

WORKSHOP

Workshop on a Proposed Ordinance for Mobile Food Service Operations

**February 22, 2011
12:00 – 1:30 p.m.**

**Leon County Board of County Commissioner Chambers
Leon County Courthouse, 5th Floor**

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Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Workshop Item
Executive Summary

February 22, 2011

Title:

Workshop on a Proposed Ordinance for Mobile Food Service Operations

Staff:

Parwez Alam, County Administrator

Vincent S. Long, Deputy County Administrator

David McDevitt, Growth and Environmental Management Director

Issue Briefing:

This workshop item provides the background information and analysis of a proposed Ordinance regulating mobile food service operations (Attachment #1). Since 1995, the County has maintained a policy that provides the criteria for mobile food service operations. This policy was updated and amended in 2009 to address changes in technology and community needs. On September 21, 2010, the Board directed staff to conduct an analysis of the regulation of mobile food service operations and provide a report on these findings. Staff has analyzed how these operations are regulated by the State of Florida and other municipal jurisdictions across the state. The goal of the workshop is to provide the Board with information on the regulation of these types of business operations.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the staff report and presentation on the Workshop on a Proposed Ordinance for Mobile Food Service Operations, and direct staff to proceed with the adoption process for the proposed Ordinance.

Report and Discussion

Background:

In 1995, the County Attorney's Office (CAO), at the request of Growth and Environmental Management (GEM), specifically defined the scope of mobile lunch wagons (a.k.a. "mobile food service operations" and "mobile food dispensing vehicles"). The approach was to define "mobile" based on specifically identified criteria, and to conclude that food service operations that were "mobile" would not be required by the County to demonstrate compliance with the Land Development Code (LDC). In 2009, the County's policy regarding mobile food service criteria and related definitions was revised and updated by GEM and the CAO. As a result of ongoing inquiries regarding the County's regulatory position on mobile food service operations, staff provided the Board a status report on July 13, 2010.

On September 21, 2010, staff provided the Board with a follow-up report regarding the regulation of mobile food service operations by other jurisdictions (Attachment #2). The Board decided to strike the County's current language and allow the State of Florida's Administrative Code regarding food preparation safety to guide the County's enforcement of the "temporary use" issue concerning land use and schedule a workshop to address a county-wide Ordinance regulating mobile food service operations.

Analysis:

In 1994, the County began receiving several complaints concerning the operation of mobile food vendors on or near the right-of-way of major roadways in Leon County. At the time, these mobile food vendors were not regulated or addressed in the County's LDC. After discussions between GEM, the CAO, and other potentially affected regulatory agencies including, but not limited to, County Environmental Health, specific parameters were established to define a "mobile lunch wagon" (Attachment #3). Nine criteria were established to define a mobile lunch wagon operation. Provided the mobile food vendor satisfied the nine criteria, the operation would not be subject to the land use and zoning regulations and would not require development review or permit approvals from the County. However, the referenced mobile lunch wagon would not be exempt from any other requirement that would otherwise be applicable, specifically, state-mandated regulations.

After numerous LDC revisions and updates, and changes in applicable terminology and technology, staff determined that the previous regulatory approach to mobile lunch wagons required further clarification and updating. This review was initiated in 2008 by GEM and included County Environmental Health and the CAO. The process included a review of the previous mobile lunch wagon definitions and criteria, and determined that an update was necessary. On July 24, 2009, a new regulatory guidance memorandum was issued by GEM and the CAO which re-classified the term "mobile lunch wagon" to a "mobile food service operation" and re-defined and further clarified the parameters applicable to these types of operations (Attachment #4).

The revised guidance established 10 criteria for determining whether the proposed operation can be considered a mobile food service operation (MFSO); otherwise, the use is classified as a “small-scale food service operation,” which is considered a permanent land use and is subject to a minimal level of review for compliance with the County’s LDC. The criteria that currently must be satisfied in order to be considered a MFSO are as follows:

- 1) The operation is located within a zoning district that allows a restaurant, retail food service, or eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;
- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way;
- 9) The operation only sells produce or food products; and
- 10) The operation is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small scale food service operations are required to comply with the applicable provisions of the LDC. Small scale food service operations consisting of 300 gross square feet or less typically will only require review through completion of a Project Status Determination, as established in the LDC. This determination would be based on the operation’s proposed location (e.g. parking lot of an existing commercial operation) and availability of required infrastructure, such as central sewer and potable water. For small scale food service operations consisting of more than 300 gross square feet, but less than 1,000 gross square feet, an Administrative Streamlined Application (ASAP) is required.

Because the criteria for MFSO were developed in conjunction with other state agencies that regulate food service operations, modifications to the criteria without their input and coordination would potentially result in inconsistent or conflicting requirements that could impact public health and safety. At a minimum, these issues would include appropriate waste disposal, availability of potable water, and food safety and preparation issues, among others. Typically, due to the nature of the use, MFSO typically do not result in a demand for public infrastructure or other site-specific considerations (improved parking – including ADA accessible, restrooms, sidewalks, landscaping, storm water management facilities, etc.).

State Health and Safety Regulation:

According to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR), the State of Florida refers to these food vending operations as "Mobile Food Dispensing Vehicles, Hot Dog Carts and Commissaries." Leon County has experienced the majority of these operations in the form of mobile vehicles or trailers. Hot dog carts are more likely to be predominant in the more urban areas of the City of Tallahassee. DBPR provides a guide that defines a Mobile Food Dispensing Vehicle (MFDV) as:

An MFDV is classified as a vehicle-mounted public food service establishment, self-propelled or otherwise movable from place to place. Such vehicles must be self-sufficient for utilities (e.g. gas, water, electricity and liquid waste disposal). Each MFDV is required to have a state-approved commissary that they report to at least once a week. (Guide to Mobile Food Dispensing Vehicles, Division of Hotels and Restaurants)

Florida Administrative Code (61C-4.0161) provides the basic requirements for mobile food dispensing vehicles (Attachment #5). These state provisions are intended to ensure that MFDVs operate within the health and safety guidelines for the distribution and consumption of food products. This includes requirements for the provision of potable water, adequate facilities for disposal of liquid and solid waste, sanitizing of equipment and utensils, adequate refrigeration and storage capacity, and full provision of power utilities including electrical, LP gas, or a portable power generation unit, all of which must be in accordance with Subparts 5-3 and 5-4 of the Food Code.

The Florida Administrative Code also requires that mobile units report to an approved commissary at least once a week. A commissary is an approved food service establishment which provides the MFDV with food, supplies, sanitation of utensils, disposal of liquids and solids and the replenishing of potable water. An MFDV is required to report to a commissary daily if it is not self-sufficient, basically for disposal of effluents associated with the operation. The operator of each commissary must maintain a daily registry verifying that the division has properly licensed each MFDV that receives such services.

Finally, it is important to note that the applicable state regulations previously summarized that are implemented and enforced by DBPR are solely for the purpose of ensuring that appropriate health and safety guidelines are maintained during the distribution, preparation, and consumption of food products. The state-mandated requirements for an MFDV do not address applicable land use, zoning, and other regulatory requirements under the purview of local governments.

Overview of Other Counties in the State of Florida

Over the course of the past few months, staff contacted all 66 counties in the State of Florida to determine whether or not each county had any form of regulations concerning MFSOs. Out of the 66 counties that were contacted, staff received a response from 35 counties. Of those 35 counties, 31, or 88.5%, have some form of local regulation regarding MFSOs. A list of these counties is provided as an attachment to this report (Attachment #6).

In addition, staff collected comparative data for like-sized counties, such as those used in the Leon County Government Fiscal Year 2011 Budget Analysis. The counties included in that comparison include: Alachua, Escambia, Manatee, Marion, Osceola, Lake and St. Lucie. No response was received from Lake County; however, the remaining six like-sized counties do have local provisions for MFSOs. Three of the six like-sized counties have land development code regulations for MFSOs, while the other three regulate the use as a temporary use/special event.

For example, Alachua County has no LDC provisions for these uses and states that “true” mobile vendors (i.e. trucks that stop at construction sites to feed construction workers) are not regulated; however, they do note that “incidental food sales” are allowed on commercial properties, provided the space they occupy does not exceed 20% of the gross floor area of the principal building. Alternatively, Manatee County has no LDC provisions, but states that the MFSO must be entirely self-sufficient and keep moving, only stopping to sell the food. Osceola County also has no LDC provisions but does require an occupational license and limits the use to construction sites (which are closed to the public), special events or Planned Unit Developments where the use is considered an ancillary use. Neither of the referenced like-sized counties allows mobile food operations within a county maintained right-of-way.

Potential Impacts Resulting from no Local Regulation:

Should the County defer regulation of MFSOs to the State, it is anticipated that the County would potentially encounter a number of adverse impacts. As noted above, the State regulates these operations in regards to food health and safety. The State does not regulate where the MFSO can be located or it’s proximity to residential neighborhoods. Therefore, under State-only regulation, an MFSO could be located within or adjacent to a residential neighborhood, creating a potential nuisance for the neighborhood community.

Without local environmental regulatory review to ensure mitigative methods have been utilized, the MFSO may have an adverse impact to the protection of environmentally sensitive features as well as impacts to the stormwater management of the site in which the MFSO is located. The site upon which a MFSO is located may not have a formal or stabilized parking area, creating additional run-off issues.

Additionally, access to the site may not have been approved by the appropriate transportation authority (i.e. Florida Department of Transportation, Public Works or StarMetro) to ensure safe vehicular and/or pedestrian access from the right-of-way. This would especially be the case if the MFSO is located on a vacant parcel. Without proper review, access to an undeveloped site may create an unsafe vehicular access point to the right-of-way and could adversely impact the traffic circulation on the affected roadway. For example, without a dedicated turn lane, traffic may stack up or be forced to make abrupt stops on the highway or shoulder as vehicles enter/exit the site. An undeveloped site may also create difficulties for pedestrian and vehicular circulation, as well as safe access for emergency vehicles.

Mobile food vendors oftentimes utilize temporary signage to advertise their businesses. The majority of these signs does not meet minimum requirements for onsite signs and may be considered non-conforming or prohibited by current sign regulations. Should the County decide not to regulate MFSOs, non-conforming signage or prohibited signage may continue to proliferate, creating a public nuisance and encumbering code enforcement.

Staff Recommendation:

Staff has analyzed multiple jurisdictions across the State of Florida and note that the majority of like-sized counties provide local regulations for MFSOs. Leon County has maintained a guidance memorandum for defining MFSOs since 1995, but has not adopted an Ordinance to address MFSOs. The guidance memorandum provides the criteria for determining whether an establishment is truly an MFSO. If the establishment does not move from place to place on a regular basis it is not considered a true mobile operation. If the use is not considered a true mobile operation, then the use is regulated by the LDC as a permanent use and/or structure, and subject to review pursuant to the applicable regulations of the LDC.

Therefore, in recognition of the facts previously noted, staff recommends that the guidance memorandum, currently utilized by the Department of Growth & Environmental Management, be revised and implemented as a land development regulation as reflected in the proposed Ordinance (Attachment #1). The proposed Ordinance will provide the following MFSO criteria:

1. The operation is located within a zoning district allowing any of the following uses: restaurant; retail food-service; or, eating and drinking places,
2. The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it,
3. The vehicle or trailer is not affixed to a permanent structure or affixed to the ground with tie-downs, anchors, piers, pilings or a foundation,
4. The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider or external sanitary sewer facilities,
5. Hours of operation are between sunrise and sunset,
6. The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time,
7. The vehicle or trailer is not located in the right-of-way,
8. The operation only sells produce or food products; and,
9. The operation shall not be located on a vacant or undeveloped parcel.

The Ordinance would effectively classify MFSOs into two categories: a) those MFSOs that satisfy all MFSO criteria that are truly mobile; and, b) those small-scale food operations that are located in a zoning district allowing restaurants, but do not satisfy one or more of the remaining MFSO criteria. For those operations that satisfy all MFSO criteria, no additional review or permitting is necessary. Should an operation not satisfy all ten MFSO criteria, then the establishment would be subject to review pursuant to the applicable review process outlined in Article VII of the LDC. Staff also recommends that the proposed Ordinance be effective for all establishments not in existence on a developed, non-residentially zoned site at the time the Ordinance is adopted.

Options:

1. Accept the staff report and presentation on the Workshop for the Proposed Ordinance for Mobile Food Service Operations, and direct staff to proceed with the adoption process for the proposed ordinance.
2. Accept the staff report and presentation on the Workshop for the Proposed Ordinance for Mobile Food Service Operations, and do not direct staff to proceed with the adoption process for the proposed ordinance.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. Draft Mobile Food Service Operations Ordinance
2. September 21, 2010 Agenda Item for Mobile Food Service Operations Status Update
3. Mobile Lunch Wagon Definition, adopted 1995
4. July 24, 2009 Memorandum regarding Mobile Food Service Operation
5. Florida Administrative Code Citation for Mobile Food Dispensing Vehicles
6. Analysis of all Counties in the State of Florida

PA/VSL/DM/RC

ORDINANCE NO. 10- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI, DIVISION 8, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED "SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES," BY ADDING A NEW SECTION 10-6.817 ENTITLED "MOBILE FOOD SERVICE OPERATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as a result of a lack of regulatory provisions, the Leon County Board of County Commissioners has determined that continuing to allow mobile food service operations without certain limitations creates an adverse impact on vehicular circulation, environmental features, adjacent residential properties and County residents; and

WHEREAS, the Leon County Board of County Commissioners finds that additional measures to regulate mobile food service operations shall be created;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 10, Article VI, Division 8 of the Code of Laws of Leon County, Florida, which is entitled "Supplementary Regulations for Specific Uses," is hereby amended by adding a new section to be numbered Section 10-6.817 and entitled "Mobile Food Service Operations," to read as follows:

Sec. 10-6.817. Mobile Food Service Operations.

1. Purpose and Intent. This section provides regulations for small-scale food service operations and for mobile food service operations. Criteria to establish small-scale food service operations or operate as a mobile food service operations are set forth in this section.

1 2. Applicability. This section shall be applicable to and shall regulate any and all
2 mobile food service operations within the unincorporated portions of the County, unless
3 otherwise provided in Article VI and VII Chapter 10 of the Leon County Land Development
4 Code. In case of a conflict between the requirements in Article VI and VII of Chapter 10, Land
5 Development Code, and this Section, the provisions in Article VI and VII of Chapter 10, Land
6 Development Code, shall prevail.

7 3. Demonstration of compliance with specific standards.

8 a. Mobile Food Service Operation. A food service operation shall be determined to
9 be a mobile food service operation if it meets all of the following criteria:

- 10 (1). The operation is located within a zoning district allowing any of the
11 following uses: restaurant; retail food-service; or, eating and drinking
12 places;
- 13 (2). The operation is contained within a motor vehicle or a trailer that requires
14 a mobile vehicle to tow it;
- 15 (3). The vehicle or trailer is not affixed to a permanent structure or affixed to
16 the ground with tie-downs, anchors, piers, pilings or a foundation;
- 17 (4). The operation is entirely self-contained, meaning that it does not utilize
18 the physical infrastructure of an external utility provider or external
19 sanitary sewer facilities;
- 20 (5). Hours of operation are between sunrise and sunset;
- 21 (6). The vehicle or trailer is not located on the same site for more than twelve
22 (12) consecutive hours at a time;
- 23 (7). The vehicle or trailer is not located in the right-of-way;

1 (8). The operation only sells produce or food products; and,

2 (9). The operation shall not be located on a vacant or undeveloped parcel.

3 b. Exemptions. Mobile food service operations shall not be subject to site and
4 development plan review but shall not be exempt from any other applicable local,
5 state or federal permitting requirements.

6 c. Small Scale Food Service Operation. A food service operation shall be
7 determined to be a permanent, non-mobile, small-scale food service operation if
8 the operation meets 3(a)(1) above but does not meet one or more of the remaining
9 criteria. Small-scale food service operations shall be located on developed parcels
10 with an existing non-residential use(s) and shall be subject to site and
11 development plan review, at minimum, pursuant to the Administrative
12 Streamlined Application Process (ASAP). Documentation noting approval of the
13 small-scale food service operation from the state regulatory authority authorized
14 to issue permits for mobile food dispensing vehicle(s) shall be required prior to
15 final site and development plan approval.

16 d. Prior Established Small-Scale Food Service Operations. A small-scale food
17 service operation in existence on a developed, non-residentially zoned parcel
18 upon the date this ordinance becomes effective shall not be subject to the
19 requirements noted in this ordinance. However, any further development or
20 expansion of an existing small-scale food service operation shall be subject to the
21 applicable regulations of the LDC.

22

1 **Section 2.** **Conflicts.** All ordinances or parts of ordinances in conflict with the
2 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
3 extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended,
4 which provisions shall prevail over any part of this ordinance which is inconsistent, either in
5 whole or in part, with the said Comprehensive Plan.

6 **Section 3.** **Severability.** If any word, phrase, clause, section or portion of this
7 ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such
8 portion or words shall be deemed a separate and independent provision and such holding shall
9 not affect the validity of the remaining portions thereof.

10 **Section 4.** **Effective Date.** This ordinance shall have effect upon becoming law.

11 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon
12 County, Florida, this _____ day of _____, 2011.

LEON COUNTY, FLORIDA

By: _____
John Dailey, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

Back Print



Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Agenda Item
Executive Summary

Tuesday, September 21, 2010

<p>Title: Acceptance of the Status Report on the County's Regulation of Mobile Food Service Operations</p>
<p>Staff: Parwez Alam, County Administrator Vincent S. Long, Deputy County Administrator David McDevitt, Growth and Environmental Management Director</p>

Issue Briefing:

This item requests Board acceptance of the staff report for the regulatory consistency review of mobile food service operations. Staff has analyzed the regulations of other similar jurisdictions in order to provide a comparison of Leon County's approach regarding the regulation of mobile food service operations. Based on this review, staff is requesting Board approval to proceed with proposed revisions to the County's Land Development Code to address these types of operations.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the County's regulation of mobile food service operations, and direct staff to draft Land Development Code provisions to address mobile food service operations.

Report and Discussion

Background:

At the Board's September 14, 2010 meeting, staff was directed to provide additional information concerning the County's regulation of mobile food service operations, also known as mobile food dispensing vehicles or mobile food vending operations. Additionally, staff was directed to provide information concerning the regulation of this type of activity in other jurisdictions.

In 1995, the County Attorney's Office (CAO), at the request of Growth and Environmental Management (GEM), specifically defined the scope of mobile lunch wagons (a.k.a. "mobile food service operations" and "mobile food dispensing vehicles"). The approach was to define "mobile" based on specifically identified criteria, and to conclude that food service operations that were "mobile" would not be required by the County to demonstrate compliance with the Land Development Code (LDC). In 2009, the County's mobile food service criteria and related definitions were revised and updated by GEM and the CAO. As a result of ongoing inquiries regarding the County's regulatory position on mobile food service operations, staff provided the Board a status report on July 13, 2010 (Attachment #1).

Analysis:

In 1994, the County began receiving several complaints concerning the operation of mobile food vendors on or near the right-of-way of major roadways in Leon County. At the time, these mobile food vendors were not regulated or addressed in the County's LDC. After discussion between GEM, the CAO, and other potentially affected regulatory agencies including, but not limited to, County Environmental Health, specific parameters were established to define a "mobile lunch wagon" (Attachment #1). Nine (9) criteria were established to define a mobile lunch wagon operation. Provided the mobile food service satisfied the nine criteria, the operation would not be subject to the land use and zoning regulations and would not require any development review or permit approvals from the County. However, the referenced mobile food service operation would not be exempt from any other requirement that would otherwise be applicable, specifically, state-mandated regulations.

Since 1995, after numerous LDC revisions and updates, and changes in applicable terminology and technology, staff determined that the previous regulatory approach to mobile food service operations required further clarification and updating. This review was initiated in 2008 by GEM and included County Environmental Health and the CAO. The process included a review of the previous mobile food service definitions and criteria, and determined that an update was necessary. On July 24, 2009, a new regulatory guidance memorandum was issued by GEM and the CAO which re-classified the term "mobile lunch wagon" to a "mobile food service operation" and re-defined and further clarified the parameters applicable to these types of operations (Attachment #1).

The revised guidance established 10 criteria for determining whether the proposed operation could be considered a mobile food service; otherwise, the use is classified as a "small-scale food service operation," which is considered a permanent land use and is subject to a minimal level of review for compliance with the County's LDC. The 10 criteria that must be satisfied in order to be considered a mobile food service operation are as follows:

- 1) The operation is located within a zoning district that allows a restaurant, retail food service, or eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;

- 5) The operation is entirely self-contained, meaning that it does not utilize the public infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;
- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way;
- 9) The operation only sells produce or food products; and
- 10) The operation is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small scale food service operations are required to comply with the applicable provisions of the LDC. Small scale food service operations consisting of 300 gross square feet or less typically will only require review through completion of a Project Status Determination, as established in the LDC. This determination would be based on the operation's proposed location (e.g. parking lot of an existing commercial operation) and availability of required infrastructure, such as central sewer and potable water. For small scale food service operations consisting of more than 300 gross square feet, but less than 1,000 gross square feet, an Administrative Streamlined Application (ASAP) is required.

Since mobile food service operations do not require a permit from GEM, the Department does not have records to indicate how many of these operations are currently in the unincorporated County. Additionally, the City of Tallahassee does not have specific regulatory criteria, policies, or code regulating mobile food service operations. The majority of the mobile food vendors located within the City limits are located on the same parcel as existing businesses which provide access to public parking, restrooms, potable water and waste disposal facilities. The City of Tallahassee does require a business license for food service vendors, which appears to allow for a cursory level of review for such proposals inside the corporate limits.

Because the criteria for mobile food service operations were developed in conjunction with other state agencies that regulate food service operations, modifications to the criteria without their input and coordination would potentially result in inconsistent or conflicting requirements that could impact public health and safety. At a minimum, these issues would include appropriate waste disposal, availability of potable water, and food safety and preparation issues, among others. Typically, due to the nature of the use, mobile food service operations do not result in a demand for public infrastructure or other site-specific considerations (improved parking – including ADA accessible, restrooms, sidewalks, landscaping, storm water management facilities, etc.).

State Health and Safety Regulation:

According to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR), the State of Florida refers to these food vending operations as "Mobile Food Dispensing Vehicles, Hot Dog Carts and Commissaries." Leon County has experienced the majority of these operations in the form of mobile vehicles or trailers. Hot dog carts are more likely to be predominant in the more urban areas of the City of Tallahassee. DBPR provides a guide that defines a Mobile Food Dispensing Vehicle (MFDV) as:

An MFDV is classified as a vehicle-mounted public food service establishment, self-propelled or otherwise movable from place to place. Such vehicles must be self-sufficient for utilities (e.g. gas, water, electricity and liquid waste disposal). Each MFDV is required to have a state-approved commissary that they report to at least once a week. (Guide to Mobile Food Dispensing Vehicles, Division of Hotels and Restaurants)

Florida Administrative Code (61C-4.0161) provides the basic requirements for mobile food dispensing vehicles. These state provisions are intended to ensure that MFDVs operate within the health and safety guidelines for the distribution and consumption of food products. This includes requirements for the provision of potable water, adequate facilities for disposal of liquid and solid waste, sanitizing of equipment

and utensils, adequate refrigeration and storage capacity, and full provision of power utilities including electrical, LP gas, or a portable power generation unit, all of which must be in accordance with Subparts 5-3 and 5-4 of the Food Code.

Additionally, the Florida Administrative Code requires that mobile units report to an approved commissary at least once a week. A commissary is an approved food service establishment, which provides the MFDV with food, supplies, sanitation of utensils, disposal of liquids and solids and the replenishing of potable water. An MFDV is required to report to a commissary daily if the MFDV is not self-sufficient, basically for disposal of effluents associated with the operation. The operator of each commissary must maintain a daily registry verifying that the division has properly licensed each MFDV that receives such services.

Finally, it is important to note the applicable state regulations previously summarized that are implemented and enforced by DBPR are solely for the purpose of ensuring that appropriate health and safety guidelines are maintained during the distribution, preparation, and consumption of food products. The state mandated requirements for an MFDV do not address applicable land use and other regulatory requirements under the purview of local governments.

Analysis of Other Jurisdictions:

At the Board's September 14, 2010 meeting, staff was directed to provide additional information regarding the regulation of mobile food service vendors. The Board requested that staff provide an analysis of the regulation of mobile food service vendors from other jurisdictions. Staff has researched and assembled information from jurisdictions within the State of Florida and other jurisdictions outside the State of Florida. The following is a synopsis of the regulations for mobile food vendors for the referenced jurisdictions:*

Florida Jurisdictions:

- Tallahassee, Florida: Does not currently have any land development code requirements for regulating mobile food service operations. However, the City of Tallahassee does require the proposed mobile food vendor to secure an occupational license.
- Orange County: Does not allow for mobile food vendors to remain overnight and they are not permitted on vacant property or property not containing an approved business (Orange County Code of Ordinances, Section 38-79.87).
- Jacksonville/Duval County: Requires that the mobile food operation be located within 50 feet of a trash receptacle and within 100 feet of a public restroom facility (Jacksonville Code of Ordinances, Sec. 250.121).
- Hillsborough County: Requires the applicant to secure a conditional/temporary use permit for the operation of the mobile food service, and if necessary, a building and/or tent permit (Hillsborough County Conditional Use Application).
- Pinellas County: Requires that the applicant secure a temporary use permit and zoning clearance; however, no parcel shall be occupied by a temporary use for more than 90 days in any calendar year. The temporary use shall also ensure safe and adequate ingress/egress to the property (Pinellas County Code of Ordinances, Section 138-1338).
- Charlotte County: Mobile food vendors can only be located in a zoning district that allows retail food uses, they cannot be located on a vacant parcel, and operator must obtain a 30 day temporary use permit with only one (1) additional 30 day renewal of the permit allowed (Charlotte County Code of Ordinances, Section 3-9-95.1).
- Panama City, Florida: Does not allow mobile food service operations.
- St. Lucie County: Categorizes mobile food vendors into two categories: Class I and Class II. Class I vendors are self-contained and shall move every 2 hours. Class II vendors are allowed to stay provided there is adequate restroom facilities, parking and the use is conducted on a commercial site with infrastructure in place.
- Orlando, Florida: Requires the vendor to obtain a peddler's permit and the operation cannot be located on any one site for more than 48 hours.
- Escambia County: Requires an occupational license and the use may only be allowed in a commercial zoning district.
- Lake City, Florida: Mobile food vendors are only allowed to operate between the hours of 8 a.m. to 6 p.m., Monday through Friday. Requires a permit that is good for one year, and the proprietor is required to pay an annual fee to compensate the city for public safety services and must carry liability insurance (Lake City Code of Ordinances, Section 26-155).
- Marion County: Vendors are only allowed in agricultural, commercial or industrial zoning districts, and requires adequate restroom facilities when more than two persons are employed onsite and a parking area suitable for handicap accessibility.
- Collier County: Does not allow mobile food service operations.

- Alachua County: Vendors are limited to a 3-day temporary use permit, once every 60 days on the same site; otherwise, they are not allowed.

Other Jurisdictions:

- Fort Worth, Texas: Ordinance limits the hours of operation from 7 a.m. to 2 a.m. Merchandisers and mobile vendors are required to remove the mobile vending unit daily from the property, mobile vendors must park on an improved surface, and no mobile vendor may be located on a vacant lot.
- Chicago, Illinois: Must be taken to a licensed commissary or other food dispensing establishment at least once per operating day. Unless serviced by a mobile support unit, or operating at a community event, a mobile food facility must be taken to a licensed commissary or other food dispensing establishment on a daily basis for cleaning and servicing. Also, vendors must have public restroom facilities within 200 feet of the mobile food service operation.
- Denver, Colorado: Mobile units shall operate from a commissary base and need to report to it daily for cleaning and servicing. Mobile trucks are restricted to operating in commercial locations for no more than 4 hours per 24 hour day, and mobile trucks are prohibited in residential areas.

* *Some of the information noted was collected verbally from the referenced jurisdiction's staff and may not contain the citation of the Code of Ordinances from their Land Development Code.*

Of the jurisdictions that were contacted, almost all appear to regulate mobile food service operations through their land development regulations. Also, most typically have consistent requirements in that the mobile food service operations can only be located in a commercial or industrial zoning district, they are prohibited on vacant parcels, and they must have access to adequate public restroom facilities. Additionally, most jurisdictions limit the time that a vendor can be at a specific location. This limitation ranges from two (2) hours to as long as 90 days with an approved temporary permit, with the average time limitation of the jurisdictions surveyed generally ranging from approximately four (4) hours to one day.

Research on this issue has also found that many jurisdictions are experiencing an increase in mobile food service operations. It appears this trend may be directly related to the current economic conditions and the relatively lower start-up costs associated with establishing a mobile food service when compared to a conventional restaurant. Also, the increasing popularity of such operations appear to be driven by the ability of the operator to utilize emergent social media, such as Facebook and Twitter, to advertise and promote the service as well as to notify prospective customers of the current and planned location(s) of the service provider.

The County's LDC does not include provisions that specifically address mobile food service operations. As previously noted, currently the County essentially defines a mobile food service operation, and if the proposed or existing operation does not qualify through definition as a mobile food service operation, then the use would be subject to the applicable provisions of the County's LDC for the establishment of a permanent commercial retail land use at a specific location.

Subsequent to the review of the referenced jurisdictions, and in view of what appears to be the potential for an increase in mobile food service operations based on current economic conditions and emerging social media utilization, staff recommends that the Board consider amending the County's LDC to clarify and specifically regulate mobile food service operations. An Ordinance which regulates mobile food service operations would provide the public with a clear understanding of the land use requirements, as well as the regulatory framework applicable for these types of operations, and would also provide the County with the ability to ensure compliance and mitigate potential adverse impacts to adjacent property owners and the traveling public. Additionally, such an Ordinance would assist in adequately regulating, and could also potentially facilitate, what appears to be an emerging trend in the food service industry.

Options:

1. Accept the status report on the County's regulation of mobile food service operations and direct staff to draft Land Development Code provisions to address mobile food service operations.
2. Accept the status report on the County's regulation of mobile food service operations and do not direct staff to draft Land Development Code provisions to address mobile food service operations.
3. Board Direction.

Recommendation:

Option #1.

Attachment:

1. July 13, 2010 Board of County Commissioner's agenda item titled "Acceptance of the Status Report of the County's Regulation of Mobile Food Service Operations"

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Board of County Commissioners

Leon County, Florida

www.leoncountyfl.gov

Agenda Item Executive Summary

Tuesday, July 13, 2010

Title:

Acceptance of the Status Report Regarding the County's Regulation of Mobile Food Service Operations

Staff:

Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
David McDevitt, Growth and Environmental Management Director

Issue Briefing:

This item requests Board acceptance of the status report regarding the County's regulation of mobile food service operations. In addition, a review, analysis, and status report on the food service operation known as Chubo's Dawg House, located on North Monroe Street, are provided.

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report regarding the County's Regulation of mobile food service operations.

Report and Discussion

Background:

In response to recent inquiries regarding the regulation of mobile food service operations, commonly referred to as “mobile lunch wagons”, staff has prepared a status report concerning the County’s regulation of these mobile food service operations. In 1995, a policy was created by the County Attorney’s Office (CAO) at the request of Growth and Environmental Management (GEM), specifically to define the scope of a mobile lunch wagon (Attachment #1). In 2009, the Mobile Lunch Wagon Policy was revised and updated (Attachment #2).

Recently, Mr. Chuck Stensland, who operates a business by the name of “Chubo’s Dawg House” at 3700 North Monroe Street, has received a significant amount of inquiry from various regulatory entities and the County over the last few weeks. Specifically, it appears that Mr. Stensland opened his business on March 1, 2010, and has maintained a position that his business falls into the category of a mobile food service operation (a.k.a. mobile lunch wagon) and should be regulated accordingly.

Mr. Stensland first made contact with GEM in early February of 2010. Mr. Stensland initially inquired about, and was provided with, information regarding the general zoning districts which allow eating and drinking establishments. Since the initial meeting, Mr. Stensland has met with different members of GEM in attempts to establish his business at a specific location.

The following background information provides a timeline of events in regards to Mr. Stensland’s interactions and correspondence with staff since early February of 2010:

- February 8, 2010: Mr. Stensland met with Development Services at GEM to discuss placement of a “hot dog and hamburger” stand at 3322 N. Monroe Street (PID#21-15-51-500-153-0). Mr. Stensland requested a temporary power pole to provide electricity to his operation. Staff noted that the site in question was zoned M-1 (Light Industrial), which does not allow eating and drinking establishments. Information regarding mobile food service operations was provided to Mr. Stensland.
- February 9, 2010: An email was sent by Sheila Williams, Planner II, to Mr. Stensland’s partner, Bob Bethea, providing the operators with a list of zoning districts which allow eating and drinking establishments, and listing those districts which do not allow them at all (Attachment #3).
- February 18, 2010: Staff met with Mr. Stensland regarding his desire to establish the mobile lunch wagon business on a more permanent basis. His intent was to establish the business on Parcel ID# 21-10-51-361-118-5, which is located on N. Monroe Street, and zoned Commercial Parkway (CP).
- February 19, 2010: An email was sent by Scott Brockmeier, Development Services Administrator, to Mr. Stensland, which provided him with the Mobile Food Service Operations Policy Memorandum that outlines the criteria necessary to qualify as a mobile food service operations (Attachment #4). Mr. Brockmeier notes that a business that qualifies as a “mobile food service operation” is exempt from local permitting requirements.
- February 22, 2010: Mr. Stensland met with staff to review the Mobile Food Service Operation Policy and the requirements of the CP zoning district.
- March 1, 2010: Mr. Stensland opened his business, Chubo’s Dawg House, at 3700 N. Monroe St. (PID#21-10-51-361-118-5).

- March 18, 2010: Mr. Stensland requested a permit to construct an electrical pole to connect his business to the overhead electrical service. Staff informed Mr. Stensland that a mobile food service operation was to be completely self-contained, and that connecting the business to an electrical service would no longer qualify his business as a mobile food service operation. Because Mr. Stensland did not want to convert the operation to a permanent use by completing the required development review and permitting processes, a permit for construction of an electrical service pole was not issued.
- April 16, 2010: GEM received a complaint from the Department of Business and Professional Regulation on Chubo's Dawg House, alleging that building construction had commenced onsite without a permit. A site inspection was completed by staff on April 19, and the complaint was determined to be valid. Pursuant to the County's Code of Laws, the property owner, Gene Wilcox, was notified of the violation and was required to submit for and receive approval of the appropriate building permits.
- April 19, 2010: Mr. Stensland submitted an application for a Permitted Use Verification (PUV) to GEM in order to determine if the mobile food service use was in compliance with the applicable provisions of the LDC.
- May 18, 2010: Staff met with Mr. Wilcox and Mr. Stensland to discuss Mr. Stensland's business operation. During the meeting, the property owner and tenant were informed of the County's requirements to establish a permanent business at the 3700 N. Monroe location, which included the options of amending the current site and development plan (LSP030016) approval for the site, abandoning the site plan approval on the property in question, or establishing a mobile food service operation consistent with the criteria for mobile food service operations.
- May 25, 2010: Staff met with the property owner, Mr. Gene Wilcox, to clarify the information presented at the May 18, 2010 meeting.
- May 29, 2010 and June 4, 2010: Staff made attempts without success to contact the property owner, Mr. Wilcox, to determine the owner's progress in addressing the previously identified issues regarding the operation's noncompliance as a mobile food service operation and inactivity concerning the establishment of the use as a permanent business.
- June 8, 2010: Staff received a complaint on Chubo's Dawg House, indicating the business was operating without site and development plan approval.

- June 8, 2010: The tenants, Mr. Stensland and Mr. Bethea, met with County Administration and GEM staff after the Board of County Commissioners' meeting. County Administration informed the tenants that staff would investigate other possible alternatives in order to comply with the applicable regulations.
- June 15, 2010: The Leon County Department of Health (DOH), Environmental Health, contacted GEM to inform staff that Chubo's had been denied approval of their request for a gray water/sewage containment system. Environmental Health noted that if the business was not considered a mobile food service operation, as would be the case if a gray water/sewage containment system was planned, then it would be considered a permanent use and be required to connect to the central sanitary sewer system that is available at the site. Additionally, they noted that the business had been issued a license for a mobile food dispensing vehicle (MFD#3050037) and utilization of a stationary holding tank was inconsistent with the approved state license.
- June 18, 2010: A PUV (VC100039) was issued to Mr. Stensland for the food service operation located on North Monroe Street (Attachment #5). The PUV provided four options that the tenant could undertake in order to bring the business into compliance with the applicable provisions of the LDC. The four options provided to Mr. Stensland in the PUV are as follows:
 1. Vacate/abandon the current valid site plan approval, and submit an Administrative Streamlined Application (ASAP) site plan for a non-mobile, permanent food service operation on the parcel in question.
 2. Final the approved Environmental Management Permit (EMP) to implement approved site plan's supporting infrastructure (or bond) and record a final plat, then submit an ASAP site plan for non-mobile operation on the "out-parcel."
 3. Operate consistent with the criteria for a mobile food service operation
 4. Apply for a Temporary Use Permit (maximum of 60 consecutive days): Temporary Use Permits are limited to a period of 15 consecutive days with allowances for a one-time extension of 15 consecutive days. Not more than two temporary use permits with two 15 day extensions shall be issued on a specific parcel within any given calendar year.
- June 28, 2010: Vincent Long and David McDevitt met with the operators of Chubo's Dawg House to discuss the options, as noted in the PUV for the site that was issued by the County on June 18, 2010. Specifically, Option #3 and Option #4 were discussed, especially the requirements to establish the use as a permanent food service operation. Also, staff indicated the County's willingness to consider a time extension for a Temporary Use Permit (Option # 4) to allow the operators additional time if required to complete development review and permitting processes.

As of June 30, 2010, the applicant has not proceeded with, or submitted, an application for any of the four referenced options. Therefore, the zoning violation for operating a business without proper approval remains outstanding. Additionally, staff has been informed by County Environmental Health that the owner and/or tenant will be required to address the outstanding issues regarding the applicable requirements of the DOH, the Department of Environmental Protection (potable water use/source), and the Department of Business and Professional Regulation (restaurant regulations).

Analysis:

In 1994, staff began receiving several complaints concerning the operation of mobile food vendors on or near the right-of-way of major roadways in Leon County. At the time, these mobile food vendors were not regulated within the County's Zoning Code. After discussion between GEM, the CAO and other affected regulatory agencies including, but not limited to, the County Environmental Health, staff created a policy which defined the parameters of a "mobile lunch wagon". The policy provided nine criteria that defined a mobile lunch wagon operation. Provided the mobile lunch wagon satisfied the nine criteria, the mobile lunch wagon would not be subject to the local zoning regulations of Leon County and would not require any development review or permit approvals from GEM. However, the referenced mobile lunch wagon would not be exempt from any other requirement that would otherwise be applicable, specifically state-mandated regulations.

Since 1995, and after numerous Land Development Code revisions, Comprehensive Plan amendments and changes in technology, staff determined that the previous policy regarding the regulation of mobile lunch wagons required further clarification and updating. This review was initiated in 2008 by GEM and included County Environmental Health and the CAO. The process included a review of the previous mobile lunch wagon definition and policy, and determined that an update to the policy was necessary in order to address any possible conflicts with local, state and/or federal regulations. As a result, on July 24, 2009, a new policy memorandum was issued by GEM and the CAO which reclassified the term "mobile lunch wagon" to a "mobile food service operation" and re-defined the parameters of a mobile food service operation.

This revised policy provides 10 criteria for determining whether the proposed use could be considered a mobile food service operation; otherwise, the proposed use is classified as a "small-scale food service operation", which is considered a permanent land use and is subject to a minimal level of review for compliance with the County's Land Development Regulations. The 10 criteria that must be satisfied in order to be considered a mobile food service operation are as follows:

- 1) The operation is located within a zoning district that allows a restaurant, retail food-service, or eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;
- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way;
- 9) The operation only sells produce or food products; and
- 10) The operation is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small scale food service operations are required to comply with the applicable provisions of the Leon County Land Development Code. Small scale food service operations consisting of 300 gross square feet or less may require only a Project Status Determination. This determination would be based on the operation's proposed location (e.g. parking lot of an existing commercial operation) and availability of required infrastructure, such as central sewer and potable water. For small scale food service operations consisting of more than 300 gross square feet, but less than 1,000 gross square feet, an Administrative Streamlined Application (ASAP) is required.

Since mobile food service operations do not require a permit from GEM, the Department does not have records to indicate how many of these uses are currently in operation in the unincorporated County. In comparison, the City of Tallahassee does not have specific policies or code regulating mobile food service operations. Additionally, the majority of the mobile food vendors located within the City limits are located on the same parcel as existing businesses which provide access to public parking, restrooms, central potable water and sanitary waste disposal. The City of Tallahassee does require a business license for food service vendors, which appears to afford some level of review for such proposals inside the corporate limits.

With regard to the Chubo's Dawg House issue as previously outlined, the current operation is not in compliance with the County's criteria for a mobile food service operation. Because the criteria for mobile food service operations were developed in conjunction with other state agencies that regulate food service operations, modifications to the criteria without their input and coordination would potentially result in inconsistent or conflicting requirements that could impact public health and safety. At a minimum, these issues would include appropriate waste disposal, availability of potable water, and food safety and preparation issues, among others. Basically, mobile food service operations do not typically result in a demand for public infrastructure or other site-specific elements (improved parking – including ADA accessibility, restrooms, sidewalks, landscaping, storm water management facilities, etc.).

Additionally, the parcel on which the Chubo's operation is occurring has an approved and valid site and development plan (and implementing Environmental Management Permit). According to Section 10-7.401, of the County's Land Development Code, only one approved site and development plan shall be in effect for any parcel of land at any time. Therefore, unless Chubo's chooses to proceed with either Option #3 or Option #4, as noted in the PUV, the approved site and development plan for the property in question will need to be either modified or vacated to establish a permanent food service operation.

Option #4 would appear to provide the tenants the greatest flexibility. This option would allow the tenants to proceed with establishing the operation as a permanent use on the site in question or would allow them to continue the current operation while providing them time to locate another site appropriate to the scope of their desired operation. Additionally, should the tenants decide to pursue Option #4, staff would consider extending the Temporary Use Permit to allow them to operate during the completion of the development review and permitting that would be required to establish a permanent food service operation.

However, if the current tenant and operator of Chubo's Dawg House fails to comply in a timely manner with the provisions noted in the PUV that was issued by the County on June 18, 2010, staff will initiate a code enforcement action against the property owner. Should this be the case, the issue would be forwarded to the County's Code Enforcement Board for review and final disposition.

Options:

1. Accept the status report regarding the County's regulation of mobile food service operations.

2. Do not accept the status report regarding the County's regulation of mobile food service operations.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. 1995 Definition of Mobile Lunch Wagon
2. 2009 Policy Interpretation of Mobile Food Service Operations
3. February 9, 2010, email from Sheila Williams to Bob Bethea
4. February 19, 2010, email from Scott Brockmeier to Chuck Stensland
5. Permitted Use Verification Certificate (VC100039)

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From Julie

Definition for Mobile Lunch Wagon:

A mobile lunch wagon will not be regulated by local zoning regulations if all of the following conditions are met:

1. The wagon is a motor vehicle or a trailer that requires a motor vehicle to tow it;
2. The wagon is entirely self-contained;
3. The wagon is not permanent (Indications of permanence include, but are not limited to attached or unattached structures, utility hookups, external flags, tie downs, poles, anchors, or signs not directly fixed onto the wagon);
4. The hours of operation of the wagon are between sunup and sundown;
5. The wagon is located on a site for no more than four hours at a time;
6. Unless on an active construction site, the wagon does not locate on a site more than once in a 24-hour period;
7. Unless on an active construction site, the wagon may not locate within 1,000 feet of its two immediately previous locations;
8. The wagon is not located within the right of way; and
9. The wagon sells only prepared food products and produce.

This would carry at
next LDR meeting
6/23/85 unless
you want to get
repl. at regular
interval of 6/23 -
H. 6/6

Board of County Commissioners
Interoffice-Memorandum

DATE: July 24, 2009
TO : Parwez Alam, County Administrator
Vince Long, Deputy County Administrator
Herbert W. A. Thiele, LCAO
Laura Youmans, LCAO
Wayne Tedder, Tallahassee-Leon County Planning Department
Russell Snyder, Tallahassee-Leon County Planning Department
David McDevit, Director, DGEM
DGEM, Development Services Division staff
FROM: Adam A. Biblo, AICP, Director, Development Services Division
SUBJECT: Interpretation of Leon County Land Development Code –
Mobile Food Service Operations: definition, standards, and appropriate level of
review for mobile and other small-scale food service operations.

Pursuant to my authority to interpret the Leon County Land Development Code in accordance with Section 10-6.110, I have been asked to clarify what constitutes a *mobile lunch wagon* and what regulatory standards, within the context of the Leon County Land Development Code, pertain to mobile lunch wagons.

Based on discussions with the County Attorney's Office, the Building Inspection Division staff, and Development Services Division staff, I have determined that a *mobile lunch wagon*, which are hereafter referred to as *mobile food service operations*, should be exempt from review for compliance with the Leon County Land Development Code based on their relatively minimal size and the temporary nature of these uses. *Small-scale food service operations* are somewhat more permanent in nature and, therefore, are required to undergo a minimal level of review for compliance with the Land Development Code.

A food service operation will be determined to be a *mobile food service operation* if it meets all of the following criteria:

- 1) The operation is located within a zoning district allowing any of the following uses: restaurant; retail food-service; or, eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;

- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way; and,
- 9) The operation only sells produce or food products.
- 10) Is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small food service operations meeting criterion #1, re zoning, but not meeting one or more of the other criteria set out above may still be eligible for approval via Project Status Determination or ASAP, as follows: if the total size of the proposed operation is 300 square feet or smaller, it may be reviewed for approval at project status determination; if it is less than 1000 square feet but greater than 300 square feet in size, it may be reviewed for approval using the ASAP process.

Sheila Williams - Properties/Zoning Districts

From: Sheila Williams
To: biggiant54@aol.com
Date: 02/09/2010 2:16 PM
Subject: Properties/Zoning Districts
Attachments: SKMBT_C35310020915070.pdf

Here's a map of properties in and around the area. Various zoning districts allow eating/drinking establishments.

OR-2, M-1 zoning districts - DO NOT allow eating and drinking establishments

C-2, CP zoning districts - DO allow eating and drinking establishments

LP zoning district - eating and drink establishments may be allowed as SPECIAL EXCEPTIONS.

See attached map.

(I'll be out of the office tomorrow and return on Thursday).

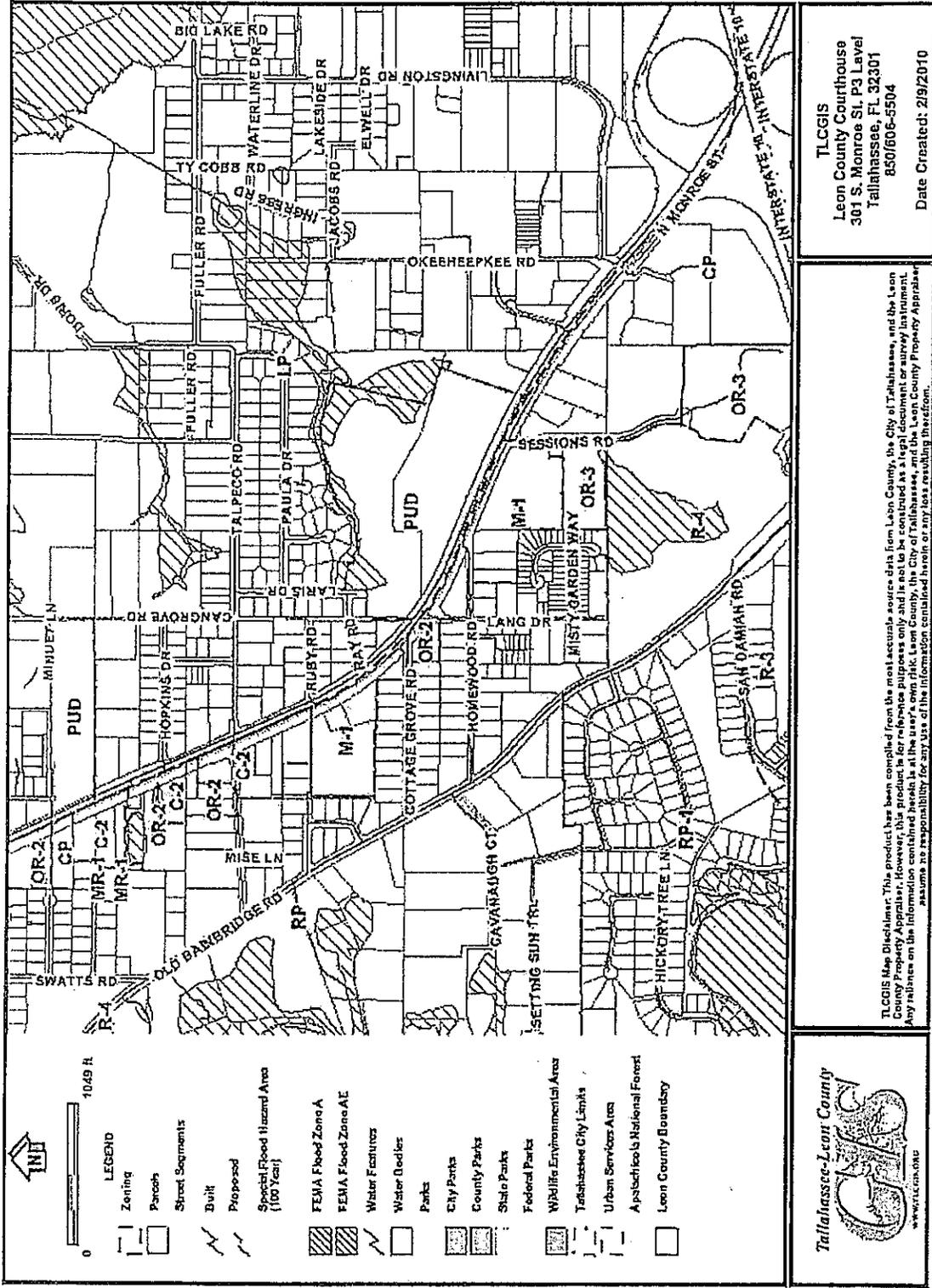
STW

Sheila T. Williams, Planner II
Leon County Growth & Environmental Management
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301
Office (850)-606-1300
Fax (850)-606-1301

Did you know that most homeowners can easily add an accessory dwelling unit to their existing house? Leon County allows both attached and detached accessory dwelling units. Applications fees are low, the review process is quick, and in most instances, the applicable standards are easy to meet. Please contact the Development Services Division for additional information at 850-606-1300.

Please consider the environment before printing this email. 

TLCGIS I-Maps Base Map



TLCGIS
Leon County Courthouse
301 S. Monroe St. P3 Level
Tallahassee, FL 32301
850/606-5504
Date Created: 2/19/2010

TLCGIS Map Disclaimer: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser. However, this product is for reference purposes only and is not to be construed as a legal document for any purpose. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser assume no responsibility for any use of the information contained herein or any loss resulting therefrom.



From: Scott Brockmeier
To: chuckstensa1nd@yahoo.com
CC: Culpepper, Ryan; Curtis, Marcus
Date: 02/19/2010 11:15 AM
Subject: Mobile Food Service Operations
Attachments: MobileFoodService.pdf

Chuck,

The criteria which would exempt a mobile food service operation from permitting requirements is set forth in the attached memorandum.

Sincerely,

Scott Brockmeier
Administrator
Department of Growth & Environmental Management
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
E-mail: brockmeiers@leoncountyfl.gov
Telephone: (850) 606-1300
Facsimile: (850) 606-1301

Did you know that most homeowners can easily add an accessory dwelling unit to their existing house? Leon County allows both attached and detached accessory dwelling units. Applications fees are low, the review process is quick, and in most instances, the applicable standards are easy to meet. Please contact the Development Services Division for additional information at 850-606-1300.

*Gene W
6/1/12*

LEON COUNTY
PERMITTED USE VERIFICATION
CERTIFICATE NUMBER: VC100039

ISSUED TO:

Name: Chuck Stensland
Address: 5965 Stoneler Rd, Tallahassee, FL 32303

Phone #: (850) 519-8823

Project Acreage: 6.7 (+/-)
Zoning District: OR-2/CP
Parcel Tax ID#: 21-10-51-361-1185

Status: Conditional

Permanent lunch wagon (8'x 18') with a Smokehouse/Screen Room (14'x 16')

-----COMMENTS-----

The western portion of the parcel is within the Office Residential (OR-2) zoning district (Section 10-6.643 of the Leon County Land Development Code) and the eastern portion of the parcel, where the request is proposed, is within the Commercial Parkway (CP) zoning district (Section 10-6.649 of the Leon County Land Development Code). The CP zoning district allows restaurants and other similar establishments as permissible uses. The entire parcel is designated Suburban on the Future Land Use Map of the Comprehensive Plan (Policy 2.2.5 of the Tallahassee-Leon County Comprehensive Plan). The parcel is located inside of the Urban Service Area (USA) and is subject to the City/County Water and Sewer Agreement. According to the Leon County Property Appraiser's Office, the subject parcel consists of approximately 6.7 (+/-) acres and is developed with three (3) structures totaling 1,248 square feet with an additional 200 square feet of auxiliary square footage. According to the application and supporting documents provided, the request is to establish a smoke house and screen room for an on-site food service operation of approximately 368 square feet.

Currently, the property has a valid development order (Site Plan - LSP030016) which was approved for the construction of a 27,300 sf commercial/shopping center with "out-parcels," a stormwater management facility, stormwater conveyance improvements, proposed parking facilities, proposed sidewalks, and other related urban infrastructure. The approved site plan development order is associated with an approved Environmental Management Permit (LEM040071), both of which is valid until March 11, 2011. Furthermore, there is an existing Final Certificate of Concurrency (LCM030046) that was issued for the referenced development order which expires March 11, 2011. Proposed trip generations for the approved site and development plan are accounted for within the Leon County Concurrency Management System (CMS) while the mentioned development order is active. Contact the Leon County Growth and Environmental Management Concurrency Planner at (850) 606-1300 for additional information as it relates to this request. According to Section 10-7.601 of the LDC (Plats), a building permit cannot be issued until a plat has been accepted by the Board of County Commissioners. A final plat is required for the aforementioned development order, since the approved site and development plan included subdivision of the property. A plat cannot be approved or accepted, until such time as the infrastructure improvements (or a guarantee of their installation, i.e. bond) are installed in accordance with the approved development order. Therefore, consideration of a non-mobile food service operation will require installation of infrastructure improvements and acceptance of a final plat by the Leon County Board of County Commissioners (BCC). Therefore, consideration of a non-mobile food service operation will first require installation of the required infrastructure (as noted on the approved site plan -LSP030016) and subsequent plat approval by the BCC, prior to any further development approvals. The establishment of a permanent food service operation on the referenced parcel will require site and development plan review and approval through the Administrative Streamline Application Process (ASAP) if the size of the establishment is over 300 square feet. If the size of

the establishment is less than 300 square feet, approval of a Project Status Determination (no site plan review required) is required. It should be noted, food service operations that meet the definition of "mobile," may be permissible without site plan review, when specific criteria are met and applicable permits are obtained (see criteria outlined below).

Establishment of a non-mobile food service operation will require connection to the central sanitary sewer system (gravity sewer system is available along the N. Monroe frontage). Stationary holding tanks are not considered an acceptable method for handling wastewater disposal on a permanent basis or non-mobile situation. In addition, applications for site and development plan review shall demonstrate compliance with the "General Layout and Design Standards" set forth in Section 10-7.502 of the LDC. Within the USA, new development shall be designed and constructed to facilitate vehicular and pedestrian mobility in and between adjacent and complementary uses. Sidewalks are required along all public and private street frontages. Within the USA, non-residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At minimum, one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and rights-of-ways. The application for site and development plan review shall be designed to accommodate the minimum number of off-street parking spaces for the specific land uses established in Schedule 6-2 of Section 10-7.545 of the LDC (Number of Off-Street Parking Spaces). The number of spaces may, at the applicant's discretion, be equivalent to a range of number of parking spaces established in this section. The minimum dimensions for off-street parking space standards are set forth in Section 10-7.546 of the LDC.

As an option, and consistent with County policy adopted on July 24, 2009, the establishment of a "mobile" food service operation is permissible when all of the following criteria are met:

- 1) The operation is located within a zoning district allowing any of the following uses: restaurant; retail food-service; or, eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;
- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way; and,
- 9) The operation only sells produce or food products.
- 10) Is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small food service operations meeting criterion #1, zoning, but not meeting one or more of the other criteria set out above may still be eligible for approval via Project Status Determination or ASAP, as follows: if the total size of the proposed operation is 300 square feet or less, it may be reviewed for approval as a Project Status Determination; if it is less than 1,000 square feet but greater than 300 square feet in size, it will require review and approval through the ASAP (Site Plan Review) process.

In addition to the information provided in this document, the applicant/owner should contact other applicable local and state agencies to ensure compliance with other applicable requirements not specified in this response [i.e. The LCGEM Building Department, the Florida Department of Business Regulations (Division of Hotels and Restaurants), the Tallahassee Fire Department, City of Tallahassee Utilities or other applicable

utility service provider(s)]. Department of Business and Professional Regulation (DBPR) approval is required for the proposed food service establishment: Contact DBPR, Division of Hotels and Restaurants at 850-487-1395

-----OPTIONS-----

The following are options and required approvals for each option:

1. Vacate/abandon the current site plan approval – Submit ASAP site plan for a non-mobile, permanent food service operation on the parcel in question.
2. Complete Environmental Management Permit (EMP) to implement approved site plan/final infrastructure (or bond) and record a final plat with Leon County BCC approval. Then submit ASAP site plan for non-mobile operation on the "out-parcel."
3. Environmental Management Permit (EMP): Short Form-B Permit required. Contact Environmental Compliance for details at 850-606-1300.
4. Operate consistent with the criteria (listed above) for a mobile food service.
5. Apply for a Temporary Use Permit (Maximum of 60 consecutive days); Temporary Use Permits are limited to a period of 15 consecutive days with allowances for a one time extension of 15 consecutive days. Not more than two temporary use permits with two 15 day extensions shall be issued on a specific parcel within any given calendar year.

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

No Permitted Use Verification Application and/or Permitted Use Verification Certificate shall be the basis for any claims of estoppel or vesting against any land development regulations or zoning regulations, which may be adopted on or after the date of the Permitted Use Verification Application and/or the Permitted Use Verification Certificate.

Date: 6/17/10
Revised: N



Development Services Division
Growth and Environmental Management



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

June 17, 2010

Chubo's
Attn: Chuck Stensland & Bob Bethea
5965 Stoneler Rd
Tallahassee, FL 32303

Dear Sirs:

Per your request on June 14, 2010, agents of the Leon County Health Department conducted an inspection of the sewage disposal system serving Chubo's Mobile Food Dispensing Vehicle, License # MFD3050037. At that time it was discovered that the primary means of sewage disposal was a stationary holding tank. Please be advised that the use of a stationary holding tank is not an approved means of sewage disposal for your operation. As such, you are hereby notified to discontinue use of the stationary holding tank and provide an approved means of sewage disposal. This can be accomplished by either utilizing the on-board sewage storage tank, returning each day to your approved commissary to dump your waste in an approved dump station or connect to the available City of Tallahassee sewer system that abuts the property.

Please be advised that you must also comply with any and all local requirements. If you have additional questions regarding this matter please feel free to contact Kathy Davis at 606-8350.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Mahon".

Alex Mahon
Environmental Manager

cc: Carter-Wilcox Properties, LTD
DBPR Division of Hotels & Restaurants
✓ Leon County Growth & Environmental Management

From Julie

cy to Angela, Paul, Rob
Ray 6/6

Definition for Mobile Lunch Wagon:

A mobile lunch wagon will not be regulated by local zoning regulations if all of the following conditions are met:

1. The wagon is a motor vehicle or a trailer that requires a motor vehicle to tow it;
2. The wagon is entirely self-contained;
3. The wagon is not permanent (Indications of permanence include, but are not limited to attached or unattached structures, utility hookups, external flags, tie downs, poles, anchors, or signs not directly fixed onto the wagon);
4. The hours of operation of the wagon are between sunup and sundown;
5. The wagon is located on a site for no more than four hours at a time;
6. Unless on an active construction site, the wagon does not locate on a site more than once in a 24-hour period;
7. Unless on an active construction site, the wagon may not locate within 1,000 feet of its two immediately previous locations;
8. The wagon is not located within the right of way; and
9. The wagon sells only prepared food products and produce.

This would convey at
next HDR meeting
6/23/25 unless
you want to get
input together
about of 6/23
H. 6/6

Board of County Commissioners
Interoffice-Memorandum

DATE: July 24, 2009
TO : Parwez Alam, County Administrator
Vince Long, Deputy County Administrator
Herbert W. A. Thiele, LCAO
Laura Youmans, LCAO
Wayne Tedder, Tallahassee-Leon County Planning Department
Russell Snyder, Tallahassee-Leon County Planning Department
David McDevit, Director, DGEM
DGEM, Development Services Division staff
FROM: Adam A. Biblo, AICP, Director, Development Services Division
SUBJECT: Interpretation of Leon County Land Development Code –
Mobile Food Service Operations: definition, standards, and appropriate level of
review for mobile and other small-scale food service operations.

Pursuant to my authority to interpret the Leon County Land Development Code in accordance with Section 10-6.110, I have been asked to clarify what constitutes a *mobile lunch wagon* and what regulatory standards, within the context of the Leon County Land Development Code, pertain to mobile lunch wagons.

Based on discussions with the County Attorney's Office, the Building Inspection Division staff, and Development Services Division staff, I have determined that a *mobile lunch wagon*, which are hereafter referred to as *mobile food service operations*, should be exempt from review for compliance with the Leon County Land Development Code based on their relatively minimal size and the temporary nature of these uses. *Small-scale food service operations* are somewhat more permanent in nature and, therefore, are required to undergo a minimal level of review for compliance with the Land Development Code.

A food service operation will be determined to be a *mobile food service operation* if it meets all of the following criteria:

- 1) The operation is located within a zoning district allowing any of the following uses: restaurant; retail food-service; or, eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;

- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way; and,
- 9) The operation only sells produce or food products.
- 10) Is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small food service operations meeting criterion #1, re zoning, but not meeting one or more of the other criteria set out above may still be eligible for approval via Project Status Determination or ASAP, as follows: if the total size of the proposed operation is 300 square feet or smaller, it may be reviewed for approval at project status determination; if it is less than 1000 square feet but greater than 300 square feet in size, it may be reviewed for approval using the ASAP process.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) Except as otherwise specified in this rule, mobile food dispensing vehicles and theme park food carts shall comply with applicable requirements of Rules 61C-4.010 and 61C-4.023, F.A.C.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) Food serving openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served.

(b) Waste containers shall be provided for the deposit of food scraps, food wrappings, cups, napkins and discarded single-service articles.

(c) Mobile food dispensing vehicles shall operate from an approved commissary that meets all applicable requirements of this rule. The commissary must be provided with potable water and adequate facilities for disposal of liquid and solid waste. The mobile food unit must report to the commissary to store or replenish supplies, clean utensils and equipment, or dispose of liquid and solid waste. Mobile food dispensing vehicles which are self-sufficient for equipment, storage, and utilities must report to the commissary as often as needed, but not less than once weekly, to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes. For the purpose of this rule, a mobile food dispensing vehicle which is self-sufficient includes a three compartment sink for washing, rinsing, and sanitizing of equipment and utensils; a separate handwash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Mobile food dispensing vehicles which are not self-sufficient must report to their commissary at least once daily. The exterior of the vehicle may be washed in any location, provided the waste water does not create a sanitary nuisance.

(d) When a service area is provided at the commissary for cleaning and servicing mobile food units, the service area shall be physically separated from other food operations; shall be equipped to furnish potable water in accordance with applicable provisions of Chapters 62-550 and 62-555, F.A.C.; and shall provide facilities for the drainage and disposal of liquid wastes in accordance with applicable provisions of Chapter 64E-6 or 62-601, F.A.C., and the local building authority having jurisdiction. The surface of the servicing area shall be constructed of a smooth nonabsorbent material such as concrete or machine laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

(e) The owner of each mobile food dispensing vehicle shall notify the division of each commissary they intend to utilize for support services before using the commissary by submitting DBPR HR-7022, COMMISSARY NOTIFICATION, incorporated herein by reference and effective 2009 January 1. Instructions for filling in DBPR HR-7022 are provided in DBPR HR-7022i, INSTRUCTIONS FOR COMPLETING COMMISSARY NOTIFICATION, incorporated herein by reference and effective 2009 January 1.

(3) Mobile food dispensing vehicles which limit the preparation of food to frankfurters only shall comply with all applicable requirements set forth in Rules 61C-4.010 and 61C-4.023, F.A.C., as well as the additional requirements set forth in paragraph (2)(a) and subsections (8)-(10) of this rule; except that:

(a) A utensil washing sink will not be required when all necessary washing and sanitizing of utensils and equipment are conducted at a designated approved commissary or fixed food establishment. An adequate supply of spare preparation or serving utensils shall be maintained on the vehicle and used to replace any utensils that become contaminated.

(b) Paragraph (2)(a) of this rule shall not apply when adequate precautions are utilized to prevent contamination of the frankfurters during cooking operations.

(c) Potentially hazardous foods such as chili, cooked onions and peppers, cheese, and cheese sauce may only be served in individually portioned and packaged or pre-packaged containers which are maintained at proper temperatures on the unit. Non-potentially hazardous foods such as relish, raw onions and peppers, and other such condiments may be served directly from the unit.

(4) Mobile food dispensing vehicles which fail to provide water and waste systems or which otherwise fail to meet all applicable requirements of this chapter shall not engage in food preparation except as permitted in subsection (3) of this rule. Such mobile food units shall handle only completely wrapped or packaged food which has been manufactured, processed, prepared, and packaged in individual servings at an approved public food service establishment or a food processing plant and transported and stored in accordance with the provisions of this chapter. Bulk beverages from approved sources may be dispensed from covered urns or other protected containers.

(5) Mobile food dispensing vehicles may temporarily connect to an approved utility system for no more than one day's operation, if the utility system provides water, wastewater, or electricity adequate to meet the needs of the unit; bathroom facilities

are available for employees in accordance with the local building authority having jurisdiction or, where no plumbing code has been adopted locally, with Chapter 64E-10, F.A.C.; and the unit returns to its base commissary as described in paragraph (2)(c) of this rule.

(6) A mobile food dispensing vehicle which conducts business within a theme park or entertainment complex may be stationary; may connect to an approved utility system; and shall be exempt from the further requirements of paragraph (2)(c) and subsection (5) of this rule.

(a) The mobile food dispensing vehicle shall designate a commissary within the theme park or entertainment complex. The designated commissary shall be equipped with a mobile cleaning unit that will travel from the commissary to the mobile food dispensing vehicle. The mobile cleaning unit will be based in a service area adjacent to the designated commissary as described in paragraph (2)(d) of this rule. The mobile cleaning unit shall be stocked with supplies to clean the interior and exterior of a mobile food dispensing vehicle. In addition, the mobile cleaning unit shall carry a supply of potable water sufficient to fill the mobile food dispensing vehicle's potable water tank, and shall be able to pump waste water from a mobile food dispensing vehicle into holding tanks on the mobile cleaning unit, if necessary. The mobile cleaning unit holding tanks shall be emptied in accordance with the provisions of paragraph (2)(d) of this rule.

(b) Mobile cleaning units shall be subject to the plan review requirements contained in paragraph 61C-1.002(5)(c), F.A.C.

(c) The mobile cleaning unit shall travel to and service the mobile food dispensing vehicle not less than once weekly or more often as needed to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes.

(7) If a theme park has a servicing area to support its theme park food carts which meets the sanitation and safety standards of this rule, deviations from the provisions of this rule are allowed for theme park food carts, provided there is full compliance with the following additional requirements:

(a) The preparation of potentially hazardous foods shall be prohibited; except that, frankfurters and hamburger patties, obtained from approved sources, which prior to service require no further preparation except cooking, may be served. Potentially hazardous food, which has been portioned for individual service at an approved fixed food service establishment, may be served from an enclosed theme park food cart as long as the food is protected from contamination by way of enclosures with self-closing doors, screens, air curtains, or other approved methods. Sandwich fillings may be individually portioned from protected containers. Condiments may be served individually packaged, from approved dispensers, or by the operator as a part of food preparation. Theme park food carts shall operate adjacent to or within 300 feet of the support facility.

(b) Ice which will be consumed or which will come into contact with food shall be obtained from an approved source only in chipped, crushed or cubed form. The ice shall be held in a way that protects it from contamination until dispensed.

(c) Food and food-contact surfaces shall be protected from rain, dust, rodents, insects and customer contamination. Where necessary to prevent such contamination, overhead protection and effective shields or air curtains shall be provided.

(d) All food carts, when used, shall be cleaned and serviced at least once daily.

(e) At the end of each period of operation, all foods and supplies shall be stored in the theme park's commissary or at an approved fixed food service establishment within the park.

(f) Each theme park food cart other than those offering only packaged shall provide employees with adequate and conveniently located handwashing facilities equipped with running hot and cold water, hand cleansing soap or detergent, and approved sanitary towels or other approved hand-drying device.

(g) An adequate supply of sanitized, covered, or wrapped spare preparation or serving utensils shall be maintained in the theme park food cart and used to replace any utensil that becomes contaminated. All multi-use preparation and serving utensils used in theme park food carts shall be washed and sanitized daily at the theme park's commissary or at an approved fixed food service establishment within the park.

(h) All storage cabinets must be of closed construction to prevent the entrance of vermin.

(8) Fire extinguishing equipment and liquified petroleum gas appliances, equipment, apparatus or containers shall be installed, approved, maintained, and used in accordance with the Florida Fire Prevention Code as approved by the local fire authority.

(9) Copies of all forms adopted in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850) 487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Mobile Lunch Wagon/Food Dispensing Vehicle Data

	Counties	Ordinance/LDR	Application/ Review Process	Time Frame/Parameters	Comments
1	Alachua*	✓	✓	None - Considered permanent	Alachua County does not regulate 'true mobile food vendors'. However, does have regulations regarding Incidental Food Sales, Section 404.69 of their LDR. May be incidental to development within zoning district that allow eating & drinking facilities. Must not exceed 20% of the gross floor area of the principal structure. Not site plan review or parking standards review. Signage allowed consistent with principal use.
2	Escambia*	✓	✓	Land Use Certificate process. Longer time parameters are allowed. However, requires Development Review	Escambia County regulates mobile vending units by LDR Section 6.04.16 & 6.04.17 of their code. The application process includes obtaining a Land Use Certificate. No Fee, up to 30 days, \$40 fee 30 - 180 days, DRC approval for excess of 180 days (See Application & LDR requirements for Alachua County)
3	Lake*	-	-	-	-
4	Manatee*	No Ordinance/LDR See Comments	N/A	N/A	Manatee County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units. As long as the unit is mobile can sell food. No occupational/business licenses in Manatee County, No Temporary Use permits or site plan review required, Must keep moving - stopping only to sell food.
5	Marion*	✓	N/A	None	Marion County regulates mobile food dispensing units by LDR Section 5.5 of their code. There is no application process. Only compliance with the Florida Department of Business and Professional Regulation, Hotels & Restaurants & LDR Section 5.5. Require occupational license. However, no review is required as mobile food vendors are only allowed at construction sites closed to the public and at special events. PUD can specifically request an outdoor vendor but ancillary to an existing use. No sign regulations. No spacing requirements, not allowed in residential zoned properties.
6	Osceola*	No Ordinance/LDR See Comments	N/A	None	

Mobile Lunch Wagon/Food Dispensing Vehicle Data

7	St. Lucie*	✓	✓	None	St. Lucie regulates mobile food dispensing vehicles by LDR Section 7.10.01 of their code. There are two application processes - Class I - one to two hours at a single location, \$50.00 fee, Class II - No time parameters, only renewal of Occupational license required \$75.00. Viewed as home occupations.
8	Bay	✓	N/A	N/A	Mobile Vending Units are not defined by Bay County LDR. Therefore, they are prohibited within the county.
9	Baker	-	-	-	
10	Bradford	N/A	N/A	N/A	Bradford County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units. No requirement for occupational license either.
11	Brevard	✓	✓	Depends	Brevard County regulates mobile food dispensing units under the tax collector's office. There's a distinction between roadside stands and mobile food dispensing units.
12	Broward	-	-	-	
13	Calhoun	-	-	-	

Mobile Lunch Wagon/Food Dispensing Vehicle Data

14	Charlotte	✓	✓	Up to 30 days, only allow two (2) Temporary Use permits per calendar year - for same parcel	Charlotte County regulates mobile food dispensing units by their LDR under Temporary Uses. Additionally, they require a business license, mobile food vendor can not be located on a vacant parcel and site must have adequate parking.
15	Citrus	✓	✓	Up to 14 days, not to exceed three (3) events per year	Citrus County regulates mobile food dispensing by LDR under Temporary Use standards. Require occupational license, not allowed in residential districts, no separation standards between vendors. Must met standards fro primary use, if setup permanently. Sign ordinance would apply for any proposed signage.
16	Clay	-	-	-	-
17	Collier	✓	N/A	N/A	Collier County has an interpretative memo regarding mobile food dispensing units. Additionally, their LDC specifically defines & prohibits mobile vendors.
18	Columbia	-	-	-	-
19	DeSoto	-	-	-	-
20	Dixie	-	-	-	-

Mobile Lunch Wagon/Food Dispensing Vehicle Data

21	Duval	✓	✓	From one day to semi-permanent (30 days - one year)	Duval County regulates mobile dispensing units by their LDC, under Street Vendors. Proof of a Dept of Health permit is required. The Zoning Department is permit approval.
22	Flagler	✓	✓	No specified time frame. However, the timeframe may be restricted by the Planning and Development Board	Flagler County regulates mobile food dispensing units under Section 3.03.2 & 13 - Road Side Vendors. Require occupational license. Site plan review under Special Exception application process.
23	Franklin	-	-	-	-
24	Gadsden	N/A	N/A	N/A	Gadsden County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units.
25	Gilchrist	-	-	-	-
26	Glades	No Ordinance/LDR See Comments	N/A	No length of stay requirements	Glades County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units. They are considered drive-in restaurants- must be located in commercial zoned properties and have permission from the property owner.
27	Gulf	-	-	-	-

Mobile Lunch Wagon/Food Dispensing Vehicle Data

28	Hamilton	-	-	-	-	-
29	Hardee	No Ordinance/LDR See Comments	N/A	Up to fourteen (14) days	Hardee County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units. Require license inside city limits. Must be self-contained/self-sufficient	-
30	Hendry	-	-	-	-	-
31	Hernando	-	-	-	-	-
32	Highlands	✓	✓	None - not required to move	Highlands County regulates mobile food dispensing units under Section 12.05.242 of their LDC. They are considered barbeque or refreshment stands. No occupational nor business license is required. Must comply with Department of Health regulations.	-
33	Hillsborough	✓	✓	Varies	Hillsborough County regulates mobile food dispensing vehicles by Conditional Uses under their LDC. This includes submittal of a site plan illustrating environmental features, legal description, buffers, easements, entrances, etc. Allowed on a temporary bases - the length of stay varies depending upon the location and operation.	-
34	Holmes	-	-	-	-	-

Mobile Lunch Wagon/Food Dispensing Vehicle Data

35	Indian River	✓	✓	None	Indian River County regulates mobile food dispensing units under Section 972-08(4)(b)(3) of their LDC. They require a business tax license and a home occupation permit, if the office/ mailing address for the business is based in a home. No site and development plan review required.
36	Jackson	✓	✓	None	Jackson County regulates mobile food dispensing units under Section 74, Home Occupation.
37	Jefferson	-	-	-	
38	Lafayette	-	-	-	
39	Lake	-	-	-	
40	Lee	✓	✓	Up to fourteen (14) days	Lee County regulates mobile food dispensing units under Section 34 of their LDC, as Roadside Stands. Must obtain letter from property owner, off-street parking must be provided-if there is no existing parking. Must obtain Temporary Use permit.
41	Levy	No Ordinance/LDR See Comments	N/A	N/A	Levy County does not have any specific regulations regarding mobile food dispensing units. However, they view the use a retail and differ to state regulations.

Mobile Lunch Wagon/Food Dispensing Vehicle Data

42	Liberty	-	-	-	-	-	-
43	Madison	-	-	-	-	-	-
44	Martin	✓	✓				Martin County regulates mobile food dispensing units as Itinerant Merchants. A business license is required. Review of parking, restrooms and receptacles is required.
45	Miami-Dade	-	-	-	-	-	Up to one (1) year, can not exceed being on property more than sixteen hours in a day.
46	Monroe	-	-	-	-	-	-
47	Nassau	-	-	-	-	-	-
48	Okaloosa	-	-	-	-	-	-

Updated 1/18/11 STW

Mobile Lunch Wagon/Food Dispensing Vehicle Data

49	Okeechobee	-	-	-	-	-	Orange County regulates mobile food dispensing vehicles under Portable Food and Drinking Vendors of their LDC. An occupational license is required. Not allowed in residential zoning districts and must adhere to setbacks per the zoning district. Must have two surplus parking spaces, property owner permission, open restroom and trash receptacle.
50	Orange	✓	✓	N/A	-	-	
51	Palm Beach	-	-	-	-	-	
52	Pasco	-	-	-	-	-	
53	Pinellas	✓	✓	Up to thirty (30) days, allowed three per calendar year	-	-	Pinellas County regulates mobile food dispensing units as Temporary Use. Temporary Use permit approval is required by the Zoning Department. Must be located in zoning district which allows commercial uses. One sign allowed not to exceed 32 square feet.
54	Polk	-	-	-	-	-	
55	Putnam	✓	✓	Up to ninety (90) days, allowed two (2) per calendar year	-	-	Putnam County regulates mobile food dispensing units under Section 2.05.16 of their LDC. They require a business tax receipt. Permission from the property owner is required, must have legal access, compliance with DBPR, garbage receptacles and sanitation facilities as required by Fla Bldg Code. Complete Temporary Use permit application.

Mobile Lunch Wagon/Food Dispensing Vehicle Data

56	Santa Rosa	✓	✓	None	Santa Rosa County regulates mobile food dispensing units under Section 6.05.15L of their LDC. A business tax receipt/occupational license is required. Review of access and parking is conducted for Itinerant Vendors.
57	Sarasota	-	-	-	-
58	Seminole	✓	✓	per year - can not exceed sixty (60) days - no one event can exceed thirty days in duration	Seminole County regulates mobile food dispensing units under Section 30.1378 Temporary Uses of their code. Any use exceeding the time limits for Temp. Use would be considered permanent and require full site plan review.
59	St. Johns	-	-	-	-
60	Sumter	No Ordinance/LDR See Comments	N/A	Allowed 8:30 am - 9:00 pm, must leave site everyday	Sumter County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units.
61	Suwannee	-	-	-	-
62	Taylor	✓	N/A	N/A	Taylor County regulates mobile lunch wagons under Section 3-5, 5-53 and 5-54 of their LDC. Must comply with state agency requirements. Nothing is submitted to Taylor County - no application/no fee.

Mobile Lunch Wagon/Food Dispensing Vehicle Data

63	Union	No Ordinance/LDR See Comments	N/A	None	Union County does not have any specific interpretation, ordinance or LDR regarding mobile food dispensing units. There is a requirement for an occupational/business license.
64	Volusia	✓	✓	None	Volusia County only regulates mobile food dispensing vehicles under special provisions for special events under Section 26-54 of their LDR. Otherwise, mobile vending units must meet the criteria of the Department of Health and the Department of Business and Professional Regulations.
65	Wakulla	✓	✓	Up to a 80 day maximum	Wakulla County regulates mobile lunch wagons under Section 5-7 of the LDR, utilizing a Temporary Use permit. Signage is allowed consistent with LDR signage requirements.
66	Walton	✓	✓	Up to six (6) months, per parcel	Walton County regulates mobile lunch wagons under Section 6.04.02 of their LDC, as Roadside Vending Operations. No requirement for a business/operational license. Approval of a Roadside Vending permit application is required. Limited site plan review- includes review of setbacks, access safety and parking. Permitted in any zoning district except Scenic Corridors. One (1) on-site sign is allowed.
67	Washington	-	-	-	

LEGEND	
*	Like Sized County
-	No Response
N/A	Not Applicable
✓	Applies/Yes