



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Construction Industry, County Inspectors, Plans Examiners

From: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

Date: January 31, 2025

Subject: Regulation of Food Trucks in Unincorporated Monroe County

This memorandum will serve as a guiding document to outline how food trucks are regulated throughout Unincorporated Monroe County.

What is a Food Truck as it pertains to this Memorandum?

This memorandum shall be construed so as to relate to mobile food dispensing vehicles and temporary commercial kitchens as defined by Florida Statutes in addition to restaurant uses as defined by the Monroe County Land Development Code (LDC).

Per F.S. 509.102:

- 1) (a) As used in this section, the term “*mobile food dispensing vehicle*” means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.

<https://www2.myfloridalicense.com/hotels-restaurants/licensing/mfdv-guide/>

What is a Mobile Food Dispensing Vehicle license? continued...

With a Mobile Food Dispensing Vehicle (MFDV) license, operators are fully able to drive from place to place throughout the state. The menu items are limited to what the equipment on the vehicle can prepare. Mobile Food license holders can also offer catering services and may operate at a 1-3 day temporary event without paying additional temporary event fees.

What is a Self-sufficient MFDV?

A Mobile Food Dispensing Vehicle operator that can perform all food activities inside the vehicle, like storing food, preparing food, and dishwashing, is self-sufficient. If later the operator were to expand operations beyond the unit's capacity then they may need a commissary for storage or to conduct additional food preparation.

Water/sewer locations and commissaries

1 MFDVs must use a commercial (non-residential) location to fill up the water tank and
2 empty the wastewater tank. This can be a commissary, or it can be a water/sewer facility
3 like a truck stop or campgrounds.

4
5 Any FDACS-permitted or H&R-licensed fixed food service establishment can provide
6 commissary services for your MFDV.

7
8 Exception – If the water/sewer location is permitted by DOH, such as a school or fraternal
9 organization or bar, the Department of Health would be the permitting agency for the
10 mobile unit.

11
12 Exception – If the location is on a septic system, the county Department of Health (DOH)
13 would have to approve the system for increased use. This also applies to any other
14 water/sewer locations used by an MFDV. For this reason we recommend using a location
15 that is on municipal water/sewer.

16
17 (b) As used in this section, the term “*temporary commercial kitchen*” means any kitchen
18 that is a public food service establishment used for the preparation of takeout or delivery-
19 only meals housed in portable structures that are movable from place to place by a tow or
20 are self-propelled or otherwise axle-mounted, that include self-contained utilities,
21 including, but not limited to, gas, water, electricity, or liquid waste disposal. Such kitchens
22 are subject to all provisions of this chapter except as may be provided herein. The term
23 does not include a tent.

24
25 <https://www2.myfloridalicense.com/hotels-restaurants/licensing/teck-guide/>

26
27 **What is a Temporary Commercial Kitchen license?**

28 Temporary Commercial Kitchens (TECK) are mobile kitchen facilities that are typically
29 used when fixed kitchens are unavailable, e.g., have been damaged by a fire, or when a
30 fixed kitchen is being refurbished, when extra kitchen space is needed, and for catering at
31 events. They may also be used after a natural disaster, such as a hurricane and are
32 contained in a variety of modular structures, such as portable cabin structures, modular
33 buildings, towed trailers, or standard freight containers. Temporary Commercial Kitchens
34 cannot be tents.

35
36 In accordance with LDC Section 101-1:

37
38 *Mobile vendor food unit* means a non-motorized food vendor cart, which is small,
39 lightweight, and often mounted on a single-axle (two-wheeled) chassis; or a vehicle-
40 mounted food service establishment which is either self-propelled and licensed to travel on
41 public streets, or not self-propelled but is a licensed trailer which can be moved from place
42 to place.

43
44 *Restaurant use* means any establishment, which may or may not include a drive-through
45 service, where the principal business is the sale of food and beverages to the customer in a
46 ready-to-consume state. This includes service within the building as well as takeout or
47 carryout service. Restaurant uses are subdivided into the following intensity classifications:

- 1) *Low-intensity restaurant use* means a restaurant use that generates less than 50 average daily trips per 1,000 square feet of floor area.
- 2) *Medium-intensity restaurant use* means a restaurant use that generates between 50 and 100 average daily trips per 1,000 square feet of floor area.
- 3) *High-intensity restaurant use* means a restaurant use that generates above 100 average daily trips per 1,000 square feet of floor area.

In accordance with Section 23-71 of the Monroe County Code of Ordinances:

Mobile food vendor means any person who sells, or offers for sale, any candy, ice cream confection, or any food or beverage for human consumption from any cart or vehicle of any kind capable of locomotion.

What are the Requirements for a Food Truck?

For the purpose of this memorandum, any entity that meets the definition of mobile food dispensing vehicle (MFDV) or mobile vendor food unit shall be referred to as a food truck.

The regulations and site requirements for a food truck will depend on the length of time that a food truck is proposed to be in operation at a specific property.

No food truck shall be permitted to operate within a Monroe County or FDOT right of way.

For the purpose of this memorandum, the requirements have been broken down into two scenarios: food trucks that are operating on a private property for less than 6 months and food truck use operating on a private property for more than 6 months.

Regardless of length of time, a building permit is required for food trucks (mobile food dispensing vehicle/mobile vendor food unit)

Pursuant to LDC Section 110-140:

A building permit is required prior to the following:

- a) Any work specified in Chapter 6 of the Monroe County Code of Ordinances;
- b) Any change in the land use intensity, density, or use of land authorized as a permitted as-of-right use under this Land Development Code;
- c) Any change in the use of land or structure from a permitted as-of-right use within a land use district to another listed permitted as-of-right use; and
- d) Any development authorized by conditional use approval.

Monroe County Fire Rescue, Office of the Fire Marshal has prepared a memorandum of Mobile Food Truck – Fire & Life Safety Requirements. The Fire Marshal's Office reviews and provides inspections for Mobile Food Trucks (mobile food dispensing vehicle/mobile vendor food unit). A copy of the Fire and Life Safety Requirements has been included as an attachment to this document.

Food Truck Use on a Property for Less than 6 Months:

A building permit is required for a temporary use in accordance with LDC Section 110-140. The building permit type that should be requested is **TEMPORARY**.

In accordance with LDC Section 101-1:

Temporary uses means uses that are required for a defined period of time during the construction phase of permitted development (including, but not limited to, equipment storage, material storage, construction/safety fencing and office trailers), capital improvements, and uses that are uniquely seasonal in nature (including but not limited to, public assemblies, holiday-related outdoor events such as Christmas tree and pumpkin sales, temporary emergency shelters, concerts, carnivals, art shows, seminars and other educational events, and tent meetings).

In accordance with LDC Section 103-102:

Temporary uses, other than public assemblies and temporary construction staging areas. Approval of a temporary use that is not defined as a *public assembly* in Section 101-1 or categorized as a *temporary construction staging area* pursuant to Section 6-3 shall be granted only if the following criteria are met:

- 1) Prior to establishment of the temporary use, **a special building permit approving the temporary use, and any associated temporary structures**, shall be issued in accordance with this section and Section 6-112;
- 2) No clearing or filling of environmentally sensitive lands shall occur to accommodate the temporary use;
- 3) The temporary use shall not occur in any required setback or required parking area; and
- 4) The temporary use shall be compatible with existing uses on surrounding properties, as determined by the Planning Director. If necessary, prior to issuance of a special building permit allowing the temporary use, the Planning Director may require a meeting with the applicant, the Planning Director (or his/her designee), Building Official (or his/her designee), the Sheriff (or his/her designee), the Fire Chief (or his/her designee), and/or a representative of the county Health Department to negotiate mutually satisfactory conditions under which the temporary use may be approved to avoid substantial harm to the public health or safety and to minimize or to avoid substantial harm to, or impairment of the normal use of, a public place or to avoid substantial harm to the environment. Depending on the nature and anticipated duration of the temporary use, as a condition of approval to the special building permit, the Planning Director and Building Official reserve the right to:
 - a. Require fencing, landscaping and/or other screening to limit potential visual and noise impacts of the temporary use on adjacent property owners; and
 - b. Require full compliance with the surface water management provisions provided in Chapter 114, article I and the bufferyard provisions provided in Chapter 114, article V.

1 In accordance with Section 6-112 of the Monroe County Code of Ordinances:

2 The Building Official, or his or her authorized designee, may issue a special building
3 permit for a limited time of not more than six months for the erection of temporary
4 structures, including but not limited to sheds, trailers, seats, canopies, tents, and fences
5 used in construction work or for temporary uses and events. Any such permit for
6 temporary uses shall be in compliance with this section and the provisions of the Land
7 Development Code, specifically section 130-5 and Chapter 122 if located in flood hazard
8 areas. Any structures shall be completely removed upon expiration of the time stated in the
9 permit, which shall be the minimum amount of time necessary to accommodate the
10 temporary use. In the event a temporary structure is required for more than six months for
11 a construction-related project, the applicant shall apply for a new special building permit
12 prior to the expiration of the original building permit.
13

14 In accordance with Section 6-112, a temporary use permit shall not be extended or issued that
15 would permit any food truck to be operating on a property for more than 6 months. The food truck
16 must be removed prior to the expiration of the permit.
17

18 *****
19

20 **Food Truck Use of a Property for More than 6 Months:**

21
22 A restaurant use that is proposed to be on a property for more than 6 months shall not be eligible
23 for a temporary use permit and will be required to comply with each and every standard of the
24 Monroe County Land Development Code, Florida Building Code, NFPA and any other state
25 regulation(s). A building permit is required for the establishment of a restaurant use in accordance
26 with LDC Section 110-140, even if a structure is not being constructed. The building permit type
27 that should be requested is **REMODEL/REPAIR/CHANGE IN USE/OCCUPANCY (w/ or**
28 **w/out construction).**
29

30 **Where are Food Trucks Permitted as a Principal Use?**

31
32 In Land Use Districts that allow restaurant uses. The following Land Use Districts allow restaurant
33 uses of various intensities:
34

- 35 ■ Commercial Fishing Area (CFA)- Section 130-77
- 36 ■ Commercial Fishing Special District (CFSD)- Refer to Section 130-79 for specific CFSDs
- 37 ■ Industrial (I)- Section 130-82
- 38 ■ Maritime Industries (MI)- Section 130-85
- 39 ■ Military facilities (MF)- Section 130-86
- 40 ■ Mixed Use (MU)- Section 130-88
- 41 ■ Recreational Vehicle (RV)- Section 130-92
- 42 ■ Suburban Commercial (SC)- Section 130-93
- 43 ■ Urban Commercial (UC)- Section 130-97
- 44 ■ Commercial 1 (C1)- Section 130-102
- 45 ■ Commercial 2 (C2)- Section 130-103
- 46

1 Please refer to the corresponding LDC Section to determine if the restaurant use is permitted as of
2 right, a minor conditional use or a major conditional use.

3
4 In accordance with the ITE Parking Generation Manual, a Food Truck is expected to generate
5 between 10 and 33 daily trips. Food trucks do not contain floor area in accordance with LDC
6 Section 101-1 and generally are considered a high intensity restaurant use, per the definition
7 provided in the LDC. The intensity of the use (number of daily trips generated per 1,000 square
8 feet of floor area) may differ depending on other established uses on site.

9 It should be noted that in order for a food truck to be permitted as an accessory use to an already
10 developed property, it would have to meet the definition of accessory use in accordance with LDC
11 Section 101-1, including being subordinate to and serving an existing principal use.

12
13 **What is Being Reviewed in a Building Permit Application for a Food Truck on a Property**
14 **for More than 6 Months?**

- 15 • The use must be permitted at its proposed intensity within the Land Use District of the
16 property.
- 17 • The use will be reviewed for compliance with LDC Chapter 110 Article III Conditional
18 Uses, and may require additional approval beyond that of the building permit.
- 19 • A site plan is required demonstrating compliance with the Land Development Code
20 including but not limited to:
 - 21 ○ The site must be in compliance with setback requirements in accordance with LDC
22 Section 131-1 and 118-12. New structures and uses are not permitted within
23 required setbacks.
 - 24 ○ The site must be in compliance with the minimum open space requirements of LDC
25 Sections 130-157, 130-162, and 130-164.
 - 26 ○ Any new impervious areas on the site could require compliance with stormwater
27 management criteria in accordance with LDC Section 114-3.
 - 28 ○ The site must have a recycling and solid waste collection area in accordance with
29 LDC Section 114-14.
 - 30 ○ The site must be in compliance with off street parking requirements in accordance
31 with LDC Section 114-67. Currently, 1 parking space per 3 restaurant seats are
32 required.
 - 33 ○ Bicycle parking may be required in accordance with LDC Section 114-71.
 - 34 ○ If the business would result in the receipt of materials and merchandise by vehicles,
35 then a loading zone may be required in accordance with LDC Section 114-69.
 - 36 ○ Landscaping may be required in accordance with LDC Sections 114-99 through
37 114-109.
 - 38 ○ Bufferyards may be required in accordance with LDC Sections 114-124-114-130.
 - 39 ○ Outdoor lighting must be reviewed for compliance with LDC Sections 114-159
40 through 114-164.
 - 41 ○ The site may be reviewed for compliance with access standards in accordance with
42 LDC Section 114-195.
 - 43 ○ The site may be reviewed for compliance with clear site triangle requirements in
44 accordance with LDC Section 114-201.

- Pursuant to Comprehensive Plan Policy 301.1.2 and Policy 301.2.1, a trip generation statement may be required in accordance with LDC Section 114-200.
- If there is construction related to the proposed use, then construction drawings are required.
- The use must be in compliance with the nonresidential inclusionary housing requirements pursuant to LDC Section 139-1(f).

Useful References:

Monroe County's Website is: <https://www.monroecounty-fl.gov/>

You can access the Monroe County Land Development Code at:

https://library.municode.com/fl/monroe_county/codes/land_development_code?nodeId=CH134MI_RE_ARTIINGE_S134-2HOOCSPUSPESTHOSEBU

You can access F.S. 509.102 at:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0509/Sections/0509.102.html

For additional Building Department information related to building and permitting:

<https://www.monroecounty-fl.gov/149/Building-and-Permitting>

Building permit application information can be found online at: <https://www.monroecounty-fl.gov/1278/Online-Permitting-Services>

You can access information from Planning & Environmental Resources Department at:

<https://www.monroecounty-fl.gov/178/Planning-Environmental-Resources>



Memorandum

Date: January 28, 2025

Subject: Guidance for Mobile Food Truck – Fire & Life Safety Requirements

From: Division Chief Craig Marston, MA, FCA, CFEL, Fire Marshal

As discussed with Deputy Fire Marshal Thomas Rossano and Zully Hemeyer, the Fire Marshal's Office reviews and provides inspections for Mobile Food Trucks.

Monroe County Fire Rescue agrees with the temporary permitting process for these types of structures. We try to provide as much information as possible to those asking about Mobile Food Truck businesses. The following lists applicable code references of what is required by NFPA, however is not all inclusive. This is a representation of some of the major concerns that the Fire Marshal's office has, in regard to Food truck safety.

LICENSING AND PERMITS: Permits are required. The following are the types of permits and contact information for other permit agencies.

- 1) Current registration from the Department of Motor Vehicles Registration in the State of Florida.
- 2) Current License from the Department of Business & Professional Regulation (Contact 850-487-1395)
- 3) Temporary Permit from the Monroe County Building Department (305-289-2501)
- 4) Permit application from the Florida Department of Health for a Mobile Food Dispensing Vehicle (850-245-4250)

FIRE EXTINGUISHERS: Fire extinguishers must be available and properly installed.

- 1) Extinguishers are accessible and properly spaced/mounted.
- 2) Extinguishers are maintained and have a current inspection tag by contractor licensed in Florida.
- 3) Class K extinguisher provided where vegetable and animal oils/fats are used for cooking.
- 4) Travel distance to fire extinguisher does not exceed 75' (other requirements may apply).



COOKING OPERATIONS: The following shall be considered requirements for any type of cooking operations in a Mobile Food Truck:

- 1) Mobile or temporary operations shall be separated from buildings, structures, combustible materials, vehicles and other cooking operations by a minimum of 10 ft. (NFPA 96: 7.8.2)
- 2) All cooking appliances are contained under the hood system.
- 3) Cooking equipment is aligned under heads.
- 4) Manual pull station for hood suppression is located in the path of egress.
- 5) Cooking equipment is secured in place with an approved method (of cooking).
- 6) The hood system is free of excess accumulated grease.
- 7) All fat fryers shall have a lid to prevent spillage of cooking oil during transport.
- 8) The suppression system is tagged and inspected within 6 months by contractor licensed in Florida. (NFPA 96:12.2)

APPLIANCES AND ELECTRICAL SYSTEMS: The following shall be considered requirements for power supply to Mobile Food Truck operations:

- 1) Appliances installed to run while the vehicle moves shall have a device installed to stop the flow of gas in the event of a line break.
- 2) Appliances shall be located so that a fire at any appliance shall not block egress of persons from the vehicle.
- 3) Electrical and Mechanical rooms shall be free of combustible storage.
- 4) Multi-plug adapters shall be listed and used in accordance with their listing (ensure surge power strip type).
- 5) Extension cords are not used as permanent wiring.
- 6) All slots in the electrical panel have breakers or blanks in place.
- 7) Junction boxes and electrical outlets have covers.
- 8) Generators: Exhaust is directed a minimum of 5ft away from openings, building egress, vehicles, buildings, etc.

FUEL AND WASTE: The following shall be considered requirements for fuel operations and waste by products of Mobile Food Trucks:

- 1) Where solid fuel cooking appliances produce grease-laden vapors, appliances are protected by listed fire-extinguishing equipment (NFPA 96:14.7.1)
- 2) Fuel is not stored: a) above any heat-producing appliance or vent (NFPA 96: 14.9.2.2), b) closer than 3 ft to any cooking appliance (NFPA 96: 14.9.2.2), c) near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. (NFPA 96: 14.9.2.7), and d) fuel is not stored in the path of the ash removal or near removed ashes (NFPA 96: 14.9.2.4)
- 3) Ash, cinders, and other removed fire debris should be removed from the firebox at regular intervals and at least once a day (NFPA 96: 14.9.3.6.1)
- 4) 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.



- 5) Containers shall be mounted securely on the vehicle, or within the enclosing recess or cabinet. (NFPA 58: 6.26.3.4)
- 6) Containers shall be installed within road clearance in accordance with 11.8.3. (NFPA 58: 6.26.3.4)
- 7) Fuel containers shall be mounted to prevent jarring loose and slipping or rotating, and the fastenings shall be designed and constructed to withstand, without permanent visible deformation, static loading in any direction equal to four times the weight of the container filled with fuel. (NFPA 58: 6.26.3.4)
- 8) Field welding on containers shall be limited to attachments to non-pressure parts such as saddle plates, wear plates, or brackets applied by the container manufacturer.
- 9) All container valves, appurtenances, and connections shall be protected to prevent damage from accidental contact with stationary objects; from loose objects, stones, mud, or ice thrown up from the ground or floor; and from damage due to overturn or similar vehicular accident.
- 10) Permanently mounted ASME containers shall be located on the vehicle.
- 11) Weather protection is provided for cylinders located outside of a vehicle.
- 12) All valves, appurtenances and connections shall be protected from accidental damage from contact or road debris.
- 13) LP Containers shall be marked IAW US DOT Regulations Section VII of ASME Code "Rules for the construction of unfired pressure vessels."
- 14) LP Shut-Off: A sign is affixed with reflective decal letters a minimum of 2" tall that indicates the location of the LP Shutoff.
- 15) LP gas system has been certified for compliance with NFPA 58 annually by contractor licensed in Florida.
- 16) Ensure that Refueling is conducted only during non-operating hours. (NFPA 96: B.18.3)
- 17) Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing or enclosures. (NFPA 96: B.16.2.2)
- 18) Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. (NFPA 1: 11.7.2.1.2)
- 19) Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. (NFPA 1: 11.7.2.1.2)
- 20) Make sure that exhaust from engine driven source of power complies with the following: 1) At least 10 ft in all directions from openings and air intakes (NFPA 96: B.13), 2) At least 10 ft from every means of egress (NFPA 96: B.13), 3) Directed away from all buildings (NFPA 1: 11.7.2.2), 4) Directed away from all other cooking vehicles and operations (NFPA 1: 11.7.2.2.2).
- 21) Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70 @ (National Electrical Code, current edition).
- 22) Main Shutoff valve on all gas containers must be readily accessible. (NFPA 58: 6.26.4.1(3))
- 23) Inspect gas systems prior to each use.



24) Proof must be provided of leak testing performed on all new gas connections of the system (by either the manufacturer or LP service provider). (NFPA 58: 6.16, 6.17)

OTHER SAFETY: The following are the applicable life safety requirements to include but not be limited to the following:

R All fire lanes and fire department vehicular access are marked and unobstructed. (NFPA 1, Ch. 18.2.4)

R Clearance is provided for the fire department to access fire hydrants and connections (NFPA 1:13.1.3-13.1.5)

R Address numbers are visible, contrasting and a minimum of 6" high.

R Appliances using combustible media are protected by an approved fire extinguishing system. (NFPA 96:10.1.2)

R Portable fire extinguishers have been selected and installed in kitchen areas in accordance with NFPA 10 (NFPA 96: 10.9.3)

R No grilles or similar gas or charcoal fueled devices used for cooking or heating are located on any balcony, under any overhang or within 10' of any structure.

R An approved method of contacting 911 is available and the current location of the operation is posted for employees.

R Wheel chocks shall be used (and in place whenever parked) to prevent mobile cooking unit from moving.

R Ensure there is no public seating within the mobile food truck.

The following are the applicable Fire and Life Safety Codes and Standards for reference:

- 1) The Florida Fire Prevention Code (FFPC) 8th edition effective December 31, 2023, consisting of NFPA 1, NFPA 101, F.S. 633, & F.A.C. Chapter 69A.
- 2) NFPA 10 Standard for Portable Fire Extinguishers
- 3) NFPA 13 Standard for the Installation of Sprinkler Systems
- 4) NFPA 25 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems
- 5) NFPA 58 Liquefied Petroleum Gas Code
- 6) NFPA 70® National Electric Code® current edition
- 7) NFPA 72 National Fire Alarm and Signaling Code
- 8) NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

We appreciate you reviewing the current process and do recommend some form of monitoring. As previously suggested, this department will continue to require an annual Fire and Life Safety inspections, as there is a significant risk to the public with these types of temporary structures. Our goal with these inspections is to minimize the potential for fire and life safety hazards.

For further information please contact the Fire Marshal's Office at 305-289-6020. Thank you.