

GROUP 4, ITEM A

FOOD TRUCK PARKS

AMENDMENT SUMMARY

- Issue: The Land Development Code does not currently have any standards for food truck parks, which have gained popularity in the last five to ten years.
- Solution: This amendment will define and add food truck parks to the use tables and establish standards required for food truck parks within Lee County’s jurisdiction.
- Outcome: These regulations aim to allow functional and attractive food truck parks without requiring a planned development rezoning.

Chapter 33 – PLANNING COMMUNITY REGULATIONS
ARTICLE VIII. – NORTH FORT MYERS PLANNING COMMUNITY
DIVISION 3. – COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS
Subdivision IV. – Commercial Corridor Use Regulations

Sec. 33-1596. - Use regulations schedule.

Staff note: Add food truck parks as a permitted use.

The following use regulations apply to property located within the commercial corridor as defined in 33-1537***:

Use Description	Special Notes or Regulations	Commercial Corridor
Food Truck Park		<u>P</u>

DIVISION 4. – TOWN CENTER LAND DEVELOPMENT PROVISIONS

Sec. 33-1604. - Use regulations.

Staff note: Add food truck parks as a permitted use.

All development within the North Fort Myers Town Center may allow uses described in section 33-1596 and Table 33-1604.

Table 33-1604. List of Additional Allowable Commercial Type Uses

Use Description	Special Notes or Regulations	Permissibility Status*
Food Truck Park		<u>P</u>

CHAPTER 34- ZONING

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 43. – FOOD TRUCK PARKS

Staff note: Amend section 34-2 to add definition of food truck park, which is currently not regulated by the LDC.

Sec. 34-2. – Definitions.

Food Truck Park means a development created with permanent on-site seating, sanitary facilities, and amenities wherein food and/or beverages are offered for sale to the public from a set number of mobile food vendors. Mobile Food Vendors associated with the Food Truck Park may be permanently or temporarily located on the property. See section 34-3052 for Mobile Food Vending as a temporary use, not associated with a Food Truck Park.

Section 34-844. – Use Regulations Table

Staff note: Amend use regulations table to add food truck parks by right or by special exception, depending on zoning district, in a manner consistent with restaurants.

	<i>Special Notes or Regulations</i>	<i>C-1A</i>	<i>C-1</i>	<i>C-2</i>	<i>C-2A</i>	<i>CN-1</i>	<i>CN-2</i>	<i>CN-3 (21), (23)</i>	<i>CC</i>	<i>CG</i>	<i>CS-1</i>	<i>CS-2</i>	<i>CH</i>	<i>CT</i>	<i>CR</i>	<i>CI</i>	<i>CP</i>
<u>Food Truck Parks</u>	<u>Sec. 34-3181</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>SE</u>	<u>SE (24)</u>	<u>P</u>	<u>P</u>	<u>SE</u>	<u>SE</u>		<u>P</u>	<u>SE</u>	<u>P</u>	

(24) No outdoor seating, unless approved by a Special Exception.

Section 34-903. – Use Regulations Table

Staff note: Amend use regulations table to add food truck parks by right in a manner consistent with restaurants.

	<i>Special Notes or Regulations</i>	<i>IL Note (14)</i>	<i>IG Note (14)</i>	<i>IR Note (14)</i>
<u>Food Truck Parks</u>	<u>Sec. 34-3181, Note (18)</u>	<u>P</u>	<u>P</u>	<u>P</u>

(18) Food truck parks within the Tradeport future land use category will be subject to limitations for stand-alone retail commercial uses identified In Lee Plan Policy 1.1.13. Food truck parks within the Industrial Development future land use category will be subject to limitations for recreational, service and retail uses identified In Lee Plan Policy 1.1.7.

Section 34-934. – Use Regulations Table.

Staff note: Amend use regulations table to add food truck parks by right in a manner consistent with restaurants. Add note to clarify applicability of use toward commercial allocation within Tradeport future land use category.

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD Note (37)</i>	<i>MPD</i>	<i>MEPD</i>

Food Truck Park	Sec. 34- 3181, Note (49)				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
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(49) Food truck parks within the Tradeport future land use category will be subject to limitations for stand-alone retail commercial uses identified In Lee Plan Policy 1.1.13. Food truck parks within the Industrial Development future land use category will be subject to limitations for recreational, service and retail uses identified In Lee Plan Policy 1.1.7.

Section 34-1264. – Sale or service for on-premises consumption.

Staff note: Amend section to allow consumption on premises in conjunction with food truck parks through administrative approval subject to compliance with locational requirements for administrative approval and design standards for food truck parks in section 34-3181.

(a) *Approval required.* The sale or service of alcoholic beverages for consumption on-premises is not permitted until the location has been approved by the County as follows:

(1) *Administrative approval.* An administrative approval for consumption on-premises is required in accordance with section 34-174 when in conjunction with the following uses:

- a. County-owned airports, arenas and stadiums, including liquor, beer, malt liquor and wine in restaurants, bars, lounges, concessions, concession stands and package stores at County-owned airports;
- b. Bars, cocktail lounges, or night clubs located in commercial and industrial zoning districts that permit bars, cocktail lounges or night clubs, provided the standards set forth in §subsections (b)(1) and (3) of this section are met;
- c. Bowling alleys and movie theaters provided the standards set forth in §subsections (b)(2)a and (3) of this section are met;
- d. Clubs and fraternal or membership organizations located in commercial and industrial zoning districts, where permitted, provided the standards set forth in §subsections (b)(2)f and (3) of this section are met;
- e. Cocktail lounges in golf course, tennis clubs or indoor racquetball clubs, provided the standards set forth in §subsections (b)(2)d and e and (3) of this section are met;
- f. Hotels/motels, provided the standards set forth in §subsections (b)(2)c and (3) of this section are met;
- g. Restaurants Groups II, III and IV, and restaurants with brew pub license requirements, provided the standards set forth in §subsections (b)(2)b and (3) of this section are met. Outdoor seating in conjunction with a Group II, III or IV restaurant may be approved administratively provided:
 - 1. The outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership;
 - 2. The outdoor seating area is within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate

ownership but is a tenant of a multi-occupancy complex that is adjacent to an arterial or collector road;

- h. Charter, party fishing boat or cruise ship, provided the standards of ~~§~~subsection (b)(3) of this section are met. The COP approval is specific to the charter, party fishing boat or cruise ship operating from a specific location and does not run with the land nor is it transferrable;
- i. Beer and wine taste testing in conjunction with package sales (consumption off the premises);
- j. Limited food and beverage services when accessory to an agritourism activity permitted in accordance with ~~§~~section 34-1711, provided that the activity is not within 500 feet of a religious facility, school (noncommercial), ~~day-care~~daycare center (child), park, or dwelling unit under separate ownership.
- k. Food Truck Parks provided the standards set forth in subsection (b)(1) of this section and section 34-3181 are met.

Section 34-2020. – Required Parking

Staff note: Amend section to establish parking requirements for food truck parks. Amend Note (16) to eliminate note associated with parking requirements for multiple-occupancy complexes exceeding 350,000 square feet of floor area and replace with reduced parking requirements for food truck parks that meet certain location and infrastructure requirements.

Table 34-2020(b). Required Parking for Nonresidential Uses

Use	Special Notes or Regulations	Minimum Required Spaces for Single-Use Development	Minimum Required Spaces for Multiple-Use Development
<u>Food Truck Parks</u>	<u>Note (1)</u>	<u>10 spaces per conveyance parking space (16)</u>	<u>5 spaces per conveyance parking space (16)</u>
Multiple-occupancy complex with total floor area of 350,000 square feet or more	Note (16)	--	4.5 spaces per 1,000 square feet of total floor area

(16) ~~Limited to multiple occupancy complexes that lawfully existed on September 17, 2012. If the complex is enlarged in terms of floor area or if the value of renovation exceeds 50 percent of the value of the property, additional parking spaces must be provided based on the requirements in Subsection (b) of this section. Parking for the additional floor area will be calculated at the multiple-use development rate required for the specific use. Food Truck Parks located in a Future Urban Area that are connected to central utilities (water and sewer) and located within one (1) quarter mile (0.25) of at least one hundred (100) residential units or the Mixed Use Overlay have a reduced parking requirement of four (4) parking spaces per conveyance.~~

Sec. 34-3181. Food Truck Parks

Staff note: This is a new section creating development standards for food truck parks. These standards include common sanitary facilities, coverage, ingress/egress requirements, additional setbacks, and other requirements to mitigate potential incompatibilities with adjacent properties.

- (a) Purpose. Food truck parks have gained popularity in the last ten years as food trucks have become more prevalent. Food truck parks operate fully or partially outdoors, necessitating site and design standards to mitigate potential incompatibilities with adjacent uses and hazards due to weather. The intent of these requirements is to mitigate these possibilities without constraining the creativity or innovation of development.
- (b) Zoning Application. Food Truck Parks that do not follow the requirements in this section must apply for a Planned Development to ensure appropriate compatibility, circulation, and safety. In instances where Food Truck Parks are allowed via a Special Exception, the development standards in this section apply, and additional conditions may be required to ensure compatibility.
- (c) Consumption on Premises. Consumption of alcohol on-premises within a food truck park is subject to the requirements of section 34-1264. Alcoholic beverages may be dispensed from a permanent structure or a mobile food vendor properly licensed by the State of Florida. Food truck parks selling alcohol may not allow consumption outside the designated seating area for the park.

Sec. 34-3182. Requirements

- (a) Design. In addition to the standard site design requirements for commercial development, Food Truck Parks must also include the design requirements in this section. Permanent structures must have a unified architectural theme and consistent finishes and colors on all facades visible to the public. Food truck parks must include all of the following:
 - 1. A set number of designated, paved conveyance pads separate from the required vehicular parking area for mobile food vendors to serve customers. Parking pads for mobile food vendors must meet the principal structure setback requirements of the zoning district.
 - 2. Permanent sanitary facilities meeting the water and sewer requirements of the Lee Plan and Florida Building Code.
 - 3. Pedestrian connections from the mobile food vendor serving areas(s) to the seating and parking areas.
 - 4. Common, roofed seating or dining facilities must account for a minimum of 30 percent of the total seats.
 - 5. Internal circulation for conveyances providing direct access from the right-of-way to the places where conveyances will park. In no instance shall a conveyance traverse a required buffer or landscaped area to access the area it parks to serve the public.
 - 6. Lighting, including decorative lighting generally exempt under section 34-625, must be included in the photometric plans. No lighting may spill onto adjacent properties, including temporary lighting, decorative lighting, or any lights associated with the conveyances.
- (b) Generators. Generators are prohibited. Power sources must be provided on-site through permanent electrical outlets at each conveyance parking pad.
- (c) Hurricane Preparedness.

1. Food truck parks must include a permanent weatherproof structure capable of storing and securing any outdoor furniture and other accoutrements during a hurricane or extreme weather event.
2. Conveyances placed in flood hazard areas must be:
 - a. Onsite for fewer than 180 consecutive days; or
 - b. Fully licensed and ready for highway use, meaning the conveyances are on wheels or a jacking system, attached to the site only by quick-disconnect type utilities and security devices, and have no permanent attachments, such as additions, rooms, stairs, decks, and porches.

(d) Noise. Food truck parks must follow the county's established noise ordinance in Lee County's Code of Ordinances, Article VI, Noise Control unless a more restrictive condition of approval is issued with a zoning action associated with the property in which the establishment is located. Outdoor speakers shall be:

1. Affixed to a permanent structure;
2. Angled downwards; and
3. Faced away from any residential uses.