



## Legislation Details (With Text)

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<b>File created:</b>	12/17/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	1/8/2020	<b>Final action:</b>			
<b>Title:</b>	City Council direction on adding a provision to the City Code to add Temporary Mobile Vending as a type of business that requires a Business Tax Receipt, and clarifying fundraising and temporary sales. (Community Services Director)				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL AGENDA ITEM

Memo Date: December 23, 2019  
Agenda Date: January 8, 2020  
Prepared By: Nancy A. Bunt, Community Services Director  
Through: John A. Titkanich, Jr., AICP, ICMA-CM, City Manager  
Requested Action:

City Council direction on adding a provision to the City Code to add Temporary Mobile Vending as a type of business that requires a Business Tax Receipt, and clarifying fundraising and temporary sales..

### **BACKGROUND:**

Historically, the City of Cocoa has not allowed temporary mobile vendors to conduct business within city limits. The City's Code does not specifically call out temporary mobile vending and was therefore prohibited. Staff was asked to research adding a provision to the City Code. The City Manager's office, Community Services Director, Police Chief and Code Enforcement Manager met with the City Attorney's office several times to review several programs throughout the state. The cities of Rockledge, West Melbourne, Orlando, Fort Pierce's and Miami-Dade County mobile vending programs were reviewed.

First, it should be noted that there are three types of mobile vending: mobile vendors, fundraisers, and temporary sales.

Below are some criteria to qualify for mobile vending that Council should consider:

- Applicant must complete an application and pay a fee. Fundraising would be exempt from fee.
- Must provide affidavit from property owner granting permission to use property.

- Must supply appropriate documentation as required by the state if handling food.
- Must provide supporting documentation as to the affiliation, non-profit organization, church, school, etc. to qualify to fundraise.
- Must identify the specific period of time and dates
- Must not set up any permanent structures and meet all other City Codes.
- If a vehicle is used, must provide valid vehicle registration and auto liability insurance.
- Area to be used for sales must be identified by a site plan drawn to scale within a designated parking area and not to exceed 25% of the total parking area. The area shall not obstruct fire lanes, fire hydrants, handicap parking spaces, pedestrian sidewalks or driveways to any adjacent street.

Additionally, staff believes mobile vending should be prohibited in all residential zoning districts and the Central Business District (CBD) and Central Business District/Cocoa Business Overlay (CBD CBO) District. Mobile Vending would not be allowed on municipal property or within the right of way. Specifically, staff would recommend limiting mobile vending to major commercial corridors of the City, SR 519 (Fiske Blvd, Rockledge Border to SR520; SR520, SR501, SR524 and US1. Signage must comply with current City Codes.

If Council approves of the above criteria, staff in conjunction with the City Attorney can bring back an agenda item and Ordinance establishing temporary mobile vending criteria.

**STRATEGIC PLAN CONNECTION:**

**BUDGETARY IMPACT:**

None

**PREVIOUS ACTION:**

None

**RECOMMENDED MOTION:**

Provide direction on adding a provision to the City Code to add Temporary Mobile Vending as a type of business that requires a Business Tax Receipt, and clarifying fundraising and temporary sales.