

[Back](#) | [Print](#)



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

Agenda Item
Executive Summary

Tuesday, July 13, 2010

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| <p>Title: Acceptance of the Status Report Regarding 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 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 re-classified 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)

[Back](#)

[Print](#)

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 convey at
next HDR meeting
6/23/85 unless
you want to get
expedited for
approval 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.

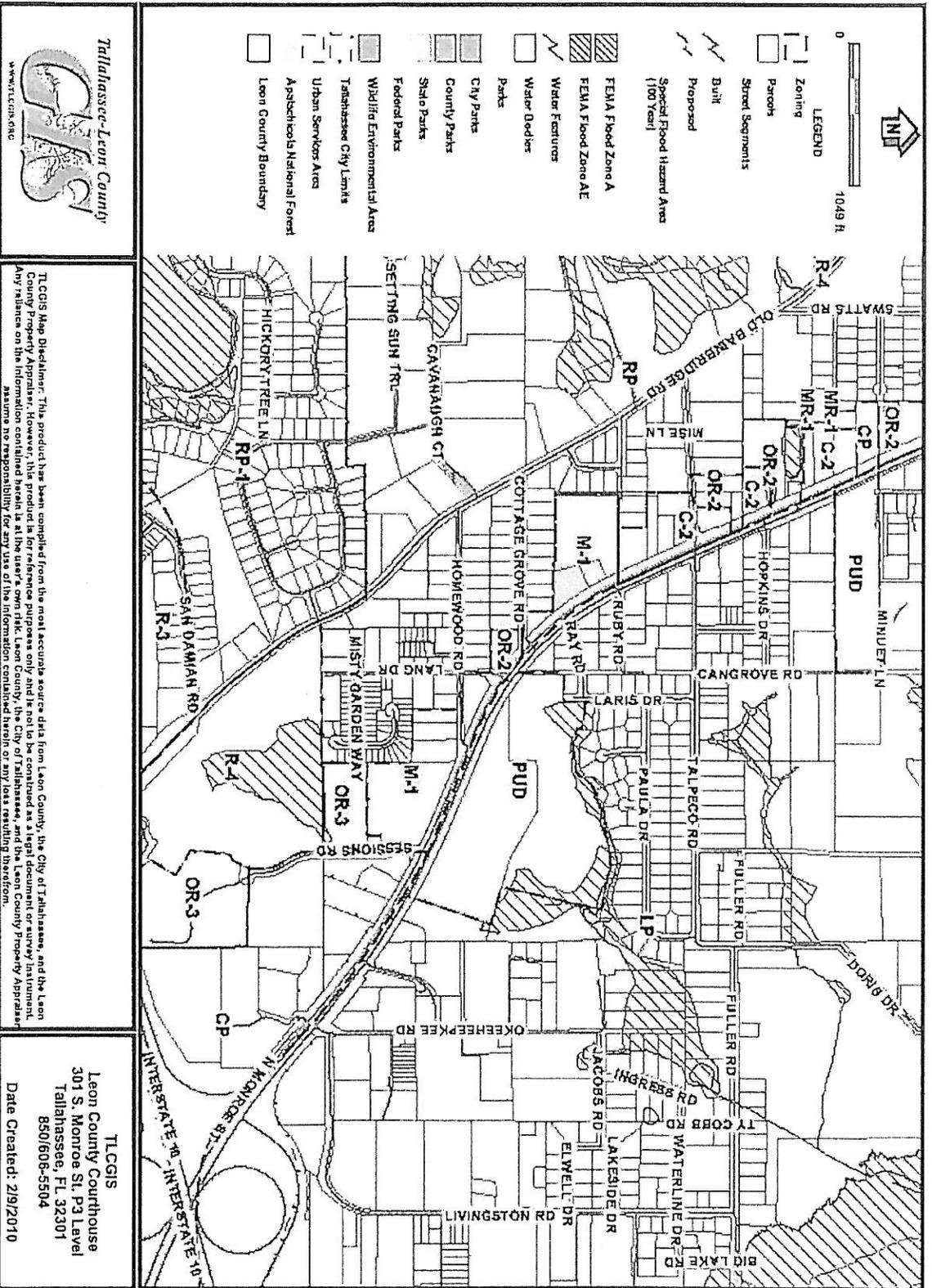
(I'll be out of the office tomorrow and return on Thursday).

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 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 or survey instrument. 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.

TLCGIS
Leon County Courthouse
301 S. Monroe St, P3 Level
Tallahassee, FL 32301
850/606-5504
Date Created: 2/9/2010

Attachment # 1
Page 13 of 17

From: Scott Brockmeier
To: chuckstensaInd@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.

LEON COUNTY
PERMITTED USE VERIFICATION
CERTIFICATE NUMBER: VC100039

*Gene W
6/18*

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