

ORDINANCE 25-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 22-28 OF ARTICLE II OF CHAPTER 22 OF THE WINTER GARDEN CITY CODE RELATING TO PEDDLERS, SOLICITORS AND ITINERANT VENDORS TO ALLOW WITH HOMEOWNERS ASSOCIATIONS TO HOLD NEIGHBORHOOD EVENTS WITH MOBILE FOOD DISPENSING VEHICLES SUBJECT TO OBTAINING A SPECIAL EVENT PERMIT; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 509.102, Florida Statutes, the licensing of mobile food dispensing vehicles is preempted to the state and are regulated as public food service establishments; and

WHEREAS, the City recently amended Article II of Chapter 22 to make the City's regulation of mobile food dispensing vehicles consistent with Section 509.102, Florida Statutes and amended Section 74-38, City Code to clarify that mobile food dispensing vehicles are not allowed to conduct business within public rights-of-way.

WHEREAS, the City desires to amend Article II of Chapter 22 to clarify that Homeowner's Associations are permitted to apply for a maximum of two special events annually that include mobile food dispensing vehicles.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I: ADOPTION. Article II of Chapter 22 of the City of Winter Garden Code is hereby amended as set forth below (underlined language are additions; ~~stricken though~~ language are deletions; provisions not included are not being amended):

CHAPTER 22 - BUSINESSES

ARTICLE II. - PEDDLERS, SOLICITORS, ITINERANT VENDOR

Sec. 22-28. - Open air vendor permit.

(j) *Mobile food dispensing vehicle*. Pursuant to section 509.102, Florida Statutes, mobile food dispensing vehicles are not subject to the same application and permitting requirements as open air vendors. However, mobile food dispensing vehicles are subject to and must comply with the following regulations:

- (1) Mobile food dispensing vehicles may only conduct business on privately owned property having an I-1 or I-2 industrial zoning designation. Mobile food dispensing vehicles may not conduct business upon any property zoned with any residential or commercial zoning designation. A mobile food dispensing vehicle conducting business must be separated by a distance of at least 250 feet from another mobile food dispensing vehicle conducting business.

- (2) The zoning restrictions specified in subsection (1) shall not apply to a mobile food dispensing vehicles if:
 - i. Operating pursuant to the terms of a valid open air event permit, ~~an~~ authorized by a city-sponsored event, an approved HOA special event as stipulated in subsection (7), or another city approved special event allowing such operations; or
 - ii. Operating in an area governed by a duly enacted planned unit development or other similar development where mobile food dispensing vehicles operations are expressly authorized.
- (3) Mobile food dispensing vehicles must have and maintain a valid state license as a public food establishment and shall at all times operate and conduct business in compliance with state law and regulations.
- (4) Mobile food dispensing vehicles must have a local business tax receipt from the city.
- (5) Mobile food dispensing vehicle may not conduct business on any city owned or controlled property or public right-of-way, unless expressly authorized in writing by the city.
- (6) Mobile food dispensing vehicles may not operate on any private property without the prior written consent of the property owner.
- (7) Homeowners' Associations (HOAs) may apply for a maximum of two (2) neighborhood events that include mobile food dispensing vehicles every year. These events require City review and approval of a Special Event Permit.

SECTION II. CONFLICTS. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION IV. CODIFICATION. That Section I and Section II of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word. The City Clerk is given liberal authority to correct typographical errors and to renumber the sections and subsections. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

SECTION V. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the City Commission at its second reading.

FIRST READING:

SEPTEMBER 11, 2025.

SECOND READING:

SEPTEMBER 25, 2025.

APPROVED:


John Rees, Mayor/Commissioner

ATTEST:


Angela J. Grimmage, City Clerk

