



CITY OF  
TALLAHASSEE



# Zoning Spotlight

## Mobile Food Service & Mobile Sales

Growth Management Department  
July 25, 2023

**Z**oning Spotlight is a publication of the City of Tallahassee Growth Management Department. It is intended as a series of reports that provide a deep dive into specific land use questions. The goal is to create a comprehensive overview of each issue, with appropriate citations to the pertinent portions of the Zoning Code and with an explanation of the associated permitting process. Land use standards are sometimes addressed by multiple citations in both the City's Zoning Code and the Florida Statutes. Zoning Spotlight connects those dots in a user friendly format to help our customers quickly find what they need. If you have any comments about this report or suggestions for future issues, please contact the Growth Management Department at [zoning@talgov.com](mailto:zoning@talgov.com) or at (850) 891-7100, option 4.

## A. Introduction

**M**obile operations are a part of a city's fabric. They provide residents a place to gather, shop, and enjoy innovative food, and they give entrepreneurs the chance to try new ideas. In short, mobile operations are a good thing for a city. However, just like any other land use, mobile operations present unique zoning challenges that must be addressed to help them be a part of a vibrant, active city. There are many questions that may arise. For example, where do patrons park, use the restroom, or dispose of their trash? Likewise, where can mobile operations be located, are utility connections needed or permitted, and how do they handle the stormwater they create? The answers to these questions and more are covered by this issue of the Zoning Spotlight. Before we get started, it's helpful to define a few key terms.

Mobile Food Service Operation – The preparation/ cooking, serving, and/or sale of food conducted from a portable stand, vehicle, or trailer, and that is self-propelled or otherwise movable from place to place. Examples are food trucks and food stands/carts.

Mobile Sales Operation – Sales from a portable stand, vehicle, or trailer. Examples are art and produce stands/carts.

Mobile Operations - The collective term for Mobile Sales and Mobile Food Service Operations.

Stationary Mobile Operation – A mobile operation that conducts business on the same site for more than 8 days out of a 30-day period.

Temporary Mobile Operation – A mobile operation that conducts business on the same site for less than or equal to 8 days out of a 30-day period.

Improved Areas – Locations that may require or contain any grading, filling, or excavation of land; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping; or any similar development activities.

Unimproved Areas – Locations that are either vacant or do not contain facilities and infrastructure required to operate as a stationary mobile operation.

## B. Land Use Standards

There are four land use questions that apply to mobile operations. First, is it allowed by the zoning for the site? Second, can it have a sign? Third, will the mobile operation be located on an unimproved or improved site? Fourth, what types of site improvements are required if it is an unimproved site? Each of these questions is discussed below.

### 1. Is the use allowed by the zoning for the site?

Mobile food service operations are permitted in any zoning district that allows a restaurant or eating establishment use. That includes the following districts: UT, AC, CU-18, CU-26, CU-45, Central Core, UP-1, UP-2, UV, CP, C-2, OR-2, CM, C-1, NB-1, ASN-A, ASN-B, ASN-C, ASN-D, Rural, Urban Fringe, and Planned Unit Developments with a compatible FLU designation. The City's Zoning Map can be [viewed here](#) after clicking on the zoning layer in the left hand column.

Mobile operations are prohibited from doing the following:

- Locating in private residences;
- Locating in City parks or on City property, unless a [special event permit](#) has been obtained for a City-sanctioned event or activity;
- Locating in a residential zoning district;
- Selling or distributing alcoholic beverages;
- Operating on a public right-of-way, driveway, drive-

- way aisle, loading zone, or no parking zone;
- Operating in a fire lane or blocking fire hydrants or any other fire protection devices and equipment, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps;
- Operating in a location that will impede on-site circulation of motor vehicles or pedestrians;
- Occupying any parking spaces, required by the TLDC, of a given business or commercial center;
- Using balloons, banners, streamers, large flashing lights, or other similar devices to attract customers;
- Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales; and
- Operating within a critical protection area of a tree.

### 2. Can the use have a sign?

The quick answer to that question is "yes", but subject to the standards in the sign code and any applicable permits. An overview of relevant sign concerns is below.

- Point-of-Sale type signs are permitted to be affixed to the mobile operation (truck, stand, trailer). This includes menus. No permit is required for signage affixed to the mobile operations.
- For permanent ground signage, see Sec. 7-62, TLDC, for standards. For ground signage for multiple mobile operations on a site, see Sec. 7-62(3), TLDC. A permit may be required.
- No balloons, banners, streamers, or other similar de-

VICES to attract customers are permitted.

- No signs or attracting devices are permitted on the right-of-way.
- Menu boards displayed as “sandwich signs” or A-frame signs are prohibited except in the downtown zoning districts, the University Village District, and the All Saints Districts pursuant to Sec. 7-32, TLDC.

### 3. Is the use on an unimproved or an improved site?

**W**hether the mobile operation is located on an unimproved or improved site, it will be required to provide documentation showing the operation has permission from the owner to operate at that location. Additionally, all mobile food service operators are required to have a copy of the required State license for food service establishments. State of Florida license information can be [found here](#).

#### a. Unimproved Sites

Temporary mobile operations on unimproved sites are permitted for no more than 8 days out of a 30 day period. No site improvements are required; however, any permanent utility connection on site for a temporary mobile operation is prohibited. See Figure 1.

For stationary mobile operations on unimproved sites, site improvements are required per the applicable zoning district and are outlined in Chapter 10, TLDC for a site in which a mobile operation is operating on the site for more than 8 days out of a 30-day period. If the mobile operation(s) is the sole operation on the property, it will

be considered a principal structure as it relates to the development standards in Chapter 10, TLDC. Guidance for required site improvements can be found at Table 1 below. Please refer to Figures 2 and 3 for an example.

#### b. Improved Sites

Details concerning improved sites are below.

- If a mobile operation is operating on an improved site with other stationary operation(s), that are not defined as mobile operations, it can be considered an extension of the principal use or accessory to the principal use on the parcel.
- The mobile operation, whether temporary or stationary, may use existing utility connections and be considered accessory to the principal use and not require any further site improvements.
- If a separate utility connection is desired, the stationary mobile operation must abide by development standards per the applicable zoning district and as outlined in Chapter 10, TLDC. Site improvements that may be required are found at Table 1 below. An example is found at Figure 4.

### 4. What type of site improvements are required for stationary mobile operations?

Some requirements in Table 1 are noted to only apply in the Multi-Modal Transportation District (MMTD). To determine whether your site is located in the MMTD, [please visit this link](#), and click on the “Special Planning Area” layer in the left hand column.

**Table 1 – Site Improvements Required of Stationary Mobile Operations**

	Improved	Unimproved
<p><u>Front setbacks</u></p> <p><i>For areas within the MMTD, the location of at least one mobile operation on site must meet front setbacks of the zoning district.</i></p>		X
<p><u>A concrete pad or other permanent stabilization material</u></p> <p><i>Each mobile food service operation must have a permanent, stabilized surface to park the mobile food service operation.</i></p>	X	X
<p><u>A parking plan</u></p> <p><i>Parking must be provided and meet the requirements of the applicable zoning district and TLDC code sections. (See Sec. 10-285, Table 8A or 8B, TLDC for sites in the MMTD. See Sec. 10-357, TLDC for sites outside the MMTD.) Accessible parking spaces and accessible route(s) required if on-site parking is provided.</i></p>	X	X
<p><u>A solid waste plan</u></p> <p><i>For areas within the MMTD, all solid waste facilities must to be located in the third layer and screened. Dumpsters must be accessible by way of stabilized driveways or roadways.</i></p>	X	X
<p><u>An accessibility plan</u></p> <p><i>An ADA accessible connection from the mobile operation to the right of way and parking areas must be provided. Additionally, all other improvements must abide by ADA guidelines for site circulation.</i></p>	X	X
<p><u>A restroom facility plan</u></p> <p><i>Each site containing mobile operation(s) must have available restroom facilities. This can be an independent restroom facility located on site or provided through a shared restroom agreement.</i></p>	X	X
<p><u>10-foot separation</u></p> <p><i>At least a 10-foot separation between all structures and mobile food service operations is required.</i></p>	X	X

**Table 1 – Site Improvements Required of Stationary Mobile Operations**

	Improved	Unimproved
<p><u>A stormwater plan</u></p> <p><i>Redevelopment over 2,500 sq. ft., or new development over 1,000 sq. ft., where runoff cannot be directed to a public conveyance, must provide a stormwater plan (See Sec. 5-86 and 5-111, TLDC)</i></p>	X	X
<p><u>Streetscape/sidewalk upgrades</u></p> <p><i>For sites within the MMTD, sidewalks and planting strips must be developed in accordance with Sec. 10-283.4 for development that contains over 2,500 sq. ft. of impervious surface area.</i></p>		X
<p><u>Perimeter landscaping</u></p> <p><i>If on-site parking is constructed, perimeter landscaping between vehicle use areas (VUA) and the property lines must be completed as follows: 10-foot front and 8-foot side and rear for trees and shrubs. An internal landscape island (400 sq. ft. minimum size) must be completed for every 4,000 sq. ft. of vehicle use area, unless redevelopment applies.</i></p>		X
<p><u>Tree Protection</u></p> <p><i>Applicable tree protection, removal standards, and regulations must be followed.</i></p>	X	X
<p><u>Fire Department accessibility</u></p> <p><i>Every structure constructed must be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width, with adequate roadway turning radius designed.</i></p>	X	X
<p><u>Buffering</u></p> <p><i>All applicable buffering standards outlined in Sec. 10-284.3, TLDC and Sec. 10-177, TLDC must be followed.</i></p>		X
<p><u>Driveway Access</u></p> <p><i>A driveway apron for vehicular access to the site must be provided.</i></p>		X
<p><u>Site Lighting</u></p> <p><i>All applicable site lighting standards outlined in Sec. 10-427, TLDC must be followed.</i></p>	X	X

## C. Permitting Requirements

Permitting requirements for mobile operations are listed below. You may apply for any of these permits through the [online application portal](#). If you have any questions, please contact the Growth Management Department at [zoning@talgov.com](mailto:zoning@talgov.com) or at (850) 891-7100, option 4.

- Applicants are strongly encouraged to apply for a no-cost pre-submittal review meeting prior to filing any permit application. The pre-submittal review provides the applicant with information and expectations for their proposed project. The applicant may schedule a pre-submittal review by submitting an application to the Growth Management Department, Land Use and Environmental Services Division by 10 a.m. each Thursday.
- For development greater than 2,500 sq. ft., a Type A site plan will be required. If deviations are requested, a Type B Site Plan will be required.
- For every building constructed, permitting will be required per the Florida Building Code. Please contact the Building Inspection Division at (850) 891-7001, and choose option 2 for more information on potential permitting requirements.
- For development activity 1,000 sq. ft. or greater, the proposed project will require a natural features inventory (NFI) review and an environmental management permit (EMP) application standard form. The EMP will authorize sitework construction and is valid for 3 years. See Chapter 5, TLDC, Environmental Management for code requirements. The NFI must include a desktop archaeology survey with a recommendation to proceed with/without field investigation as part of the cultural clearance letter requirement.

- A permit is required for permanent, on-site ground signs.
- A fire inspection by the authority having jurisdiction is required for all mobile food service operations. Per Chapter 50 of the Florida Fire Prevention Code, additional permits or certifications may be required.
- A concurrency application is required for all stationary mobile operations.

## D. Utility Service Connections

Utility service connections are eligible for stationary mobile operations only. If pursuing utility service connections, they must be non-rigid, flexible, or plug-in type connections only. Additionally, site improvements must occur to meet requirements of the TLDC. Required site improvements can be found in Table 1.

## E. Mobile Sale Operations on City Property

The city offers specific locations downtown and throughout City parks where mobile operations can occur through a special event permit. Applications for such permits can be submitted to the Parks and Recreation Department [here](#). The following areas may be used for mobile operations with an approved permit, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public:

- Adams Street Commons/Gallie Alley;
- West Jefferson Street, including City Hall Plaza;
- Other Downtown Streets;
- Kleman Plaza;
- City property and adjacent streets and sidewalks, as approved by the City Manager;



- City parks, playgrounds and adjacent streets and sidewalks, as approved by the Director of the Parks and Recreation Department; and
- The “John’s Lot” at the northwest corner of Duval Street and Gaines Street.

For more information, please call the City’s Parks and Recreation Department at (850) 891-3866.

Figure 1



Figure 2



Figure 3



Figure 4



Accessory Mobile Operation - Example

Note: This draft work is conceptual and prepared solely to demonstrate an idea. It is not to scale nor intended to replace final detailed design documentation and necessary permits or other approvals.



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