

WINTER HAVEN

The Chain of Lakes City

City of Winter Haven
Application for Mobile Food Vending
Planning Division

451 Third Street, NW, Winter Haven, FL 33881
Telephone: 863-291-5600 www.mywinterhaven.com

FOR CITY USE ONLY:

Date Received: _____ Received By: _____ Fee Received: _____

A. GENERAL INFORMATION

Name of Applicant: _____

Business Address: _____

Home Address: _____

Mailing Address: _____

Phone: _____ Email: _____

Description of the type of food or beverage to be sold: _____

B. LOCATIONS (attach additional locations as needed and all required supporting documentation):

Provide the following information for each site:

- a. Property address and parcel identification number;
- b. An authorization form from the legal owner(s). In the event that the legal owner of the proposed site is a corporation, the authorization form shall be signed by an officer of the corporation or its designated agent. The authorization form shall, in addition to acknowledging the Mobile Food Vendor has permission to conduct Mobile Food Vending activities on the proposed site from its legal owner(s), also include the legal owner's name, mailing address, and phone number; and
- c. A sketch plan to include, but not be limited to, the principal use, placement of the mobile food vendor, access points, driveway cutouts, and parking spaces.

1. Property Address: _____

Parcel Identification Number (required): _____

2. Property Address: _____

Parcel Identification Number (required): _____

3. Property Address: _____

Parcel Identification Number (required): _____

4. Property Address: _____

Parcel Identification Number (required): _____

5. Property Address: _____

Parcel Identification Number (required): _____

C. ADDITIONAL INFORMATION REQUIRED

In addition to the above information, provide the following:

- 1. A copy of a license(s) issued by the appropriate state agencies for operation as a mobile food vendor.
- 2. Proof of business insurance, issued by an insurance company licensed to do business in Florida, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with Mobile Food Vending.
 - a. If operating on city-owned property or within the public right-of-way as approved by the City’s Special Event Review Committee, such insurance shall name the City as an additional insured and shall be in at least the amount of \$300,000.00 each occurrence for injury and \$200,000.00 per person. Proof of this additional insurance shall be submitted to the Parks Recreation & Culture Department as part of a Special Event application.

D. FEES REQUIRED

The following fees shall apply:

- 1. Permit, initial issuance/renewal: \$40.00
- 2. Site registration, per site: \$10.00

E. ADDITIONAL REQUIREMENTS:

In addition to the requirements in this application, a Business Tax Receipt shall also be required. Please contact the Building Division at 863-291-5695 for more information. All of the requirements of Section 21-98 shall also apply. If you have any questions, please contact the Planning Division at 863-291-5600.

F. APPLICANT SIGNATURE

Certification: I certify that all the information contained herein is true and correct to the fact may be just cause for immediate revocation of any license issued. It is further understood that I must comply with the code of the City of Winter Haven and failure to correct conditions, which are in violation, is punishable under the code or sufficient cause for revocation of the license.

Applicant Signature

Print Name

Date

STATE OF FLORIDA:
COUNTY OF POLK:

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification and who (did) (did not) take an oath.

SIGNATURE OF NOTARY PUBLIC

STAMP & DATE MY COMMISSION EXPIRES: _____

**IMPORTANT PHONE NUMBERS
TO BE CALLED
BEFORE CITY BUSINESS TAX RECEIPT
CAN BE ISSUED**

- 1. Department of Professional Regulation or Division of Hotels and Restaurants** (We must have a copy)
Tallahassee, Florida (850) 487-1395
www.myfloridalicense.com

- 2. Fictitious Name Filing** (We must have a copy)
NOTE: Articles of Incorporation will also be accepted
(850) 245-6058 or (850) 245- 6051
www.sunbiz.org

- 3. Polk County Business Tax Receipt** (We must have a copy)
430 E. Main Street
Bartow, Florida (863) 534-4700
www.polktaxes.com

- 4. Florida Department of Agriculture** (We must have a copy)
Plaza level 10, The Capitol
400 S Monroe St.
Tallahassee, FL 32399-0800
www.freshfromflorida.com

*** If you have questions please feel free to call us. **863-291-5695**

*** All of the above items must be completed before coming to the City of Winter Haven for a business tax receipt.

*** If they do not pertain to your business put NA.

**NOTE: YOU MUST HAVE FIRE AND PLANNING SIGNATURES/APPROVALS
PRIOR TO RETURNING THE APPLICATION TO THIS OFFICE**

BTR: _____
FEE: _____
IFEA: Y / N



BUSINESS TAX RECEIPTS
490 Third Street, NW, Winter Haven, FL 33881

Phone: 863-291-5695
Fax: 863-298-7856
pjohanson@mywinterhaven.com

BUSINESS TAX RECEIPT APPLICATION

New Business Transfer Ownership Change Location Renewal / Information Update

A. General Information

Is the business currently operating at this location? Yes No Start/Opening Date: _____

* Business Name/DBA: _____

* Business Location: _____ Square Footage: _____

* Parcel ID #: _____ Name of shopping center (if applicable): _____

Business Phone #: _____ Cell Phone #: _____

B. Business Owner & Contact Information

* Business Owner: _____

* Mailing Address: _____

Contact Person (if different than owner): _____

Contact Phone #: _____ Email: _____

C. Business Information

* Business Entity: Sole Proprietor Corporation Partnership Other _____

* NAIC Code: _____

* Federal Tax ID / Social Security #: _____
A Federal Employee ID No.(FEIN) or Social Security No. (SSN) is required by FS 205.053(5)

* Fictitious Name #: (copy required) _____ *County BTR #: (copy required) _____

State License #: (copy required) _____ Expiration Date: _____

Is this a Home Occupation? yes no

D. Property Owner Information

Property Owner Name: _____

Property Owner Address: _____

Property Owner Phone: _____ Property Owner Email: _____

NAME OF BUSINESS: _____ (REQUIRED)

E. Business Activity

* Business Type: Retail Service Professional Restaurant Other _____

* Describe the nature of business: _____

* If *Retail Business*, provide average annual inventory: _____

No. of employees: _____

No. of real estate agents: _____

No. of rooms (*hotels / apartments*): _____

No. of salon/barber chairs: _____

No. of amusement/vending machines: _____

No. gas/fuel pumps: _____

F. Food/Alcohol Establishments (*i.e. restaurants, cafés, bars*)

State Restaurant No.: _____

State Alcohol Beverage License No.: _____ Expiration Date: _____

Total No. of Interior Seats: _____

Total No. of Outdoor Seats: _____

G. Transfer Ownership / Change Location Address

Provide *new owner* information in Section B.

Current City BTR #: _____

Previous Business Name: _____

Previous Location: _____

Previous Owner: _____

H. Acknowledgement

I hereby certify that the information contained herein is true and correct. I acknowledge and understand that a local Business Tax Receipt issued pursuant to this application is for the privilege of doing business in the City of Winter Haven and does not waive Florida's licensing, registration, and/or certification requirements, nor does it waive any other such requirements of any city, county, state or federal authority that must be met prior to engaging in or entering into the activity, business, profession or occupation for which this application is being made. I acknowledge that this business is governed by the City of Winter Haven Code and I am responsible for becoming familiar with the code and abiding by its requirements. I further understand that if building, electrical, mechanical or plumbing alterations are planned or required, I or my contractor will obtain the proper permits as required by Florida law. I also affirm that I, the business owner/principle of record indicated hereon, is in compliance or will comply with all federal, state and legal requirements.

The issuance of this Business Tax Receipt is contingent upon complying with the building and fire prevention requirements of the City. Inspections will be performed and should deficiencies be found that are in conflict with the City code, the City will not issue the Business Tax Receipt, nor will business operations be permitted, until required corrections are completed.

Applicant's Signature

Date

NAME OF BUSINESS: _____ (REQUIRED)

I. Planning/Zoning Review (REQUIRED)

Location: 451 Third Street, NW Winter Haven, FL 33881

Hours of Operation: Monday through Friday 8:00 a.m. to 5:00 p.m.

Zoning District: _____ Permitted Not Permitted Special Use Conditional Use

FLU: _____ CRA: _____Downtown _____Florence Villa

Site Plan Requirement: _____required _____not required

Reviewed Printed Name: _____

Reviewed By: _____ Date: _____

J. Fire Review –Call 863-291-5693 to set up inspection and approval (REQUIRED)

Fire Printed Name: _____

Fire Signature: _____ Date: _____

Fire Comments: _____

K. Building Approval

Building Printed Name: _____

Building Signature: _____ Date: _____

Building Comments: _____

ORDINANCE NO. O-18-61

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA ADDING NEW USES TO CHAPTER 21, ARTICLE II, DIVISION 2, TABLE 21-32(A); DELETING CHAPTER 21, ARTICLE II, DIVISION 3, SECTION 21-71, REGARDING MOBILE FOOD DISPENSING VEHICLES IN ITS ENTIRETY AND ADDING NEW PROVISIONS TITLED MOBILE FOOD VENDING WITHIN CHAPTER 21, ARTICLE II, DIVISION 5, SECTION 21-98; PROVIDING FOR NEW DEFINITIONS RELATED TO MOBILE FOOD VENDING WITHIN CHAPTER 21, ARTICLE IX OF THE CODE OF ORDINANCES; MAKING FINDINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, CODIFICATION, AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, proposed amendments to the Winter Haven Code of Ordinances, including Chapter 21 (Unified Land Development Code), have been studied, documented, advertised, and heard by the Winter Haven Planning Commission; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that it is expedient to revise language pertaining to mobile food vending throughout the City.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21, Article II, Division 2, Table 21-32(A), of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "A", attached hereto and made a part hereof.

2. That Chapter 21, Article II, Division 3, Section 21-71 of the Code of Ordinances of the City of Winter Haven, Florida is hereby deleted in its entirety.

3. That Chapter 21, Article II, Division 5, Section 21-98, as shown in Exhibit "B", attached hereto and made a part hereof, is hereby added to the Code of Ordinances of the City of Winter Haven, Florida.

4. That Chapter 21, Article IX, of the Code of Ordinances of the City of Winter Haven, Florida is hereby amended to read as shown in Exhibit "C", attached hereto and made a part hereof.

5. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

6. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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

such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

8. This ordinance shall become effective immediately upon the effective date of Ordinance O-18-61.

INTRODUCED on first reading this 9th day of October, 2018.

PASSED on second reading this 22nd day of October, 2018.



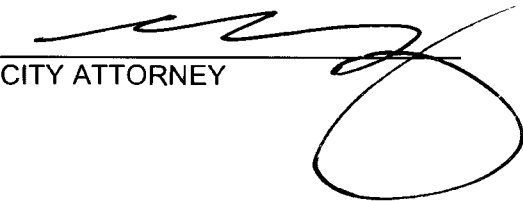
CITY OF WINTER HAVEN, FLORIDA


MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Approved as to form:


CITY ATTORNEY

New text is underlined and deleted text is ~~stricken through~~.

Chapter 21 – Table 21-32(A)

Table 21-32(A)
Table of Land Uses

Category/Use																			
Key to Table: P = Permitted Use; A = Accessory Use; S = Special Use approval required; C = Conditional Use approval required																			
Single Family Detached and Auxiliary uses	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Single family, std. construction	P	P	P	P	P	P			P										
Single family, modular home	P	P	P	P	P	P			P										
Single family, manufactured home	P							P											
Agricultural uses with house	P																		
Caretaker's Cottage															P	P	P		
Fruit stand	P	P																	
Accessory Residential Unit	P	P	P	P	P	P			P										
Home Occupation/Home-based Business	P	P	P	P	P	P	P	P	P										
Limited agricultural uses with house	P	P																	P
Manufactured home park								P											
Private stable, one horse per acre, limited to two horses	P	P																	
RV park								S											
Servants Quarters	P	P	P																
Multiple Family Residential	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Multi-unit Residential Building—Low Rise (up to 3 floors)					P	P	P		P	P		S							
Multi-unit Residential Building—Mid Rise (4 to 6 floors)						P	P		S										
Multi-unit Residential Building—High Rise (7 or more floors)							P			P									
Zero Lot Line House					P	S													
Dormitory						P	P		P								P		
Duplex, twin house					P	P			P										
Garden Apartment, atrium house					P														
Patio house					P	P			P										
Rooming House/Boarding House						S	S												
Townhouse					P	P			P	P									
Group Care Facilities	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Adult family care home, Family day care home, Family foster home		P	P	P	P	P		P	S										
Special needs facility					S	S	P		P	P	P	P						P	
Child care facility					S	S	AS		S	P	P	P						P	
Adult day care center					S	S	AS		P	P	P	P						P	
Assisted living facility					S	P	P		P	P	P	P						P	
Foster care facility					S	S	P		P	P	P	P						P	
Group home facility					S	S	P		P	P	P	P						P	
Hospice residential unit					S	S	P		P	P	P	P						P	
Nursing Home							P		P										
Transitional Housing							S												

Category/Use																			
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Lodging	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Bed and breakfast	P	P	P	P	P	P			P	P	P	P	P	P					
Hotel/motel							S		S	P		P	P	P					
RV campground								S					P	P					
Offices/Services	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Business office						S			P	P	P	P	P	P					
Clubs community/fraternal									P	P	P	P	P	P					
Crematorium													P	P	P				
Funeral home/mortuary									S	S	S	P	P	P					
Medical/Health-care/Dental Office							AS		P	P	P	P	P						
Personal Services							AS		P	P	P	P	P	P					
Professional Office						S	S		P	P	P	P	P	P					
Retail Commercial, No Outdoor Storage or Activities	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Antique shops									P	P	P	P	P						
Bake shop									P	P	P	P	P	P	P				
Bakery plant													P	P	P				
Convenience store									S	P	P	P	P	P	P				
Convenience store, with gas											P	P	P	P	P				
Dry cleaning drop-off site									P		P	P	P	P					
Gas station												P	P	P	P				
Laundromat—Self Service						A	AS		P		P	P	P	P					
Medical Marijuana Dispensing Facility										S	S	P	P						
Minor repair shop												P	P	P	P				
Pet services, no outdoor activities									S	P	P	P	P						
Pharmacy										S	S	P	P						
Recreation indoor, commercial											P	P	P						
Restaurant—Conventional Sit-down									P	P	P	P	P	P	P				
Cafeterias						A	A		P	P	P	P	P	P					
Delicatessens						A	P		P	P	P	P	P	P					
Restaurant—Short-order, min. seating for 20									S	P	P	P	P	P					
Restaurant—Drive-in, drive-thru or walk-up and short-order with seating for less than 20										S	S	P	P	P					
Retail sales										P		P	P						
Retail shops								AS	P	P	P	P	P	P					
Repair shop for small appliances									P	P	P	P	P	P					
Shopping center less than 20,000 s.f.											P	P	P	P					
Shopping center small, 20,000—50,000 s.f.											S	P	P						
Shopping center large, more than 50,000 s.f.												P	P						

Category/Use																			
Key to Table: P = Permitted Use, A = Accessory Use, S = Special Use approval required, C = Conditional Use approval required																			
Retail Commercial Outdoor Storage and Displays Allowed	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Agricultural roadside stand	P													P	P				
Artisan production, small scale										S	S	S	S	P	S				
Artisan production, large scale												S	P	P					
Automotive paint/body shop													P	P	P				
Boat and water craft sales, service and light repair													P	P	P				
Farm equipment sales													P	P					
Major automotive repairs													P	P	P				
Manufactured home sales and/or RV sales													P	P	P				
Martins						A	A						P	P					
Mobile Food Vending										S	P	S	P	P	P	P	P	P	P
Nursery with outdoor displays/storage													P	P	P				
Parking lot - Stand alone										S	S	S	P	P	P				
Pet services: indoor/outdoor													P	P	P				
Private club: indoor/outdoor													P	P	P				
Recreation, outdoor, commercial													P	P	P				
Recreational vehicle sales and accessory servicing													P	P	P				
Recycling center (outdoor)														P	P				
Rental of motor scooters, motorcycles, automobiles or any other self-propelled conveyance													P	P	P				
Retail sales, outdoor activities													P	P	P				
Retail services, outdoor activities													P	P	P				
Vehicle dealership, except RVs													P	P	P				
Vehicle sales, used													P	P	P				
Vehicle repair shop													P	P	P				
Non-retail or Service Commercial	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Contractor storage yard														P	P	P			
Heavy equipment sales/repair														P	P	P			
Mini-warehouse/personal storage units														P	P	P			
Petroleum, bulk, storage and distribution														P	P				
Radio and television studios and offices										P	P	P	P	P	P				
Recreation vehicle repair, assembly or overhaul														P	P	P			
Septic tank storage/service														P	P				
Boat repair, overhaul and assembly														P	P	P			
Warehouse														P	P	P			
Wholesale distributor <50,000 sq. ft														P	P	P			
Wholesale distributor 50,000+ sq. ft														P	P				

Category/Use																			
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Alcoholic Beverage Establishments	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Small Scale Drinking Establishment (See Sec. 21-96(f)1 i.a.)										P		P	P	P	P				
Small Scale Drinking Establishment (See Sec. 21-96(f)1 i.b.)										S		S	S	S	S				
Large Scale Drinking Establishment/Nightclub (See Sec. 21-96(f)2.i a.)										S		S	S	S	S				
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3 i.a.)										P		P	P	P	P				
Bottle Clubs and Banquet Halls (See Sec. 21-96(f)3 i.b.)										S		S	S	S	S				
Package Stores										S	S	P	P	P	P				
Light Industry	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Airports/aviation uses														C	C	C			
Food processing/packaging														P	P				
Freight/trucking terminal														P	P				
Light industrial park														P	P				
Manufacture of finished products													P	P	P				
Printing/publishing														P	P				
Propane gas														P	P				
Research and development facilities									S	S	S	P	P	P	P	P			
Heavy Industry	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Auto/vehicle salvage															P				
Citrus processing plant	P														P				
Cold storage and frozen food lockers														P	P				
Communication towers									S	S	S	S	S	S	S	S			
Antennas						A	A		A	S	S	S	S	S	S	S			
Concrete plant															P				
Crate and pallet plant															P				
Dairy	P													P	P				
Dry cleaning plant															P				
Industrial park															P				
Junkyard, general															P				
Junkyard for vehicles															P				
Laundry plant														P	P				
Manufacturing														P	P				
Mining	C														C				
Storage of sand/gravel/blocks														P	P				
Truck/vehicle repair for large vehicles/trucks														P	P	P			
Truck stop														P	P	P			

Category/Use																			
Key to Table: P = Permitted Use, A = Accessory Use, S = Special Use approval required, C = Conditional Use approval required																			
Public Service Facilities	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Public buildings and grounds/public facilities									P	P	P	P	P	P	P	P	P	P	P
Power substation/utility buildings	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Education and Cultural Facilities/Institutional Uses/Recreation Uses/Conservation Uses	AG1	RE	R1	R2	R3	R4	R5	RM	MX	C-1 DBD	C-2	C-3	C-4	I-1	I-2	PI	PR	CON	
Cemetery	S	S	S	S	S	S						P	P				P	P	
Church/religious meeting place		S	S	S	S	S	P	S	S	P	P	P	P	P	P	P	P	P	
Golf course	P	P	P	P	P	S		P				P	P	P	P	P	P	P	
Hospital													P	P				P	
Private school (Preschool-12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	P	
Park/open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public school (K-12)	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, indoor, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreation, outdoor, public	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P
Social centers/museums		S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P
Vocational/technical school													P	P	P	P	P		
University/college, small scale									S				P	P	P	P	P		
University/college, large scale													P	P	P	P	P		

Exhibit "A"
Page 5 of 5

New text is underlined and deleted text is ~~stricken through~~.

Chapter 21, Article II, Division 5, Section 21-98 – Mobile Food Vending

Sec. 21-98. – Mobile food vending.

(a) Findings and Intent. It has been found by the city commission that certain time, place, and manner regulation(s) of and/or for mobile food vendors is necessary to protect the health, safety, and welfare of the citizens, residents, and members of the general public. It is therefore the intent of the city commission and this section to recognize this specialized market segment; classify the types of permitted mobile food vending units; and establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts, which the city commission finds may be injurious to surrounding land uses and to the general public if not so regulated.

(b) Applicability.

- (1) The provisions of this section shall not apply to restaurants, caterers, or temporary food service events as defined and governed by any State of Florida licensing and permitting requirements.
- (2) Where conformance to the hours of operation, set forth in subsection (d) of this section, would cause unnecessary hardship, the Development Special Magistrate may issue a variance, in accordance with the procedures outlined in section 21-422 of the ULDC, provided however that, in order to issue such a variance, the Development Special Magistrate must find the existence of all of the facts and conditions identified in subsections 21-422(a), 21-422(c), 21-422(d), 21-422(e) and 21-422(f) of the ULDC, and must find that the variance, if granted, will not cause a substantial adverse impact to the certain uses in question.
- (3) It shall be unlawful for any person or business to engage in mobile food vending within the municipal limits of the city unless the person or business possesses a valid mobile food vending permit issued pursuant to this section and pays applicable business tax as required by Chapter 9 of this Code.

(c) Definitions.

The definitions in Chapter 61C-1 of the Florida Administrative Code as it may now exist or be hereafter amended from time to time are hereby adopted. To the extent of any inconsistencies between the definitions in Chapter 61C-1 and in this ULDC, the definitions in this ULDC shall control.

(d) Hours of operation and frequency.

- (1) Mobile food vendors located more than one hundred fifty (150) feet from property zoned AG1, RE, R-1, R-2 or RM zoning districts, or within a shopping center, shall be allowed to operate within the appropriate zoning district(s) within the City without restrictions to hours of operation.
- (2) Mobile food vendors located within one hundred fifty (150) feet from property zoned AG1, RE, R-1, R-2 or RM zoning districts, or not within a shopping center, shall be allowed to operate within the appropriate zoning district(s) within the City during the following hours.
 - Monday 7:00 a.m. until 9:00 p.m.

- Tuesday 7:00 a.m. until 9:00 p.m.
- Wednesday 7:00 a.m. until 9:00 p.m.
- Thursday 7:00 a.m. until 9:00 p.m.
- Friday 7:00 a.m. until 9:00 p.m.
- Saturday 7:00 a.m. until 9:00 p.m.
- Sunday 7:00 a.m. until 9:00 p.m.

(3) This distance shall be measured from location of the mobile food vendor to the property line of the property zoned AG1, RE, R-1, R-2, or RM zoning districts.

(e) Mobile food vendor permit. All mobile food vendors shall obtain a mobile food vendor permit from the City in accordance with the following requirements and procedures:

(1) Application for a permit required by this section shall be made to the city's Planning Division upon forms provided by the city. Such application shall contain or have attached thereto the following:

- a. The name, home address, business address, and business telephone number of the applicant.
- b. A description of the type of food or beverage to be sold.
- c. A license or set of licenses issued by the appropriate state agencies for operation as a mobile food vendor.
- d. A description of each proposed mobile food vending site.
- e. A sketch site plan for each proposed mobile food vending site to include, but not be limited to, the principal use, placement of the mobile food vendor, access points, driveway cutouts, and parking spaces.
- f. Authorization form(s) from the legal owner(s) of each proposed mobile food vending site. Each authorization form must also include the property owner's name, mailing address, and phone number.
- g. Proof of business insurance, issued by an insurance company licensed to do business in Florida, protecting the applicant from all claims for damage to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vending.
 - i. Mobile food vendors operating on city-owned property or within the public right-of-way as may be permitted by this section shall on the above referenced insurance name the city as an additional insured and shall be in at least the amount of three hundred thousand dollars (\$300,000.00) each occurrence for injury and two hundred thousand dollars (\$200,000.00) per person and with insurers that are acceptable to the city.
 - ii. If an event organizer of a special event approved by the city's Special Event Review Committee (SERC) names the city as an additional insured in at least the amount of three hundred thousand dollars (\$300,000.00) each occurrence for injury and two hundred

thousand dollars (\$200,000.00) per person, then mobile food vendors approved as a part of the approved special event are exempt from the requirement of (e)(1)g.i.

(2) Not later than ten (10) business days after the filing of a completed application for a mobile food vendor permit, the applicant shall be notified by the city's planning division of the decision on the issuance or denial of the permit. If the issuance of the permit is approved, the permit shall be issued. If the permit is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application. A permit issued pursuant to this section is valid for a period of one (1) year from October 1 to September 30.

The following may constitute grounds for denial of a permit to operate or renewal of an application:

- a. The proposed mobile vending activity does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire safety and health regulations;
- b. The applicant has knowingly made a material misstatement in the application of a license;
- c. The applicant does not possess clearance to operate from the appropriate state agencies.
- d. For any other good cause as may be determined by the city's planning division.

In the event the applicant does not receive notice within ten (10) business days of filing a completed application for a mobile food vendor permit, the application will be deemed denied.

(3) Each mobile food vendor shall pay the corresponding fee for each service performed by city staff pursuant to this section:

- a. Permit, initial issuance/renewal: Forty dollars (\$40.00)
- b. Site registration, per site: Ten dollars (\$10.00)

(4) Revocation. The city may revoke a mobile food vendor permit or site registration if the mobile food vendor has been convicted of, or has allowed, or caused or permitted to exist, one (1) or more of the grounds for revocation. However, the existence of one (1) or more of the grounds for revocation does not require revocation.

- a. Grounds for revocation: The activities described herein must be sufficiently traceable and/or relating to the particular mobile food vendor against whom action is being taken and also must be verified by law enforcement or code enforcement officers, depending on the activity.
 - i. The mobile food vendor receives notice of City of Winter Haven Code Enforcement case(s) attributed to the mobile food vendor in any twelve-month period as result of the violation of any provisions of the City's Code of Ordinances or condition(s) of approval;
 - ii. Complaints verified by law enforcement, arising from adverse effects of the mobile food vendor's operation upon neighboring properties, including, but not limited to, excessive noise, parking, vandalism, or loitering by patrons;

- iii. Failure to comply with any of the provisions of the fire prevention code after having received reasonable notice to eliminate or correct any condition existing on the property upon which a mobile food vendor is operating and determined by the city's law enforcement and/or code enforcement officers to be directly related to the mobile food vending operation;
- iv. Failure to comply with any of the provisions of the health and sanitation ordinances of the City or laws of the state after having received reasonable notice to eliminate or correct any condition existing on the property upon which a mobile food vendor is operating and determined by the city's law enforcement and/or code enforcement officers to be directly related to the mobile food vending operation; and
- v. Failure to maintain appropriate licensing.

(f) Locations.

(1) Private Property or Non City-owned Property.

- a. Mobile food vending shall be permitted on private property or non city-owned property within the C-1, C-3, C-4, I-1, I-2, PI, and PR zoning districts.
- b. Mobile food vending shall be reviewed by the planning commission as a special use approval on private property or non city-owned property within the C-2 and MX zoning districts.
- c. Mobile food vending is prohibited on unimproved property. The property shall be deemed improved, if at a minimum, the property has improved and safe ingress and egress and an area surfaced with asphalt, concrete, pervious all-weather hard surface, including pervious pavement, paver bricks, open-joint pavers or another durable material approved by the City Engineer, sufficient to accommodate the mobile food vendor and three (3) parking spaces. In the C-1 zoning district, mobile food vendors are exempt from the three (3) parking spaces requirement.
- d. Mobile food dispensing vehicles shall have a clearance of at least 10 feet from all buildings, structures, vehicles, mobile food vendors, and any combustible materials.
- e. Mobile food vendors shall not be placed in any location that impedes the ingress or egress of other businesses or building entrances or emergency exits or within any visibility triangles in accordance with the City's ULDC.
- f. No more than two mobile food vendors shall operate on each property at any one time, except as may be approved by SERC as a mobile food vending rally. Applications for a mobile food vending rally permit shall be made to SERC. SERC shall impose reasonable conditions to ensure any impacts are mitigated to a reasonable degree.

(2) City-owned property or public rights-of-way.

- a. Mobile food vending on city-owned property, excluding public rights-of-way, within the C-1, C-3, C-4, I-1, I-2, PI, and PR zoning districts as part of a special event only must be reviewed and approved by SERC. Any mobile food vending not approved by SERC is not permitted.

- b. Mobile food vending on public rights-of-way immediately adjacent to the C-1, PR, and PI zoning districts shall be reviewed and approved by SERC. Any mobile food vending not approved by SERC is not permitted.
- c. Mobile food dispensing vehicles shall have a clearance of at least 10 feet from all buildings, structures, vehicles, mobile food vendors, and any combustible materials.

(g) Signage.

- (1) Mobile Food Dispensing Vehicles are limited to signs mounted on the exterior of the MFDV with no dimension limitations and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the MFDV shall be secured and mounted flat against the MFDV and shall not project more than six inches (6") from the exterior of the MFDV. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic.
- (2) Mobile Food Establishments are limited to one (1) sandwich board sign with dimensions no larger than six (6) square feet. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic.

(h) Prohibited Conduct. No mobile food vendor shall:

- (1) Vend alcoholic beverages.
- (2) Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from mobile food vending activities.
- (3) Allow any fluids to be discharged from a mobile food dispensing vehicle.
- (4) Sell anything other than that which the vendor is licensed to vend.
- (5) Vend without required insurance coverage.
- (6) Vend without appropriate licensure from all state, county, and local agencies or vend without appropriate payment of state and local business taxes.
- (7) Set up tables and chairs to be utilized by patrons as part of the vending operation.
- (8) Dump waste or wastewater on site, into the city's stormwater system, or at any other place in the city other than where licensed to do so.
- (9) Conduct mobile food vending without first registering and obtaining a permit and site approval.
- (10) Connect to permanent water and wastewater utilities.
- (11) Connect to permanent electric utilities via an extension cord greater than 10 feet in length. The extension cord shall not travel through pedestrian or vehicular traffic areas.
- (12) Vend on a public right-of-way or sidewalk unless as otherwise permitted by this section.
- (13) Vend on unimproved property unless as otherwise permitted by this section.
- (14) Fail to comply with any requirements imposed by this section.

Exhibit "C"

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New text is underlined and deleted text is ~~stricken through~~.

Chapter 21, Article IX – Definitions

Caterers shall mean public food service establishments where food or drink is prepared for service elsewhere. The term includes catering kitchens and commissaries. The term "caterer" does not include those establishments licensed pursuant to Chapters 500 or 381, F.S., or which exclusively prepare or serve traditional bakery goods such as cakes, pastries, bagels, or confections.

Hot Dog Cart shall mean a mobile food dispensing vehicle that limits the preparation of food to frankfurters.

Mobile food dispensing vehicle (MFDV) shall mean a vehicle-mounted public food service establishment. Some MFDVs are self-propelled and built to travel on public streets. Other MFDVs are not self-propelled but can be moved from place to place. MFDVs may even be watercraft.

Mobile food establishment (MFE) shall mean persons selling foods other than whole fresh fruits or vegetables from non-fixed structures. MFEs consist of mobile vendors and semi-permanent vendors. Semi-permanent vendors shall include persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk, or similar structure and which may offer ancillary food service.

Mobile food vending shall mean selling foods (other than fresh fruits and vegetables) from trucks, trailers or similar self-propelled conveyances, or non-fixed structures such as tables, booths, or kiosks. Mobile food vending shall include mobile food establishments, mobile food dispensing vehicles, and hot dog carts.

Mobile food vending rally shall mean gatherings of more than two mobile food vendors in one location on a date certain and shall require a mobile food vending rally permit.

Mobile food vendor shall mean a person or business that mobile food vends.

Temporary food service event shall mean an event (carnival, fair, or other celebration) of 30 days or less in duration where food is prepared, served, or sold to the general public and is advertised and recognized in the community. Such events shall be licensed pursuant to Chapter 509, Florida Statutes. A temporary food service establishment or vendor is a participant at a temporary food service event.