



# 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  for KGB

DATE: January 23, 2013

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

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