

**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.

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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.