire additional information regarding these or the regulations from other jurisdictions, please do not hesitate to call upon us.



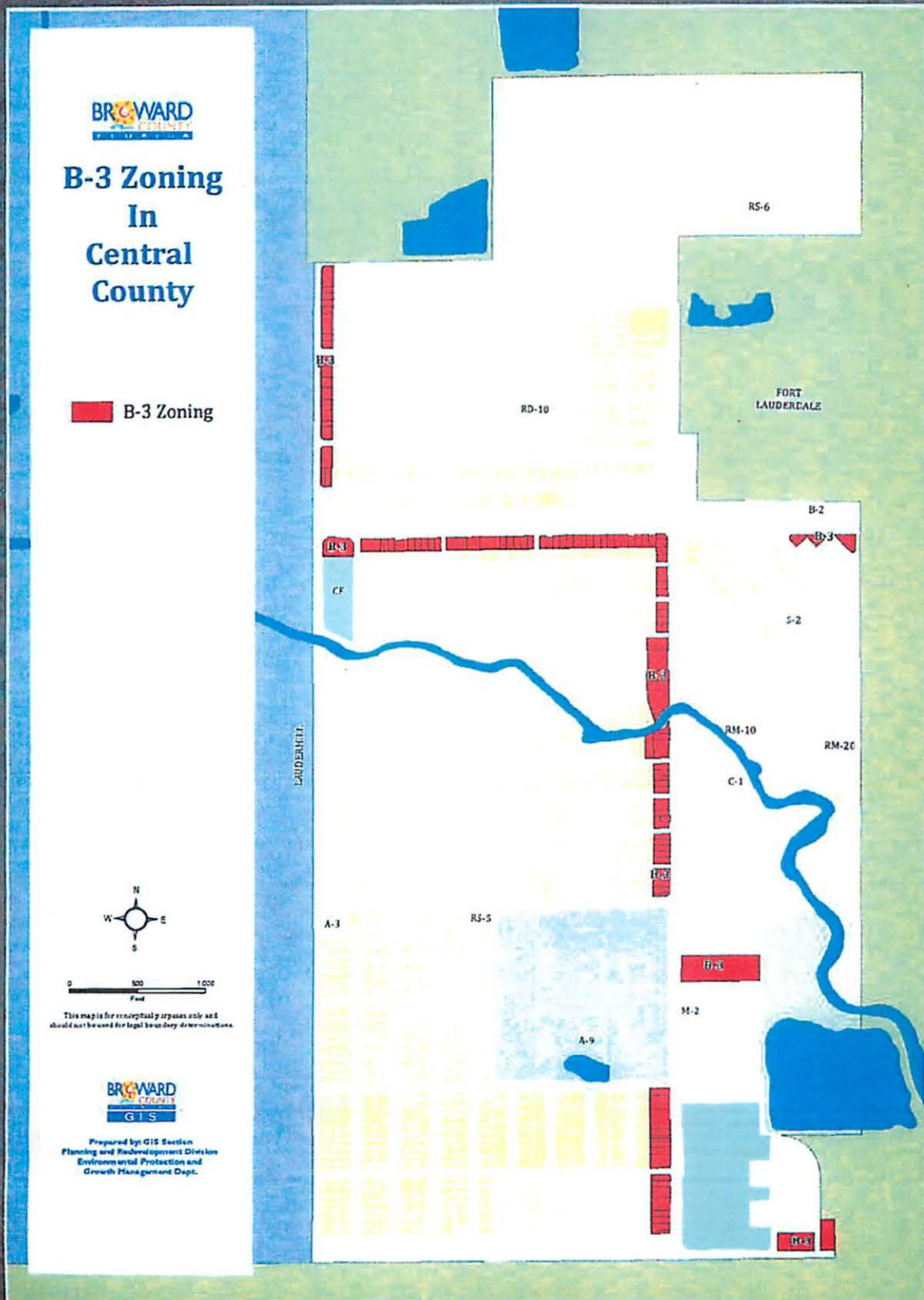
County Attorney

**JAC/JEN/gmb
Attachment**

**c/att: Bertha Henry, County Administrator
Evan A. Lukic, County Auditor
Cynthia Chambers, Director, Environmental Protection and Growth Management
Department**

Mobile Food Unit Matrix

Local Government Regulations	CCCAB Recommended County Ordinance	City of Hollywood	City of Sunrise	City of Fort Lauderdale	City of Lauderdale	Miami-Dade County
Applies to?	Stationary Mobile Food Units ("SMFUs")	Mobile Food Units	Food Trucks	Mobile Vendors	Food Trucks	Mobile Food Service Operations
Application/Review Process?	Yes	Yes	Yes	Yes	N/A	Yes
Permitted Zoning District(s)?	B-3 only	Citywide	Citywide	B-2, B-3, and B-3-C	Prohibited	BU, RU, urban center, urban area, and GU
Health and Safety standards?	Compliance with Chapter 61C-4.0161, Florida Administrative Code and all applicable state and local requirements	All applicable state, county, and municipal licensing and permits	State licensure	Approval of County Health Department	N/A	State licensure
Written consent of Property Owner?	Yes	Yes	Yes	Yes	N/A	Yes
Distancing Requirements?	Only one SMFU per site	Prohibited within 200 feet of an establishment that handles the same kinds of food	Maximum of three Food Trucks at any special event	Prohibited within 600 feet of any school/church between one hour prior to the start of school day/church service and one hour after dismissal of school day/church service	N/A	Located a minimum of 20 feet from the property line of an existing residential use
Hour of Operations Time Limitations?	No	Prohibited after sundown or before sunrise, without Commission approval	Must close by 11 p.m.	No	N/A	7 a.m. to 10 p.m. on weekdays, and from 7 a.m. to 11 p.m. on weekends
Limitations on Vendor's tenure in any one location?	No	Cannot remain on private property for a period exceeding one hour, and shall not return to same location more than three times in any 12-hour period	Special event shall not exceed one day; No more than six special events per calendar year	No	N/A	No
Permitted in Residential areas?	No	Yes	Yes	No	No	No



Attachment 3

Site Plan Review for "Stationary" Mobile Food Units.

Below is the applicable Land Development Code (LDC) section 5-181(a-c) governing site plan application and the review agencies that would be involved for an application for a stationary mobile food unit.

Below also is LDC section 5-193 which lists the site plan submittal requirements that would be part of the application and review process. In addition to the requirements in sec 5-193 (c), if the proposed stationary mobile food unit were adjacent to residential (within 300 feet,) it would also require additional actions of section 5-194 (d) to mitigate impacts on those residential properties, including but not limited to setbacks, buffering, fences, landscaping, etc.

Sec. 5-181. Development review procedures.

Any application for a development permit required or authorized under this Code of Ordinances shall require an effective development order to be granted by the Planning and Redevelopment Division Director or the County Commission prior to issuance of the development permit. The Planning and Redevelopment Division shall be the central intake point for filing all applications and supporting documents for development permits. Except as otherwise provided in this article, the following procedures shall govern the review of applications for development permits subsequent to filing.

(a)

Completeness of application. The Development and Environmental Regulation Division shall review the application for development permit to determine its completeness. Within seven (7) working days after receipt, the Development and Environmental Regulation Division shall either accept the application, if it is complete, or reject the application, if it is incomplete, and forward to the applicant a notice of incompleteness specifying the data missing from the application received. The determination of completeness in this subsection does not include the Highway Construction and Engineering Division submission requirement set forth in subsection 5-189(c).

(1)

If a notice of incompleteness is not sent, the application shall be deemed accepted for purposes of beginning the time limits of this division on the eighth (8th) working day after the filing of the application

(2)

If a notice of incompleteness is sent, the applicant shall resubmit the application with the additional data required within ten (10) working days of the transmittal of the notice of incompleteness or the application shall be deemed withdrawn. The Development and

Environmental Regulation Division shall review the resubmitted application in the manner provided in this subsection for the original application.

(b)

***Agency Review.* Upon acceptance of an application for development permit, the Development and Environmental Regulation Division shall forward a copy of the application and accompanying material or, when appropriate, a comment sheet only to each of the following agencies for review:**

- (1)The Highway Construction and Engineering Division.**
- (2)The Traffic Engineering Division.**
- (3)The Development and Environmental Regulation Division.**
- (4)The Broward County Planning Council, for municipal submissions only.**
- (5)The Broward County Public Health Unit.**
- (6)The Water and Wastewater Services Division.**
- (7)The Natural Resources Planning and Management Division.**
- (8)The Broward County Transportation Department.**
- (9)The Parks and Recreation Division.**
- (10)The Broward County School Board.**
- (11)The Broward Sheriff's Office Fire Marshal's Bureau, for unincorporated area submissions only.**
- (12)The Florida Power and Light Company.**
- (13)The AT&T Company.**
- (14)The Permitting, Licensing and Consumer Protection Division, for unincorporated area submissions only.**
- (15)The Florida Department of Transportation ("FDOT"), for applications which have or propose access to a State road.**
- (16)The applicable municipality, when the application is for a plat within a municipality.**
- (17)The Aviation Department.**
- (18)The Planning and Redevelopment Division, for unincorporated area submissions only.**
- (19)The Port Everglades Department, for submissions within Port Everglades.**
- (20)The Pollution Prevention, Remediation, and Air Quality Division.**

(c)

***Review responsibilities.* Each reviewing agency shall prepare a staff report which sets out in writing its comments and recommendations regarding the application for development permit, and shall forward such staff report to the Development and Environmental Regulation Division within twenty (20) working days of acceptance of the application by the Development and Environmental Regulation Division. If any reviewing agency staff report is not**

received within said time frame, this shall indicate that the reviewing agency has no comments or objections to the application.

(1)

The Development and Environmental Regulation Division Director may waive agency review, in whole or in part, under this section upon a determination that such a review has already been made regarding the same land and no change in circumstances has occurred which necessitates further review. The Director shall provide a quarterly report to the County Commission of all such waivers granted and the reasons therefore.

(2)

Agency review responsibilities under this section may be reassigned by the County Administrator from time to time as necessary to more effectively perform the required reviews.

(3)

If the application is not subject to major review and is for development of fewer than twenty (20) dwelling units or less than 10,000 gross square feet of nonresidential floor area, the application shall be subject to review by those agencies that the Development and Environmental Regulation Division deems appropriate. If a development order is not issued within six (6) months from the date the application is received, the application shall be deemed withdrawn.

Below are some additional excerpts from the Code. The "stationary/mobile units would not be exempt, and would have to comply with the procedures and submission requirements below.

Sec. 5-191. Mandatory site plan approval.

Review of a final site plan by the reviewing agencies is required prior to any development of land in the unincorporated area of Broward County.

Exempt development: Notwithstanding any other provision of this Division, the following activities shall not require site plan approval unless the development will occur within a Local Area of Particular Concern or on property included within the Urban Wilderness inventory which designation has been approved by the County Commission.

(1) The deposit and contouring of fill on land.

(2) Implementation, by a governmental entity, of a water management plan approved by the County Commission, as such plan relates to an approved Development of Regional Impact.

- (3) Construction of a single family home on an existing single family lot.
- (4) Construction of a single duplex on an existing single lot.
- (5) The following development of facilities or equipment proposed by the Broward County Aviation Department or the Federal Aviation Administration ("FAA") at the Fort Lauderdale-Hollywood International Airport shall be exempt from site plan review:
 - a. Facilities or equipment within the boundaries of the Fort Lauderdale-Hollywood International Airport ("Airport"), as legally described in the Development Order issued by Broward County relating to the Airport's Development of Regional Impact dated July 8, 1988, as same may be amended, including airfield pavement, air navigational aids, visual aids and facilities which are unstaffed, or any other unstaffed facilities or equipment which may be required by the FAA to be used exclusively by the FAA for the guidance or movement of aircraft; and which facilities or equipment are designed, constructed, and inspected pursuant to and in strict compliance with Federal Aviation Advisory Circulars, Orders, and Regulations, for which no specifications or criteria are set forth in the South Florida Building Code or the County's Land Development Code.
 - b. The exemptions set forth above shall not apply to facilities or improvements that are occupied by people.

Sec. 5-193. Application for final site plan approval.

- (a) *Procedures.* An application for final site plan approval shall be filed and processed pursuant to subsections 5-181(a) through (f) of this Article. Prior to acceptance of the application, a determination shall be made pursuant to section 5-192(a) as to the necessity of filing an application for conceptual site plan review.
- (b) *Procedures for full agency review.* The following additional procedures shall apply to applications for final site plan approval which require full agency review, pursuant to section 5-181(b), when such full review has not been waived by the Development and Environmental Regulation Division pursuant to section 5-181(c)(3).
 - (1) Prior to the filing of an application for final site plan approval, the applicant shall be required to attend a preapplication conference with staff to discuss filing requirements, municipal and neighborhood notification procedures, including the number of additional copies of plans which may be required to comply with subsections (2) and (3) below, sign posting procedures to comply with subsection (4) below, and other issues which may affect the application.
 - (2) Upon acceptance of the application, a copy of the entire application for final site plan approval, including all attachments and drawings, shall be forwarded by the County to any municipality within a two (2) mile radius of a boundary of the site plan. Municipalities shall have the same time limits as reviewing agencies to provide written comments to the Development and Environmental Regulation Division Director, as specified in section 5-181(c). If required, the applicant shall provide additional copies of the application, including all attachments and

drawings, in order for the application to be accepted pursuant to section 5-181(a). Comments received from municipalities shall be attached to the compilation of comments forwarded to the applicant in accordance with section 5-193(d), and shall be considered by the Development and Environmental Regulation Division Director only as they relate to compliance with the Broward County Code of Ordinances. Prior to the issuance of a development order for final site plan approval, the applicant shall submit to the Development and Environmental Regulation Division Director a written response to comments received from any municipality within a two (2) mile radius of the boundary of the site plan.

- (3) Upon acceptance of the application, a copy of the entire application, including all attachments and drawings, shall be forwarded by the County to any unincorporated area neighborhood/civic organization, within a one (1) mile radius of a site plan boundary, as listed on the "Neighborhood Association/Civic Representatives List for the Unincorporated Area" and as delineated on the "Unincorporated Neighborhood Map." The neighborhood list and map shall be available for public inspection, and changes may be made by the Director of the Environmental Protection and Growth Management Department. Neighborhood/civic organizations shall have the same time limits as reviewing agencies to provide written comments to the Development and Environmental Regulation Division Director, as specified in section 5-181(c). If required, the applicant shall provide additional copies of the application, including all attachments and drawings, in order for the application to be accepted pursuant to section 5-181(a). Comments received from neighborhood/civic organizations shall be attached to the compilation of comments forwarded to the applicant in accordance with section 5-193(d), and shall be considered by the Development and Environmental Regulation Division Director only as they relate to compliance with the Broward County Code of Ordinances. Prior to the issuance of a development order for final site plan approval, the applicant shall submit to the Development and Environmental Regulation Division Director a written response to comments received from any neighborhood/civic organization within a one (1) mile radius of the boundary of the site plan.
- (4) At time of filing an application for final site plan approval, the applicant shall pay a deposit to Broward County in an amount to cover the cost of replacing the sign(s) provided by the County. After the application is filed, Broward County shall provide the appropriate number of signs(s) to the applicant to inform the public that an application for final site plan approval has been submitted. By the day of acceptance of the application, the applicant shall securely post the sign(s) on the property in a visible location on each street frontage, and shall submit to the Development and Environmental Regulation Division an affidavit of proof of posting of the sign(s) in accordance with this subsection. If the applicant fails to

submit the affidavit, processing of the application shall cease and any required action by the Development and Environmental Regulation Division Director pursuant to section 5-193(d) shall be postponed until such affidavit is received. The sign(s) shall be removed by the applicant within five (5) working days after the Development and Environmental Regulation Division Director takes a required action pursuant to section 5-193(d), unless the application is referred to the County Commission pursuant to section 5-181(h)(2), in which case the sign shall be removed by the applicant within five (5) working days after final disposition of the application by the County Commission. If the applicant fails to remove the sign(s) and return it to the County within this time, the County shall have the right to remove the sign(s), which will result in the applicant forfeiting the deposit. If a sign is lost or stolen, an affidavit by the applicant of such fact shall be submitted prior to the return of the deposit to the applicant. The deposit shall be returned to the applicant within thirty (30) days of the sign being returned or the affidavit attesting to the loss of the sign being received by Broward County. The above referenced sign shall be exempt from all unincorporated area sign and permit regulations. No development order approving a site plan shall be issued unless either the sign(s) have been returned or the affidavit attesting to the loss of the sign(s) has been submitted.

- (c) **Submission requirements.** An application for final site plan approval shall include a development plan, the overall size of which shall be 24" x 36", drawn at a scale not less than 1" = 50' and shall include the following:
- (1) Legal description, including the section, township, and range.
 - (2) Site boundaries clearly identified, and tee-to-section corners.
 - (3) A recent survey prepared by a Florida registered land surveyor, certified as to meeting the requirements of the applicable section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and waterbodies.
 - (4) Proposed land uses.
 - (5) Location and height of all structures and total floor area with dimensions to lot lines, and designations of use.
 - (6) Building separations.
 - (7) Vehicular circulation system for cars, bicycles and other required vehicle types, with indication of connection to public rights-of-way. Location of all parking and loading areas.
 - (8) All adjacent rights-of-way, with indication of ultimate right-of-way line, center line, width, paving width, existing median cuts and intersections, street light poles and other utility facilities and easements.
 - (9) Pedestrian circulation system.
 - (10) Provider of water and wastewater facilities.
 - (11) Existing and proposed fire hydrant locations.

- (12) The following computations:
 - a) Gross acreage.
 - b) Net acreage. Gross acreage covered by the property excluding road easements and rights-of-way, if any.
 - c) Number of dwelling units and density for residential uses only.
 - d) Square footage of ground covered by buildings or structures and designation of use.
 - e) Required number of parking spaces.
 - f) Number of parking spaces provided.
 - g) Pervious, impervious and paved surface, in square footage and percentage.
 - (13) Indication of existing native vegetation that will be preserved, as required herein.
 - (14) Site plan location sketch, including section, township, and range.
 - (15) Geometry of all paved areas including centerlines, dimensions, radii and elevations.
 - (16) Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.
 - (17) Loading areas and provisions for accessibility to vehicles of the required type.
 - (18) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type.
 - (19) Location of all drainage features, and retention areas, if any.
 - (20) Schematic water and sewer plan including the location and size of all mains and lift stations (note: Final engineering plans must be submitted and approved prior to the issuance of a building permit).
 - (21) Location of septic tank and drain field, if applicable.
 - (22) A conceptual or final landscape plan demonstrating compliance with applicable landscape regulations.
 - (23) A conceptual or final lighting plan as required by Chapter 39, Article XII, Off-Street Parking and Loading of the Broward County Zoning Code.
 - (24) Street names and addresses, or a range of addresses, for any proposed building within the site plan, in conformity with County standards.
 - (25) An application for final site plan approval which abuts a Trafficway which is functionally classified as a State Road and which proposes direct vehicle access to the State Road, shall also be accompanied by a valid Pre-Application approval letter from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards," as amended.
- (d) **Required action.** The Development and Environmental Regulation Division Director shall review the application for final site plan approval and the comments of the reviewing agencies. Within five (5) working days of receiving the comments from the reviewing agencies, the Development and Environmental Regulation Division Director

shall forward a compilation of such comments to the applicant, along with notification of one of the following required actions:

- 1) That the application meets the requirements of this Division, and that the Development and Environmental Regulation Division Director or designee, after receiving evidence of approval by each commenting reviewing agency, shall approve the application by signing the final site plan. A final site plan signed by the Development and Environmental Regulation Division Director pursuant to this paragraph shall constitute a development order granting an application for final site plan approval.
 - 2) That the application does not meet the requirements of this Division, in which case the Development and Environmental Regulation Division Director shall issue a Letter of Intent to deny the application, which shall include a statement of the basis for the denial. If after ten (10) working days of the issuance of the Letter of Intent, the basis for the denial is still valid, the Development and Environmental Regulation Division Director shall issue a development order denying the application. A development order denying an application shall include a statement of the basis for denial. If, after ten (10) working days of the issuance of the Letter of Intent, the Development and Environmental Regulation Division Director determines that the basis for the denial is no longer valid, then the Development and Environmental Regulation Division Director shall take an action specified in subparagraph (d)1) or (d)3) of this Section.
 - 3) That the application does not meet the requirements of this Division, but that the required changes to the application are of such a minor nature that a resubmittal of the application is not warranted, in which case the Development and Environmental Regulation Division Director or a designee, after receiving evidence of approval by each commenting reviewing agency, including conformance to the required changes, shall indicate such approval by signing the final site plan. A final site plan signed by the Development and Environmental Regulation Division Director pursuant to this paragraph shall constitute a development order granting an application for final site plan approval.
- (e) ***Revised site plan.*** If an applicant's development plans change after previously receiving final site plan approval, the applicant may file an application for revised final site plan approval with the Development and Environmental Regulation Division Director. In such case, the procedures of this Section shall be repeated; provided, however, that minor deviations from an approved final site plan may be approved by the Development and Environmental Regulation Division Director.
- (f) ***Withdrawal of final site plan application.*** A final site plan application, for which the applicant has not submitted to the Development and Environmental Regulation Division Director or designee, evidence of approval by each commenting reviewing agency, shall be deemed withdrawn after six (6) months from the date of transmittal of the notification, as required in section 5-193(d) of this Article.

- (g) **Issuance of development order.** The Development and Environmental Regulation Division Director or designee shall issue a development order approving an application for final site plan approval within five (5) working days of receiving evidence of approval from each commenting reviewing agency.
- (h) **Effective period of final site plan approval.** An approved final site plan shall be effective until the development is completed except that if after one (1) year from the date the development order approving the site plan is issued, a period of ninety (90) days occurs during which no valid building permit is in effect, the development order granting approval shall be null and void.

Sec. 5-194. Substantive requirements.

- (a) **Compliance with Division 2.** In addition to the requirements of this Division a site plan shall be required to comply with the provisions of Division 2.
- (b) **Conformity to recorded plat.** If a final site plan depicts land previously recorded by plat, the application for final site plan approval or revised final site plan approval shall conform to such plat.
- (c) **Conformity to zoning regulations.** Development depicted in a final site plan shall conform to all applicable Broward County zoning ordinances and regulations.
- (d) **Additional documentation for non-residential final site plans.** An applicant for final site plan approval for a non-residential use, which requires full agency review pursuant to sections 5-181(b) and (c), shall provide written documentation with the application demonstrating the specific measures that will be taken to prevent or minimize impacts upon adjacent residential property within three hundred (300) feet of a boundary of the site plan. Adjacent residential property includes land within a residential land use plan category, a residential zoning district, or land currently used for residential purposes. These impacts include the effects of excessive noise, objectionable odors, visible emissions, particulate matter (including dust, smoke, soot, and aerosols), solid wastes, hazardous wastes, fire and explosion. Specific measures include but are not limited to the provision of setbacks, buffers, landscaping, fencing, walls, and/or other measures as required by the Broward County Code. Such documentation must be submitted in order for the application to be accepted pursuant to Section 5-181(a). In the alternative applicant may provide such information contained within any applicable reports or studies, that applicant may have in its possession, that address the impacts of excessive noise, objectionable odors, visible emissions, particulate matter, solid wastes, hazardous wastes, fire and explosion.