

## **ORDINANCE NO. 2022-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RELATING TO FOOD TRUCKS, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 23.5 (SUPPLEMENTAL ENFORCEMENT PROCEDURES); AMENDING SECTION 23.5-5, SCHEDULE OF VIOLATIONS AND PENALTIES AND CHAPTER 27 (ZONING AND LAND DEVELOPMENT); AMENDING SECTION 27-43, DEFINITIONS; AMENDING SECTION 27-156, OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; AMENDING SECTION 27-171, DISTRICT REGULATIONS FOR M-AP AIRPORT COMPATIBILITY DISTRICTS; AMENDING SECTION 27-184, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; REQUIRED OFF-STREET PARKING RATIOS BY USE; AMENDING SECTION 27-198, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; AMENDING SECTION 27-211.8, SCHEDULE OF PERMITTED USES BY DISTRICT; AMENDING SECTION 27-212.4, SCHEDULE OF ALLOWABLE, PERMITTED, AND PROHIBITED USES BY DISTRICT; CREATING SECTION 27-282.30, FOOD TRUCKS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, pursuant to the 2021 State Legislative Session, Municipalities are preempted to regulate food trucks; and,

**WHEREAS**, Section 27-151, City of Tampa Code, provides that text amendment requests for Chapter 27 (Zoning and Land Development) may be made by City Council, any city department, any public or quasi-public agency, or any member of the public during amendment cycles which fall on January 15 and July 15 of each calendar year; and,

**WHEREAS**, pursuant to Section 27-151, City of Tampa Code, a privately initiated amendment to Chapter 27 was filed during the July 15, 2020 amendment cycle; and,

**WHEREAS**, the Hillsborough County City-County Planning Commission conducted a public hearing on the proposed amendment and made a finding that it is consistent with the Imagine 2040: Tampa Comprehensive Plan; and,

**WHEREAS**, the City Council of the City of Tampa has determined that the proposed amendment promotes and protects the general health, safety and welfare of the residents of the City of Tampa; and,

**WHEREAS**, a duly noticed public hearing as required by law was held by the City Council of the City of Tampa, at which public hearing all residents and interested persons were given an opportunity to be heard.

## **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF TAMPA, FLORIDA:**

**Section 1.** That “**Sec. 23.5-5. Schedule of violations and penalties.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

#### **“Sec. 23.5-5. Schedule of violations and penalties.**

- (a) Violations of the following sections of the Tampa City Code are considered Class I violations and will carry a fine of:

For a first offense.....\$75.00

For a second offense.....150.00

For a third offense.....300.00

For a fourth or subsequent offense.....450.00

## **City Code Section:**

|               |                |            |   |
|---------------|----------------|------------|---|
| 14-62(b)      | 19-50          | 19-231(10) | 19-236  |
| 14-62(c)      | 19-56          | 19-231(11) | 19-237  |
| 14-150.1.2    | 19-76          | 19-231(12) | 19-238  |
| 14-150.1.3(a) | 19-77          | 19-231(13) | 21-9(a)   |
| 16-46         | 19-107(b)      | 19-231(15) | 21-143(a)   |
| 19-26         | 19-135         | 19-231(17) | 22-11   |
| 19-27         | 19-136         | 19-231(18) | 25-173.1  |
| 19-46         | 19-137         | 19-232     | 27-132  |
| 19-47         | 19-138         | 19-233     | <u>27-272</u> <u>27-282.30</u> (Vendor All Types) |
| 19-49         | 19-231(6), (9) | 19-235     | 27-283.11   |
|               |                |            | 27-290.8  |

Provided, however, that in lieu of the fines specified above the court may impose community service hours to be performed by the defendant as directed by the court, to be credited at the then applicable minimum wage rate specified by 29 U.S.C. § 206(a)(1).

11

**Section 2.** That “**Sec. 27-43. Definitions.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

## **“Sec. 27-43. Definitions.**

1  
2 ... ~~Food truck: A mobile food dispensing vehicle, equipped with the necessary,~~  
3 ~~applicable equipment to store, prepare, and/or serve food. A food truck shall be~~  
4 ~~appropriately licensed, as a mobile food dispensing vehicle ("MFDV"), such as~~  
5 ~~"self sufficient MFDV," "commissary," or "hot dog cart," by the State of Florida.~~

6  
7 *Food Truck:* As defined by the State of Florida, a food truck or a "mobile food

8 *dispensing vehicle*" means any vehicle that is a public food service establishment

9 and that is self-propelled or otherwise movable from place to place and includes

10 self-contained utilities, including, but not limited to, gas, water, electricity, or

11 liquid waste disposal. ..."

12  
13 **Section 3.** That "**Sec. 27-156. Official schedule of district regulations.**" is

14 hereby amended by adding the underlined language as follows:

15  
16 **"Sec. 27-156. Official schedule of district regulations.**

17  
18 TABLE 4-1  
19 SCHEDULE OF PERMITTED, ACCESSORY, AND SPECIAL USES BY DISTRICT\*

| *Legend:                                   |   |
|--|---|
| X—Permitted principal use                  |   |
| S1—Special use—Zoning administrator review |   |
| S2—Special use—City council review         |   |
| A—Permitted accessory use                  |   |
| Blank—Prohibited use                       |   |
| Uses                                       | R R R R R R R R R R R R O <sup>2</sup> R O O O C N <sup>2</sup> C C I I H P U - C<br>S- S- S S S M M M M M M M 6 O 6 P P G I G H P C<br>1 1 -<br>5 0 7 6 5 1 1 1 2 3 5 7 1 15<br>0 0 5 0 0 2 6 8 4 5 0 5 26 |
| Use Group B                                |   |
| Use Group C                                |   |
| Food trucks <sup>31</sup>                  | X X X X X X X X X   |

20 Notes:

21 ...

22 31 Refer to section 27-282.30 for applicable provisions."

23  
24 **Section 4.** That "**Sec. 27-171. District regulations for M-AP airport**

25 **compatibility districts.**" is hereby amended by adding the underlined language as follows:

26  
27 **"Sec. 27-171. District regulations for M-AP airport compatibility districts.**

28  
29 TABLE4-3

30  
31 (1) SCHEDULE OF M-AP PERMITTED, ACCESSORY, AND  
32 SPECIAL USES, MAXIMUM FLOOR AREA RATIO  
AND MAXIMUM COVERAGE REGULATIONS BY DISTRICT\*

\*Legend:X—Permitted principal use

## **S1—Special use—Zoning administrator review**

## **S2—Special use—City council review**

## **A—Permitted accessory use**

## **Blank—Prohibited use**

[#]—Table Footnotes (additional Notes, References, Criteria, Conditions)

n/a—Not applicable

## TABLE FOOTNOTES:

• • •

[14] Refer to section 27-282.30 for supplemental regulations related to this use."

**Section 5.** That “Sec. 27-184. Official schedule of permitted principal, accessory and special uses; required off-street parking ratios by use.” is hereby amended by adding the underlined language as follows:

**“Sec. 27-184. Official schedule of permitted principal, accessory and special uses; required off-street parking ratios by use.**

- (a) Except as otherwise specifically stated in this chapter, the use of and required parking count for land, water, and structures within the Center City (CBD) shall only be permitted in accord with Table 184 below. All other uses of land, water, and structures in the CBD, which are not expressly listed in Table 184, are prohibited uses and shall not be established in the CBD.

**TABLE 184 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE**

|  |                             |  |                        |
|--|-----------------------------|--|------------------------|
| <b>KEY:</b>                                      | X - Permitted principal use | S1 - Special use—Zoning administrator review | Blank - Prohibited use |
|  | A - Permitted accessory use | S2 - Special use—City council review         | N/A - not applicable   |
| <b>OTHER COMMERCIAL AND NON-RESIDENTIAL USES</b> |                             |  |                        |
| Food Trucks [10]                                 | X                           | X  | n/a                    |

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|---|
| <b>TABLE 184 NOTES</b>                                    |
| <b>GENERAL NOTES:</b>                                     |
| [10] Refer to section 27-282.30 for applicable standards. |

**Section 6.** That “**Sec. 27-198. Official schedule of permitted principal, accessory and special uses.**” is hereby amended by adding the underlined language as follows:

**“Sec. 27-198. Official schedule of permitted principal, accessory and special uses.**

Table 19-1

SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES

| LEGEND:                                     | CD-1 | CD-2 |
|---|------|------|
| X—Permitted principal use                   |      |      |
| S1—Special use, zoning administrator review |      |      |
| S2—Special use, city council review         |      |      |
| A—Permitted accessory use                   |      |      |
| Blank—Prohibited use                        |      |      |
| Uses <sup>1,2,3</sup>                       |      |      |
| <b>Group C</b>                              |      |      |
| Drycleaning plant, small                    | X    | X    |
| Food Trucks <sup>15</sup>                   | X    | X    |

Table 19-1 Notes:

...

<sup>15</sup>Refer to section 27-282.30 for supplemental regulations related to this use.”

**Section 7.** That “**Sec. 27-211.8. Schedule of permitted uses by district.**” is hereby amended by adding the underlined language as follows:

**“Sec. 27-211.8. Schedule of permitted uses by district.**

Table 25-1 sets forth the permitted, special, and accessory uses by zoning district. All lands within the Greater Seminole Heights area shall adhere to this table. Any uses not listed shall be subject to zoning administrator review, pursuant to section 27-59.

| Table SH-25.1: Table of Uses; Permit Requirements                                 |       |         |       |       |       |       |       |
|---|-------|---------|-------|-------|-------|-------|-------|
| Use (listed by subcategory) District  | SH-RS | SH-RS-A | SH-RM | SH-RO | SH-CN | SH-CG | SH-CI |
| Commercial  |       |         |       |       |       |       |       |
| Food trucks [12]  |       |         |       |       |       | X     | X     |
| Notes:  |       |         |       |       |       |       |       |
| [11] Refer to section 27-2982.20 regulations for specified uses.                  |       |         |       |       |       |       |       |
| [12] Refer to section 27-282.30 for supplemental regulations related to this use. |       |         |       |       |       |       |       |

1  
2       **Section 8.** That “Sec. 27-212.4. Schedule of allowable, permitted, and  
3       **prohibited uses by district.”** is hereby amended by adding the underlined language as

4 follows:

5       **“Sec. 27-212.4. Schedule of allowable, permitted, and prohibited uses by district.**

6       Table 212-2 sets forth the permitted, special, and accessory uses by zoning district. All lands within  
7       the Neighborhood Mixed Use District shall adhere to this table. Any uses not listed shall be subject to  
8       zoning administrator review, pursuant to sec. 27-59.

| <b>Table 212-2 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE</b> |  |        |        |  |
|---|--|--------|--------|--|
| Use (listed by subcategory)   | District   |        |        | Required Off-Street Parking Spaces (minimum ratios by use) [A-L] |
|   | NMU-16   | NMU-24 | NMU-35 |  |
| <b>OTHER COMMERCIAL AND NON-RESIDENTIAL USES</b>                                      |  |        |        |  |
| Food trucks [9]   | X  | X      | X      | N/A  |
| <b>GENERAL NOTES:</b>   |  |        |        |  |
| [9]   | Refer to section 27-282.30 for supplemental regulations related to this use. |        |        |  |

10       **Section 9.** That “Sec. 27-282.30. Food Trucks.” is hereby created as follows:

11       **“Sec. 27-282.30. Food Trucks.**

12       The following standards shall apply to all food trucks, as defined by Section 27-43.

- 15       1. Hours of operation for a food truck shall be limited to 6:00 am to 10:00 pm.
- 16       2. There shall be no amplified sound.
- 17       3. Signage shall be non-illuminated and limited to a maximum size not to exceed (ten) 10 square feet and shall not be free standing.
- 18       4. A food truck shall not be placed in any required parking space, loading zone, landscape/buffer area or drainage area.
- 19       5. There shall be no seats or tables available for patrons.
- 20       6. The maximum size of a food truck shall be twenty-six (26) feet in length, eight (8) feet in width and ten (10) feet in height.
- 21       7. Food trucks shall meet the setbacks of the underlying zoning district of the parcel on which it is located.
- 22       8. Food trucks shall comply with the requirements of section 27-283.5.”

1           **Section 10.** That should a court of competent jurisdiction declare any part of  
2 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by  
3 such determination as to the invalid part.  
4

5           **Section 11.** That all ordinances or parts of ordinances in conflict herewith are  
6 hereby repealed to the extent of any conflict.  
7

8           **Section 12.** That this ordinance shall immediately take effect upon becoming law.  
9

10           PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,  
11 ON \_\_\_\_\_.  
12

13           ATTEST:  
14

15           \_\_\_\_\_  
16           CHAIRMAN/CHAIRMAN PRO-TEM  
17           CITY COUNCIL  
18

22           \_\_\_\_\_  
23           CITY CLERK/DEPUTY CITY CLERK  
24

25           APPROVED BY ME ON \_\_\_\_\_  
26

29           \_\_\_\_\_  
30           JANE CASTOR, MAYOR  
31

32           APPROVED AS TO LEGAL  
33           SUFFICIENCY BY:  
34

36           \_\_\_\_\_  
37           E/S \_\_\_\_\_  
38           CAMARIA PETTIS-MACKLE  
39           ASSISTANT CITY ATTORNEY