



**VENDOR PERMIT APPLICATION**

Please type or print legibly (use blue or black ink). All blanks must be complete. Use N/A where not applicable.

Today's Date: \_\_\_\_\_

1) Mobile Food Vendor's Name					
Mailing Address					
City		State		Zip	
Contact Phone		Fax Number			
Cell Phone		E-mail			

2) Business Owner's Name					
Mailing Address					
City		State		Zip	
Contact Phone		Fax Number			
Cell Phone		E-mail			

3) Commissary Name					
Mailing Address					
City		State		Zip	
Contact Phone		Fax Number			
Cell Phone		E-mail			

4) Property Owner's Name					
Mailing Address					
City		State		Zip	
Contact Phone		Fax Number			
Cell Phone		E-mail			

5) Property is generally located near the following streets:				
Size of subject property		+/- Acres		+/- Sq. Feet
Existing Zoning				
Land Use Classification				

6) Is the property non-forming to any City of Leesburg requirements?		Yes		No
Are there any current City of Leesburg Code Enforcement violations pending?				

7) The present use of the property is:


8) A vendor permit is requested to allow:


9) The reason or basis for this request is:


10) Number of existing structures on property and their present use is:

Present Use Structure #1	
Present Use Structure #2	
Present Use Structure #3	

11) Any previous applications filed within last 12 months of subject property?  Yes  No

If yes, describe nature of previous request:


12) State the exact legal description of the property to be subdivided. (Copy of Warranty Deed or Tax Receipt showing ownership must be submitted with application)

Section		Township		Range	
Alternate Key #					

13) Has the vendor obtained City of Leesburg Business Tax Receipt?  Yes  No

If yes, provide copy		If no, must obtain Business Tax Receipt if required
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14) Has the vendor obtained City of Leesburg Business Tax Receipt?  Yes  No

If yes, provide copy		If no, must obtain Business Tax Receipt if required
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## CHECKLIST FOR VENDOR PERMIT APPLICATION

Use this checklist to submit a completed application. All information listed below is required when applying for a **VENDOR PERMIT**.

- 1)  Filing fee \$120.00 (Please make check payable to CITY OF LEESBURG)
- 2)  General application form (pg. 1 & 2).
- 3)  An affidavit in a form approved by the City from the property owner (if other than self) permitting the vendor to locate on the site (pg. 5).
- 4)  Copy of recorded Warranty Deed or current year Tax Receipt showing the current fee simple titleholders (property owners).
- 5)  Map showing general location of the site.
- 6)  A legal description of the specific property in PDF format.
- 7)  A site plan, drawn to scale and with dimensions including setbacks, indicating the location of all existing buildings, structures, sidewalks, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the vending activity will be located upon the site.
- 8)  Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity.
- 9)  The vehicle to be used for the vending meets fire safety requirements of code for cooking etc.
- 10)  Approval by the City of the design of the vehicle to be used for the vending in order to assure fire safety requirements of codes.
- 11)  Four photographs (showing different exterior views) of each motorized food wagon or conveyance, complete with any awnings or shade structures in the open position.
- 12)  A copy of a current county and state permit for any food service vending operation as required.
- 13)  A copy of the business owner's current business tax receipt for the property where the vendor is proposing to locate (City of Leesburg).
- 14)  Vendors must show proof of a current payment to a commissary as required as per the Florida Division of Hotels and Restaurants.
- 15)  An affidavit from the business providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available to the mobile food vendor.

# APPLICATION PROCESS

## SUBMIT THE APPLICATION

- 1. A completed application shall be submitted to Leesburg Planning & Zoning Division based on the scheduled deadlines for each meeting. Contact the Planning & Zoning Division (352-728-9760) for deadline dates.
- 2. Failure to provide an accurate and complete application will result in automatic rejection and return of the application and delay of the hearing date.

## STAFF REVIEW

- 3. Staff will review the application and make a formal decision or recommendation to the Planning Commission (if required) at the scheduled Commission hearing. This recommendation is available for review by the public after it is provided to the applicant, usually one day after the required ten (10) days.
- 4. If the application is approved, the applicant must meet all conditions of the application prior to approval of a business license for the location.

## APPLICANT SIGNATURE

The signature below certifies that I have read and understand the permit application, checklist and procedures contained herein, and that this application is submitted in accordance with the checklist and procedures for the limited use permit requested.		
Print Name	Applicant's Signature	Date

**PROPERTY OWNER & AGENT AFFIDAVIT\***

DATE: \_\_\_\_\_

Before me, the undersigned authority personally appeared \_\_\_\_\_ (property owner's name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.
2. That said authority desires a VENDOR PERMIT to allow:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. That said authority (property owner) has appointed \_\_\_\_\_ (agent's name) to act in his behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and, being by me duly sworn on oath, deposes and says:
  - A. That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Leesburg, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Leesburg, Florida, and are not returnable.
  - B. That the submittal requirements for the application have been completed and attached hereto as part of the application.

**\*PROPERTY OWNER MUST SIGN AFFIDAVIT.  
WHEN AGENT IS REPRESENTING CASE, BOTH AGENT AND PROPERTY OWNER MUST SIGN AFFIDAVIT.**

\_\_\_\_\_  
PROPERTY OWNERS' SIGNATURE

\_\_\_\_\_  
AGENT'S SIGNATURE

STATE OF FLORIDA  
COUNTY OF LAKE

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Sworn to (or affirmed) and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced ID \_\_\_\_\_

Type of Identification  
Produced \_\_\_\_\_

Type of Identification  
Produced \_\_\_\_\_

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Notary's Signature

NOTARY SEAL

NOTARY SEAL

(18) *Vending private property.* The city commission expressly finds that the vending of produce and prepared or prepackaged foods, goods, wares, and/or services on private property may pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the City of Leesburg. It is the purpose and intent of the city commission, in enacting these requirements, to provide those persons who engage in those types of vending operations with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community.

a. *Definitions*

1. "Business owner" means any person, firm, or corporation, which owns or controls any interest in any business engaged in vending as defined in subsection 8 of this section.
2. "Commissary" means a food establishment in which food, containers, equipment, or supplies are stored or handled for use in a motorized food wagon or conveyance.
3. "Conveyance," as used in this chapter, means any vehicle approved for the referenced use (except motorized food wagons, as defined below), trailer, cart, or wagon, with wheels, which may be moved from one place to another under its own power or by other means.
4. "Linear frontage" is the method used to determine distances as used in this chapter.
5. "Mobile food vendor" means any person as defined in this chapter, who owns, controls, manages, and/or leases a motorized food wagon or conveyance; and/or contracts with a person(s) to drive, operate, prepare foods, and/or vend from a motorized food wagon or conveyance.
6. "Motorized food wagon" means any vehicle as defined in F.S. § 324.021(1), which is equipped and used for retail sales of prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind on property within the City of Leesburg.
7. "Persons" means any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of motorized food wagons and conveyances.
8. "Vend" or "vending" means the sale of any goods, wares, merchandise, prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind from private property. Vending from an approved motorized food wagon generally has the following characteristics:
  - i. Food is ordered and served from a take-out counter that is integral to the motorized food wagon and there is typically a space for customer queuing;
  - ii. Food is paid for prior to consumption;
  - iii. Food and beverages are served in disposable wrappers, plates, or containers; and
  - iv. Food and beverages are prepared and sold for off-site consumption.
9. "Vendor"/"operator" means any person who sells and makes immediate delivery, or offers for sale and immediate delivery, any goods, wares, or merchandise, or drives, operates, vends, and/or prepares food on or from an approved motorized food wagon or conveyance.

b. *Regulation of sales.*

1. It is unlawful for any person to vend, or attempt to engage in vending or operate any vehicle or conduct any business for the purpose of vending from any vehicle, motorized food wagon, or conveyance parked, stopped, or standing upon any private property within the City of Leesburg except in accordance with all applicable provisions of this Code.
2. The sale or distribution of alcoholic beverages is prohibited.

c. *Permit to operate.*

A person desiring to engage in a vendor operation, as defined by this chapter, shall submit a written application for a permit to operate in a form acceptable to and with all supporting information required by the City of Leesburg. Such application shall be accompanied by a nonrefundable, nontransferable application fee in an amount as may be established by resolution of the city commission. Any such permit shall be required to be renewed annually and a separate nonrefundable, nontransferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. There must be a valid permit present whenever vending is taking place.

1. Every vendor shall obtain a City of Leesburg business tax receipt.
2. As part of the permit to operate application, the vendor or business owner shall provide the following:
  - 1) Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity;
  - 2) The vehicle to be used for the vending meets fire safety requirements of code for cooking etc.;
  - 3) Approval by the city of the design of the vehicle to be used for the vending in order to assure fire safety requirements of codes;
  - 4) Four (4) photographs (showing different exterior views) of each motorized food wagon or conveyance, complete with any awnings or shade structures in the open position;
  - 5) A copy of a current county and state permit for any food service vending operation as required;
  - 6) A copy of the vendor or business owner's current business tax receipt;
  - 7) Vendor's must show proof of a current payment to a commissary as required as per the Florida Division of Hotels and Restaurants;
  - 8) An affidavit in a form approved by the city from the property owner (if other than self) permitting the vendor to locate on the site;
  - 9) A site plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, sidewalks, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the vending activity will be located upon the site; and
  - 10) An affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available to the mobile food vendor.

3. The following may constitute grounds for denial of a permit to operate:
  - 1) The vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations under state law and this Code.
  - 2) The applicant has, within three (3) years immediately preceding the date of filing of the application, had a permit to operate, vendor's license, or related permit, which was issued within the state of Florida, suspended or revoked.
  - 3) The applicant has knowingly made a material misstatement in the application for a permit to operate.
  - 4) There have been excessive calls for service to the Leesburg Police Department within the twelve (12) months preceding the application with inadequate response by the vendor or business owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable city ordinance violation investigations, which are located, committed, or generated on the premises of the vending operation.
  - 5) Failure to obtain clearance from county and state permit for any food service vending operation as required.
4. The applicant may appeal the decision to deny the permit to the board of appeals within thirty (30) days of denial.

d. *Location.*

A vendor may locate on private property subject to the following conditions:

1. Sales shall be allowed on any developed lot adjacent to collector or arterial street located in an office, commercial or industrial zoning district that is outside of the central business district and the historic district.
2. The vendor shall be setback within the rear ten (10) feet of the required fifty-foot front setback or the existing front setback established by the principal use on the site, whichever is greater.
3. The vendor shall be prohibited from selling or distributing any type of glass container.
4. Signs shall not exceed a maximum ten (10) square feet for all total signs used in conjunction with the vending operation electronic message center signs shall be prohibited where visible from a public roadway.

5. The vendor shall provide a sworn statement from the property owner and the vendor on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:
    - a) The property owner shall be required to allow the vendor's patrons access to all bathroom facilities.
    - b) The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinance, statutes and laws in regards to their specific business.
    - c) The property owner shall state that they understand the regulations governing vendors and will be held responsible, along with the vendor, for any code violations.
  6. Only one (1) vendor shall be allowed on any individual zoning lot.
  7. The vending is incidental to a primary retail use of the property which must have a valid City of Leesburg business tax receipt for retail sales.
  8. A vendor shall not be the primary use of a parcel unless that parcel is developed in accordance with the standards of the city's land development code for that use and the zoning designation for that parcel.
  9. A vendor shall not be permitted as an accessory use to a stand-alone parking lot.
  10. A vendor cannot utilize, or be located on, parking spaces required for the primary use at that property.
  11. A vendor cannot be located on a vacant, undeveloped parcel or lot.
  12. A vendor must be located on a paved concrete or asphalt parking surface.
  13. A vendor cannot interfere with access, aisles, circulation, driveways, or fire lanes and hydrants.
  14. A vendor cannot interfere with pedestrian movement or create a pedestrian hazard.
  15. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.
- e. *Exemptions.* The following are exemptions from the requirements of this ordinance:
1. Any person engaged in vending conducted in connection with the operations of a state-certified open-air market or an authorized street fair or event under a special event permit, (wherein such vending is authorized), lease, license, agreement, or other written authorizations issued by the City of Leesburg.
  2. Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.

f. *Conditional appearance of site*

1. The site shall be maintained in a safe and clean manner at all times.
2. No tables, chairs, fences, free standing shade structures except as provided in subsection g.8 below, or other site furniture, (permanent or otherwise) or freestanding signs shall be permitted in conjunction with the vendor.
3. Should any other site improvements be needed for on-going vending operations, the vendor shall be required to apply for appropriate permits to ensure public safety and consistency with applicable building and zoning regulations.
4. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited.

g. *Conditional appearance of motorized food wagon and conveyance.*

1. The vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.
2. The required motorized food wagon or conveyance used in the course of vending, where possible, shall be entirely self-sufficient in regards to gas, water, and telecommunications. Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.
3. The vendor shall not discharge items from any motorized food wagon or conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.
4. Any shade covering (awning) shall not exceed the size of the cart by more than three (3) feet and shall be required to be attached to the cart.
5. Concealment of the trailer hitch is required for safety and appearance.
6. If exterior lights are incorporated on the cart, the light source must be steady (no flashing lights) or electronic changeable copy and they must be concealed.
7. Maximum cart size: W = ten (10) feet x H = eight (8) feet x L = twenty (20) feet.
8. Any umbrella with seating shall not exceed the size of the cart and shall be limited to one (1) on site which must be within five (5) feet of the cart.

Diagram Typical Vendor Wagon-Closed Trailer



i. *Lighting*

The vendor shall install adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.

j. *Sanitation.*

1. All motorized food wagons or conveyances shall operate out of a commissary pursuant to county and state health and safety codes.
2. All motorized food wagons or conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the vendor of the motorized food wagon or conveyance shall pick up all refuse generated by such operation within a twenty-five-foot radius of the vehicle daily. No vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor.
3. A motorized food wagon or conveyance shall comply with county and state health and safety code regarding the availability of adequate toilet facilities for use by food service personnel.

k. *Safety and security.*

1. No vending shall be permitted except after the motorized food wagon or conveyance has been brought to a complete stop and parked in accordance with the requirements of subsection d., Location, of this section.
2. The vendor shall install signage in a visible location indicating that loitering is not permitted and customers may only remain on the lot for up to fifteen (15) minutes after receiving their food.
3. The vendor shall enforce the no loitering provisions of this Code.

l. *Applicability of regulations to existing business.*

The provisions of this chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this chapter into law.

m. *Penalties.*

Any person violating any provisions or failing to comply with any of the mandatory requirements of this chapter is subject to the following penalties:

1. Fines.

Violations are subject to the administrative enforcement provisions of this Code and the fines established in this section of this Code.

2. Suspension/revocation of permit to operate.

i. *Procedure.* In the event of a violation of the regulations of this chapter, the city manager or his/her designee shall issue a notice of intent to suspend or revoke the permit to operate. The vendor shall have the right to request a hearing, as provided by code, within ten (10) days of service of the notice of intent. If no hearing is requested, the permit to operate shall be revoked or suspended upon the expiration of the appeal period set forth in [this] Code.

ii. *Basis for suspension/revocation of permit to operate.* Any permit to operate may be suspended and/or revoked by the city manager or his/her designee after a review, where it is determined that:

- a) The vendor has violated the provisions of this chapter; or
- b) The vendor has committed any act or engaged in action, which would constitute grounds for denial of a permit to operate pursuant to this chapter; or
- c) The vendor has engaged in fraud, misrepresentation, or false statements in applying for a permit under this ordinance or in conducting the vending operation or activity; or
- d) The vendor has failed to correct a violation under this chapter within the time period ordered by the city; or
- e) The vendor has operated or continued to operate without a permit to operate or after a permit to operate has been suspended or revoked.

n. *Enforcement.*

The provisions of this chapter may be enforced by any police or code enforcement officer, or the city manager or his/her designee.