



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager 

DATE: November 5, 2012

SUBJECT: **DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY**

### **BACKGROUND**

On September 12, 2012, at the request of Commissioner Wolfson, the Mayor and City Commission approved a referral to the Land Use and Development Committee (LUDC) for a discussion regarding permitting Food Trucks on private property.

### **ANALYSIS**

Section 142-874 of the City Code requires that business be conducted within substantially enclosed, permanent buildings. This code section is cited frequently, and is important for discouraging unwanted outdoor business activities, display of inventory in front of stores, and other unaesthetic outdoor sales activities.

#### **Section 142-874. - Required enclosures.**

- (a) *Store enclosures.* In all use districts designated in these land development regulations, the sale, or exposure for sale or rent, of any personal property, including merchandise, groceries or perishable foods, such as vegetables and fruits, is prohibited, unless such sale, or exposure for sale, is made from a substantially enclosed, permanent building; provided, however, that nothing herein contained shall be deemed applicable to rooftop areas not visible from the right-of-way, filling stations, automobile service stations or repair shops; uses having revocable permits or beach concessions operated or granted by the city, newsracks or newspaper stands, or displays at sidewalk cafes as permitted in subsection 82-384(ff), wherever such uses are otherwise permissible.

There are exceptions for rooftops not visible from the right-of-way, gas stations, beach concessions, newsracks, and sidewalk cafes. In order to permit Food

Trucks to operate permanently from private property, this section of the Land Development Code would have to be amended to add an additional exemption.

Currently, the City is exploring the concept of food trucks as part of City sponsored special events. This is permissible through the approval of a special event permit. However, in the past, objections have been raised to permitting food trucks to operate on a more widespread basis within the City, primarily from operators of restaurants already located within permanent buildings. The permitting of a restaurant by the City involves a sometimes arduous process of plan review and licensing, involving requirements to meet a variety of different codes. The existing restaurant industry is likely to argue that permitting mobile food service vendors to operate freely in the City without the same requirements to pay property taxes and absorb the costs associated with building and permitting is unfair.

Without more specifics on the nature of the request, staff cannot analyze the impacts of such a policy, except to say that there may also be issues related to required parking, setbacks, aesthetics and design, alcoholic beverage regulation, hours of operation, and other factors that could be applicable.

#### **ADMINISTRATION RECOMMENDATION**

The Administration seeks guidance from the Committee on the desired policy direction.

KGB/JGG/RGL

**ADDENDUM**

- C4I Referral To The Sustainability Committee – Discussion On Adopting And Implementing Practices At The Miami Beach Convention Center (MBCC) That Contribute To Energy Conservation And Mitigate Greenhouse Gas Emissions.

(Requested by Commissioner Michael Góngora)

**ACTION: Referred.** Fred Beckmann to place on the committee agenda and to handle.

**ADDENDUM**

- C4J Referral To The Finance And Citywide Projects Committee – Update On The Status Of Convention Center And Lincoln Road.

(Requested by Commissioner Jerry Libbin)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Jorge Gomez, Maria Estevez and Max Sklar to handle.**

11:12:28 a.m.

**EMERGENCY ADDENDUM ITEM**

- \*C4K Referral To The Land Use And Development Committee Discussion Concerning The Food Trucks On Private Property.

(Requested by Commissioner Wolfson)

**ACTION: Referred.** Motion made by Commissioner Wolfson; seconded by Commissioner Tobin; Voice vote: 7-0. **Richard Lorber to place on the committee agenda. Max Sklar to handle.**

Commissioner Wolfson explained the reason for his referral, and this item was added to the Agenda as an Emergency Item. See motion with Addendum on Page 2 of this Afteraction.

**C6 - Commission Committee Reports**

- C6A Report Of The Land Use And Development Committee Meeting Of July 25, 2012: **1)** Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes. **2)** Reduced Parking Rates For Hotel Employees. **3)** Discussion Regarding Not Charging Double Permit Fees For People Who Come Forward And Request Permits For Work Done Without A Permit. **4)** Discussion On Ways To Enhance The Land Use Boards Of Miami Beach In Order To Improve The City Of Miami Beach Building And Planning Department And Processes. **5)** Discussion Regarding An Agreement With Marriott Seville, For Improvements To And The Maintenance Of The 29th Street End And Traffic Circle And For The Construction Of A Portion Of The Beachwalk. **6)** Discussion Regarding A Proposed Sewage Lift Station In 18th Street For The Shelbourne Hotel. **7)** Discussion Regarding The Commission Serving As The Evaluation Committee In Larger Significant Projects.

**ACTION:**

**Item No.1: Discussion Regarding A Resolution By The Historic Preservation Board To Modify The Code Governing The Voluntary Designation Of Single Family Homes.**

MOTION: Libbin/Bower: (3-0) Bring back to the Committee a draft ordinance amendment setting the date for DRB review of single family homes to 1966.