

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 901.03 (DEFINITIONS IN ALPHABETICAL ORDER) AND SECTION 911.15 (GENERAL PROVISIONS), OF THE CODE OF INDIAN RIVER COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS SECTION 901.03 (DEFINITIONS IN ALPHABETICAL ORDER) AND SECTION 911.15 (GENERAL PROVISIONS) BE AMENDED AS FOLLOWS:

WHEREAS, it is in the County's best interest to create thoughtful and reasonable operational standards to ensure that mobile food dispensing vehicles (or food trucks) are operated in a safe, equitable, and healthy manner; and

WHEREAS, it is in the County's duty to facilitate safe vehicular traffic flow within and around commercially developed property sites; and

WHEREAS, commercially developed property sites that are zoned CG, General Commercial and are less than three (3) acres in size have limits on the amount of additional vehicular traffic it can handle in a safe manner; and

WHEREAS, allowing mobile food dispensing vehicles (or food trucks) on CG zoned parcels less than three (3) acres in size would cause unsafe vehicular traffic patterns to occur due to the smaller sizes of the parcels and the increased traffic flow that would come with a mobile food dispensing vehicle (or food truck); and

WHEREAS, this Ordinance was prepared in compliance with Section 509.102, Florida Statutes.

SECTION #1:

Amend LDR Section 901.03, Definitions in alphabetical order; as follows:

Mixed use a real development characterized by

- (1) Two (2) or more revenue producing uses (such as retail, office, residential, hotel/motel and recreation which are mutually supporting);
- (2) Significant functional and physical integration of project components; and
- (3) Development in conformance with a coherent plan which stipulates the type and scale of uses and related items.

Mobile food dispensing vehicles (food trucks) shall mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place, and which includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. This definition is the same as provided in Section 509.102, Florida Statutes, or as amended.

Mobile home a structure which is transportable in one or more sections, which is eight (8) body feet (2.4 m.) or more in width and is thirty-two (32) body feet (9.75 m.) or more in length, which is built

on a permanent chassis and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and the term includes the plumbing, heating, air conditioning, and electrical systems contained therein. This definition does not include modular or prefabricated homes.

SECTION #2:

Amend LDR Section 911.15, General provisions; as follows:

(10) Mobile food dispensing vehicle (food truck) regulations.

(a) Purpose and intent:

1. For the purposes of this section, mobile food dispensing vehicles (or food trucks) shall mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place, and which includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. This definition is the same as provided in Section 509.102, Florida Statutes, or as amended.

(b) Applicability:

1. This section applies to all mobile food dispensing vehicles operated within unincorporated Indian River County, except as may be otherwise regulated under state or federal law. Nothing herein shall be construed to require a local license or permit in addition to those required by state law.

(c) State preemption and compliance:

1. Mobile food dispensing vehicles are regulated under Section 509.102, Florida Statutes, and are subject to the jurisdiction of the Department of Business and Professional Regulation (DBPR), Division of Hotels and Restaurants.
2. All mobile food vendors shall maintain a valid state license issued under Chapter 509, Florida Statutes, and shall comply with all applicable state health, sanitation, and food-handling requirements.
3. The county shall not require a separate county-issued business tax receipt, license, registration, food service permit, or fee(s) specific to mobile food dispensing.
4. Local regulations shall be limited to zoning, public safety, traffic, and location standards consistent with state preemption.

(d) Operational standards:

1. Location and Zoning: Mobile food dispensing vehicles may only locate and operate in the CG, CH, IL, IG, and Commercial PD zoning districts where transient vending, temporary uses, or similar commercial activity are allowed, or as part of an approved special event. For the CG zoning district, the principal site area must be three (3) acres or larger in size.

2. Placement: No mobile food dispensing vehicle shall:

a. Obstruct a public sidewalk, roadway (public or private), or required building access;

b. Block driveways, drive aisles, loading areas, or fire lanes;

c. Operate within ten (10) feet of any building entrance or twenty (20) feet of any intersection or traffic control device, unless approved by the County Public Works Director or Fire Marshal; or

d. Operate on an unpaved or unimproved pervious surface unless as part of an approved special event.

3. Duration: Except as part of an approved special event, each mobile food dispensing vehicle shall be removed from each site on a daily basis.

4. Waste management: Each mobile food vending vehicle shall provide self-contained refuse and liquid-waste storage; waste shall not be discharged onto the ground, into storm drains, or into any water body. Vendors shall remove all litter and debris from the vending area before leaving the premises.

5. Utilities: All power connections shall be self-contained or plugged into an approved electrical source meeting county building and fire codes; generators (quiet) shall not create excessive noise or fumes.

6. Parking and access: Mobile food dispensing vehicles shall not occupy required parking spaces for a principal use except during special events.

7. Signage: Signs shall be affixed to the vehicle and there shall be no more than one (1) freestanding A-frame sign. There shall be no inflatable or flashing signage.

8. Furniture: The furniture allowed for each mobile food dispensing vehicle shall be limited to one (1) table with a maximum length of 10 feet and a single ten (10) foot by (10) foot tent, unless as part of an approved special event where additional furniture items are permitted.

9. Vender credentials: All mobile food dispensing vehicles shall display their respective DBPR license as well as recent fire and department of health inspections.

(e) Property owner consent:

1. Mobile food vending shall not occur on private property without written consent of the property owner or authorized agent. The vendor shall maintain proof of such consent on site and present it to county officials upon request.

(f) Special events and coordination:

1. Food trucks operating as part of a permitted special event shall comply with all event-specific conditions imposed by the county and applicable fire, law enforcement, and emergency management agencies.

(g) Enforcement:

1. Violations of this section shall constitute civil infractions enforceable under the Indian River County Code Enforcement procedures established pursuant to Section 162.21, Florida Statutes.
2. Each day of non-compliance may constitute a separate violation. Penalties shall not exceed those authorized under state law.

SECTION #3: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #4: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #5: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #6: EFFECTIVE DATE

This Ordinance shall take effect 90 days after final adoption by the Board of County Commissioners.

This ordinance was advertised in the Indian River Press Journal on the 22nd day of February, 2026, for a public hearing to be held on the 10th day of March, 2026, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Deryl Loar	_____
Vice Chairman Laura Moss	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Joseph H. Earman	_____

ORDINANCE 2026-____

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Deryl Loar, Chairman

ATTEST: Ryan L. Butler, Clerk of Court and Comptroller

BY: _____
Deputy Clerk

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Susan J. Prado, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

John Stoll, Planning & Development Services Director