

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board members

From: Brendon Cunningham, Senior Planner

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: March 20, 2014

RE: Consideration of a resolution recommending to the City Commission invoking of Zoning in Progress doctrine; declaring that the City is considering amendments to its Land Development Regulations to adopt criteria permitting and regulating the operation of mobile food dispensing vehicles on private property; directing Building and Planning Department staff to defer the acceptance and processing of applications requiring issuance of permitting for the location of mobile food dispensing vehicles on private property; continuing this policy until new permit regulations or amended Land Development regulations are adopted by the City Commission or until the passage of 180 days from the date of this ordinance, whichever occurs first; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT

Request: Approval of a Zoning in Progress to adopt criteria permitting and regulating the operation of mobile food dispensing vehicles (trucks, trailers and carts) on private property.

Location: Citywide

BACKGROUND

The Planning Board reviewed the Zoning in Progress doctrine for mobile food dispensing vehicles on private property allowed within city limits as a resolution at the regular March 20, 2014 meeting.

This request is for approval of an ordinance to the City Commission.

The Planning Director recommended the Planning Department initiate a Zoning in Progress (ZIP) to address the issue of mobile food dispensing vehicles on private property to protect the health, safety and welfare of the citizens of Key West. The city does not have a mechanism to regulate the use, location, design, operation, maintenance and number of mobile food dispensing vehicles. Many cities and counties throughout Florida have regulated such vehicles to protect their communities against potential adverse effects.

At this time the following are identified as adverse effects:

- Impacts on impervious surface ratio and drainage;
- Impacts on stormwater treatment by unauthorized dumping of grease and food waste;
- Impacts on traffic and parking needs due to increased customer vehicles;
- Unfair competition with existing restaurants that are required to pay impact fees;
- Impacts of signage and uses within the historic district;
- Meeting ADA requirements.

The purpose of a ZIP gives Planning staff 180 days to explore potential zoning designations for the location and regulation of the mobile food dispensing vehicles. Further, there are other determinations that need to be contemplated. Staff has identified the following issues that need to be addressed:

1. Establish a definition of mobile food dispensing vehicles;
2. Limit them to certain zoning districts;
3. Regulate distance from existing restaurants.

Other Florida cities have in the last few years regulated the use and location of mobile food dispensing vehicles, such as: Orlando, Panama City, Miami, Fort Lauderdale, Marathon, and Jacksonville. A copy of the mobile vendor regulations for Orlando is attached.

RECOMMENDATION

Planning Staff recommends **approval**.

Draft Resolution

**PLANNING BOARD
RESOLUTION No. 2014-**

CONSIDERATION OF A RESOLUTION RECOMMENDING TO THE CITY COMMISSION INVOKING OF ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT CRITERIA PERMITTING AND REGULATING THE OPERATION OF MOBILE FOOD DISPENSING VEHICLES ON PRIVATE PROPERTY; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS REQUIRING ISSUANCE OF PERMITTING FOR THE LOCATION OF MOBILE FOOD DISPENSING VEHICLES ON PRIVATE PROPERTY; CONTINUING THIS POLICY UNTIL NEW PERMIT REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS ORDINANCE, WHICHEVER OCCURS FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key West Planning Board desires to review existing land development regulations (the "LDRs") to determine whether there is a need to adopt criteria permitting and regulating the location of mobile food dispensing vehicles within the City of Key West; and

WHEREAS, the Planning Board has directed planning staff to continue developing proposed criteria for City Commission review and adoption; and

_____ Chairman

_____ Planning Director

WHEREAS, the City Planner began documented efforts concerning the subject on at least February 26, 2014; and

WHEREAS, the Planning Board wishes to definitively place all parties on notice that it is considering amending the LDRs and City Ordinances.

WHEREAS, the Planning Board approved a resolution invoking the Zoning in Progress Doctrine on March 20, 2014 through Resolution 2012-38; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS.

Section 1: Zoning in Progress. The City hereby recognizes that City planning and legal staff are preparing and processing ordinances (the “Pending Ordinances”) that would adopt the Criteria. The Pending Ordinances, if adopted, will amend the City’s LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinances and the action being taken by the appropriate departments within the City.

Section 2: That this policy shall be in effect until new land development regulations or amended land development regulations are adopted by the City Commission or until the passage of 180 days, whichever occurs first.

Section 3: Public Notice. The adoption of this Ordinance shall be evidenced by placement of a notice in a newspaper of general circulation within the City, in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this Ordinance. A copy of this Resolution shall also be posted at City Hall for the next one hundred and eighty (180) days.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held this 20TH Day of March, 2014.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, **Chairman**
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with Clerk

_____ Chairman

_____ Planning Director

Draft

Additional Information



CITY OF ORLANDO

MEMORANDUM

DATE: May 20, 2013 City Council Meeting

TO: Mayor Dyer and City Commissioners

FROM: Dean Grandin, Planning Official

SUBJECT: Temporary Use Permit - LDC2012-00308
Mobile Food Vending: Food Trucks, Food Carts and Lunch Trucks

A. Recommendation

1. Approve a city-wide Temporary Use Permit allowing Mobile Food Vending (Food Trucks, Food Carts and Lunch Trucks) on private property under a two-year pilot program.
2. Authorize the Planning Official to review and approve individual Mobile Food Vendors through a Planning Official Determination.
3. Temporarily waive application fees for Planning Official Determinations concerning Mobile Food Vendors for a period of 90 days from approval of this Temporary Use Permit; thereafter a \$50 per truck/cart fee would apply.

B. Need

1. Mobile Food Vending has become a local and national phenomenon, bringing activity and vitality to commercial districts and special events alike.
2. Approximately 25 Food Trucks (one type of Mobile Food Vendor) currently operate throughout the city.
3. Food Trucks operate either alone or in groups, typically on an underutilized portion of an existing parking lot in commercial zoning districts; they also operate occasionally at special events in residential districts at churches and schools.
4. Some Food Truck operators would prefer to operate within the street right-of-way, from on-street parking spaces.
5. Orlando regulations prohibit the sale of food and merchandise on city streets and sidewalks, except where specifically approved by City Council (Sec 54.27-1).
6. Orlando regulations prohibit the sale of food and drink within public parks, recreation areas and facilities, except under a current concession agreement approved by the city (Sec. 43.44).
7. Orlando regulations prohibit parking on any public or private street, public parking lot or any other public property for the purpose of advertising or selling merchandise (Sec. 39.22).
8. "Mobile Food Vendor" is not listed as a separate use in the City of Orlando Land Development Code. Therefore, Mobile Food Vending has been interpreted up until now as an "Intensive Retail" use, allowed by right in limited zoning districts (Mixed Use, Industrial, AC-3 or as a Conditional Uses in other Activity Centers).

C. Process

Staff is recommending, after considerable review of the issue, that Mobile Food Vendors be allowed throughout the City under the following approval process:

1. City Council approves citywide Temporary Use Permit for Mobile Food Vending.
2. Vendors obtain a license from the Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants.
3. If operating on private property, Vendor obtains notarized letter from private property owner granting permission to operate on that owner's property.
4. Vendor acknowledges: "You are prohibited from conducting business on any public streets, sidewalks, rights-of-way or in any public parks." This restriction includes any sites that are partially located on the right-of-way, or require their customers to be upon the right-of-way to be served.
5. If wishing to operate within the public right-of-way or property, vendors must be ancillary to an 18A special event, obtain a concession agreement on all other public property (e.g. parks), or is a vendor participating under a right-of-way utilization agreement for a closed street (e.g. Church Street District).
6. Vendor applies for a Planning Official Determination. Application must include:
 - a. A copy of the Vendor's county Business Tax Receipt.
 - b. A copy of the Vendor's state license.
 - c. A general site plan of the typical operation, including the Vendors' home address, the name or location of the Vendor's commissary, planned locations for the Vendor's operations, the location where the vehicle will be stored, and photos of the vehicle and any associated signage.
7. Vendor obtains a Business Tax Receipt (BTR) to operate in the City of Orlando, per Chapter 36 of the City Code.

D. Standards and Conditions

1. Definitions

- a. Food Truck. A vehicle (including trailers) operated by a mobile food vendor to prepare and sell food at multiple locations, typically operating at one location for more than 30 minutes.
- b. Food Cart. A mobile food vendor that sells pre-packaged food, such as hot dogs or boiled peanuts from a movable, non-motorized cart.
- c. Lunch Truck. A vehicle operated by a mobile food vendor to sell pre-packaged food, such as ice cream and sandwiches, at multiple locations, typically operating at one location for less than 30 minutes.

2. *Locations*

- a. Lunch Trucks are allowed throughout the City of Orlando in any non-residential or non-public zoning district, except in the Downtown Core area shown on Exhibit "A." Lunch Trucks may not operate at the same location more than 30 minutes in any 6 hour period.
- b. A particular private property may host Food Trucks and/or Food Carts one day per week within the following districts, as shown on Exhibit "A". If a Main Street sponsors and advertises a special event with Mobile Food Vendors, it shall not count toward the one day per week allocation for a particular property:
 - i. Orlando Main Street Districts (Downtown South, Ivanhoe Village, College Park, Mills/50, Audubon Park, and Thornton Park),
 - ii. The Washington Shores Special Plan area,
 - iii. The Milk District,
 - iv. Regional retail shopping centers (Colonial Plaza, Fashion Square, Millenia, Premium Outlets, and Festival Bay Malls), and
 - v. The Downtown Community Redevelopment Area except for the Downtown Core (refer to inset map on the attachment).The location in the above areas must be within a zoning district that allows Eating & Drinking Establishments.

3. *Additional Locations and Restrictions*

- a. Food Carts may be allowed on properties in non-downtown activity centers under covered structures, such as an arcade, at home improvement and similar stores daily, where the use is clearly incidental to the primary use.
- b. When not in operation, all mobile food vendors must leave the site and return to their commissary and storage facility. They shall not be left unattended.
- c. All mobile food vendors must locate on a property that has a legal principal use, and an improved surface (e.g. parking lot).

4. *Permanent Food Trucks, Food Trailers, etc.* If a food truck, trailer, or other such installation wishes to permanently remain on a property, it shall do so as an "Intensive Retail" (i.e. outdoor) use, only permitted in those zoning districts where such uses are allowed. All requirements of the Land Development Code apply (parking, landscaping, required building code matters, change of use to a higher intensity class, etc.).

5. *Special Events.*

- a. The City may authorize food trucks and food carts in the public right-of-way as part of a special event under the issuance of a Chapter 18A public assembly permit. Food trucks and carts must be ancillary to the special event. In the Downtown Core, the Church Street District is allowed vendors, including Food Trucks, as part of its approved right-of-way utilization agreement or any other City permitted special event. The future Performing Arts Center Plaza is also allowed vendors under a concession agreement.

- b. Rights-of-way under jurisdiction of the Florida Department of Transportation (FDOT) require additional permits from the FDOT District 5 offices. Typically, the right-of-way is required to be closed to vehicular traffic.
 - c. The City may also authorize mobile food vendors at special events for schools, religious institutions and benevolent organizations. Within residential zoning districts, such special events are limited to twice a year.
6. *Downtown Core Area Restrictions.* Mobile Food Vending is prohibited on private or public properties and on street rights-of-way within the Downtown Core area shown on Exhibit "A," except as follows:
- a. A single Food Cart is allowed within improved pedestrian plazas of at least 0.10 acres. Available locations include the Chase Plaza, Suntrust Plaza, 55 and 54 West, Wells Fargo/Morgan & Morgan, Seaside/Signature Plaza with the permission of the property owner.
 - b. Food Carts may be allowed in public properties and in parks/plazas within the Downtown Core area under a concession agreement, if approved by the City Council. Locations include the City Commons Park, Heritage Park, Amway Center Plaza, and future Performing Arts Center Plaza.
 - c. Food Trucks and Carts may be utilized as vendors in the public right-of-way of Church Street as part of a Church Street District's right-of-way utilization agreement, a valid concession agreement or other special event. Also, such vendors are allowed in the West Washington Street expansion of Lake Eola Park and on the periphery of the Performing Arts Center Plaza through the appropriate concession agreement.

Food Carts in the above areas may be located there daily, and are thus not restricted to once a week (but may be limited by a concession agreement). However, they are limited to operating at any single location up to eight hours in a 24 hour period of time, and must be removed when not in operation. All mobile food vendors in the Downtown Core must be set back a minimum of 5 feet from any rights-of-way (unless the particular right-of-way is closed to vehicular traffic) and are subject to appearance review by the Architectural Review Board of the Downtown Development Board. If within a Historic District, a minor review is required by the Historic Preservation Officer.

E. Operating Conditions for all Mobile Food Vendors

1. All Mobile Food Vendors must be located on a paved parking area; within the Downtown Core on private property, they must be located within a paved pedestrian plaza – and not unimproved property.
2. May not damage required landscaping (bufferyards, parking lot landscaping).
3. Must be setback from adjacent residential districts a minimum of 40-feet without a bufferwall, and minimum 15-feet with a concrete bufferwall.
4. May not be located within 5 feet of any right-of-way or public sidewalk.
5. May not disrupt vehicular or pedestrian circulation for ingress and egress to the property.

6. May not locate or block access to required parking for a simultaneously operating business on the property according to the City's parking requirements. Sites that do not have excess parking during the operation of the primary uses are not eligible for mobile food vending.
7. Must comply with all regulations in the Land Development Code, such as signage and setbacks.
8. Food Trucks, Lunch Trucks and Food Carts shall not sell alcohol unless specifically approved as part of an 18A special event permit or other permit approved by the Police Department, and must comply with Land Development Code restrictions for the sale of alcohol near schools and churches.

F. Maintenance

Mobile Food Vendors shall comply with the following operating standards:

1. All operations must be contained within the approved vending vehicle, as permitted by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants; however, a maximum of two coolers are allowed for beverages external to the vending vehicle or cart.
2. Vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendor shall provide adequate trash receptacles for use by its customers. Vendors shall remove all waste and trash from their location at the end of each day/visit or as needed. The vendor must keep clean all areas of the subject property, and public rights-of-way within twenty-five (25) feet of the subject property, including grease, trash, paper, cups, coolers, or cans associated with the vending operation beyond twenty-five feet. This includes emptying city trash receptacles on the public rights-of-way that contain debris from the operation within twenty-five feet of the property.
3. Non-styrofoam packaging and cups must be used for serving containers. Styrofoam is not allowed for mobile food vending within the City of Orlando. Recycling receptacles must be provided for any packaging that is recyclable, if present.
4. Liquid waste or grease may not be disposed of in tree wells, storm drains, or onto the sidewalks, streets, or other public space. The vendor is responsible for removal of grease and liquid waste from the sidewalk and street surfaces resulting from its operation, or the unloading and loading of food carts. The vendor shall comply with all state laws for servicing the vehicle or cart for waste water and grease disposal, including commissary requirements.
5. If at any time the State revokes, suspends or expires the issued food vending permit, the Planning Official Determination for the Vendor under this pilot program is revoked or suspended simultaneously.

6. The Mobile Food Vendor is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that relate to its operation.
7. Vehicles shall not “hop” curbs or perform any other illegal traffic maneuvers.

G. Duration

1. This pilot program shall be effective for two years from the date approved by City Council. The Planning Official may approve a one-year extension.
2. The Planning Official may revoke approval granted under a Planning Official Determination for an individual operator for non-compliance with any conditions of the pilot program.
3. The Planning Official shall report semi-annually to the Chief Administrative Officer on the effectiveness of the program.

Use Table: Where Mobile Vending is allowed in Non-Residential Zoning Districts

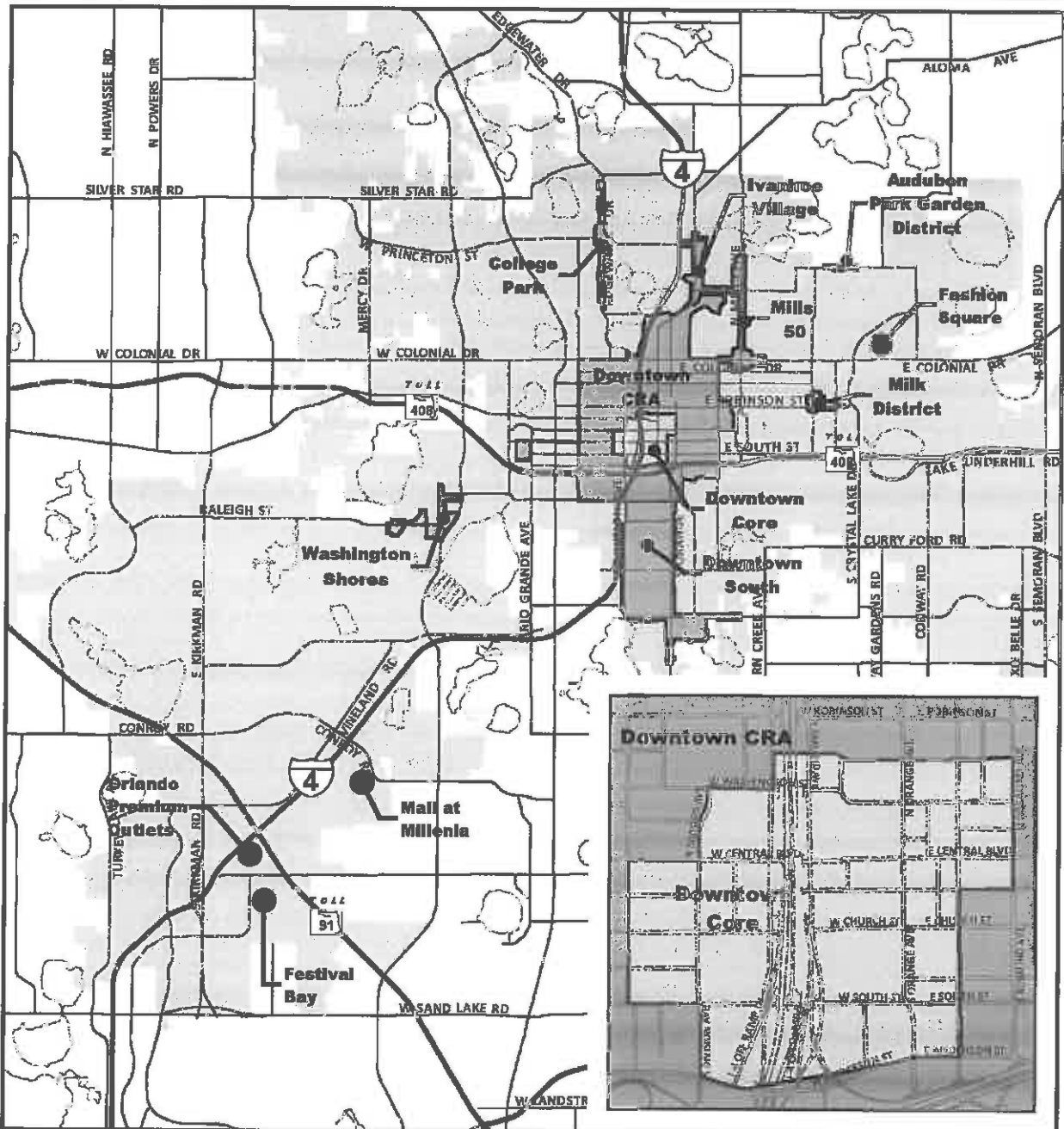
	Main Street	CRA Outside Core	Regional Mall	Schools/ Churches*	Downtown Core	ROW/ Sidewalks	Special Event: ROW or Park	Park: Occasional or Permanent
Food Trucks	Allowed	Allowed	Allowed	Allowed	Not** allowed	Not allowed	18A Permit	Concession Agreement
Lunch Trucks	Allowed	Allowed	Allowed	Allowed	Not allowed	Not allowed	18A Permit	Concession Agreement
Food Carts	Allowed	Allowed	Allowed	Allowed	Allowed in plaza	Not allowed	18A Permit	Concession Agreement

* Allowed at Schools/Churches, except up to twice a year in residential zoning districts.

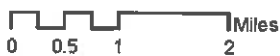
**May be allowed on Church Street as part of the right-of-way utilization agreement for vendors with the Church Street District or any other Special Event approved by the City, and Performing Arts Center plaza as part of a concession agreement.

Exhibit A

Food Trucks



LEGEND



- Food Truck Area
- Food Truck Mall
- City of Orlando Jurisdiction





COUNCIL MEMORANDUM

Council Meeting Date: November 14, 2013

FOR DISCUSSION

FROM: Ashton J. Hayward, III, Mayor *ame*

SUBJECT: Regulation of Food Trucks and Mobile Vending

REQUEST:

That City Council provide input and direction as to the future regulation of food trucks and mobile vendors within the City limits.

AGENDA: X Regular Consent

SUMMARY:

The popularity of food trucks has been on the rise nationwide for several years. In recent months, there has been an increased interest in the operation of food trucks, among other types of mobile vending, within the City of Pensacola. The area surrounding the Palafox Place corridor has been the epicenter of this increased activity, causing concern for the owners of nearby brick and mortar restaurants.

There are currently only four active mobile vending business licenses in the City of Pensacola. Of those four, one is known to operate as a food truck, one is a stationary vendor located on the Joe Patti's property, and two are shaved ice/snow cone vendors that do not currently appear to have a regular presence outside of festivals and special events. The activity being observed includes not only the vehicle operating as a licensed food truck, but also a mix of food carts, grills, and other equipment used by existing brick and mortar businesses (typically bars) to prepare and/or sell pre-prepared food to their customers. While many of these issues can be resolved through the enforcement of existing regulations, there appears to be a growing need for comprehensive codified regulations pertaining to these types of food truck and mobile vending operations.

Cities throughout Florida and many other states have capitalized on this "street food" trend by crafting regulations that allow for the operation of food trucks and other types of mobile vendors within certain codified parameters. Regulations may stipulate the operation of food trucks within certain geographical boundaries, on private property and/or in the right of way, and during specified hours. Many cities implement distance requirements between the location of a food truck and a brick and mortar restaurant.

The City of Chicago utilizes a combination of all of these requirements to limit the areas in which food trucks may operate, the length of time they are allowed to park and operate in one block, they are not allowed to operate within 200 feet of a brick and mortar restaurant (with a 2 hour time exemption from this requirement between 12:00-2:00 a.m.), and they are not allowed to operate between the hours of 2:00-5:00 a.m.).

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Regulation of Food Trucks and Mobile Vending
November 14, 2013
Page Two

Orlando recently implemented a two-year pilot program that allows for the operation of food trucks. The program does not require a minimum distance between food trucks and brick and mortar restaurants, however, food trucks are not allowed to operate in the right of way or in the downtown core. Instead, they are permitted only on private property, with notarized consent from the property owner, and are limited to vending from that property more than one day per week.

Tallahassee regulates food truck and mobile vending activity through a City Commission Policy, which allows for the permitting of food trucks and mobile vendors in specified locations on City streets and in parks. The policy does not prohibit the operation of such activities on private property, but stipulates a permitting process for public land and right of way.

The two attached documents provide information on how Tallahassee and Orlando have handled the issue. The bottom line is that although mobile vendors cannot be prohibited, they can be regulated.

Pending input from City Council, staff will move forward with drafting an ordinance for review.

PRIOR ACTION:

None.

STAFF CONTACT:

Colleen M. Castille, City Administrator; Sherry Morris, AICP, Planning Services Administrator

ATTACHMENTS:

- 1) Orlando Ordinance
- 2) Tallahassee Policy

PRESENTATION:

Yes; Sherry Morris, AICP, Planning Services Administrator



CITY OF ORLANDO

MEMORANDUM

DATE: May 20, 2013 City Council Meeting

TO: Mayor Dyer and City Commissioners

FROM: Dean Grandin, Planning Official

SUBJECT: Temporary Use Permit - LDC2012-00308
Mobile Food Vending: Food Trucks, Food Carts and Lunch Trucks

A. Recommendation

1. Approve a city-wide Temporary Use Permit allowing Mobile Food Vending (Food Trucks, Food Carts and Lunch Trucks) on private property under a two-year pilot program.
2. Authorize the Planning Official to review and approve individual Mobile Food Vendors through a Planning Official Determination.
3. Temporarily waive application fees for Planning Official Determinations concerning Mobile Food Vendors for a period of 90 days from approval of this Temporary Use Permit; thereafter a \$50 per truck/cart fee would apply.

B. Need

1. Mobile Food Vending has become a local and national phenomenon, bringing activity and vitality to commercial districts and special events alike.
2. Approximately 25 Food Trucks (one type of Mobile Food Vendor) currently operate throughout the city.
3. Food Trucks operate either alone or in groups, typically on an underutilized portion of an existing parking lot in commercial zoning districts; they also operate occasionally at special events in residential districts at churches and schools.
4. Some Food Truck operators would prefer to operate within the street right-of-way, from on-street parking spaces.
5. Orlando regulations prohibit the sale of food and merchandise on city streets and sidewalks, except where specifically approved by City Council (Sec 54.27-1).
6. Orlando regulations prohibit the sale of food and drink within public parks, recreation areas and facilities, except under a current concession agreement approved by the city (Sec. 43.44).
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8. "Mobile Food Vendor" is not listed as a separate use in the City of Orlando Land Development Code. Therefore, Mobile Food Vending has been interpreted up until now as an "Intensive Retail" use, allowed by right in limited zoning districts (Mixed Use, Industrial, AC-3 or as a Conditional Uses in other Activity Centers).

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2. Vendors obtain a license from the Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants.
3. If operating on private property, Vendor obtains notarized letter from private property owner granting permission to operate on that owner's property.
4. Vendor acknowledges: "You are prohibited from conducting business on any public streets, sidewalks, rights-of-way or in any public parks." This restriction includes any sites that are partially located on the right-of-way, or require their customers to be upon the right-of-way to be served.
5. If wishing to operate within the public right-of-way or property, vendors must be ancillary to an 18A special event, obtain a concession agreement on all other public property (e.g. parks), or is a vendor participating under a right-of-way utilization agreement for a closed street (e.g. Church Street District).
6. Vendor applies for a Planning Official Determination. Application must include:
 - a. A copy of the Vendor's county Business Tax Receipt.
 - b. A copy of the Vendor's state license.
 - c. A general site plan of the typical operation, including the Vendors' home address, the name or location of the Vendor's commissary, planned locations for the Vendor's operations, the location where the vehicle will be stored, and photos of the vehicle and any associated signage.
7. Vendor obtains a Business Tax Receipt (BTR) to operate in the City of Orlando, per Chapter 36 of the City Code.

D. Standards and Conditions

1. Definitions

- a. Food Truck. A vehicle (including trailers) operated by a mobile food vendor to prepare and sell food at multiple locations, typically operating at one location for more than 30 minutes.
- b. Food Cart. A mobile food vendor that sells pre-packaged food, such as hot dogs or boiled peanuts from a movable, non-motorized cart.
- c. Lunch Truck. A vehicle operated by a mobile food vendor to sell pre-packaged food, such as ice cream and sandwiches, at multiple locations, typically operating at one location for less than 30 minutes.

2. *Locations*

- a. Lunch Trucks are allowed throughout the City of Orlando in any non-residential or non-public zoning district, except in the Downtown Core area shown on Exhibit "A." Lunch Trucks may not operate at the same location more than 30 minutes in any 6 hour period.
- b. A particular private property may host Food Trucks and/or Food Carts one day per week within the following districts, as shown on Exhibit "A". If a Main Street sponsors and advertises a special event with Mobile Food Vendors, it shall not count toward the one day per week allocation for a particular property:
 - i. Orlando Main Street Districts (Downtown South, Ivanhoe Village, College Park, Mills/50, Audubon Park, and Thornton Park),
 - ii. The Washington Shores Special Plan area,
 - iii. The Milk District,
 - iv. Regional retail shopping centers (Colonial Plaza, Fashion Square, Millenia, Premium Outlets, and Festival Bay Malls), and
 - v. The Downtown Community Redevelopment Area except for the Downtown Core (refer to inset map on the attachment).The location in the above areas must be within a zoning district that allows Eating & Drinking Establishments.

3. *Additional Locations and Restrictions*

- a. Food Carts may be allowed on properties in non-downtown activity centers under covered structures, such as an arcade, at home improvement and similar stores daily, where the use is clearly incidental to the primary use.
- b. When not in operation, all mobile food vendors must leave the site and return to their commissary and storage facility. They shall not be left unattended.
- c. All mobile food vendors must locate on a property that has a legal principal use, and an improved surface (e.g. parking lot).

4. *Permanent Food Trucks, Food Trailers, etc.* If a food truck, trailer, or other such installation wishes to permanently remain on a property, it shall do so as an "Intensive Retail" (i.e. outdoor) use, only permitted in those zoning districts where such uses are allowed. All requirements of the Land Development Code apply (parking, landscaping, required building code matters, change of use to a higher intensity class, etc.).

5. *Special Events.*

- a. The City may authorize food trucks and food carts in the public right-of-way as part of a special event under the issuance of a Chapter 18A public assembly permit. Food trucks and carts must be ancillary to the special event. In the Downtown Core, the Church Street District is allowed vendors, including Food Trucks, as part of its approved right-of-way utilization agreement or any other City permitted special event. The future Performing Arts Center Plaza is also allowed vendors under a concession agreement.

- b. Rights-of-way under jurisdiction of the Florida Department of Transportation (FDOT) require additional permits from the FDOT District 5 offices. Typically, the right-of-way is required to be closed to vehicular traffic.
 - c. The City may also authorize mobile food vendors at special events for schools, religious institutions and benevolent organizations. Within residential zoning districts, such special events are limited to twice a year.
6. *Downtown Core Area Restrictions.* Mobile Food Vending is prohibited on private or public properties and on street rights-of-way within the Downtown Core area shown on Exhibit "A," except as follows:
- a. A single Food Cart is allowed within improved pedestrian plazas of at least 0.10 acres. Available locations include the Chase Plaza, Suntrust Plaza, 55 and 54 West, Wells Fargo/Morgan & Morgan, Seaside/Signature Plaza with the permission of the property owner.
 - b. Food Carts may be allowed in public properties and in parks/plazas within the Downtown Core area under a concession agreement, if approved by the City Council. Locations include the City Commons Park, Heritage Park, Amway Center Plaza, and future Performing Arts Center Plaza.
 - c. Food Trucks and Carts may be utilized as vendors in the public right-of-way of Church Street as part of a Church Street District's right-of-way utilization agreement, a valid concession agreement or other special event. Also, such vendors are allowed in the West Washington Street expansion of Lake Eola Park and on the periphery of the Performing Arts Center Plaza through the appropriate concession agreement.

Food Carts in the above areas may be located there daily, and are thus not restricted to once a week (but may be limited by a concession agreement). However, they are limited to operating at any single location up to eight hours in a 24 hour period of time, and must be removed when not in operation. All mobile food vendors in the Downtown Core must be set back a minimum of 5 feet from any rights-of-way (unless the particular right-of-way is closed to vehicular traffic) and are subject to appearance review by the Architectural Review Board of the Downtown Development Board. If within a Historic District, a minor review is required by the Historic Preservation Officer.

E. Operating Conditions for all Mobile Food Vendors

- 1. All Mobile Food Vendors must be located on a paved parking area; within the Downtown Core on private property, they must be located within a paved pedestrian plaza – and not unimproved property.
- 2. May not damage required landscaping (bufferyards, parking lot landscaping).
- 3. Must be setback from adjacent residential districts a minimum of 40-feet without a bufferwall, and minimum 15-feet with a concrete bufferwall.
- 4. May not be located within 5 feet of any right-of-way or public sidewalk.
- 5. May not disrupt vehicular or pedestrian circulation for ingress and egress to the property.

6. May not locate or block access to required parking for a simultaneously operating business on the property according to the City's parking requirements. Sites that do not have excess parking during the operation of the primarily uses are not be eligible for mobile food vending.
7. Must comply with all regulations in the Land Development Code, such as signage and setbacks.
8. Food Trucks, Lunch Trucks and Food Carts shall not sell alcohol unless specifically approved as part of an 18A special event permit or other permit approved by the Police Department, and must comply with Land Development Code restrictions for the sale of alcohol near schools and churches.

F. Maintenance

Mobile Food Vendors shall comply with the following operating standards:

1. All operations must be contained within the approved vending vehicle, as permitted by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants; however, a maximum of two coolers are allowed for beverages external to the vending vehicle or cart.
2. Vendor is responsible for the proper disposal of trash and waste associated with the operation. Vendor shall provide adequate trash receptacles for use by its customers. Vendors shall remove all waste and trash from their location at the end of each day/visit or as needed. The vendor must keep clean all areas of the subject property, and public rights-of-way within twenty-five (25) feet of the subject property, including grease, trash, paper, cups, coolers, or cans associated with the vending operation beyond twenty-five feet. This includes emptying city trash receptacles on the public rights-of-way that contain debris from the operation within twenty-five feet of the property.
3. Non-styrofoam packaging and cups must be used for serving containers. Styrofoam is not allowed for mobile food vending within the City of Orlando. Recycling receptacles must be provided for any packaging that is recyclable, if present.
4. Liquid waste or grease may not be disposed of in tree wells, storm drains, or onto the sidewalks, streets, or other public space. The vendor is responsible for removal of grease and liquid waste from the sidewalk and street surfaces resulting from its operation, or the unloading and loading of food carts. The vendor shall comply with all state laws for servicing the vehicle or cart for waste water and grease disposal, including commissary requirements.
5. If at any time the State revokes, suspends or expires the issued food vending permit, the Planning Official Determination for the Vendor under this pilot program is revoked or suspended simultaneously.

6. The Mobile Food Vendor is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that relate to its operation.
7. Vehicles shall not “hop” curbs or perform any other illegal traffic maneuvers.

G. Duration

1. This pilot program shall be effective for two years from the date approved by City Council. The Planning Official may approve a one-year extension.
2. The Planning Official may revoke approval granted under a Planning Official Determination for an individual operator for non-compliance with any conditions of the pilot program.
3. The Planning Official shall report semi-annually to the Chief Administrative Officer on the effectiveness of the program.

Use Table: Where Mobile Vending is allowed in Non-Residential Zoning Districts

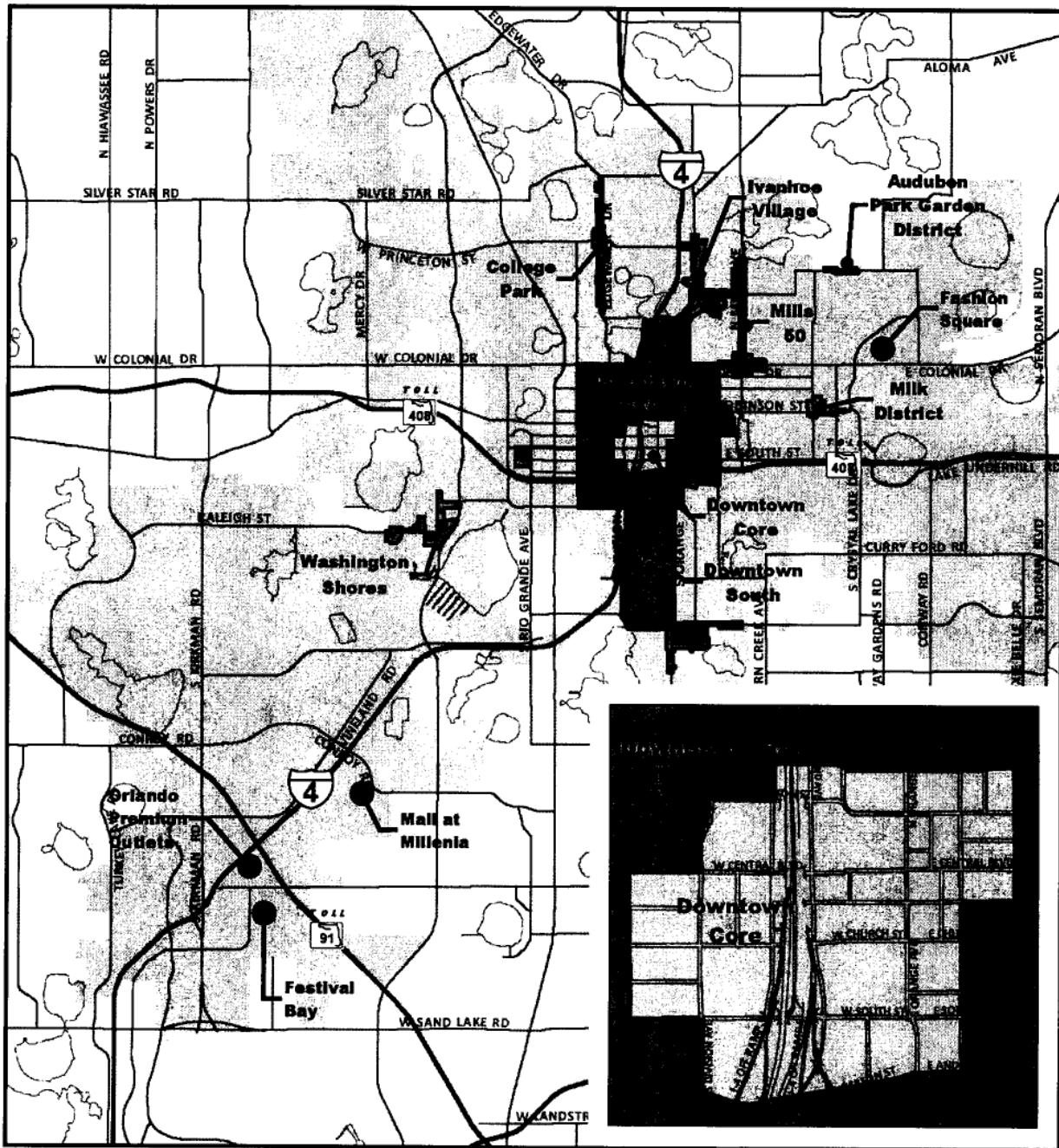
	Main Street	CRA Outside Core	Regional Mall	Schools/ Churches*	Downtown Core	ROW/ Sidewalks	Special Event: ROW or Park	Park: Occasional or Permanent
Lunch Trucks	Allowed	Allowed	Allowed	Allowed	Not allowed	Not allowed	18A Permit	Concession Agreement

* Allowed at Schools/Churches, except up to twice a year in residential zoning districts.

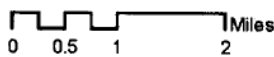
**May be allowed on Church Street as part of the right-of-way utilization agreement for vendors with the Church Street District or any other Special Event approved by the City, and Performing Arts Center plaza as part of a concession agreement.




Exhibit A

Food Trucks



LEGEND



-  Food Truck Area
-  Food Truck Mall
-  City of Orlando Jurisdiction



CITY OF TALLAHASSEE

City Commission Policy 106 – Closure of Adams Street/Gallie Alley and Other Downtown Streets, Food Vendor Permits on City Property, and Outdoor Food Service in the Downtown Area

- Part I: General Provisions
- Part II: Closure and Use of Adams Street/Gallie Alley and/or Other Downtown Streets
- Part III: Mobile Food Vehicle Vendors and Food Vendor Cart Permits on City Property and Rights-of-Way
- Part IV: Permits for Outdoor Food Service at Licensed Downtown Restaurants

DEPARTMENT: City Manager

DATE ADOPTED: May 13, 1992

DATE OF LAST

REVISION: December 10, 2008; August 26, 2009;
March 9, 2011; March 30, 2011

PART I: GENERAL PROVISIONS

106.01 Authority: City Commission; Article III, Street Vendors, Chapter 5, Tallahassee Code of General Ordinances.

106.02 Administration:

- A. Part I: The City Manager, each City department, and the Downtown Improvement Authority shall have the duties and responsibilities as set forth in the various parts of this policy.

B. Part II: The City of Tallahassee Parks, Recreation and Neighborhood Affairs Department (Parks and Recreation Department) is responsible for coordinating the review of all applications, including review by the Executive Director of the Downtown Improvement Authority for consistency of the application with the goals and objectives of the Downtown Improvement Authority, and approval of permits for the use of Adams Street Commons, Adams Street, Gallie Alley, and/or other Downtown Streets under Part II of this policy. No application submitted under Part II of this policy shall be approved without the consent of the Executive Director of the Downtown Improvement Authority.

C. Part III: The Parks, Recreation and Neighborhood Affairs Department is responsible for the review of all applications and approval of permits for the location of mobile food vehicles and food vendor carts in the areas listed in Section 106.112, as authorized under Part III of this policy.

D. Part IV: The Downtown Improvement Authority will receive all applications for permits for outdoor food service operations at licensed restaurants and, upon a determination that each application will promote the goals and objectives of the Downtown Improvement Authority, forward it to the City of Tallahassee Property Management Division for technical review and approval under Part IV of this policy.

106.03 Revocation of Permits: Pursuant to Section 5-80, Tallahassee Code of General Ordinances, the City Manager may revoke any permit issued under this policy, and if applicable, cancel a lease agreement, if the permittee's

operation is determined not to be in the public's best interest; if the permittee provided false or incorrect information in the application; if the permittee fails to pay any fees required by this policy; or if the permittee fails to comply with the applicable requirements of this policy or lease agreement. The City Manager shall provide reasonable advance notice of the revocation of the permit unless he/she determines there is imminent danger to the public health, safety, welfare, or property in which case the revocation may be without notice. An imminent danger includes, but is not limited to, any situation in which it is determined that the vendor has failed to meet the State of Florida Department of Health's minimum standards for sanitation and food service or any situation in which a mobile food vehicle or food vendor cart is creating a traffic hazard. Any permittee whose permit is revoked under this paragraph shall have the right to file a written appeal with the City Manager within 10 calendar days after the notice of revocation is issued.

106.04 Definitions:

Adams Street: The segment of Adams Street, from building wall to building wall, between Pensacola Street and Tennessee Street.

Adams Street Commons: The segment of Adams Street, from building wall to building wall, between College Avenue and Jefferson Street, including City Hall Plaza areas.

City Manager: The City Manager of the City of Tallahassee, or his/her designee.

City Parks and/or Playgrounds: Selected parks, playgrounds, swimming pools, and/or other active recreational areas managed by the City's Parks, Recreation and Neighborhood Affairs Department that have been approved by the City Manager to permit mobile food vehicles and food vendor carts.

Downtown Streets: Any street within the jurisdiction of the Downtown Improvement Authority.

Food Vendor Carts: A food vendor cart is a cart that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer. Typically, the operator of such cart stands on the ground.

Gallie Alley: The segment of the alley courtyard from building wall to building wall within the block bounded by Jefferson Street, Adams Street, College Avenue and Monroe Street, except any segments privately owned.

Mobile Food Vehicles: Mobile food vehicles are self-contained commercial trucks, trailers, or other vehicles that can be moved to new locations, in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution; owned and operated by the owner or agent of a properly licensed food establishment; and not used for personal or residential purposes.

Outdoor Food Service with Table Placement Only: This term applies to any licensed indoor restaurant that desires to use adjacent sidewalks on downtown streets or Kleman Plaza areas for outdoor food service with tables only with no waiter/waitress service to the area.

Outdoor Food Service For Table Placement With Table Service: This term applies to any licensed indoor restaurant that desires to use adjacent sidewalks on downtown streets or Kleman Plaza areas for outdoor food service with table service involving waiter/waitress service to the area.

Special Events: Any private or public event that requires an application to reserve the facility and involves services from one or more City department.

West Jefferson Street: The segment of Jefferson Street, from building wall to building wall, between Adams Street and Duval Street.

106.05 Permits: Any permits issued under Parts II and III of this policy will be issued on a first come, first serve basis.

106.06 Americans with Disabilities Act: Applicants under all parts of this policy shall comply with the Americans with Disabilities Act and shall complete the form attached to this policy as Attachment 1 for each permit issued.

106.07 Insurance: The City Manager, Downtown Improvement Authority, or Director of Parks, Recreation and Neighborhood Affairs may require proof of insurance from any applicant under all parts of this policy. The amount of

insurance liability will be determined by the regulating entity, but may have a minimum limit of \$1 million general liability to protect the City, naming the City as an additional insured as a condition of permit approval. If alcohol is sold, served, or consumed as a part of the event or permit, the insurance policy shall be endorsed for liquor liability.

**PART II: CLOSURE AND USE OF ADAMS STREET/GALLIE ALLEY
AND OTHER DOWNTOWN STREETS**

106.08 Scope and Applicability: Part II shall apply to all individuals, organizations and governmental units requesting the closure and/or use of Adams Street / Gallie Alley area or other Downtown Streets for activities of a general public purpose.

106.09 Policy Statement: It is the intent of the City of Tallahassee to regulate the use of Adams Street / Gallie Alley area and other Downtown Streets for Special Events through the issuance of special use permits and the establishment of policies and procedures.

106.10 Criteria for Usage: Adams Street / Gallie Alley or other Downtown Streets may be used for any general public purpose and food vendor carts, permitted as provided herein in Part III, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public. Permits for use will be issued only for events/activities that are open to the general public.

106.11 Procedures for Closure and Use of Adams Street, Gallie Alley, and/or Other Downtown Streets:

A. Requests for Usage for Activities: A written application on forms approved by the City Manager must be submitted to the Director of the Parks and Recreation Department at least three weeks in advance of the requested date(s) for usage. The application(s) will be processed in the manner used by the Parks and Recreation Department for Special Events, and will be generally in the form(s) attached hereto as set forth below:

1. Attachment 2, a Park Permit Application;
2. Attachment 3, a Special Events Application;
3. Attachment 4, an Alcohol Permit Application (for events involving sale or service of alcohol); and
4. Attachment 5, a Tallahassee Police Department Special Event (Street Closure) Application.

The Park Permit Application shall be accompanied by a \$250 fee payable to the Downtown Improvement Authority; however, an application submitted by the owner or lessee of real property within the jurisdiction of the Downtown Improvement Authority shall be exempt from the \$250 fee. Additional fees may apply for processing the application forms attached hereto; information on additional fees may be obtained from the Parks, Recreation and Neighborhood Affairs Department. The attached forms may be amended from time to time without revision to this policy.

B. Applicant Responsibilities and Usage Stipulation:

1. The applicant shall be responsible for the cleanup of the area after use.
2. The applicant and any sponsor, vendor, or user must fully cooperate at all times with the Police, other law enforcement officials, and any other City department involved in the event.
3. The area of usage will be determined at the time the permit is issued. The City, however, reserves the right to limit or restrict the area of usage further if the public health, safety, or welfare requires additional limitation or restriction.
4. The City reserves the right to assess charges for excessive maintenance, cleanup, and/or damages to the area utilized.
5. The City reserves the right to limit the length of time the area may be used.

C. Closure of Adams Street/Gallie Alley or Other Downtown Streets:

1. Any application for closure of Adams Street, Gallie Alley, or other downtown street shall be forwarded by the Parks and Recreation Department to the Executive Director of the Downtown Improvement Authority for review and recommendation. As part of his/her review, the Executive Director of the Downtown Improvement

Authority shall send notice of the application including the dates, times, and streets affected by the proposed closure to the President of the Downtown Merchants Business Association; the Tallahassee Chamber of Commerce; any property owner, business, governmental entity, or agency on or within 100 feet of a street proposed to be closed for a Special Event; and to any other property owner or tenant within the jurisdiction of the Downtown Improvement Authority that has requested notice of such closures. The Downtown Improvement Authority shall allow up to five (5) calendar days after delivery of the notice for the recipient to provide written comments to the Downtown Improvement Authority. The Executive Director of the Downtown Improvement Authority will consider the comments in sending his/her recommendation on the application to the Parks and Recreation Department.

2. Upon receipt of a recommendation from the Downtown Improvement Authority that the application is consistent with the goals and objectives of the Downtown Improvement Authority and should be approved, the Parks and Recreation Department shall coordinate with other City departments, including but not limited to the Tallahassee Police Department, Public Works Department, and Solid Waste Division, for review of applications for the closure of Adams Street/Gallie Alley or other Downtown Streets for Special Events.

3. When an application requests the closure of any street covered by this policy, the Parks and Recreation Department will require

completion of a Tallahassee Police Department street closure application, (Attachment 5), and will submit the application to the Tallahassee Police Department for review and comment. The requested closure must be approved by the Tallahassee Police Department. If the application for closure is approved, the street will be closed only as specified by the approved permit for the event.

4. The City Public Works Department will be responsible for closing and opening any street approved for closure under this policy. The Public Works Department shall coordinate with the Parks and Recreation Department, the Tallahassee Police Department, and any other department necessary.

5. Whenever any public street is closed under this policy, the City will establish an alternate route for vehicular traffic to follow.

D. Maintenance: The Parks and Recreation Department is responsible for routine maintenance of the Adams Street Commons area.

PART III: MOBILE FOOD VEHICLES AND

FOOD VENDOR CART PERMITS ON CITY PROPERTY

106.12 Location: The following areas may be used for mobile food vehicles and food vendor carts, permitted as provided in this part, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public:

A. Adams Street Commons/Gallie Alley;

- B. West Jefferson Street, including City Hall Plaza;
- C. Other Downtown Streets;
- D. Kleman Plaza; and
- E. City Property and adjacent streets and sidewalks, as approved by the City Manager; and
- F. City parks, playgrounds and adjacent streets and sidewalks, as approved by the City Manager.

106.13 Requests for Usage for Permitted Food Vendor Carts:

A. Applications: Applications for permits for mobile food vehicles and food vendor carts in the areas designated in Section 106.12 shall be submitted in writing to the Director of the Parks, Recreation and Neighborhood Affairs Department on forms approved by that Department.

B. Permits:

1. Mobile Food Vehicles: Permits for mobile food vehicles will be issued on a first come, first serve basis for specific locations designated for such purpose. All permits issued pursuant to this part shall be effective for the dates designated on a daily, weekly or monthly basis, but under no circumstance can a mobile food vehicle be permitted for the same designated location for more than sixty (60) available consecutive days.

2. Food Vendor Carts: Permits for food vendor carts will be issued on a first come, first serve basis. All permits issued pursuant to this part shall be effective on the first day of the month of issuance and shall expire one year from the effective date thereof unless sooner revoked. Vendors may request a shorter permit duration.

C. Special Events: Permits granted under this Part III shall not be valid during Special Events approved by the City, Downtown Improvement Authority, or the Parks, Recreation and Neighborhood Affairs Department in the downtown area, on City property and adjacent streets and sidewalks, or in City parks and playgrounds and adjacent streets and sidewalks. The Downtown Improvement Authority or the Parks, Recreation and Neighborhood Affairs Department, for events in City parks and playgrounds, will notify applicants for mobile food vehicles and food vendor carts of scheduled Special Events and of procedures for the vendor to participate in those Special Events. Special Event permits for mobile food vehicles and food vendor carts require an application and additional fees to the sponsor of the Special Event separate from the application(s) submitted under this policy.

D. Review of Applications: Applications for mobile food vehicles and food vendor carts must be submitted at least two weeks in advance of the requested date(s) for usage. The Parks, Recreation and Neighborhood Affairs Department shall coordinate review of the application with appropriate City, County and/or State authorities. An application for a food vendor cart on a State roadway must be approved by the State of Florida.

E. Limitation on similar vendors: Not more than two vendors of similar food products will be permitted in close proximity, as determined by the Director of the Parks, Recreation and Neighborhood Affairs Department for the areas listed in Section 106.112.

F. Hours of operation: Any permit issued under this part may include limitations on the hours of operation in the mobile food vehicles or a food vendor cart permit.

G. Cancellation of mobile food vehicle or food vendor cart permits: The Director of the Parks, Recreation and Neighborhood Affairs Department has the right to cancel mobile food vehicle or food vendor cart permits in the areas listed in Section 106.112.

H. Solid waste: The vendor shall be responsible for managing solid waste created by his/her operation of mobile food vehicle or the food vendor cart, including providing a suitable receptacle for recyclable materials, waste and litter. The vendor is responsible for removal of the receptacle and the waste and litter on a daily basis.

I. Charges for maintenance, clean-up, or damage to City property:

1. The Director of the Parks, Recreation and Neighborhood Affairs Department reserves the right to assess charges for excessive maintenance, clean-up, and/or damages to the area utilized by the mobile food vehicle or food vendor cart for those areas listed in Section 106.112.

2. Electricity Hook-Up: The Director of the Parks, Recreation and Neighborhood Affairs Department in conjunction with Electric Utilities may set additional fees for electrical hook up and services.

J. Information required in application: The application must include the following information:

1. Name, address, telephone number of applicant, mailing/business address, electronic mail address and telephone number of applicant.

2. Vehicle or Cart owner's name, address and telephone number if different than applicant and copy of insurance for mobile food vehicle.

3. Copy of occupational license.

4. Type of vending provided.

5. Desired location.

6. Duration of use permit.

7. Liability release statement.

8. Notice of a monthly non-refundable permit fee to be determined by and payable to the Parks, Recreation and Neighborhood Affairs Department.

K. Non-refundable permit fee: If approved, the vendor, for the areas listed in Section 106.112, shall enter into an agreement with the Parks, Recreation and Neighborhood Affairs Department to pay nonrefundable fees as established by the Director of the Parks, Recreation and Neighborhood Affairs Department.

L. The Director of the Parks, Recreation and Neighborhood Affairs Department shall keep records on food vendor cart permits issued and funds received under this part for the areas listed in Section 106.112, and shall report this information to the Downtown Improvement Authority and to the City Manager upon request.

M. Prohibitions: No vendor permitted under this section will be allowed to do the following:

1. Sell or distribute alcohol.
2. Operate an electric generator.
3. Operate any type of amplified speaker system or play music of any kind.
4. Operate during any special event as defined by this policy unless a separate permit is obtained.

N. Nothing in this section prohibits the use of properly licensed mobile food vehicles or food vendor carts on private property or non-City owned governmental property.

**PART IV: PERMITS FOR OUTDOOR FOOD SERVICE
AT LICENSED DOWNTOWN RESTAURANTS**

106.14 Scope and Applicability: This policy shall apply to all restaurants desiring to use adjacent sidewalks within the boundaries of the Downtown Improvement Authority for outdoor food service.

106.15 Policy Statement: It is the intent of the City to regulate the use of sidewalks and Kleman Plaza areas adjacent to licensed restaurants that request permits for outdoor food service through the issuance of special use permits and the establishment of policies and procedures.

106.16 General Criteria for Usage: Sidewalks on Downtown Streets or Kleman Plaza areas may be used by licensed restaurants for outdoor food service when the following criteria are met:

A. Adjacency: The sidewalks or Kleman Plaza area must be adjacent to the subject restaurant.

B. Size: There must be adequate room to accommodate tables and chairs and still maintain normal pedestrian passage through the area, as well as handicapped accessibility.

C. Open to general public: The area of outdoor food service must be open to the general public.

D. Compatibility with surroundings: The nature of the operation must be such that it is compatible with the existing physical facilities, downtown, or Kleman Plaza outdoor setting. The outdoor food service shall not interfere with the health, safety, and welfare of the public;

E. Liability insurance and alcohol licenses: The restaurant shall provide proof of adequate liability insurance and/or business/alcohol licenses for the outdoor food service operation;

F. Clean-up of area: The restaurant manager/owner shall be responsible for the clean-up of the outdoor food service area after use;

G. Solid waste: The restaurant manager/owner shall be responsible for managing solid waste created by the outdoor food service operation, including providing a suitable receptacle for waste and litter, and is responsible for removal of the receptacle and the waste and litter on a daily basis;

H. Charges for maintenance, clean-up, or damage to City property: The City reserves the right to assess charges for excessive maintenance, cleanup, and/or damages to the area utilized by the outdoor food service operation;

I. Cooperation with City: The restaurant manager/owner and users shall fully cooperate at all times with the Tallahassee Police Department and any other City departments;

J. Limitations on area of usage: The City reserves the right to limit or restrict the area of usage;

K. Limitations on time: The City reserves the right to limit the length of time the area may be used; and

L. State roadways: Any application for outdoor food service at a restaurant on a State roadway must be approved by the State of Florida.

106.17 Procedures:

A. General provisions for all outdoor food service operations:

1. A permit application must be completed and submitted to the Downtown Improvement Authority on an approved form developed by the City's Property Management Division. The Downtown Improvement Authority shall review each application to determine if the application is consistent with the goals and objectives of the Downtown Improvement Authority. Upon a determination that the application is consistent with such goals and objectives, the application shall be forwarded to the City's Property Management Division, which will coordinate review of the application as provided herein.

2. The manager or owner of the applicant, which must be a licensed restaurant adjacent to the area that is the subject of the application, must sign the application.

3. The permit application will be forwarded by the Downtown Improvement Authority to the Real Estate Administrator of the City's Property Management Division for review and approval. Prior to final approval, the Real Estate Administrator of the Property Management Division will obtain review and recommendations of approval from the Traffic Engineering Division of the Public Works Department, the Land Use and Environmental Services Division of the Growth Management Department, the Risk Management Officer, the Tallahassee Police Department, and the Executive Director of the Downtown Improvement Authority. The Real Estate Administrator of the Property

Management Division may seek review and recommendations from any other City department or State agency that he/she feels should review the application.

4. The design of outdoor food service areas and solid waste management plans for outdoor food service operations on Kleman Plaza must be approved by the Kleman Plaza Design Review Board prior to issuance of a permit by the Property Management Division.

5. Any outdoor food service to be established on Kleman Plaza shall also be reviewed and approved by the Parks and Recreation Department.

B. Outdoor food service with table placement and table service:

In addition to the requirements in paragraph 106.16.A above, outdoor food service operations with table placement and table service shall meet the following requirements:

1. The manager/owner of the licensed restaurant shall, prior to receiving a permit, complete an outdoor food service lease agreement. The proposed outdoor food service lease agreement will be submitted to the City Attorney and City Manager for approval and execution.

2. The lease agreement must be executed by the City and restaurant in a form substantially similar to the form attached hereto as Attachment 6, as amended from time to time.

3. The lease agreement shall require a monthly lease fee of \$100.00 payable to and collected by the City's Property Management Division.

106.18 Effective Date: Revisions adopted by City Commission March 30, 2011.

106.19 Sunset Review: The sunset review date is to occur no later than five years from the effective date. This policy shall continue in effect until deleted by the City Commission.