



Mobile Food Dispensing Vehicles

Reference Volusia County Code of Ordinance Section 72-309

Volusia County adopted Ordinance 2023-15 on August 15, 2023, which allows for the preparing, dispensing, or otherwise selling food or beverages or both from a mobile food dispensing vehicle. The zoning classifications permitting mobile food dispensing vehicles, subject to obtaining a Conditional Use Permit, are the P, B-1 through B-9, I-1 through I-4, and non-residential portions of PUD classifications.

The following rules apply to Mobile Food Dispensing Vehicles in Volusia County:

1. A Conditional Use Permit must be obtained prior to mobile food vending activities.
2. Mobile Food Dispensing Vehicles may also operate in the FR, A-1 through A-4 zoning classifications, subject to the approval of a special exception application. Please contact Planning Activity at (386) 736-5959 or planning@volusia.org for more information regarding special exceptions. For A-3 and A-4 zoned properties, a **minimum lot area of 2.5 acres is required**.
3. Mobile Food Dispensing Vehicles are **EXEMPT** from obtaining a Conditional Use Permit if they meet the following criteria:
 - a.) Associates with a special event or outdoor entertainment event that has been approved by the county.
 - b.) Operates in one location for less than one hour, in areas of agricultural use as defined in section 72-2 or active construction sites.
 - c.) Caters to private events where no food product, sale, or service is made available to the general public.

Conditional Use Permit: An application for a conditional use permit must be submitted to the Planning and Development Services Division, along with supplemental information for review by the Zoning Enforcement Official. Approval of the permit shall be based on meeting the following conditions:

1. An application fee of \$134.00 dollars shall be required upon submission. (Fees are adjusted annually, on October 1st, based on the percentage change in the Consumer Price Index). Please check the Application Fee Schedule found here: <https://www.volusia.org/services/growth-and-resource-management/planning-and-development/fee-schedules.stml>.) Please note that the application fee is nonrefundable whether your application is approved or denied.

Permit Renewal: Once issued, the permit shall expire after two years from the date of issuance. You must renew your permit if you intend to continue conducting mobile food vending operations on the approved site. You will be required to submit an application, fee, and supplementary information again.

For further information please call (386)736-5959, extension 12719, or email zoning@volusia.org, if you have questions regarding these regulations for Mobile Food Dispensing Vehicles or the Conditional Use Permit requirements.

Attachments:

- Conditional Use Permit Application
- Notarized Owner Authorization Form
- Sample Site Sketch
- Volusia County Fire Services Food Truck Safety Information



CONDITIONAL USE APPLICATION

Mobile Food Dispensing Vehicles

GROWTH AND RESOURCE MANAGEMENT DEPARTMENT PLANNING AND DEVELOPMENT SERVICES DIVISION

Complete the following information, and attach additional information and/or plans as needed.
This information will be used by staff to review your application.

APPLICANT/OWNER:

Applicant: _____ Phone: _____

Address: _____ Email: _____

City/State/Zip: _____

Owner: _____ Phone: _____

Address: _____ Email: _____

City/State/Zip: _____

****If applicant is not the owner of the property, an Owner's Authorization must be submitted with the application.***

PROPERTY INFORMATION:

Tax Parcel Number(s): _____

Total Acres/Sq. Ft.: _____

Zoning: _____ For **FR, A-1 through A-4**, include the Special Exception Case: _____

Hours of Operation (Mobile Food Vending): _____ Duration: _____ (# days)

Required Information:

- ☐ Notarized Owner Authorization Document for the property at which the mobile food dispensing vehicle will be operating. If mobile food vending operations will occur at multiple sites, a separate permit is required for each property.
- ☐ Detailed Site plan showing the location of the mobile food dispensing vehicle*
- ☐ Registration Number with the Division of Hotels and Restaurants, Florida Department of Business and Professional Regulation (Section 509.241, Florida Statutes)
- ☐ Business Tax Receipt for Property Owner AND mobile food dispensing vehicle operator
- ☐ Sunbiz Registration for Property Owner AND mobile food dispensing vehicle operator
- ☐ Hours of Operation
- ☐ Completed Application Form
- ☐ Application Fee

***NOTES:** The Mobile Food Dispensing Vehicle may **NOT** be located in the public right-of-way, public sidewalks, ADA pedestrian access, emergency access, required parking, drive aisles, landscape buffer areas or otherwise impede traffic patterns or ingress/egress to buildings and businesses.

*****STAFF USE ONLY*****

STAFF REVIEW CHECKLIST:

Application Date: _____

Permit Issued: _____

Reviewing Staff: _____

Renewal Date: _____

REVIEW CHECKLIST

Required Documents:

- Is permit required? _____ Yes _____ No
- Is notarized owner authorization provided?
Verify the Property Owner. _____ Yes _____ No
- Is the license or registration Number with the
DBPR provided? _____ Yes _____ No
- Was a site plan submitted, as required by
sec. 72-309? _____ Yes _____ No
- Are applicable Business Tax Receipts
up to date? _____ Yes _____ No
- Is Sunbiz information up to date for both the
property owner and mobile food vendor? _____ Yes _____ No

NOTES:



NOTARIZED AUTHORIZATION OF OWNER

I/We, _____

PRINT OWNER'S NAME

as the sole or joint fee simple title holders(s) of the property described (or referenced) as:

(TAX PARCEL NUMBER(S) AND/OR LEGAL DESCRIPTION)

authorize _____

to act as my agent

(PRINT AGENT'S NAME)

to seek _____

on the above property

(TYPE OF APPLICATION)

OWNER'S SIGNATURE

OWNER'S SIGNATURE

DATE

DATE

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20 _____
(DATE)

by _____, ☐ who is/are personally
(OWNER(S))

known to me or ☐ who has/have produced _____ as
(TYPE OF IDENTIFICATION)
identification and who did not take an oath.

NOTARY PUBLIC, STATE OF _____

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

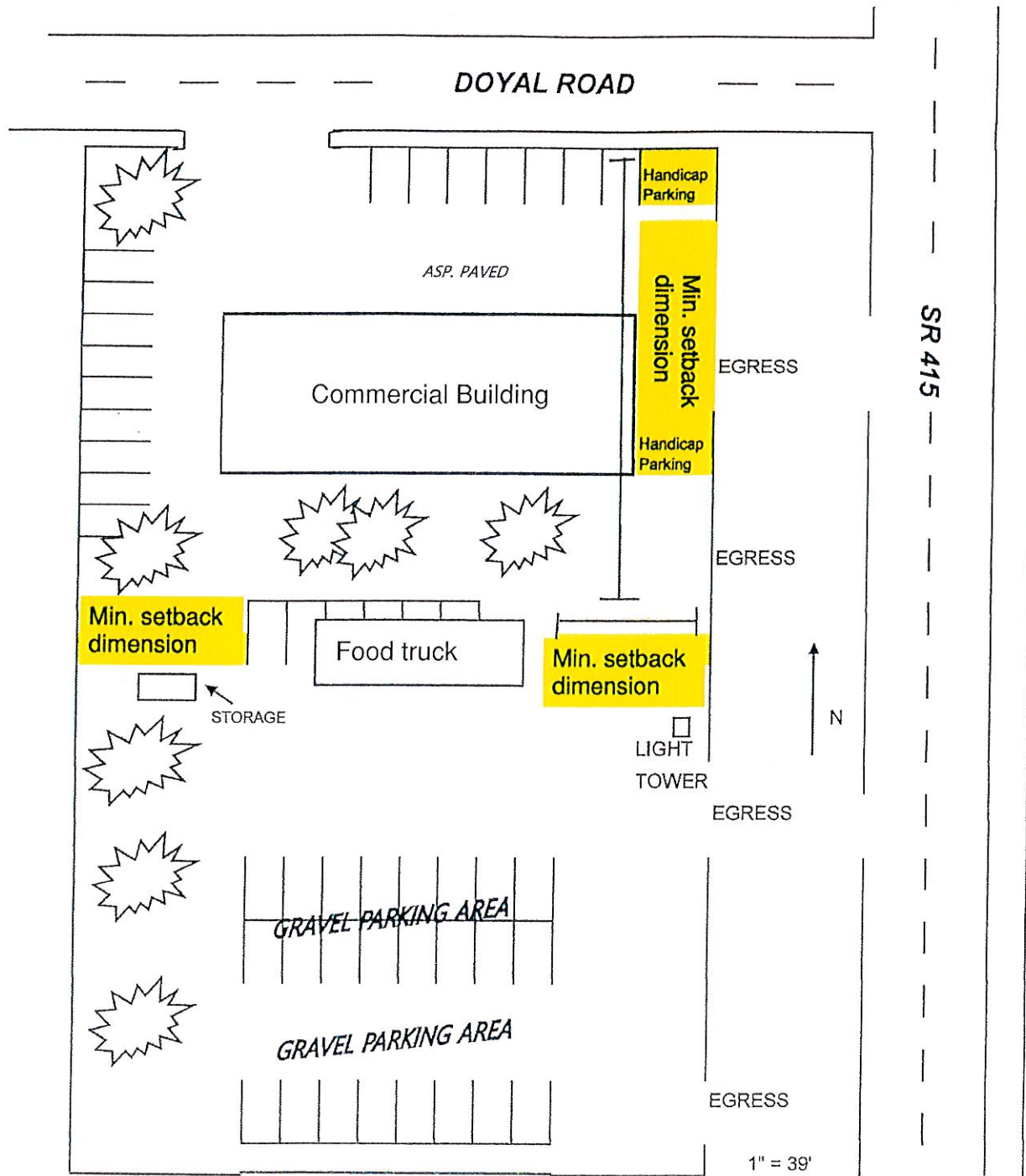
****STAFF USE ONLY****

PROJECT NAME: _____

APPLICATION NUMBER: _____ - _____ - _____ - _____

RSN: _____

Sample Site Sketch



Parcel #

Property Address

Food truck owner name



The following is the 2021 update for all food truck's and outside food vendors in Volusia County. The information provided comes from or updated fire code 2018 edition of NFPA 1 and include:

Permit requirements

50.7.1.2 Where required by the AHJ, permits shall be required for the location, design, construction and operation of mobile and temporary cooking operations.

Volusia County Fire Rescue has adopted a permit and fee schedule for all food trucks and outside food vendors.

Vehicle safety

50.7.1.3 Wheel chocks shall be used to prevent mobile and temporary cooking units from moving.

Separating food trucks for safety

50.7.1.5 Mobile or temporary cooking operations shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. (3 m).

Banning mobile or temporary cooking from public tents

50.7.1.6.1 Mobile or temporary cooking shall not take place within tents occupied by the public.

50.7.1.6.2 Tents shall comply with Chapter 25.

Seating prohibitions

50.7.1.6.3 Seating for the public shall not be located within any mobile or temporary cooking vehicle.

Ensuring fire department access

50.7.1.7 Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.

Communication protocols in emergencies

50.7.1.8.1 An approved method of communication to emergency personnel shall be accessible to all employees.

50.7.1.8.2 The address of the current operational location shall be posted and accessible to all employees.



Training employees in emergency response procedures

50.7.1.9.1* Prior to performing mobile or temporary cooking operations, workers shall be trained in emergency response procedures, including the following:

- (1) Proper use of portable fire extinguishers and extinguishing systems
- (2) Proper method of shutting off fuel sources
- (3) Proper procedure for notifying the local fire department
- (4) Proper refueling
- (5) How to perform leak detection
- (6) Fuel properties

50.7.1.9.2 Refresher training shall be provided every year.

50.7.1.9.3 Initial and refresher training shall be documented and made available to the AHJ on request.

Leak detection

50.7.2.3.1 Gas systems shall be inspected prior to each use by a worker trained in accordance with 50.7.1.8.

50.7.2.3.2 Leak detection testing shall be documented and made available to the AHJ on request in accordance with 50.7.2.3.4.

50.7.2.3.3 Where a gas detection system has been installed, it shall be tested every month.

50.7.2.3.4 * LP-Gas systems on mobile food service vehicles shall be certified for compliance with NFPA 58 by an approved company with expertise in the installation, inspection, and maintenance of LP-Gas systems.

50.7.2.3.4.1 The certification shall be good for one year.

50.7.2.3.4.2 Recertification shall occur every time an appliance is replaced or added and if a piping connection is modified in anyway.

50.7.2.3.4.2.1 A change in cylinder shall not be considered a piping connection modification.

50.7.2.3.4.3 Mobile food service vehicles equipped with an LP-Gas system, but without a current approved LP-Gas certification, shall not be permitted to be operated for mobile food service.



A.50.7.2.3

The certification documentation might consist of the following:

- 1.(1) The name of the certification company
- 2.(2) The license number, certificate of fitness number or other applicable identifying number that demonstrates the certification company is approved to install, inspect, and maintain LP-Gas systems
- 3.(3) The corporate name of the mobile food service business
- 4.(4) The identifying name on the side of the mobile food vehicle
- 5.(5) Date of inspection
- 6.(6) Vehicle tag number and VIN
- 7.(7) A signed statement by the agent for the certification company that reads: "The LP-Gas system has been inspected for compliance with the current edition of NFPA 58 and found to be in compliance with the provisions of the code. In addition, leak detection has been conducted on the LP-Gas system piping and the piping has been found to maintain integrity."

General precautions for fryers

50.7.2.4.8.1 All fat fryers shall have a lid over the oil vat that can be secured to prevent the spillage of cooking oil during transit. This lid shall be secured at all times when the vehicle is in motion.

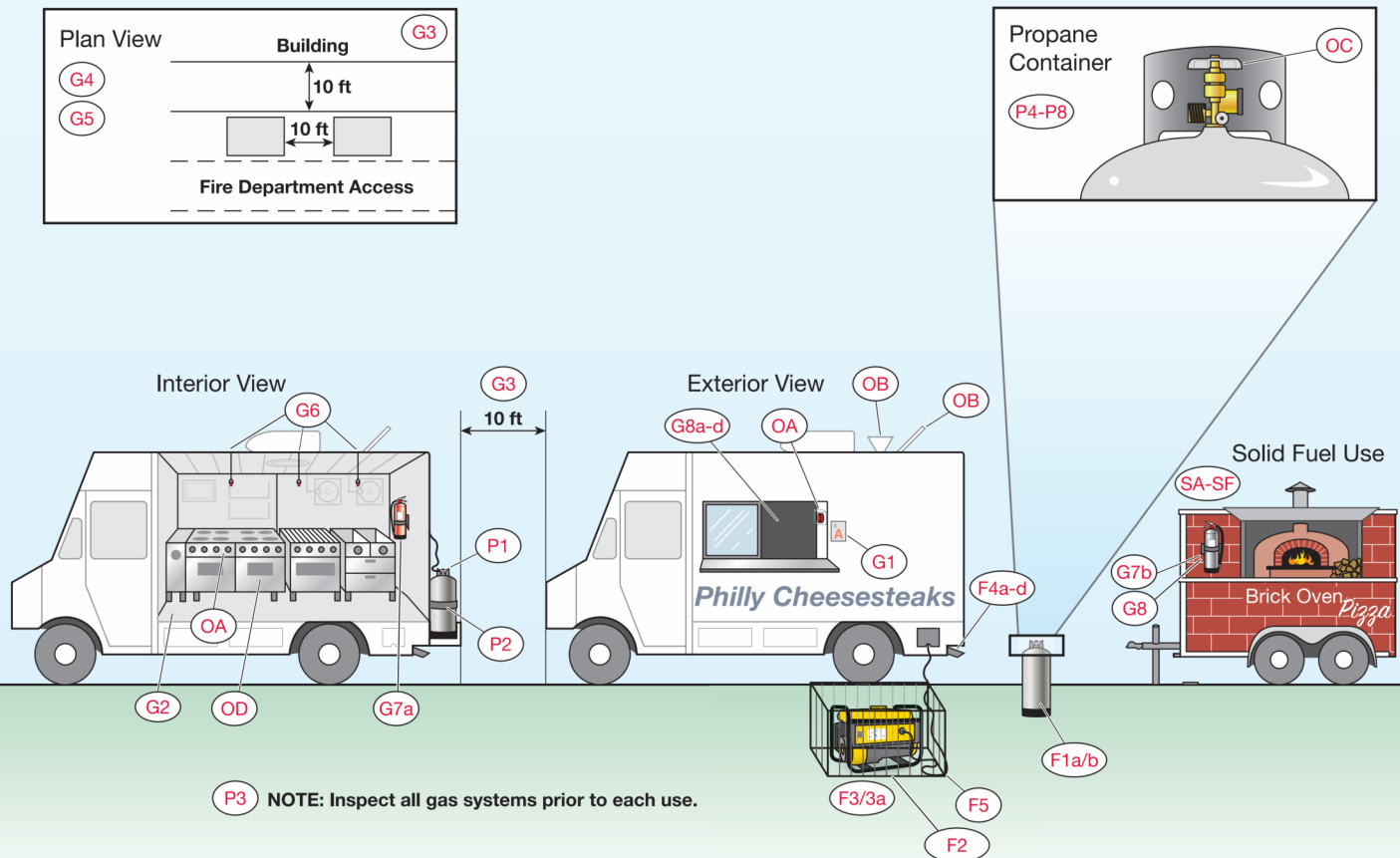
Our Inspectors will be conducting fire inspections of your mobile cooking operations prior to the start of the Food Truck Event, any special event or any roadside food vendors in designated zoning. You will be expected to meet all requirements of the 2018 Florida Fire Code, including the LP-gas system certification. Please be sure that all of your hood systems are clean, your hood fire suppression systems are within the six month inspection cycle and your fire extinguishers are charged, inspected and have a valid tag.

If you have not already done so, I highly recommend researching Chapter 50 of the 2018 Florida Fire Code and any related NFPA standards that are incorporated therein. Much of this information is available to you on the internet. In doing so, you will reduce your chance of having any problems when you arrive at an event and have a fire inspection performed by the local Fire Marshal.

As always, if you have any questions, please feel free to contact us at 386-736-5940.



FOOD TRUCK SAFETY



NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see NFPA 1 and Annex B in NFPA 96.

General Safety Checklist

- ☐ Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- ☐ Ensure there is no public seating within the mobile food truck. [1:50.7.1.6.3] **G2**
- ☐ Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:7.8.2; 96:7.8.3 for carnivals only] **G3**
- ☐ Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- ☐ Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5] **G5**
- ☐ Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**
- ☐ Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3] **G7a**
- ☐ Where solid fuel cooking appliance produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:14.7.1] **G7b**
- ☐ Ensure that workers are trained in the following: [96:B.15.1] **G8**
 - ☐ Proper use of portable fire extinguishers and extinguishing systems [10:1.2] **G8a**
 - ☐ Proper method of shutting off fuel sources [96:10.4.1] **G8b**
 - ☐ Proper procedure for notifying the local fire department [1:10.14.9 for carnivals only] **G8c**
 - ☐ Proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17] **G8d**



FOOD TRUCK SAFETY *CONTINUED*

Fuel & Power Sources Checklist

- ❑ Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1 for carnivals only] **F1a**
- ❑ Ensure that refueling is conducted only during non-operating hours. [96:B.18.3] **F1b**
- ❑ Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2] **F2**
- ❑ Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:11.7.2.1.2] **F3**
- ❑ Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- ❑ Make sure that exhaust from engine-driven source of power complies with the following: **F4**
 - ❑ At least 10 ft in all directions from openings and air intakes [96:B.13] **F4a**
 - ❑ At least 10 ft from every means of egress [96:B.13] **F4b**
 - ❑ Directed away from all buildings [1:11.7.2.2] **F4c**
 - ❑ Directed away from all other cooking vehicles and operations [1:11.7.2.2] **F4d**
- ❑ Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70®. [96:B.18] **F5**

Propane System Integrity Checklist

- ❑ Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- ❑ Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- ❑ Inspect gas systems prior to each use. [96:B.19.2.3] **P3**
- ❑ Perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17] **P4**
- ❑ Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17] **P5**
- ❑ Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- ❑ Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- ❑ Where a gas detection system is installed, ensure that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.1] **P8**

Operational Safety Checklist

- ❑ Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **OA**
- ❑ Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:14.2.2; 96:14.2.3] **OB**
- ❑ Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- ❑ Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:11.4] **OD**

Solid Fuel Safety Checklist (Where Wood, Charcoal, Or Other Solid Fuel Is Used)

- ❑ Fuel is not stored above any heat-producing appliance or vent. [96:14.9.2.2] **SA**
- ❑ Fuel is not stored closer than 3 ft to any cooking appliance. [96:14.9.2.2] **SB**
- ❑ Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7] **SC**
- ❑ Fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4] **SD**
- ❑ Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1] **SE**
- ❑ Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least 3 ft from any cooking appliance. [96:14.9.3.8] **SF**

NFPA RESOURCES

NFPA 1, *Fire Code*, 2018 Edition

NFPA 1 *Fire Code Handbook*, 2018 Edition

NFPA 58, *Liquefied Petroleum Gas Code*, 2017 Edition

LP-Gas Code Handbook, 2017 Edition

NFPA 70®, *National Electrical Code*®, 2017 Edition

National Electrical Code® *Handbook*, 2017 Edition

NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2017 Edition

NFPA 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook*, 2017 Edition

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NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to nfpa.org/foodtrucksafety.

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