

ORDINANCE NO. 10- _____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE VI,
5 DIVISION 8, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA,
6 ENTITLED "SUPPLEMENTARY REGULATIONS FOR SPECIFIC
7 USES," BY ADDING A NEW SECTION 10-6.817 ENTITLED "MOBILE
8 FOOD SERVICE OPERATIONS"; PROVIDING FOR SEVERABILITY;
9 PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE
10 DATE.

11
12
13 WHEREAS, as a result of a lack of regulatory provisions, the Leon County Board of
14 County Commissioners has determined that continuing to allow mobile food service operations
15 without certain limitations creates an adverse impact on vehicular circulation, environmental
16 features, adjacent residential properties and County residents; and

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

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

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

25 Sec. 10-6.817. Mobile Food Service Operations.

26 1. Purpose and Intent. This section provides regulations for small-scale food service
27 operations and for mobile food service operations. Criteria to establish small-scale food service
28 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 proposed to be located within a zoning district allowing
11 any of the following uses: restaurant, retail food-service, or eating and
12 drinking 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) The vehicle or trailer is not located on the same site for more than eighteen
21 (18) consecutive hours at a time unless allowed for a permitted special
22 event;

- 1 6) The vehicle or trailer or parking associated with the operation is not
- 2 located in the right-of-way;
- 3 7) The operation only sells produce or food products;
- 4 8) Is not located within 500 feet of any other mobile food service operation
- 5 unless allowed for a permitted special event; and,
- 6 9) The operation shall not be located on a vacant or undeveloped parcel.

7

8 b. Exemptions. Mobile food service operations shall not be subject to site and

9 development plan review but shall not be exempt from any other applicable local,

10 state or federal permitting requirements. Mobile food service operations

11 approved for use during a permitted special event shall not be subject to this

12 section.

13

14 c. Small Scale Food Service Operation. A food service operation shall be

15 determined to be a permanent, non-mobile, small-scale food service operation if

16 the operation meets 3(a)(1) above, but does not meet one or more of the

17 remaining criteria. Small-scale food service operations shall be located on

18 developed parcels with an existing non-residential use(s) and shall be subject to

19 site and development plan review, at minimum, pursuant to the Administrative

20 Streamlined Application Process (ASAP). Documentation noting approval of the

21 small-scale food service operation from the state regulatory authority authorized

22 to issue permits for mobile food dispensing vehicle(s) shall be required prior to

23 final site and development plan approval.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

d. Prior Lawfully Established Small-Scale Food Service Operations. A lawfully established small-scale food service operation shall be defined as a small-scale food service operation established prior to this ordinance and which meets the Florida Statute definition of lawfully established and which meets the Florida Department of Business and Professional Regulation's (DBPR) requirements. A lawfully established small-scale food service operation in existence on a developed or non-residentially zoned parcel upon the effective date of this ordinance shall not be subject to the requirements of this ordinance. However, any further development or expansion of an existing and lawfully established small-scale food service operation shall be subject to the applicable regulations of the LDC.

e. Non-compliance. Small-Scale Food Service Operations or Mobile Food Service Operations (MFSO) not in compliance with this section shall be a violation of this Code and shall require immediate cessation of the use. This provision shall be enforced as necessary, by appropriate staff.

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

