

PROPOSED
ORDINANCE NO. 12-23

ORDINANCE NO. 09-23

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 12-3-95 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-3-95 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

(a) Purpose. The purpose of allowing food truck courts which provides parking pads for one or more mobile food trucks and may also include other site development features, such as parking and seating, is to allow for innovative development options within the commercial zoning district.

(b) Permitted locations.

a. Food truck courts shall be allowed as a permitted use in the C-1, C-2, C-2A, C-3, M-1, M-2, GRD, WRD, and WRD-1 zoning districts, exclusive of the area defined by Ordinance 26-21.

b. Food truck courts shall be allowed as a conditional use within PC-1 and the area defined within Ordinance 26-21 and must comply with the conditional use requirements established within section 12-3-120(a)(3).

(c) General requirements.

(1) Site development requirements. The development of the site shall comply with the requirements of the zoning district and any applicable overlay district, with the exception of the following:

a. Food truck stalls and additional structures shall observe a minimum setback of ten (10) feet from any side or rear property line, notwithstanding any applicable landscape buffers or setbacks from a residential zoning district as outlined in Table 12-3.7.

b. Food truck stalls and additional structures shall be located at least ten (10) feet from any other space or structure.

c. Drive-thru services are prohibited.

d. Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.

- (2) Number of food truck parking pads. A minimum of one stationary food truck pad shall be developed with each food truck court. The maximum number of mobile food truck pads shall be six (6).
- (3) Lot coverage, landscaping, and buffers.
- a. The maximum lot coverage for the mobile food truck pads, all structures, and defined outdoor dining areas shall be 50%.
 - b. Landscaping and buffer requirements shall be subject to the minimum provisions set forth in chapter 12-6. When off-street parking is located at a street frontage, a year-round landscape hedge or low fence or wall along the street edge of the parking lot must be used as a means of buffering and subject to visibility triangle requirements in section 12-3-58.
- (4) Off-street parking. One off-street parking space shall be provided for the food truck court for each food truck pad plus one per 100 square feet of gross floor area, or fraction thereof, of all buildings on the site with the exception of those located within the Dense Business Area or the Urban Core CRA.
- (5) Mobile food truck pad requirements. Each food truck space shall provide the following:
- a. A connection to a water source.
 - b. A connection to a sewer system and a grease trap or a gray-water system with off-site disposal.
 - c. A solid surface pad measuring at least 10 feet in width and 20 feet in length.
- (6) Restrooms. Permanent restrooms are required as part of the food truck court. This facility must be within the same parcel as the mobile food truck pad(s). The minimum requirement shall be 2 stalls each for male and female.
- (7) Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.
- (8) Exterior modifications.
- a. Architectural design and building elements. All buildings, structures, fences, walls, etc. shall follow design standards and guidelines in section 12-3-121(d) and shall strive to achieve visual harmony with the surrounding area. If located in a district subject to Architectural Review Board or Planning Board review, or located in the CRA Urban Design Overlay, the project shall be subject to the standards applicable to the relevant district.
 - b. Fencing and screening. Approved materials include wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Black powder-coated chain-link fences will be permitted if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed wire are prohibited. All service areas (i.e. trash collection containers, compactors, etc.) shall be screened from street and adjacent buildings by a fence, wall, and/or vegetation.
 - c. Site lighting. Exterior lighting shall follow standards set forth in section 12-3-121(c)(9).

(9) Food truck requirements.

- a. Each food truck must meet the requirements of the Florida Fire Prevention Code, NFPA 1, section 50.7 Mobile and Temporary Cooking Operations. Section 50.7.1.5 Separation. Mobile or temporary cooking operations shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. Section 50.7.1.7 Fire Department Access. Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.
- b. A copy of the Commissary Agreement should be maintained on the food truck or mobile food vending establishment.
- c. The food truck owner should obtain a license from DBPR, then an inspection from the fire department before obtaining a City BTR.
- d. Each food truck operating on the site is required to have a City BTR, business tax receipt, but is not required to obtain any other City permits or licenses.
- e. A copy of the appropriate license(s) from the Florida department of Business and Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the food truck or mobile food vending establishments at all times along with a copy of a valid City business tax receipt when the vehicle is in operation in the City, and shall be made available for inspection upon request by the City's law or code enforcement officers.
- f. If a gray-water system is to be used, a contract for off-site disposal must be made available upon request.

(10) Alcohol. If alcohol is to be sold on-site, the provisions within Chapter 7 shall apply.

(11) Signs. Signage shall comply with the standards for the respective zoning district.

(d) Review and approval process. All applications for food truck courts shall comply with development standards and guidelines established in section 12-3-121.

Secs. 12-3-96—12-3-104. Reserved.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: August 17, 2023

Approved: s/Delarian Wiggins
President of City Council

Attest:

s/Ericka L. Burnett
City Clerk