

CITY OF CORAL GABLES,FLORIDA

ORDINANCE NO. 2024-15

AN ORDINANCE OF THE CITY COMMISSION UPDATING THE CITY CODE TO COMPLY WITH STATE LAW BY AMENDING CHAPTER 14 “BUSINESSES”, ARTICLE VIII “MOBILE FOOD TRUCKS” AND CREATING SECTION 14-154 “LIMITED OPERATION OF TEMPORARY COMMERCIAL KITCHENS”; PROVIDING FOR SEVERABILITY, REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, the City currently regulates the operation of mobile food trucks but does not define or regulate temporary commercial kitchen; and

WHEREAS, section 509.102, Florida Statutes was amended in 2023 to allow temporary commercial kitchens to operate on the restaurant’s premises during the same hours of operation as the restaurant; and

WHEREAS, section 509.102, Florida Statutes was further amended to allow a restaurant to operate a temporary commercial kitchen on the restaurant’s premises during a period of renovation, repair, or rebuilding or during a period of uninhabitability.

WHEREAS, the City Commission wishes to incorporate City Code provisions to allow restaurants to operate temporary commercial kitchens on the restaurants’ premises during limited circumstances in accordance with section 509.102, Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That Article VIII of the City Code of Coral Gables is hereby amended as set forth in Exhibit 1.

SECTION 3. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

SECTION 4. Repealer.

All Ordinances in conflict herewith, be and the same, are hereby repealed.

SECTION 5. Codification.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Effective Date.

That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTH DAY OF MAY, A.D., 2024.

(Moved: Menendez / Seconded: Anderson)

(Yeas: Menendez, Anderson, Castro, Fernandez, Lago)

(Unanimous: 5-0 Vote)


(Agenda Item: E-3)

APPROVED:

DocuSigned by:

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VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUAREZ
CITY ATTORNEY

PART II - CODE OF ORDINANCES
Chapter 14 – BUSINESSES
ARTICLE VIII. MOBILE FOOD TRUCKS

ARTICLE VIII. MOBILE FOOD TRUCKS¹

Sec. 14-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Division means the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation.

MFDV license means a license for the operation of a "mobile food dispensing vehicle," as defined by state law, issued by the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation, which authorizes the operation of such vehicle as a "public food service establishment," as defined by state law.

Mobile food truck means any vehicle where food is sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption, 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. Mobile food trucks shall be classified as follows:

- (1) *Class I—Mobile kitchens.* These vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu. These vehicles may also vend the products permitted for class II mobile food trucks.
- (2) *Class II—Canteen trucks.* These vehicles vend pre-cooked foods, pre-packaged foods, pre-packaged drinks and incidental sales of pre-packaged frozen dairy or frozen water-based food products, fruits and vegetables. No preparation or assembly of food or beverage may take place on or in the vehicle; however, the heating of pre-cooked food is permitted.
- (3) *Class III—Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy or frozen water-based food products and pre-packaged beverages and snack foods.

Mobile food truck vendor means a person who prepares, dispenses or otherwise sells food from a mobile food truck.

Public right-of-way means any road, parkway, swale, sidewalk or other way.

¹Editor's note(s)—Ord. No. 2022-55, § 2(Exh. 1), adopted Oct. 11, 2022, set out provisions intended for use as Art. VIII, §§ 14-142—14-147. Inasmuch as there were already provisions so designated, said section has been codified herein as Art. VIII, §§ 14-150—14-155 at the discretion of the editor.

Restaurant means a use providing for the preparation or sale of prepared food for consumption by customers primarily on the premises, including the subordinate sale of alcoholic beverages for consumption on premises as permitted by applicable state law, but excluding facilities with prepared food service within grocery stores and delicatessens.

Temporary Commercial Kitchens means any kitchen that is a public food service establishment used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal, and that supplement the kitchen operations of a licensed permanent food service establishment located on the same premises, as premises may be defined in Florida Statute 509.102.

Vend means to sell or offer to sell products from a mobile food truck.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-2022)

Sec. 14-151. Compliance with applicable law.

- (a) Mobile food trucks and temporary commercial kitchens shall comply with all applicable city code and zoning code provisions, including, but not limited to, those related to overnight parking, signage, amplified music, outdoor furnishings, and nuisances. It is a violation to vend any product from a mobile food truck at any location except in compliance with the requirements of this article or a city-issued special events permit.
- (b) Mobile food trucks and temporary commercial kitchens shall comply with all applicable laws and shall prominently display a current MFDV license if required by the State of Florida and a current local business tax receipt issued by the city.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-2022)

Sec. 14-152. Permitted zoning districts.

- (a) Class I and class II mobile food trucks shall be prohibited from operating in the central business district, within 500 feet of a restaurant, and in single family residential districts. Except, class II mobile food trucks that primarily provide food and drink to persons engaged in construction in the city may operate in all zoning districts, provided such vehicles are parked for no more than 15 minutes at any one location and comply with all other provisions of this article.
- (b) Class III mobile food truck shall be prohibited from operating in the central business district and from operating within 500 feet of a restaurant. No class III mobile food truck shall stop, stand, or park in a single-family residential district for more than 15 minutes at any one location, unless there are customers waiting in line to buy products.
- (c) For purposes of this section, distance shall be measured by following a straight line from the nearest point of the mobile food truck to the closest exterior door of the restaurant.

(d) Notwithstanding the forgoing provisions, a property owner in a single-family residential district may engage a mobile food truck to provide services for a private event without obtaining a special events permit, subject to the following conditions:

- (1) When not visible from the public right-of-way, the mobile food truck shall park wholly on private property, for no more than three hours, between the hours of 8:00 a.m.—11:00 p.m.
- (2) When visible from the public right-of-way, the mobile food truck shall park wholly on private property, for no more than three hours, between the hours of 8:00 a.m.—11:00 p.m., and written advance notice shall be provided to the city prior to the engagement. Property owners operating under this provision may hire a mobile food truck for a private event no more than three times per year for a single property.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-2022)

Sec. 14-153. Mobile food truck operations generally.

(a) No more than one mobile food truck shall operate on any property at any one time.

(b) Class I and class II mobile food trucks shall not operate from an on-street parking space. Consistent with this article, the community recreation department may establish designated parking spaces for mobile food trucks at city parks as appropriate.

~~(c) Notwithstanding the zoning restrictions in section 14-151, a restaurant that will open a permanent location in the city within six months, may operate a mobile food truck that is affiliated with the restaurant between the hours of 8:00 a.m.—9:00 p.m. provided the mobile truck is parked wholly upon the restaurant's premises.~~

(d) Unless otherwise specifically provided in this article, mobile food trucks shall be permitted to operate between the hours of 8:00 a.m.—9:00 p.m. in nonresidential zones and between 8:00 a.m.—7:00 p.m. in residential zones.

(e) Unless otherwise specifically provided in this article, a mobile food truck shall not be permitted to operate in the same location for more than one hour per day.

(f) When parked, mobile food trucks shall not emit amplified music or sound. When in motion, mobile food trucks shall comply with applicable state and local laws regarding amplified sound.

(g) Mobile food trucks shall provide attached trash and/or recycling receptacles which may not impede the free movement of automobiles or pedestrians. The mobile food truck vendor shall keep all areas within 20 feet of the mobile food truck clean of grease, trash, paper, plastic, or cans associated with the vending operation.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-2022)

Sec. 14-154. Limited Operation of Temporary Commercial Kitchens

(a) A licensed permanent food service establishment may operate one temporary commercial kitchen at a time as follows:

(1) For a maximum of 80 consecutive days during the hours of operation of the licensed permanent food service establishment, unless such duration is extended by the Division in writing.

(2) During a period of renovation, repair, or rebuilding, of the licensed permanent food service establishment for a period not to exceed 120 consecutive days, unless such time is extended by the Division in writing.

(3) During a period of repair and rebuilding of the licensed food service establishment, when the establishment is rendered uninhabitable due to a natural disaster that was the subject of a declared state of emergency.

Sec. 14-155. Exceptions.

This article shall not apply to religious facilities, schools, hospitals, or government facilities that permit the operation of one mobile food truck or commercial kitchen wholly upon private property or city-owned property when such truck or commercial kitchen is located at least 25 feet from any abutting residential properties. Universities that allow the operation of mobile food trucks or commercial kitchens wholly upon university-owned property shall be exempt from this article.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-2022)

Sec. 14-156. Penalties.

A violation of this article is subject to the penalties contained in section 1-7.

(Ord. No. 2022-55, § 2(Exh. 1), 10-11-22)

