



MILTON PLANNING BOARD
Regular Meeting Agenda

August 16, 2022
5:00 PM
6738 Dixon Street
Milton, FL 32570

- 1. Call Meeting to Order**
- 2. Review and Approval of Agenda**
- 3. Approval of Minutes**
Item # 2022-637
Approval of Minutes from March 22, 2022, meeting
- 4. Citizens to Appear Before the Board**
- 5. Economic Development Update**
- 6. New Business**
Item # 2022-642
Update to the City's Unified Development Code

Item # 2022-643
Mobile Vending Regulations
- 7. Old Business**
Item # 2022-644
Neighborhood Retail Commercial Zoning District Discussion
- 8. Planning Department Update**
- 9. Adjournment**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, or by calling 983-5410.

"If any person decides to appeal any decision made by the board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." FS 286.0105

MILTON PLANNING BOARD**March 22, 2022**

The Milton Planning Board met on Tuesday, March 22, 2022, at 5:00 p.m. in the Council Chambers at City Hall.

PRESENT: Jimmy Messick
Kathy Ellis
Amber Leek
Tom Powers
Laura Austin

Tim Milstead, Planning Director
Lyndsey Benton, Planner/Zoning Officer
Melissa Short, Administrative Assistant

OTHERS: Al Brewton

The meeting was called to order at 5:01 p.m. The agenda was approved through motion by Tom Powers, seconded by Amber Leek; approved 5-0. The January 18, 2022, minutes were approved through motion by Tom Powers, seconded by Amber Leek; approved 5-0.

ECONOMIC DEVELOPMENT UPDATE:

Tim Milstead explained the Milton City Council approved three projects along Stewart Street for the Façade Improvement Grant Program.

NEW BUSINESS:

Development Agreement for the Rezoning Request for Parcels 28-2N-28-0000-03246-0000, 28-2N-28-0000-03245-0000, 28-2N-28-0000-03200-0000 from R-1AA to C-1 – The Milton Planning Board reviewed the Draft Project Development Agreement and made some changes. The board agreed to replace buffer wall with stucco wall under Description of Development on Exhibit A page. On page one, under the third Whereas, in the last sentence, replace Neighborhood Retail Commercial with Neighborhood Commercial Zoning District. There was discussion. Tom Powers made a motion to approve the Development Agreement for the Rezoning Request with the changes, seconded by Kathy Ellis; approved 5-0.

Neighborhood Retail Commercial Zoning District Discussion – Al Brewton, 6033 Breckenridge Dr., has concerns with the south property located between

Cherry Laurel and the Shell Station, which is classified as C-2 and wanted to know what the allowable uses would be at this location.

Tim Milstead presented the board Milton, FL Code of Ordinances 6.3 – Commercial District Standards to review and possibly changing the language to the requirements or the intent for the C-1 Zoning District and maybe having a more Neighborhood Oriented Commercial Zoning District. Mr. Milstead explained within the next three months staff will begin an update to the City's Unified Development Code. Staff will provide the board with other cities and Santa Rosa County's Neighborhood Commercial Zoning District information to review.

OLD BUSINESS:

Tim Milstead explained the Berryhill School Complex Project is a five-year time frame project, Huddle House may be moving into the KFC building, the Riverfront Development Project from Carpenter's Park to Willing Street is on hold, and the development near the Christian School is on hold. Mr. Milstead also informed the board that the 72-unit apartment project on Glover Lane is ongoing.

PLANNING DEPARTMENT UPDATE:

Tim Milstead explained Publix will be delayed in opening due to needed materials, Planet Fitness will be moving in the Six Flags Shopping Center, the Publix outparcel will be a Santa Rosa Medical Office, and staff will be meeting with an architect regarding the county courthouse downtown on Thursday, March 24, 2022.

There was no further business to discuss, and the meeting was adjourned at 5:37 p.m.



Agenda Item # 2022-642

Update to the City's Unified Development Code

MEETING DATE

August 16, 2022

PREPARED BY

Melissa Short, Admin
Assistant/Permit Clerk/Assistant
City Clerk

BACKGROUND

SUMMARY

RECOMMENDATION

ATTACHMENTS

1. 7.3__USE_MATRIX

7.3 USE MATRIX

Table 7.3.1: The Use Matrix identifies the primary and temporary uses allowed within each zoning district. "P" indicates that the use is permitted in the district. "S" indicates that the use is a special use/exception in the district and requires special use approval. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a "P" indicates the temporary use is allowed in the district but will require approval by a temporary use permit.

The "Use Standard" column references the specific use standards identified for the various uses presented in the Matrix. The "Use Standard" is in addition to all other standards of this code. All uses must adhere to the Zoning District Dimensional and Design Standards of their respective Zoning District identified in Article 6. Parking, Landscaping, Access and other standards identified in this Code shall apply.

Uses that do not reference a specific "Use Standard" do not have standards that are specific to, in addition to, or that differ from those standards identified in Article 6 or other Articles of this code. For Accessory Use and Environmental Performance Standards, see Article 9. Some Accessory Uses are identified in the Use Matrix.

Uses permitted within the R-C1 and D-CM zoning districts, rather by right or by special exception, may require a certificate of compliance by the board of adjustment prior to permitting.

The *Special Use/Exception Approval* process is outlined in Subsection 3.3.

		R-1A	R-1	R-2	R-3	R-U	R-C1	C-1	C-2	C-3	D-CM	SSC-RC	P-E	CON	REC	USE STANDARD
PRINCIPAL USE																
Adult Family-Care Home	P	P	P	P	P	P	S	S				S				8.1(R)
Agriculture						P										8.1(A)
Airport						S										8.1(B)
Amusement Facility Indoor						S	S	S	P	P	P	P				8.1(C)
Amusement Facility - Outdoor	S	S	S	S	P	P	S	S	P	P	S	P	P			8.1(C)
Animal Care Facility (Veterinary Clinic)						S		S	P	P	P	P				8.1(D)
Animal Shelter						S		S	P	P		S				8.1(D)
Animal Shelter - Operated by Public Authority						S	P	S	P	S		P	P			8.1(D)
Art Gallery						P	P	P	P	P	P	P				
Art Studio							P	P	P	P	P	P				
Assisted Living Facility (ALF)	S	S	S	S	P	S	S	S	P	P		S				8.1(QQ)
Automated Teller Machine (ATM)					S		S	P	P	P	P	P				8.1(E)
Bar/Tavern								S	P	P						8.1(F)
Bed and Breakfast					S	S	P	P	S			P				8.1(G)
Benevolent Distribution Center										P						8.1(H)
Boarding House					P											8.1 (I)
Boat House (Accessory)	P	P	P	P	P	P	P	P	S							8.1(J)
Boat Ramp/Pier							P			P	P		P	P	P	8.1(K)
Boat Rental Facility							P	P	P	P	P					
Body Modification Establishment								S	P	P						8.1(L)

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Broadcasting Facility TV/Radio with or without Antennae					S	S		P	P	P		S	P			8.1(HH)
Buildings Used Exclusively for Gov.	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
Campground / RV Park						P							P		P	8.1(N)
Car Wash							S	P	P	P		P				8.1(O)
Cemetery						S							S			8.1(P)
Commercial Breeder									S	P						8.1(D)
Community Center	S	S	S	S	P	P	P	S				P	P			
Community Garden	S	S	S	S	P	P	P	S			S	P	P		P	8.1(Q)
Community Residential Home 6 or less	P	P	P	P	P	P	S					P				8.1(R)
Community Residential Home 7 or more					P		S	S								8.1(R)
Conservation Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Contractor Office w/out Storage					S	S	P	P	P	P	P	P				8.1(S)
Contractor Office with Storage									S	P						8.1(S)
Convention Center						S	P		S	S	S	P	P			8.1(T)
Country Club	S	S	S	S	P	P	P	P	P			P				8.1(U)
Cultural Facility					S	P	P	P	P	S	P	P	P			8.1(V)
Day Care Center	S	S	S	S	P	P	P	P	P	P		P				8.1(W)
Day Care Home	P	P	P	P	P	P	P	S				P				8.1(W)
Drive-Through Facility						S	S	P	P	P		S				8.1(X)
Dwelling - Above the Ground Floor							P	P	S		P	P				8.1(Y)
Dwelling - Accessory Dwelling Unit	S	S	S	S	P	P	P					P				9.3(K)

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Dwelling - Manufactured Home						P										
Dwelling - Mobile Home																
Dwelling - Multi-Family					P		P	P	P	P		P				
Dwelling - Townhouse					P		P	S				P				
Dwelling - Single-Family	P	P	P	P	P	P	P	S				P				
Dwelling - Two-Family				P	P	P	P	S				P				
Educational Facility - Primary or Secondary	S	S	S	S	P	P	P	S	P			P	P			
Educational Facility - University or College	S	S	S	S	P	P	P	S	P	P		P	P			
Educational Facility - Vocational	S	S	S	S	P	P	P	S	P	P		S	P			
Fallout Shelter (1-2 Family, Accessory)	P	P	P	P	P	P	P					P				9.3(M)
Community Shelter	S	S	S	S	S	P	P	P	P	S	S	S	P			9.3(M)
Display Shelter								P	P	P						9.3(M)
Farmers Market					S	P	P	P	P		S	S	P			
Fast food Restaurant							S	P	P			P				
Financial Institution				S	S		P	P	P	P	P	P				
Fraternity/Sorority	S	S	S	S	S	S	S									8.1(CC)
Freight Terminal																
Funeral Home							P	P	P	P		S				
Garage Apartment (Accessory)	P	P	P	P	P	P	P					S				9.3(K)
Gas Station							P	P	P	P		S				8.1(DD)
Golf Course/Driving Range	S	S	S	S	P	P		P	P	P		S				
Government Office	P	P	P	P	P	P	P	P	P	P	P	P	P			
Greenhouse/Nursery - Retail					S	P	S	P	P	P		S				

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Group Home	S	S	S	S	P	S	S	S	P	P		S				8.1(EE)
Guest Cottage (Accessory)	P	P	P	P	P	P	P					S				9.3(K)
Halfway House					S	S				S		S				8.1(EE)
Healthcare Institution					S		S	P	P	P		P	P			
Heavy Retail, Rental and Service								S	P	P		S				
Helipad					S	S		S	P	P		S	P			8.1(B)
Heliport						S										8.1(B)
Home Occupation	P	P	P	P	P	P	P					P				8.1(FF)
Hotel/Motel							P	P	P	P	S	S				
Industrial Artisan							S	S	S	P	S	S				8.1 (GG)
Industrial Design							S	S	S	P	S	S				8.1 (GG)
Lite Manufacturing							S	S	S	P		P				8.1 (GG)
Live Entertainment - Ancillary Use							S	S	P	P	P	P				8.1 (HH)
Live Performance Venue						S	S	P	P		P	S	P			8.1 (HH)
Lodge/Meeting Hall							P	P	P	S	S	S				8.1 (II)
Manufactured Home Park						P										
Marina							P	P	P	P	P	P				
Medical/Dental Office				S	P	P	P	P	P	P	P	P				
Medical Marijuana Treatment Center							S	P	P	P	S	S				8.1(JJ)
Micro-Brewery/Distillery/Winery Small							P	P	P	P	P					8.1(KK)
Micro-Brewery/Distillery/Winery Large									S	P						
Mobile Vendors												P				
Movie Studio							S	S	P	P		S				
Neighborhood Market				S	P		P	P	P	P	P	P				8.1(LL)

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Nightclub								S	P	P						8.1(HH)
Nursing, Convalescent, or Rest Home					P			P	P	P		S				
Office				S	P		P	P	P	P	P	P				
Outdoor Dining							P	P	P	P	P	P				8.1(MM)
Pain Management Clinic							S	P	P	P		S				
Parking Lot (Principle Use)							P	P	P	P	P	S				8.1(NN)
Parking Structure (Principle Use)							P	P	P	P	P	S				8.1(NN)
Passenger Terminal									S	P		S				
Pay Day/Title Loan Agency							S	S	P	P		S				8.1(OO)
Permanent Makeup Services (ancillary use within a salon, doctors office or educational institution)							P	P	P	P	P	P				
Personal Service Establishment Beauty/salon				S	S		P	P	P	P	P	P				
Personal Service Establishment Laundry/Dry Cleaner					S		P	P	P	P		P				
Pharmacy							S	P	P	P	S	S				8.1(PP)
Pier (Accessory)	P	P	P	P	P	P	P	P	P	P	P					8.1(K)
Planned Development Project Residential	P	P	P	P	P	P	P	P	S	S	S	P				
Planned Development Project Commercial					S	S	P	P	P	P	P	P				
Place of Worship	S	S	S	S	P	P	P	P	P	P		P				
Private Stable	P	P	P	P	P	P										8.1(QQ)

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Public Park	P	P	P	P	P	P	P	P	P	S	P	P	P	S	P	
Public Safety Facility	S	S	S	S	P	P	P	P	P	P	P	P	P			
Public Works Facility	P	P	P	P	P	P	P	P	P	P	P	P	P			
Reception Facility							P	P	P	P	P	P				8.1(RR)
Recreational Vehicle Park						P	S			S					P	8.1(N)
Recycling Collection Center								P	P	P			P			
Research and Development					S		S	P	P	P	S	S				
Restaurant					S	S	P	P	P	P	P	P				8.1(TT)
Retail/Convenience Store							P	P	P	P	S	P				
Retail Goods Establishment						S	P	P	P	P	P	P				
Retail Sales of Alcohol							P	P	P	P	P	S				8.1(UU)
Salvage, Junk, Wrecking - Yard										S						
Second-Hand Store (Thrift, Pawn Store)								S	P	P		S				8.1(VV)
Self-Storage Facility (Mini-warehouse)						S		S	P	P		P				
Sexually Oriented Business									S	S						8.1(WW)
Shopping Center							P	P	P	P	S	P				
Solar Farm						S							P			8.1(XX)
Specialty Food Service							P	P	P	P	P	P				
Storage Yard - Outdoor									S	P						8.1(YY)
Take-out Only Restaurant							P	P	P	P	P	P				
Transient Vacation Rental					S		P				P					
Truck Repair									S	P						
Utility	P	P	P	P	P	P	P	P	P	P	P	P	P		P	

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Vehicle Dealership - Enclosed								S	P	P		P				
Vehicle Dealership - With Outdoor Storage/Display								S	P	P		P				
Vehicle Operation Facility										S			P			
Vehicle Rental - Enclosed									P	P		P				
Vehicle Rental - With Outdoor Storage/Display								S	S	P		P				
Vehicle Repair/Service - Major								S	P	P						8.1(ZZ)
Vehicle Repair/Service - Minor							P	P	P	P		P				8.1(ZZ)
Warehouse									S	P		P	P			
Wholesale Establishment								S	P	P		P				
Wind Energy System						P							P	S		8.1(AAA)
Wind Energy System (Private)	P	P	P	P	P	P										9.3(Z)
Wireless / Telecommunications Towers								P	P	P			P			8.1(BBB)
TEMPORARY USE																
Farmers' Market						P	P	P	P	P	P	P			P	8.2(A)
Temporary Contractor's Office	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
Temporary Mobile Food Sales (Vending)							P	P	P	P	P	S			P	8.2(B)
Temporary Outdoor Entertainment						S	P	P	P	P	P	S			P	8.2(C)
Temporary Outdoor Sales						P	P	P	P	P	P	P				8.2(D)
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P			8.2(E)

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Temporary Structures (Tents, Offices...)							P	P	P	P	P	P			P	8.2(F)
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(Ord. No. 1453-17 , § 1, 8-8-2017; Ord. No. 1460-17 , § 3, 9-12-2017; Ord. No. 1477-18 , § 1, 9-11-2018; Ord. No. 1478-18 , § 1, 9-11-2018; Ord. No. 1483-18 , § 1, 11-13-2018)



Agenda Item # 2022-643

Mobile Vending Regulations

MEETING DATE

August 16, 2022

PREPARED BY

Melissa Short, Admin
Assistant/Permit Clerk/Assistant
City Clerk

BACKGROUND

SUMMARY

RECOMMENDATION

ATTACHMENTS

1. ARTICLE_III.____MOBILE_VENDOR_LICENSE
2. Florida Statute for Mobile Vending

ARTICLE III. MOBILE VENDOR LICENSE

Sec. 36-120. Penalty.

The penalty for violating any provision of this article shall be a fine not exceeding the amount set forth in section 1-13 for each offense, together with the revocation or suspension of the vendor's license. The code enforcement officer has the authority to issue fines in accordance with F.S. ch. 162.

(Ord. No. 1085, § 12, 3-12-2002; Ord. No. 1316-09, § 11, 7-14-2009)

Sec. 36-121. Required.

No person shall conduct any business sale or sell any merchandise, or offer to conduct any business sale, offer or sell any merchandise, including food, beverages, goods and services, from any public road, other public thoroughfare, sidewalk, parking lot, or any public property whatsoever, except persons in permitted areas holding a valid mobile vendor license and fully conforming to the terms of this article. No person shall operate or conduct a mobile vending business on privately owned commercial property within the city unless said operation conforms fully to the terms of this article.

(Ord. No. 1085, § 1, 3-12-2002; Ord. No. 1123-03, § 1, 6-10-2003; Ord. No. 1316-09, § 1, 7-14-2009; Ord. No. 1394-13, § 1, 9-10-2013)

Sec. 36-122. Application.

- (a) The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including, but not limited to, the following:
 - (1) The applicant's full name, current address, telephone number, social security number and proof of identity, together with one full-face photograph of the applicant, no less than two inches square, nor more than three inches square;
 - (2) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;
 - (3) The specific locations in which the vendor intends to conduct business;
 - (4) If the applicant is employed by another, the name and address of the person; the federal tax number and the state sales tax number;
 - (5) A complete listing of any other licenses issued to the applicant by the city within the five years immediately preceding the date of application.
- (b) The applicant shall provide a brief description of the nature and character of the food, beverages, goods or services to be sold, and the application shall be accompanied by a photograph of the vendor's stand or boat.
- (c) The application must include a provision indemnifying and holding harmless the city from any and all claims arising out of the vendor's operation.
- (d) The applicant must provide the city with a copy of a certificate of liability insurance with a minimum coverage of \$1,000,000.00. The policy must name the city as an additional insured.

(Ord. No. 1085, § 2, 3-12-2002; Ord. No. 1123-03, § 2, 6-10-2003; Ord. No. 1316-09, § 2, 7-14-2009)

Sec. 36-123. Health inspection certificate required where vending license involves sale of food or beverages.

Any application for a vending license to engage in the sale of food or beverages shall also be referred to the health department for approval and issuance of a certificate of health inspection (health permit), in addition to the regular vending license. The applicant's equipment shall be subject to inspections by the health department.

(Ord. No. 1085, § 3, 3-12-2002; Ord. No. 1316-09, § 3, 7-14-2009)

Sec. 36-124. Fee.

Any vendor granted a vending license under this article shall pay a nonrefundable annual fee as currently established or as hereafter adopted by resolution of the city council from time to time and also must purchase an occupational license for the current fee. Issuance and pro ration of licenses will be in accordance with article IV of chapter 44.

(Ord. No. 1085, § 4, 3-12-2002; Ord. No. 1257-07, § I, 9-27-2007; Ord. No. 1316-09, § 4, 7-14-2009)

Sec. 36-125. Permitted locations and conditions of use.

- (a) Seven publicly owned parcels set forth below are hereby designated as permissible public vendor sites:
 - (1) One location at the northwest corner of Willing and Caroline Streets;
 - (2) One location at the northwest corner of Elmira and Caroline Streets;
 - (3) One location at the North Riverwalk, not on the wooden boardwalk or gazebo; and
 - (4) Two locations at the South Riverwalk, which shall be limited to vending carts so as to be located in limited space;
 - (5) One location at Carpenter's Park not on the designated parking areas;
 - (6) One location at Russell Harbor not on the designated parking areas.
- (b) Mobile vendors will be allowed within the SSC-RC zoning district upon permission from the applicable property owner.
- (c) Mobile vendors may operate temporarily upon commercially zoned property for the purpose of determining the viability of the property to support a permitted restaurant or food service establishment. Said temporary mobile vending permit shall be valid for a period of 90 days and may be issued once every two years from the date of issuance for any particular property, concern or permit holder.
- (d) At each permitted location, no vendor shall be permitted:
 - (1) Within 15 feet of any street intersection or pedestrian crosswalk;
 - (2) Within ten feet of any driveway, loading zone or bus stop;
 - (3) Within a minimum of four feet of unobstructed pedestrian space;
 - (4) In any area within ten feet of a building entrance or exit or, in the case of a hotel or motel, within 15 feet of building entrances or exits;

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- (5) Against display windows of fixed location businesses;
 - (6) Within five feet of any fire hydrant or fire escape; and
 - (7) Within five feet of any parking space or access ramp designated for persons with disabilities.

(Ord. No. 1085, § 5, 3-12-2002; Ord. No. 1123-03, § 2, 6-10-2003; Ord. No. 1316-09, § 5, 7-14-2009; Ord. No. 1394-13, § I, 9-10-2013; Ord. No. 1484-18, § 1, 11-13-2018)

Sec. 36-126. Annual license; random distribution; restriction relating to festivals/events.

- (a) Licenses for operation on public property shall be issued on an annual basis coinciding with the city's occupational license requirements. All other locations will be permitted on a temporary basis.
- (b) Any license not renewed within 30 days of its expiration shall be void and of no further use or effect whatsoever. At any time that the number of outstanding licenses falls below five licenses for sidewalk sites and two park sites, the city manager shall within 30 days of availability distribute, on a random basis among any applicants, a sufficient number of licenses to ensure that the total number of outstanding licenses equals seven. Temporary mobile vending permits on commercial properties shall be valid for a period of 90 days, upon the expiration of which the operation shall cease and desist and the land shall be re-established in the same fashion as it existed prior to the issuance of the permit.
- (c) Issuance of a mobile vendor's license does not allow usage of the permitted location during authorized festivals or events.

(Ord. No. 1085, § 6, 3-12-2002; Ord. No. 1316-09, § 6, 7-14-2009; Ord. No. 1389-13, § I, 7-9-2013; Ord. No. 1394-13, § I, 9-10-2013)

Sec. 36-127. Regulation of stand design and maintenance.

Licensed sidewalk vendors may only use stands that have been inspected and approved by and are in conformance with design regulations promulgated by the health department and/or planning department. Such regulations shall address the design aspects of the stands, with the purpose of protecting public safety and ensuring that stands are maintained in a neat, clean and orderly fashion, and ensure all stands:

- (1) Have storage areas not visible to the public.
- (2) Have appropriate trash receptacles.
- (3) Be made of materials that are durable and easy to clean.
- (4) Have advertising and other signage limited to the name of the stand or items sold and a listing of items sold and the price. Such signs shall not exceed two feet by two feet.

(Ord. No. 1085, § 7, 3-12-2002; Ord. No. 1123-03, § 3, 6-10-2003; Ord. No. 1316-09, § 7, 7-14-2009)

Sec. 36-128. Hours of operation.

Vendors shall be allowed to engage in the business of vending only between the hours of 8:00 a.m. and 10:00 p.m. No vending station, conveyance or other item related to the operation of vending business shall be located on any authorized location during non-vending hours. Vendors shall remove all conveyances within 30 minutes of ceasing business operations each day.

(Ord. No. 1085, § 9, 3-12-2002; Ord. No. 1123-03, § 4, 6-10-2003; Ord. No. 1316-09, § 8, 7-14-2009)

Sec. 36-129. Litter and trash to removal.

- (a) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 20 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
- (b) A person engaged in food vending shall affix to his vending station a receptacle for litter marked as being for litter, which shall be maintained and emptied regularly.
- (c) Licensees must take with them at the end of each day all trash, litter, garbage, refuse and waste, including, but not limited to, the greasy cooking water, generated by their vending operations.

(Ord. No. 1085, § 10, 3-12-2002; Ord. No. 1316-09, § 9, 7-14-2009)

Sec. 36-130. Prohibited conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

- (1) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to 15 minutes to load and unload vending stations and/or vending merchandise.
- (2) Obstruct traffic signals or regulatory signs.
- (3) Stop, stand or park any conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
- (4) Leave any conveyance unattended at any time or store, park, or leave such conveyance in a designated area overnight.
- (5) Use a handcart or pushcart whose dimensions exceed eight feet in width, 12 feet in length, and eight feet in height.
- (6) Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.
- (7) Sell any goods, wares or merchandise from any location other than the designated location.
- (8) Sound any device that produces a loud and raucous noise or operate any generator, loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention or as to constitute a nuisance.
- (9) Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
- (10) Utilize city electrical fixtures or electrical extension cords.

(Ord. No. 1085, § 11, 3-12-2002; Ord. No. 1316-09, § 10, 7-14-2009)

Sec. 36-131. License notice and display.

- (a) The applicant shall be notified within 30 days after the applicant has filed a completed application of the decision to issue or deny the vending license. Any applicant for a license to sell food and beverages whose application receives the approval of the health department shall be issued both a vending license and a certificate of health inspection (or health permit).

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- (b) Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, and the license number. Each license shall also show the expiration date of the license. Each license shall be visibly displayed at the stand.
 - (c) All licenses issued under this section shall be both nonassignable and nontransferable unless approved by the city.

(Ord. No. 1085, § 13, 3-12-2002; Ord. No. 1316-09, § 12, 7-14-2009)

Sec. 36-132. Notice of name or address change required.

All vendors shall assure that a current and correct name, residence address and mailing address are on file with the city. Whenever either the name or the address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the city in writing within 30 days of such change and provide the same with the name change or address change.

(Ord. No. 1085, § 14, 3-12-2002; Ord. No. 1316-09, § 13, 7-14-2009)

Sec. 36-133. Suspension or revocation; grounds; notice; hearing.

- (a) In addition to the penalty contained in section 36-120, any license issued under this article may be suspended or revoked for any of the following reasons:
 - (1) Fraud, misrepresentation or knowingly false statement contained in the application for the license;
 - (2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;
 - (3) Conducting the business of vending in any manner contrary to the conditions of the license;
 - (4) Conducting the business of vending in such a manner as to:
 - a. Create a public nuisance;
 - b. Cause a breach of the peace;
 - c. Constitute a danger to the public health, safety, welfare or morals; or
 - d. Interfere with the rights of abutting property owners; or
 - (5) Cancellation of health department authorization for a food or beverage vending unit.
- (b) The city clerk shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permit holder of his right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.
- (c) If the city revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one year from the date of revocation.
- (d) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of a hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last know address at least five days prior to the date set for the hearing.

(Ord. No. 1085, § 15, 3-12-2002; Ord. No. 1316-09, § 14, 7-14-2009)

Secs. 36-134—36-165. Reserved.

Fla. Stat. § 509.102

(1) As used in this section, the term "mobile food dispensing vehicle" means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.**(2)** Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under s. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity's jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction.**(3)** This section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in subsection (2).**(4)** This section does not apply to any port authority, aviation authority, airport, or seaport.



Agenda Item # 2022-644

Neighborhood Retail Commercial Zoning District Discussion

MEETING DATE

August 16, 2022

PREPARED BY

Melissa Short, Admin
Assistant/Permit Clerk/Assistant
City Clerk

BACKGROUND

SUMMARY

RECOMMENDATION

ATTACHMENTS

None