

## ORDINANCE 2018-16

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA, AMENDING THE BUNNELL LAND DEVELOPMENT CODE, CHAPTER 34 ZONING, ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS; CREATING SECTION 34-192, FOOD TRUCKS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, Florida Statutes, include authority to enact regulations to protect the health, safety and welfare, and interests of the citizens of the City; and

WHEREAS, the City of Bunnell Land Development Code contains regulations for mobile vendors; and

WHEREAS, there are not currently regulations specific to just food truck vendors; and

WHEREAS, these regulations are in need of revision; and

WHEREAS, the Planning, Zoning and Appeals Board reviewed this Ordinance at its July 17, 2018 meeting and recommended approval; and

WHEREAS, the City Commission of the City of Bunnell finds it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA THAT:

### Section 1.

The Bunnell Land Development Code, is hereby amended creating Section 34-192 as follows:

### Sec. 34-192. - Food trucks.

(a) This section regulates the operation of food trucks and food truck uses within the City of Bunnell.

(b) Food truck uses may be located only on privately-owned commercial or industrial zoned property.

(c) The food truck owner shall obtain the property owner's written permission to utilize the property for food truck operations prior to commencement of operations and shall present a copy of such written permission to City staff upon request.

- (d) Food truck uses shall be located no less than 200 feet from any residentially-zoned property.
- (e) All required state and local permits and business licenses shall be obtained, held, maintained and displayed.
- (f) Food truck uses shall be limited to a self-contained truck or trailer.
- (g) Food truck uses shall be located no less than 200 feet from the main entrance of any other eating establishment (including another food truck), unless the owner of such establishment provides the food truck owner with a written letter of no objection, a copy of which the food truck owner shall present to City staff upon request.
- (h) Signage is limited to those signs that are painted on or attached to the vehicle.
- (i) Hours of operation are limited to 9:00 a.m. to 9:00 p.m.
- (j) Parking of food truck vehicle: Operating food trucks shall only occupy and utilize excess on-site parking spaces (those above and beyond minimum parking requirements for existing uses).
- (k) Food truck vehicles shall be maintained in a clean and orderly manner; litter and debris shall be removed nightly.
- (l) A lidded trash can shall be provided on-site for customer use; no unscreened plastic bags or loose objects shall be allowed.
- (m) The food truck operator shall remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as sewer system, storm drains or onto any sidewalk, street or other public space.
- (n) Due to the temporary nature of the use, public bathroom facilities and customer parking are not required; however, nearby toilet facilities shall be required for employees. An agreement with the property owner for use of on-site facilities or a nearby property owner (within 400 feet) to provide bathroom facilities for food truck workers shall be required.
- (o) One or more of the preceeding requirements may be temporarily modified or suspended with respect to food truck operations conducted pursuant to a special event permit granted pursuant to the City's Special Event Ordinance.

## **Section 2. Implementing Administrative Actions.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

## **Section 3. Codification.**

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Bunnell Land Development Code* and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2, 3, 4, 5, and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

## **Section 4. Conflicts.**

All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon enactment.

First Reading: approved on this 13<sup>th</sup> day of August 2018.

Second Reading: adopted on this 27<sup>th</sup> day of August 2018.

**CITY COMMISSION, City of Bunnell, Florida.**

By: Catherine D. Robinson  
Catherine D. Robinson, Mayor

Approved for form and content by:

Wade Vose  
Wade Vose, City Attorney

Attest:

Kristen Bates  
Kristen Bates, City Clerk

