



## TOWN COUNCIL PLANNING & ZONING COMMISSION MEETING MINUTES

**TUESDAY, MARCH 25, 2025 – 6:00 PM  
PIERSON TOWN CENTER**

5

### 1. Call meeting to order

Chairman Paul Martel called the meeting to order at 6:00 PM and asked Deputy Clerk Ryan Smith to take the roll call.

### 2. Roll call

#### PRESENT:

Chairman Paul Martel  
Vice Chairman R. Blair Davis  
Commissioner Pastor Max Tyus

Town Planner Mark Karet was also present. Commissioners Jonathan Vickers and Jeff Herren were absent.

### 3. Invocation and Pledge of Allegiance

Commissioner Tyus gave the invocation which was followed by the Pledge of Allegiance.

Chair Paul Martel said he would take a personal point of privilege to ask Deputy Clerk Ryan Smith to order shirts for the Planning & Zoning Commission. Commissioner Tyus's original shirt was misspelled. Chair Martel requested a long-sleeve shirt for himself, for which he would pay.

### 4. Approval of Minutes – Chairman Paul Martel

- a. August 20, 2024
- b. September 24, 2024

Chair Paul Martel read the titles and asked if there were any additions and/or deletions, if not he would entertain a motion for approval.

**Vice Chair Blair Davis made a motion to approve the August 20, 2024 minutes as written; seconded by Commissioner Pastor Max Tyus. All agreed; motion carries.**

**Vice Chair Blair Davis made a motion to approve the September 24, 2024 minutes as written; seconded by Commissioner Pastor Max Tyus. All agreed; motion carries.**

### 5. NEW BUSINESS

a. Ordinance 2025-01 – Food trucks in Pierson – Town Planner Mark Karet

Chair Paul Martel turned the meeting over to Town Planner Mark Karet. Mr. Karet directed the Commission to their agenda packets for a draft Ordinance and staff report regarding amending the Land Development Code to allow food trucks in the Town. Mr. Karet said the Town Council had directed staff to prepare the text amendment.

Mr. Karet said the current code did not permit food trucks or mobile food carts, but there were at least a couple that were operating in Town. Mr. Karet said the Town's enforcement process was not as vigorous as they could be which allowed the food trucks to operate. Mr. Karet said a lot of cities had prohibited food trucks in the past because they were often seen as nuisances or competition for existing site-built restaurants, but that started changing about a decade ago due to the recession and the popularity of food truck shows. Mr. Karet said cities have started allowing them.

Mr. Karet said the draft regulation for Pierson would allow food trucks in zonings B-1, B-1A, and B-2, which are the commercial and heavy commercial/industrial districts. Mr. Karet noted that food trucks would be referred to in the regulation as "mobile food vending vehicles" because that is how they are treated and referenced in State law. Mr. Karet read the definitions of mobile food vending vehicles.

Mr. Karet discussed the requirement for the location of the food trucks. On developed sites with existing parking lots, food trucks are required to park on paved surfaces provided rights-of-way and drive aisles are not impeded by the truck.

If the truck is on vacant property, a site plan must be provided to the Town for approval. Mr. Karet said the plan needed to show the location on the property but it did not need to be an engineered site plan because these were not permanent improvements to the property. Neighbors adjacent to the vacant property would need to be notified by Certified Mail of the attempt to operate a food truck. If the vacant property abuts residential zonings, a ten-foot wide natural landscape buffer or six-foot tall fence or wall must screen the food truck from the residential property zonings or uses.

Mr. Karet said the property should not be cleared for the purpose of operating a food truck. Food trucks may not operate within rights-of-way, landscape buffers, stormwater collection systems, conveyance systems, or easements. Food trucks may be exempted from these requirements if permitted through a Town-sanctioned event.

Mr. Karet explained the licensure requirements to operate a food truck through Department of Business & Professional Regulations (DBPR) and said the food truck would need written authorization from a property owner permitting operation of the food truck on eligible property.

Food trucks would be allowed to operate between 6:00 A.M. and 10:00 P.M. Food trucks will be required to meet the Florida Fire Prevention Code; the Volusia County Fire Marshal will complete fire inspections for the food trucks. Food trucks may not connect to utilities or septic tanks, but this does not include power through Duke Energy.

94  
95 Mr. Karet highlighted requirements for waste collection and disposal, and a flushable  
96 restroom within 400 feet for employees of food trucks operating for more than three hours.  
97 Food trucks cannot display any free-standing temporary signs with the exception of one  
98 sandwich board sign to describe the menu, and cannot use amplified speakers or other noise.  
99 If the State revokes or suspends the food vendor's license, or the license expires, the  
100 program is revoked or suspended immediately.  
101  
102 Chair Paul Martel asked the Commissioners if they had any opinions or questions for Mr.  
103 Karet.  
104  
105 Commissioner Tyus said there were several food trucks at the ball fields over the weekend  
106 and asked if there was an exemption there because the zoning is not commercial. Deputy  
107 Clerk Ryan Smith said the Town Council had approved the food trucks as part of Little  
108 League's opening day ceremonies.  
109  
110 Vice Chair Davis said he had no problem with food trucks in Town if they were licensed  
111 and asked how the permitting worked. Mr. Karet said the food truck owners would have to  
112 have authorizations and the Town would have to check whether a vendor's license was  
113 current. Deputy Clerk Ryan Smith said that businesses were currently required to obtain an  
114 annual business tax receipt from the Town and suggested that food truck licenses and  
115 insurance could be checked each year during this time to ensure they are current. Mr. Smith  
116 said if any complaints were made against a food truck to the Development Regulations  
117 Administrator (DRA), the DRA could request copies of the licenses and permits which  
118 should be kept on-site in the food trucks.  
119  
120 Chair Martel asked if the Town would be charging a fee, either annually or a one-time fee,  
121 to operate a food truck in Pierson. Mr. Karet said the State preempted some of local  
122 governments' ability to charge for licensing in certain areas and that included food trucks.  
123  
124 Vice Chair Davis asked if the DRA would be the one to receive complaints about trash or  
125 excessive use of a parking lot; Mr. Karet confirmed. Mr. Karet said there was a separate  
126 issue regarding how well and vigorous the Town's code enforcement functioned. Vice Chair  
127 Davis said a license fee was not a concern to him if the license was maintained and  
128 enforced.  
129  
130 Chair Martel said he felt the issue of fees should be addressed before proceeding. Mr. Karet  
131 said the Town had the ability to charge fees for businesses operating within the Town, but in  
132 some businesses the State had preempted that.  
133  
134 Chair Martel asked if a stationary food truck could hook up to a septic tank. Mr. Karet said  
135 the regulations were written so that they don't connect because the Town did not want to  
136 create situations where a food truck was not self-contained. Vice Chair Davis asked if food  
137 trucks had to dispose of onboard waste such as gray water or grease daily. Mr. Karet said he  
138 did not think it had to occur daily but should occur regularly.  
139  
140 Resident Gineva Peterson asked about the connection to central utilities. Mr. Karet said that

141 would include municipal water. Ms. Peterson said every food truck in Town was currently  
142 connected to water. Mr. Karet said he was not sure of the type of connection; Ms. Peterson  
143 said most were connected by hose. Mr. Karet said the regulations could be changed to state  
144 that there should be no permanent connection.

145

146 Ms. Peterson said her cart had a flushable restroom that would empty into a sani-can. Mr.  
147 Karet said this on-board system would meet the requirement for a flushable restroom. Chair  
148 Martel asked if a porta john would suffice. Mr. Karet said the regulations were written for  
149 the food trucks to be entirely mobile, meaning they would not leave behind trash or porta  
150 johns.

151

152 Deputy Clerk Ryan Smith asked if the Health Department required any on-site restrooms.  
153 Mr. Karet said he did not think they would.

154

155 Pete Glover said he felt an annual permit was a good idea. Mr. Glover said the food truck  
156 owner would have to provide a certification from the fire inspection and current  
157 documentation.

158

159 Mr. Glover asked if the current Ordinance was written as a daily use regulation and noted  
160 that most people who have food trucks parked in Town were not taking them home every  
161 night. Mr. Karet said the Ordinance did not go as far as requiring the trucks to be moved  
162 every night, but the idea was for the trucks to be mobile.

163

164 Vice Chair Davis said he felt language needed to be included in the regulations regarding  
165 licensure through the Town, to include an annual renewal in which the food truck owner  
166 would provide a current DBPR license and insurance.

167

168 Mr. Karet read a portion of the State law which states that no additional license, registration,  
169 or permit can be required by a municipality for food trucks.

170

171 The Commission discussed the possibility of the DRA checking in with food trucks  
172 annually to ensure that proper DBPR licensure and insurance was being maintained. Mr.  
173 Glover said the Town did not have to require an additional license or permit, but could  
174 confirm the licensing required by the State exists and is current.

175

176 Chair Martel asked Mr. Karet to contact the Town Attorney and clarify if the Town could  
177 require a permit.

178

179 Mr. Karet said he would modify the Ordinance to clarify that a permanent connection to the  
180 water system would be prohibited, and include a local annual license and fees if not  
181 preempted by State law.

182

183 Commissioner Tyus asked Mr. Karet how these regulations would be presented to existing  
184 food trucks in Town. Mr. Karet said if the Ordinance passed, someone would have to file a  
185 complaint against an existing business for the DRA to investigate any non-compliance  
186 issues.

187

188 Mr. Glover said the regulations were a good thing because food trucks are currently not  
189 permitted in Town and this gives them a path. Commissioner Tyus said he agreed that the  
190 regulations were a good thing as long as they were applied evenly.

191  
192 Chair Martel asked if the Clerk could send a letter to the existing food trucks informing  
193 them of the new regulations. Mr. Karet said it would be highly unusual, but it could be done.

194  
195 **Commissioner Pastor Max Tyus made the motion to approve the regulations as**  
196 **recommended by staff with the provisions that the Planning & Zoning Commission has**  
197 **made; seconded by Vice Chair Blair Davis. Motion carries on a roll call vote 3-0.**

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199 **6. OLD BUSINESS**

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201 There was none at this time.

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203 **7. GOOD AND WELFARE (Public Participation)**

204  
205 There was none at this time.

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207 **8. ADJOURNED**

208  
209 **Hearing no further comments, the meeting adjourned at 7:10 PM.**

210  
211 Minutes prepared by: Minutes approved by:

212  
213  
214 Ryan Smith, Deputy Clerk Paul Martel, Chairman