

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 19-036

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 AND ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO ADOPT STANDARDS FOR FOOD TRUCKS AND FOOD COURTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The amendments to the Land Development Code set forth in Attachments "A" and "B," attached hereto and made a part hereof, are hereby adopted.

SECTION 3. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188, and that all procedures for the enactment of this ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of November, A.D. 2019.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
INTERIM CITY ATTORNEY

ATTACHMENT "A"

1.6 DEFINITIONS

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1.6.2 DEFINITIONS

Unless the context clearly indicates a different meaning, for the purposes of this Code, the following words and terms shall be defined as follows:

...

Floor Area Ratio: The gross floor area of all buildings on a lot divided by the gross land area.

Food Truck: A mobile food unit, mobile food vendor or any other food service/vending vehicle or cart that has been inspected and licensed as such by the appropriate state agency.

Food Truck Court: Two or more food trucks as either a principal or accessory use located on the same parcel.

ATTACHMENT "B"

5.10 Food Trucks

5.10.1 General Development Standards

- a. Where allowed in Table 2.3-1, no more than one (1) food truck shall be in operation on a given property as an accessory use to another permitted principal commercial use. Two or more food trucks may only be considered through a conditional use for a food truck court.
- b. With the exception of special events, such as food truck rallies which are approved through a special event permit, food trucks shall not be located within any public or private right-of-way.
- c. Food trucks, and any accessory outdoor tables or seating, shall be setback a minimum of five (5) feet from any sidewalks, ten (10) feet from any driveways and above ground utilities, fifteen (15) feet from any fire hydrants, and fifty (50) feet from any residentially-zoned property.
- d. Food trucks, and any accessory outdoor tables or seating, shall not block or otherwise impede access to any sidewalks, driveways, ADA accessible parking or fire lanes.
- e. Food trucks shall only be located on an improved, stabilized surface such as concrete, gravel, asphalt or other similar material. If located within an off-street parking area, any parking spaces used will count against the minimum parking ratio required to support the principal use of the property. The amount of parking used shall not result in a reduction of the number of available off-street parking required to support the principal use, as specified by Table 4.11-1.
- f. Solid waste collection receptacles shall be provided for use by food truck customers. All solid waste collected shall be properly disposed of either off-site or on-site within an approved solid waste collection bin (dumpster) through an agreement with the property owner.
- g. Electrical service may be provided by either an on-board generator or through a temporary electric connection, subject to compliance with all codes and any permitting requirements. Permanent connections for electrical service shall be prohibited.
- h. Liquid Waste Disposal
 1. There shall be no discharge of liquid waste or grease trap waste into any storm or sanitary sewer system. Liquid waste shall be disposed of through one of the following methods:
 - a. A licensed contracted commissary or A licensed designated sanitary sewer disposal site. All commissaries and disposal sites must have approved grease traps, and monitoring manholes per City of Lakeland Standards and Specifications.
 - b. Direct connection to sanitary sewer by new or existing services.

If a food truck is located on a property that has a grease trap and monitoring manhole approved by the Water Utilities Department, connection to the sanitary sewer shall require compliance with all water utility requirements and approval by the Water Utilities Department. If at any time the Water Utilities Department has concerns about the connection, immediate disconnection shall occur.

2. Disposal Documentation Log

All food truck operators shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. At the request of the Water Utilities Department and/or upon inspection, the food truck operator shall provide copies of the disposal log. The Disposal Documentation Log to be used by the food truck operator can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

i. Water Consumption

1. Water shall be provided from one of the following methods:

(a) A licensed contracted commissary or A licensed designated potable water fill site

There shall be no connection to any non-potable water source. All commissaries must have an approved backflow prevention device per City of Lakeland Standards and Specifications.

(b) Direct connection to water by a new or existing domestic service.

If a food truck is located on a property that has a City installed domestic water meter and backflow prevention device approved by the Water Utilities Department, connection to the water service line, downstream of the backflow prevention device, shall be in accordance with all water utility requirements. If at any time the Water Utilities Department has concerns with the connection, or the meter and/or backflow prevention device are bypassed, immediate disconnection shall occur.

2. Potable Water Acquisition Log: The food truck operator shall maintain a Potable Water Acquisition Log. The log shall be kept in the food truck at all times and shall include date, time, address location, and the amount of potable water obtained. At the request of the Water Utilities Department, and/or upon inspection, the food truck operator shall provide copies of the log. The Acquisition Log to be used by the food truck proprietor can be found on the City of Lakeland Water Utilities' website, or by contacting the department.

5.10.2 Required Documentation

- a. Prior to the issuance of a business tax receipt, the food truck proprietor shall submit a Food Truck Sanitary Sewer Disposal & Potable Water Source Form. This form, which can be found on the City of Lakeland Water Utilities' website or by contacting the department, must be completed and signed by the Water Utilities Department.
- b. The applicant shall also submit written consent from the property owner which authorizes the food truck use and guarantees access to permanent bathroom facilities on the site.
- c. The food truck proprietor shall maintain a Disposal Documentation Log. The disposal log shall be kept in the food truck and shall include date, time, address location, and the amount of liquid waste, grease or used cooking oil disposed. Food Truck permittee and/or operator shall provide copies of the disposal log when requested by the Water Utilities Department and/or upon inspection.



Planning & Zoning Board Recommendation

Date:	November 4, 2019	Reviewer:	Todd Vargo
Project No:	LDC19-003	Applicant:	City of Lakeland
P&Z Hearing:	August 20, 2019	P&Z Final Decision:	September 17, 2019
Request:	Changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) to adopt standards for food trucks, food courts into the Land Development Code.		

1.0 Background

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) primarily address food trucks and provide standards for their use. The recommended changes are included as Attachment “A.”

1.2 Attachments

Attachment A: Changes to Section 1.6 (Definitions) to define food trucks and food truck courts

Attachment B: Proposed standards for Section 5.10 (Food Trucks)

2.0 Discussion

Food trucks are currently addressed under Chapter 78 (Peddlers and Solicitors) of the Code of Ordinances as “Mobile Food Vendors.” The current regulations were developed in an earlier era when food trucks primarily functioned as mobile canteens or snack vendors. Menus were generally limited to pre-packaged, convenience foods such as sandwiches, hot dogs, ice cream, candy, chips and sodas with most food preparation work occurring at an off-site commissary. Such trucks primarily operated on construction sites or other work sites during business hours when dining options were limited. Any waste produced was largely limited to disposable packaging and utensils, glass bottles, aluminum cans, and food scraps. Onboard, water was limited in quantity and primarily used for hygiene purposes.

Modern food trucks came about during the Great Recession due to low startup costs and changing consumer tastes and have very different operational characteristics than the earlier food trucks. Modern food trucks are highly mobile and rely on a business model that is only possible because of technological innovations such as smartphones and social media applications such as Instagram, Twitter, and Facebook. Essentially, they operate as mobile restaurants capable of preparing a wide variety of specialty, ethnic, and gourmet food items fresh from scratch. Modern food trucks are much more versatile than their predecessors and can operate out of business parks, commercial strips, downtown main streets, festivals, and special events; essentially anywhere where customers can easily find them through social media.

Current regulations limit food trucks to C-2 and C-4 zoning districts. Under the proposed changes, food trucks that are not associated with a special event (e.g. downtown rally and market) will be permitted by right in C-2, C-4, I-1, and I-2, and as a conditional use in C-6. The current regulations do not limit the number of trucks that may operate on a single parcel, accessory to another permitted

principal use. Under the proposed standards, two or more food trucks on a single lot or parcel may be permitted as either an accessory or principal use, but only through a conditional use for a food truck court. All food trucks will be required to meet development standards which specify minimum setbacks from sidewalks, driveways, fire hydrants, aboveground utilities, and adjacent residential properties. Any parking set aside for food truck operations will count against the minimum required to support the principal use.

Because food is prepared fresh for customers using an on-board kitchen, modern food trucks produce a very different waste stream than traditional food trucks. In addition to solid waste, they generate a substantial amount of liquid waste (e.g. greywater, grease, and used cooking oil) that can create public health concerns if not properly disposed. As such, all food truck operators will be required to maintain a Disposal Documentation log. The log, which must be provided at the request of the Water Utilities Department, will specify the time, date, address of the disposal location, and the amount of liquid waste, grease, or used cooking oil disposed. All commissaries and disposal sites will require approval by Water Utilities. If a food truck is located on a property with a grease trap and monitoring manhole, direct connection to the sanitary sewer may be permitted subject to review and approval by the Water Utilities Department.

Similarly, because improperly sourced potable water could potentially contaminate the municipal water system, all food truck operators will be required to maintain a Potable Water Acquisition Log. The log, which must be produced at the request of the Water Utilities Department, will specify the time, date, address location and the amount of potable water obtained. All commissaries and off-site water fill sites within the City's utility service area will require approval by Water Utilities. If a food truck is located on a property with a City domestic water meter and backflow prevention device, direct connection to the water service line may be permitted subject to review and approval by the Water Utilities Department.

3.0 Recommendation

3.1 Community and Economic Development Staff

The Community and Economic Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

3.2 The Planning & Zoning Board

This recommendation was approved by a 6 – 0 vote of the Board.

The Community and Economic Development Department and Water Utilities Department reviewed this request and recommended the proposed changes to the LDC.

Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachments "A," and "B," be approved.

ATTACHMENT "A"

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