

ORDINANCE NO. 2022-009  
“FOOD TRUCKS”

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS,  
FLORIDA, PERTAINING TO LAND USE; AMENDING SECTION  
5.02.01 OF THE TOWN’S LAND DEVELOPMENT CODE TO  
ADDRESS MOBILE FOOD TRUCKS AS TEMPORARY USES;  
CREATING SECTION 5.02.09, FOOD TRUCKS, TO PROVIDE  
REGULATION FOR FOOD TRUCKS OPERATING AS TEMPORARY  
USES WITHIN THE TOWN; ESTABLISHING CERTAIN  
REQUIREMENTS, RESTRICTIONS, AND PROHIBITIONS FOR  
FOOD TRUCKS AS TEMPORARY USES; PROVIDING FOR  
SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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*Whereas*, the mobile food truck industry has expanded and provides the service of  
convenient and diverse food choices; and

*Whereas*, the people have a right to be assured and should be assured that food purchased  
from mobile food trucks is safe for consumption; and

*Whereas*, the Town Council recognizes the need for reasonable regulations intended to  
provide economic development and entrepreneurial opportunities for mobile food truck  
businesses while protecting public health, safety, and welfare, and minimizing adverse visual and  
audio impacts to the public realm; and

*Whereas*, the Town Council has determined that it is in the best interest of the residents  
of Howey-in-the-Hills that minimum standards of conduct be enacted to permit Mobile Food  
Trucks to operate within the Town of Howey-in-the-Hills.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-  
HILLS, FLORIDA:**

**Section 1. Recitals.** The recitals set forth above are true and correct and constitute the  
legislative findings of the Town Council.

**Section 2. Amendments to the Town of Howey-in-the-Hills Land Development Code.**  
Section 5.02.01 of the Town of Howey-in-the-Hills’ Land Development Code is amended, and  
new section 5.02.09 is added to the Land Development Code, as follows:

**5.02.01 Generally**

This section sets forth the regulations regarding temporary uses and structures. Permitted  
temporary uses and the structures associated with the temporary uses include seasonal  
sales, special events, temporary structures during construction activities, and model  
homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited,

except as provided in other sections of the Land Development Code or as part of an approved special event.

### **5.02.09 Food Trucks**

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
1. The number of food trucks/trailers allowed per lot or combination of contiguous lots under common ownership is limited to two food trucks/trailers per .25 acre of land area. For example, a maximum of eight food trucks/trailers are allowed on 1 acre of land.
  2. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel or other approved material.
  3. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
  4. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
  5. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
  6. Each food truck/trailer must be equipped with at least one approved portable fire extinguisher with a minimum rating of 2A: 10 BC.
  7. Food trucks/trailers must comply with all current fire prevention codes.
  8. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
  9. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
  10. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
  11. Amplified sound is prohibited.
  12. Food trucks/trailers may operate only between the hours of 7:00 A.M. and 7:00 P.M.
  13. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food

truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.

- C. Food truck/trailer approval. An owner of property or a business in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

**Section 3. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Codification.** Only the provisions in Section 2 shall be codified in the Land Development Code.

**Section 5. Effective Date.** This ordinance takes effect upon its enactment.

*Signatures on the following page.*

**ORDAINED AND ENACTED this 23<sup>rd</sup> day of May, 2022**, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**Town of Howey-in-the-Hills, Florida**  
By its Town Council

By: \_\_\_\_\_  
Hon. Martha MacFarlane, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**  
(for the use and reliance of the Town only)

\_\_\_\_\_  
John Brock, Town Clerk

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Thomas J. Wilkes, Town Attorney

Planning & Zoning Board Reading held April 28, 2022  
First Reading held May 9, 2022  
Second Reading, Public Hearing and Adoption held May 23, 2022  
Advertised May 13, 2022

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