

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; and,
4 8) The operation shall not be located on a vacant or undeveloped parcel.

5 b. Exemptions. Mobile food service operations shall not be subject to site and
6 development plan review but shall not be exempt from any other applicable local,
7 state or federal permitting requirements. Mobile food service operations
8 approved for use during a permitted special event shall not be subject to this
9 section.

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

20 d. Prior Lawfully Established Small-Scale Food Service Operations. A lawfully
21 established small-scale food service operation shall be defined as a small-scale food
22 service operation established prior to this ordinance and which meets the Florida
23 Statute definition of lawfully established and which meets the Florida Department of

1 Business and Professional Regulation's (DBPR) requirements. A lawfully
2 established small-scale food service operation in existence on a developed or non-
3 residentially zoned parcel upon the effective date of this ordinance shall not be
4 subject to the requirements of this ordinance. However, any further development or
5 expansion of an existing and lawfully established small-scale food service operation
6 shall be subject to the applicable regulations of the LDC.

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

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12 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the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

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

20 **Section 4.** **Effective Date.** This ordinance shall have effect upon becoming law.
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1 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon
2 County, Florida, this 12th day of July, 2011.

3 LEON COUNTY, FLORIDA



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6 By: *John Dailey*
7 John Dailey, Chairman
8 Board of County Commissioners
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10 ATTEST:
11 Bob Inzer, Clerk of the Court
12 Leon County, Florida
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14 By: *John Stott, Deputy Clerk*
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16

17 APPROVED AS TO FORM:
18 Leon County Attorney's Office
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20 By: *Herbert W. A. Thiele*
21 Herbert W. A. Thiele, Esq.
22 County Attorney
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**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (<u>LEON</u>)	COUNTY ORDINANCE # (<u>11-19</u>) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>BUSINESS REGULATION</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (<u>MOTOR VEHICLES</u>)	
OTHER KEYFIELD DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>MOBILE FOOD SERVICES</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (_____)	AMENDMENT # 2: (_____)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____)	REPEAL # 3: (_____)
REPEAL # 2: (_____)	REPEAL # 4: (_____)
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	Rev. 4/10/01