



1           Section 1.   Sections 154.09, Definitions and 154.21, Open Air and Temporary  
2 Sales are revised as shown in Exhibit “ A” .

3           Section 2. Codification. It is the intention of the City Commission that the  
4 provisions of this Ordinance shall become and be made part of the Code of Ordinances  
5 of the City of Lake Mary, Florida and the word “ordinance” may be changed to “section”,  
6 “article”, or other appropriate word or phrase and the sections of the Ordinance may be  
7 renumbered or re-lettered to accomplish such intention.

8           Section 3. Conflicts. All ordinances or resolutions or parts of ordinances or  
9 resolutions in conflict herewith are hereby repealed to the extent of any conflict.

10          Section 4. Severability: If any section, sentence, phrase, word or portion of this  
11 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination  
12 shall not be held to invalidate or impair the validity, force or effect of any other section,  
13 sentence, phrase, word, or portion of this Ordinance not otherwise determined to be  
14 invalid, unlawful, or unconstitutional.

15          Section 5. Effective date. This Ordinance shall take effect immediately upon  
16 passage and adoption.

17           **PASSED AND ADOPTED** this 18th day of July, 2013.

18           **FIRST READING:** June 6, 2013

19           **SECOND READING:** July 18, 2013

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1 CITY OF LAKE MARY, FLORIDA

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MAYOR, DAVID J. MEALOR

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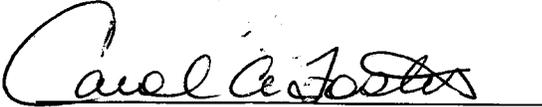
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ATTEST:

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CITY CLERK, CAROL A. FOSTER

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For the use and reliance of the City  
of Lake Mary only. Approved as to  
form and legal sufficiency.

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CATHERINE REISCHMANN, CITY ATTORNEY

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1 EXHIBIT "A"  
2 PROPOSED REVISIONS TO CHAPTER 154  
3 SECTION 154.09 – DEFINITIONS  
4 SECTION 154.21 – OPEN AIR AND TEMPORARY SALES  
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6 PROPOSED CODE REVISIONS:  
7

8 Section 154.09, DEFINITIONS  
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11 MOBILE FOOD VENDOR. A person who is in the business of selling prepared food  
12 from a vehicle which has a current registration and license from the State of Florida and  
13 complies with the provisions of Section 154.21 (C) of the City's Code of Ordinances.  
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17 154.21 OPEN AIR AND TEMPORARY SALES TEMPORARY/SEASONAL USES AND  
18 MOBILE FOOD VENDORS  
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22 (C) Mobile Food Vendors. Mobile food vendors shall be allowed to operate on private  
23 property, as long as they comply with the following conditions:  
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25 (1) Zoning Requirements. The property on which the mobile food vendor  
26 proposes to locate must be zoned designation of M-1A, M-2A or PUD. If the  
27 property is zoned PUD, the mobile food vendor shall be located only in the  
28 nonresidential portion of the PUD. Mobile food vendors are not allowed in  
29 residential areas or the residential portion of mixed use PUDs.  
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31 (2) Primary Use. Mobile food vendors are accessory uses and shall only be  
32 allowed on properties that are developed with permitted or conditional uses  
33 appropriate for the zoning district in which they are located.  
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35 (3) Signage. The amount of signage on the mobile food vendor vehicle is not  
36 regulated but signs must be mounted flat against the vehicle and cannot project  
37 from the vehicles. The mobile food vendor shall be permitted to place one sign,  
38 not to exceed 6 square feet on the subject property where the mobile food  
39 vendor's vehicle is conducting business. Such signage shall be in addition to  
40 temporary and permanent signs permitted for the subject property, per Section  
41 155, Appendix I.  
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1 (4) ADA Standards. The mobile food vendor vehicle and the property on which it  
2 is located shall meet all applicable ADA requirements.

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4 (5) Vehicles. All vehicles associated with mobile food vending must be operable,  
5 per Sub-section 91.65 of the City's Code of Ordinances, and have a Florida  
6 registration and license for the current year.

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8 (6) Requirements.

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10 (a) The property on which the mobile food truck proposes to locate shall  
11 contain a minimum size of five (5) acres, not including the area of any  
12 adjacent out-parcels.

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14 (b) There shall be a minimum separation of 750' between any existing  
15 restaurant and a mobile food vendor.

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17 (c) A mobile food vendor shall not locate on any property on which there is  
18 an existing restaurant, either on the same parcel or on an out-parcel.

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20 (d) A mobile food vendor vehicle must not locate in any parking space  
21 which is required to meet the minimum number of required parking spaces  
22 for the subject property; or in driveways; loading zones; or designated  
23 Public Safety lanes (i.e. fire lanes).

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25 (e) The mobile food vendor must not be located within any required  
26 landscape buffer on the subject property.

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28 (f) The subject property occupant and the mobile vendor must not conduct  
29 business in such a manner that would restrict or interfere with proper  
30 ingress and egress for vehicles and pedestrians, or constitute a traffic  
31 hazard.

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33 (g) Except with permission of the City, mobile food vendors may operate  
34 only between the hours of 10 am and 2 pm.

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36 (h) Overnight parking of mobile food vendor vehicles is prohibited.

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38 (7) Licensing. Annually, the mobile food vendor must secure a City of Lake Mary  
39 Business Tax Receipt (BTR) and pay all relevant fees, and the applicant must  
40 provide the following:

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42 (a) A notarized statement from the owner of the subject property  
43 authorizing the mobile food vendor to operate on the subject property.

1 (b) A copy of the appropriate license(s) from the Florida Division of Hotels  
2 and Restaurants.

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4 (c) A sketch plan showing the subject property and the proposed location  
5 of the mobile food vendor vehicle. The sketch plan shall also document  
6 that the mobile food vendor and the subject property meet or exceed all  
7 relevant requirements.

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9 (d) Other documentation as required by the City.

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11 (8) Failure to comply with the provisions of this section shall be grounds for  
12 denial of a BTR, revocation an existing BTR or bring code enforcement or civil  
13 action against the mobile food vendor or the owner of the subject property, or  
14 both.

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