

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 16, ARTICLE VIII, 'MOBILE VENDORS' OF THE FLAGLER BEACH CODE OF ORDINANCES; UPDATING DEFINITIONS; PROVIDING CERTAIN EXEMPTIONS FROM MOBILE VENDOR REGULATIONS FOR FOOD TRUCKS AS REQUIRED BY STATE STATUTE; PROVIDING LOCATIONAL LIMITATIONS FOR FOOD TRUCKS THAT ALLOW THEM TO OPERATE ON PRIVATE PROPERTY NOT ZONED RESIDENTIAL OR PLANNED UNIT DEVELOPMENT ON THE MAINLAND SIDE OF THE INTERCOASTAL WATERWAY; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2023-XXXX amends the City's regulations related to food trucks; recognizing the State preemption on certain elements of food truck regulations and recognizing the reservation of authority for local governments to still apply certain locational standards regarding food truck, the Ordinance allows food trucks to operate on private property located in non-residential and non-planned unit development properties zoning districts on the mainland side of the intercoastal waterway; the Ordinance revises and clarifies regulations related to mobile vendors generally to accommodate the amendments related to food trucks.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

While the Ordinance restricts food trucks to the mainland side of the City, it is not expected to have any negative impact on private, for-profit business. The City has not seen frequent food truck operation on the island side and the ordinance provides clear guidance for where food trucks may be operated within the City. In addition, by providing clear locational standards for food trucks, the Ordinance may have a positive impact on existing food service establishments.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City does not expect any businesses to be negatively impacted by the proposed ordinance.