

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, AMENDING SECTION 402.5.A. TEMPORARY USES TO PROVIDE FOR MOBILE FOOD OPERATIONS; AMENDING APPENDIX A, DEFINITIONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Florida Constitution of 1968, and Chapters 125 and 163, Florida Statutes (2018), Pasco County has the authority to adopt regulations relating to mobile food operations consisting of mobile food services and mobile food sales, commonly referred to as food trucks and “veggie vans;” and

WHEREAS, the County Commission finds that mobile food services and mobile food sales can provide food resources at multiple convenient locations, during temporary special events throughout the County, and to a diverse customer base; and

WHEREAS, the County Commission finds that mobile food services and mobile food sales provide an important resource to the community different in nature than non-food retail sales; and

WHEREAS, the County Commission finds that mobile food services and mobile food sales provide an opportunity to address food deficiencies within the community; and

WHEREAS, the County Commission recognizes that the Florida Department of Business and Professional Regulations, Division of Hotels and Restaurants, and the Florida Department of Agriculture and Consumer Services, Division of Food Safety, regulate aspects of mobile food services and mobile food sales; and

WHEREAS, the County Commission is supportive of the legal, safe and sanitary operation of mobile food services and mobile food sales in the unincorporated area of Pasco County; and

WHEREAS, the County Commission has conducted duly noticed public hearings as required by law, at which hearings all parties in interest and citizens were afforded notice and the opportunity to be heard; and

WHEREAS, the County Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

Section 1. Recitals.

The Whereas Clauses above are true and accurate and are incorporated by reference and made part of this Ordinance.

Section 2. Section 402.5. A. Temporary Uses, is hereby amended as follows:

1. Mobile Food Operations

a. Intent and Purpose

It is the intent of this Section to establish regulations related to the location and operation of mobile food operations on private and public property within the unincorporated County.

The purpose of this Section is to promote the general health, safety, and welfare of the citizens of the County by establishing reasonable regulations and review procedures to allow for mobile food operations in a safe and sanitary manner.

It is not the intent of this Section to regulate food delivery. It is not the intent of this Section to regulate food preparation by individuals for private consumption, such as "tailgating" parties, where food is not offered for public consumption. Mobile non-food operations are not authorized by this Section.

b. Applicability

Owners of qualifying mobile food operations may avail themselves of the provisions of this Section. Qualifying mobile food operations are those meeting all of the applicable requirements of the Florida Department of Agriculture and Consumer Services, Division of Food Safety or the Department of Business and Professional Regulation, Division of Hotels and Restaurants; and the Florida Department of Health; Florida Statutes; the Florida Administrative Code; the 2009 FDA Food Code, as may be amended from time to time; the National Fire Protection Association Codes and Standards; the Florida Building Code; the Florida Fire Prevention Code; and this LDC; and having obtained all required permits and licenses from the State of Florida and the County.

Private Property owners may avail themselves of these provisions and host qualifying mobile food operations regularly on their sites, during a permitted temporary event, or to develop non-residential property as a Food Truck Court on those properties zoned C-1, C-2, C-3, I-1, or I-2 or commercial or industrial zoned portions of an MPUD.

c. Permits Required

1. Mobile Food Operations Registration

All qualifying mobile food operations seeking to operate in the County shall first register with the County.

- (a) Registration shall require proof of status as a qualifying mobile food operation;
- (b) Payment of a registration fee;
- (c) Posting of a valid registration on site;
- (d) Registration shall be required annually and is not transferable.
- (e) The location of the mobile food operation shall comply with the requirements of this Section.

2. Mobile Food Operations on Private Property

a. Non-Residentially Zoned. For purposes of this Section, non-residentially zoned shall mean all properties zoned PO-1, PO-2, C-1, C-2, C-3, I-1, I-2, and all office, commercial, industrial, or mixed use portions of an MPUD. Private property owners/leases may allow mobile food operations on their property subject to the following :

- (1) Compliance with Section 402.5.A.1.c.1 (a)-(g).
- (2) Compliance with all local ordinances.
- (3) General Prohibitions and Supplemental Regulations of this Section shall apply.
- (4) The location of the mobile food operation may not obstruct or create unsafe ingress and/or egress.
- (5) The mobile food operation shall be set back a minimum of ten feet from all property lines.
- (6) Mobile food operators shall be required to immediately comply with any request by law enforcement and/or code enforcement officers, which may include relocation of the mobile food operation if deemed by the officer to be creating an unsafe situation.

b. Residential Use/District/Zoning. For purposes of this Section Residential District/Zoning shall mean all properties zoned A-C, AC-1, A-R, AR-1, AR-5, AR5-MH, E-R, ER-2, R-MH, R-1, R-1MH, R-2MH, R-2, R-3, R-4, MF-1, MF-2, MF-3, and residential portions of an MPUD. Community Development Districts and Property Owners' Associations shall use the same requirements and procedures listed

in Section 402.5.A.2 of this Code to allow mobile food operations on their property.

- c. Property owners of existing venues that function solely for the purpose of hosting special events, such as the Pasco County Fairgrounds, are exempt from the permitting requirements of this subsection.

3. Active Construction Sites

Mobile food operations shall vend to the personnel lawfully authorized to be an appropriate location based on the location of the active construction, as authorized by the general contractor consistent with safe construction site management practices.

4. Mobile Food Operations on County Property

Various County Departments, including, but not limited to, Parks, Recreation, and Natural Resources, Libraries, and Facilities, intend to identify appropriate locations on County-owned property for use by mobile food operations. Specific requirements for individual properties, including, but not limited to availability, hours of operations, frequency of use, etc., shall be established by each of the Departments, who shall have the authority to administer the mobile food operation program on their property. An indemnification agreement prepared by the County Attorney shall be signed by the owner of the mobile food operation prior to operating on County property. A reservation fee may be required.

5. Mobile Food Operations - Food Truck Courts

Persons seeking to develop a permanent site on non-residential private property for the location of multiple mobile food operations simultaneously shall apply to construct a "Food Truck Court." Food Truck Courts shall, at a minimum, provide for restroom facilities, drinking fountains, trash and recycling receptacles, shade and seating. A Preliminary Site Plan (PSP) pursuant to LDC Section 403.3 shall be submitted to the County.

6. General Prohibitions Applicable to all Mobile Food Operations

Mobile food operations are prohibited on public rights-of-way within the unincorporated County. Mobile food operations shall not:

- a. be parked overnight on a site. However, semi-permanent operations such as stands, kiosks, or similar structures may remain on site provided that the duration of operation does not exceed more than 180 days per year otherwise the operation will be deemed a permanent use under this LDC and will become subject to all other applicable requirements of this LDC;
- b. be located at one location within the County more than 90 days per year otherwise the operation will be deemed a permanent use under

in Section 402.5.A.2 of this Code to allow mobile food operations on their property.

- c. Property owners of existing venues that function solely for the purpose of hosting special events, such as the Pasco County Fairgrounds, are exempt from the permitting requirements of this subsection.

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- b. be located at one location within the County more than 104 days per year otherwise the operation will be deemed a permanent use under

this LDC and will become subject to all other applicable requirements of this LDC;

- c. be parked within terminal islands;
- d. be parked within landscape buffers;
- e. obstruct designated clear sight triangles;
- f. be within 10 feet of, or otherwise obstruct, a fire hydrant or fire escape;
- g. impede safe movement of vehicles and pedestrian traffic, parking lot circulation or access to any sidewalk;
- h. be parked within five feet of any driveway, sidewalk, utility boxes, handicap ramps, building entrances or exits, or emergency call boxes;
- i. provide amplified music, announcements or other forms of disruptive sound;
- j. sell or dispense food to customers in a moving vehicle or otherwise engage in drive-up sales; or
- k. sell alcohol unless during a permitted temporary event and in accordance with all other State and local requirements.

7. Supplemental Regulations Applicable to all Mobile Food Operations

a. Hours of operation:

(1) Mobile food operations, including any setup and closing operations, shall not occur outside the hours of 6:00am to 10:00pm, unless:

(a) There is an onsite business with hours of operation that extend beyond the 6:00am to 10:00pm timeframe; or

(b) The mobile food operation is associated with a permitted temporary event.

(2) Where a site approved for mobile food operations abuts a residential use/district the mobile food operation may not begin prior to 8:00 am nor extend beyond 8:00 pm (including any setup and closing operations) unless there is a building or other substantial sound and light barrier between the mobile food operation and the abutting residential use.

(3) For mobile food operations operating between sunset and sunrise, all lighting must be reasonably contained on site without disruption to residential areas or traffic flow.

- b. Minimum distance between individual mobile food service operations and between mobile food service operations and any structure constructed of combustible material shall be 20 feet.
 - c. Seating areas, if provided, shall be a minimum of 20 feet from the mobile food service operations and a safe distance from any customer parking and ingress/egress points.
 - d. Maximum number of mobile food operations simultaneously allowed on site shall not exceed 5 unless associated with a permitted temporary event or a permitted Food Truck Court in accordance with Section 402.5.5.
 - e. In addition to any advertising/signage adhered to the mobile food operation itself, one sandwich sign not to exceed a maximum height of 3 1/2 feet and a sign structure width of 2 feet shall be allowed within five feet of the operation. Advertising and signage adhered to the mobile food operation shall not alter the lines of the mobile food operation.
 - f. Trash and recyclable receptacles shall be provided and, at a minimum, emptied daily. All trash is to be removed from the site daily. Dumpsters of existing businesses shall not be used without permission of that business(es).
8. Revocation or Suspension of Registration

If, at any time, a Mobile Food Operation's State of Florida issued license is revoked or suspended, the County's registration shall be deemed to have been simultaneously revoked or suspended.

Section 3. Appendix A, Definitions, of the Land Development Code is hereby amended as follows:

Mobile Food Service Operations. The preparation/cooking, serving and/or sale of food from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food service operation. Some forms of Mobile Food Service Operations are commonly referred to as "food trucks." For the purposes of consistency with the Florida State Regulations, the term Mobile Food Service Operations shall encompass both mobile food establishments (MFEs) regulated by the Department of Agriculture and Consumer Services, Division of Food Safety and mobile food dispensing vehicles (MFDVs) regulated by the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

Mobile Food Sales Operations. The sale of products limited to live plants and produce that are conducted from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food sales operation. Mobile food sales operations are often referred to as “veggie vans” or “produce trucks.”

Mobile Food Operations. Mobile Food Service Operations and Mobile Food Sales Operations.

Section 4. Applicability.

All provisions of this Ordinance shall apply to the unincorporated areas of Pasco County, Florida,

Section 5. Repealer.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 6. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

Section 7. Inclusion into the Land Development Code

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Pasco County Land Development Code and that the sections of this ordinance may be renumbered or relettered.

Section 8. Scrivener’s Error.

The County Attorney may correct scrivener’s error found in this Ordinance by filing a corrected copy of this Ordinance with Board Records.

Section 9. Effective Date.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days of the adoption of this Ordinance, and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED with a quorum present and voting this 4th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: _____
Paula S. O' Neil, Ph.D.
Clerk & Comptroller

BY: _____
Mike Wells, Chairman