

ORDINANCE NO. 190714

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

An ordinance of the City of Gainesville, Florida, amending the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by adding food truck park as a permitted use in certain zoning districts with associated regulations; by amending Section 30-2.1 Definitions; by amending Section 30-4.12 Permitted Uses in Transects; by amending Section 30-4.19 Permitted Uses in Mixed-Use and Nonresidential Districts; by amending Section 30-4.23 Permitted Uses in Special Districts; by adding Section 30-5.13 to provide regulations for food truck parks; by amending Section 30-5.37 relating to regulations for food trucks; by amending various sections in the Land Development Code and Appendix A Schedule of Fees, Rates and Charges to correct code references because of numbering changes and to make scrivener’s corrections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code

Petition No. PB-19-94 TCH
CODE: Words underlined are additions; words ~~stricken~~ are deletions.

1 for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of
2 Ordinances); and

3 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the
4 Land Development Code as described herein; and

5 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
6 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
7 to Section 163.3174, Florida Statutes, held a public hearing on December 10, 2019, and voted
8 to recommend that the City Commission approve this text amendment to the Land
9 Development Code; and

10 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
11 newspaper of general circulation and provided the public with at least seven days’ advance
12 notice of this ordinance’s first public hearing to be held by the City Commission in the City Hall
13 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

14 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
15 placed in the aforesaid newspaper and provided the public with at least five days’ advance
16 notice of this ordinance’s second public hearing to be held by the City Commission in the City
17 Hall Auditorium; and

18 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
19 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

20 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
21 described herein is consistent with the City of Gainesville Comprehensive Plan.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
2 FLORIDA:

3 SECTION 1. Section 30-2.1 of the Land Development Code is amended as follows. Except as
4 amended herein, the remainder of Section 30-2.1 remains in full force and effect.

5 Section 30-2.1. Definitions.
6

7 **Food truck** means a motorized ~~vehicle or trailer that a natural person or business entity uses to sell~~
8 ~~immediately consumable food products and nonalcoholic beverage items from a fixed location. self-~~
9 contained wheeled vehicle, wheeled trailer, and other conveyances, regardless of the means of
10 propulsion, that is used to vend immediately consumable food or beverage products and is classified
11 as either: 1) Class I – mobile kitchens that have the capability to cook, prepare, and assemble food
12 items on or in the unit; or 2) Class II – canteen units where no preparation or assembly of foods or
13 beverages take place on or in the unit, but which may heat and serve pre-cooked foods or fruits,
14 vegetables, pre-packaged foods or drinks.

15 **Food truck pad** means an area designated within a food truck park that is designed for food truck use
16 with provision for applicable utilities, including water, sewer, electricity, gas, grease interceptors, and
17 solid waste.

18 **Food truck park** means a parcel(s) of land containing three or more food truck pads where food trucks
19 serve as the principal use of the parcel(s). This definition does not include any parcel(s) where food
20 trucks or vending carts serve as a secondary or accessory use.

21 **Mobile food vendor** means a person who prepares, dispenses, or otherwise vends food or beverages
22 from a food truck.

23 [NOTE TO CODIFIER: Insert “Mobile food vendor” immediately after “Mitigation” and keep
24 remainder of definitions in alphabetical order.]

25 SECTION 2. Section 30-4.12 of the Land Development Code is amended as follows. Except as
26 amended herein, the remainder of Section 30-4.12 remains in full force and effect.

27 Section 30-4.12. Permitted Uses.

28 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
29 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
30 use is not allowed. No variances from the requirements of this section are shall be allowed.

1 Table V-1: Permitted Uses within Transects.

	Use Standards	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
RESIDENTIAL											
Single-family dwelling <u>dwelling</u>		P	P	P	P	P	P	P	P	P	P
Attached dwelling <u>dwelling</u> (up to 6 attached units)		-	P	P	P	P	P	P	P	P	P
Multi-family, small-scale (2—4 units per building)		-	P	P	P	P	P	P	P	P	P
Multi-family dwelling <u>dwelling</u>		-	-	P	P	P	P	P	P	P	P
Accessory dwelling units <u>unit</u>	30-5.34 <u>30-5.35</u>	-	P	P	P	P	P	P	P	-	-
Adult day care homes <u>home</u>	30-5.2	P	P	P	P	P	P	P	P	P	P
Community residential homes <u>home</u> (up to 6 residents)	30-5.6	P	P	P	P	P	P	P	P	-	-
Community residential homes <u>home</u> (more than 6 residents)	30-5.6	-	-	P	P	P	P	P	P	P	-
Dormitory (small)	30-5.8	-	P	P	P	P	P	P	P	P	P
Dormitory (large)	30-5.8	-	-	P	P	P	P	P	P	P	P
Family child care homes <u>home</u>	30-5.10	P	P	P	P	P	P	P	P	P	-
NONRESIDENTIAL											
Alcoholic beverage establishment	30-5.3	-	-	-	-	-	-	P	P	P	P
Assisted living facility		-	-	-	P	-	P	P	P	P	P
Bed & Breakfast establishments and <u>breakfast establishment</u>	30-5.4	-	S	P	P	P	P	P	P	P	P
Business services		-	-	-	P	-	P	P	P	P	P
Car wash facilities <u>Carwash</u>	30-5.5	-	-	-	-	-	-	P	P	-	-
Civic, social, or & fraternal organizations <u>organization</u>		S	P	P	P	P	P	P	P	P	P

Day care center	30-5.7	-	S	S	P	P	P	P	P	P	P
Drive-through facility	30-5.9	-	-	-	-	-	P	P	P	P	P
Emergency shelter		-	-	-	-	P	P	P	P	P	P
Equipment rental and leasing, light		-	-	-	-	-	P	P	P	P	P
Exercise studios <u>studio</u>		-	-	-	P	-	P	P	P	P	P
Farmers market	30-5.11	-	-	-	-	-	P	P	P	P	P
Food distribution <u>center</u> for the needy	30-5.12	-	-	-	-	-	-	-	S	S	S
Food truck, <u>not located within a food truck park</u>	30-5.36 <u>30-5.37</u>	-	-	-	A <u>P</u>	- <u>P</u>	P	P	P	P	P
Food truck park (less than 6 pads)	<u>30-5.13</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Food truck park (6 or more pads) ⁵	<u>30-5.13</u>				<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Funeral homes <u>home</u> and <u>or</u> crematories <u>crematory</u>		-	-	-	-	-	P	P	P	P	P
Gasoline/alternative <u>Gasoline or alternative fuel station</u>	30-5.13 <u>30-5.14</u>	-	-	-	-	-	S ¹	P	P	-	-
Health services		-	-	-	-	-	P	P	P	P	P
Hotel <u>or motel</u>		-	-	-	-	-	-	P	P	P	P
Laboratory, medical & <u>or</u> dental		-	-	-	P	-	P	P	P	P	P
Library		-	-	-	-	S	P	P	P	P	P
Light assembly, fabrication and processing	30-5.16 <u>30-5.17</u>	-	-	-	-	-	P	P	P	P	P
Medical marijuana dispensing facility		-	-	-	-	-	P	P	P	P	P
Microbrewery, m Microwinery, <u>or</u> m Microdistillery ²	30-5.17 <u>30-5.18</u>	-	-	-	-	-	S	P	P	P	P
Mini-warehouse / or <u>self-storage facility</u>	30-5.18 <u>30-5.19</u>	-	-	-	-	-	-	-	P	P	-
Museums and art galleries <u>Museum or art gallery</u>		-	-	-	P	S	P	P	P	P	P

Office		-	-	-	P	P ³ / S ⁴	P	P	P	P	P
Office— medical, dental, & other health-related services Office (medical, dental, or other health-related service)		-	-	-	P	-	P	P	P	P	P
Parking, surface (principal use)	30-5.20 <u>30-5.21</u>	-	-	-	-	-	-	-	-	S	S
Parking, structured (principal use)		-	-	-	-	-	-	P	P	P	P
Passenger transit station		-	-	-	-	-	-	-	P	P	P
Personal services		-	-	-	P	-	P	P	P	P	P
Places <u>Place</u> of religious assembly	30-5.21 <u>30-5.22</u>	S	P	P	P	P	P	P	P	P	P
Professional school		-	-	-	P	P	P	P	P	P	P
Public administration buildings <u>building</u>		-	-	-	S	S	S	P	P	P	P
Public parks <u>park</u>		P	P	P	P	P	P	P	P	P	P
Recreation, indoor ²		-	-	-	-	-	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	-	P	P	P	P
Research development & or testing facilities <u>facility</u>		-	-	-	-	-	-	P	P	P	P
Residences <u>Residence</u> for destitute people	30-5.23 <u>30-5.24</u>	-	-	-	-	-	-	-	S	S	S
Restaurant		-	-	-	S	-	P	P	P	P	P
Retail sales		-	-	-	-	-	P	P	P	P	P
School, elementary, middle & high (public & private) School (elementary, middle, or high – public or private)		S	S	S	P	P	P	P	P	P	P
Scooter and <u>or</u> electric golf cart sales		-	-	-	-	-	-	P	P	P	-
Simulated gambling establishments <u>establishment</u>		-	-	-	-	-	-	-	-	-	-
Social service facilities	<u>30-5.26</u>	-	-	-	-	-	-	-	P	P	P

facility	<u>30-5.27</u>										
Skilled nursing facility		-	-	-	P	-	P	P	P	P	P
Vehicle sales and or rental (no outdoor display)		-	-	-	-	-	-	P	P	P	P
Vehicle services	30-5.29 <u>30-5.30</u>	-	-	-	-	-	-	P	P	-	-
Vehicle repair	30-5.29 <u>30-5.30</u>	-	-	-	-	-	-	P	-	-	-
Veterinary services	30-5.30 <u>30-5.31</u>	-	-	-	P	-	P	P	P	P	P
Vocational/ Trade or trade school		-	-	-	-	-	S	P	P	P	P
Wireless communication services facility or antenna	See 30-5.31 <u>30-5.32</u>										

1 **LEGEND:**

2 P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

3 1 = When located along a Principal Street.

4 2 = Prohibited where adjacent to single-family zoned property.

5 3 = Office uses as a home occupation.

6 4 = Office uses up to 20 percent of the building square footage and shall be secondary to a principal
7 residential use. No outdoor storage allowed.

8 5 = Special use permit required for any proposed food truck park with six or more food truck pads when
9 the food truck park's boundaries would be less than 300 feet from the boundary of any single-family
10 zoned property or property that is developed with a single-family dwelling; otherwise, such food truck
11 park is allowed by right.

12

13 **SECTION 3.** Section 30-4.16 of the Land Development Code is amended as follows. Except as
14 amended herein, the remainder of Section 30-4.16 remains in full force and effect.

15 **Section 30-4.16. Permitted Uses.**

16 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
17 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
18 use is not allowed. No variances from the requirements of this section ~~are shall be~~ allowed.

19 **Table V-4: Permitted Uses in Residential Districts.**

USES	Use Standards	RSF-1 to 4	RC	MH	RMF-5	RMF-6 to 8
Accessory dwelling units <u>unit</u>	30-5.34 <u>30-5.35</u>	-	A	A	A	A
Adult day care homes <u>home</u>	30-5.2	P	P	P	P	P
Assisted living facilities <u>facility</u>		-	-	-	P	P
Attached dwellings <u>dwelling</u> (up to 6 attached units)		-	-	-	P	P
Bed and breakfast establishments <u>establishment</u>	30-5.4	S	P	P	P	P
Community residential homes <u>home</u> (up to 6 residents)	30-5.6	P	P	P	P	P
Community residential homes <u>home</u> (7 to 14 residents)	30-5.6	-	-	-	-	P
Community residential homes <u>home</u> (over 14 residents)	30-5.6	-	-	-	-	P
Day care centers <u>center</u>	30-5.7	-	P	P	P	P
Dormitory, small	30-5.8	-	-	-	-	P
Dormitory, large	30-5.8	-	-	-	-	S
Emergency shelters <u>shelter</u>		-	-	-	-	P
Family child care homes <u>home</u>	30-5.10	P	P	P	P	P
Fowl or livestock (as an accessory use)	30-5.37 <u>30-5.38</u>	-	-	-	-	-
Mobile homes <u>home</u>		-	-	P	-	-
Multi-family dwellings <u>dwelling</u>		-	-	-	P	P
Multi-family, small-scale (2-4 units per building)		-	p ¹	-	P	P
Places <u>Place</u> of religious assembly	30-5.21 <u>30-5.22</u>	S	P	P	P	P
Libraries <u>Library</u>		-	S	S	S	S
Public parks <u>park</u>		P	P	P	P	P
Schools (elementary, middle and high) <u>School (elementary, middle, or high – public or private)</u>		S	P	P	P	P
Simulated gambling establishments <u>establishment</u>		-	-	-	-	-

Single-family dwelling <u>dwelling</u>		P	P	P	P	P
Skilled nursing facility		-	-	-	-	S
Social service <u>facility</u> homes / halfway <u>houses</u>	30-5.27 <u>30-5.28</u>	-	-	-	-	S

1 **LEGEND:**

2 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

3 1 = No more than two dwellings units per building are permitted in the RC district.

4

5 **SECTION 4.** Section 30-4.19 of the Land Development Code is amended as follows. Except as
6 amended herein, the remainder of Section 30-4.19 remains in full force and effect.

7 **Section 30-4.19. Permitted Uses.**

8 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
9 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
10 use is not allowed. No variances from the requirements of this section ~~are shall be~~ allowed.

11 **Table V-7: Permitted Uses in Mixed-Use and Nonresidential Districts.**

	Use Standards	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	BI	W	I-1	I-2
RESIDENTIAL													
Single-family house <u>dwelling</u>		P	-	P	P	-	-	-	-	-	P	-	-
Attached dwelling <u>dwelling</u>		P	P	P	P	-	-	-	-	-	-	-	-
Multi-family dwelling <u>dwelling</u>		P	P	P	P	S	-	-	-	-	P	-	-
Accessory dwelling units <u>unit</u>	30-5.34 <u>30-5.35</u>	A	A	A	A	-	-	-	-	-	P	-	-
Adult day care homes <u>home</u>	30-5.2	P	P	P	P	P	P	-	-	P	-	-	-
Community residential homes <u>home</u> (up to 6 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Community residential homes <u>home</u> (more than 14 residents)	30-5.6	-	P	P	P	-	-	-	-	-	P	-	-
Community residential homes <u>home</u> (7 to 14 residents)	30-5.6	P	P	P	P	-	-	-	-	-	P	-	-
Dormitory, large	30-5.8	-	-	-	S	-	-	-	-	-	-	-	-
Dormitory, small	30-5.8	S	S	S	P	-	S	-	-	-	-	-	-

Family child care homes <u>home</u>	30-5.10	P	-	P	P	-	-	-	-	-	P	-	-
NONRESIDENTIAL													
Alcoholic beverage establishments <u>establishment</u>	30-5.3	S	S	-	-	-	P	-	P	P	-	P	P
Assisted living facility		P	P	-	P	-	-	-	-	-	P	-	-
Armor systems manufacturing and assembly	30-5.16	P	-	-	-	-	-	-	-	-	-	-	-
Bed and breakfast establishments <u>establishment</u>	30-5.4	P	P	S	S	-	P	-	P	-	-	-	-
Business services		P	P	-	P	P	P	P	P	P	P	P	P
Car wash facilities <u>Carwash</u>	30-5.5	S	S	-	-	-	P	P	S	P	P	P	P
Civic, social, or & -fraternal organizations <u>organization</u>		P	P	-	-	-	P	P	P	P	-	-	-
Daycare <u>Day care center</u>	30-5.7	P	P	P	P	P	P	-	-	P	P	-	-
Drive-through facility	30-5.9	P	P	-	-	-	P	P	P	P	P	P	P
Emergency shelters <u>shelter</u>		P	P	P	P	P	P	P	P	P	P	P	P
Equipment sales, rental and leasing, heavy		-	-	-	-	-	-	-	-	-	-	P	P
Equipment sales, rental and leasing, light		-	P	P	P	-	P	P	-	P	P	P	P
Food distribution center for the needy	30-5.12	-	-	-	-	-	S	-	S	S	-	-	-
Food trucks <u>truck, not located within a food truck park</u>	30-5.36 <u>30-5.37</u>	P	P	A	A	P	P	P	P	P	P	P	P
Food truck park (less than 6 pads)	<u>30-5.13</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Food truck park (6 or more pads) ⁴	<u>30-5.13</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Gasoline/ alternative fuel stations <u>Gasoline or alternative fuel station</u>	30-5.13 <u>30-5.14</u>	S	S	-	-	-	P	P	P	S	P	S	S
Go-cart raceway and rentals (indoor and outdoor)		-	-	-	-	-	-	-	-	-	-	S	S
Health services		P	P	P	P	P	-	-	-	-	P	-	-
Hotels and motels <u>Hotel or</u>		S	S	-	-	S	P	-	P	P	S	-	-

<u>motel</u>													
Ice manufacturing/vending machines	30-5.39 <u>30-5.40</u>	-	-	-	-	-	S	S	S	A	A	A	A
Industrial	30-5.14 <u>30-5.15</u>	-	-	-	-	-	-	-	-	-	-	P	P
Job training and vocational rehabilitation services		-	P	-	-	-	P	-	-	P	P	P	-
Junkyard/Salvage Yard <u>Junkyard or salvage yard</u>	30-5.15 <u>30-5.16</u>	-	-	-	-	-	-	-	-	-	-	S	P
Laboratories, medical and dental <u>Laboratory, medical or dental</u>		P	P	P	P	P	P	-	-	P	P	P	P
Large-scale retail		-	P	-	-	-	P	P	P	P	-	-	-
Libraries <u>Library</u>		-	P	-	-	P	-	-	-	-	P	-	-
Light assembly, fabrication, and processing	30-5.16 <u>30-5.17</u>	P	P	-	S	S	S	P	-	P	P	P	P
Liquor stores		P	P	-	-	-	P	P	P	-	P	-	-
Medical marijuana dispensing facility		P	P	A ¹	A ¹	S	P	P	P	P	P	S	S
Microbrewery Microwinery Microdistillery <u>Microbrewery, microwinery, or microdistillery³</u>	30-5.17 <u>30-5.18</u>	S	P	-	-	-	P	-	P	P	P	P	P
Mini-warehouses, self-storage <u>Mini-warehouse or self-storage facility</u>	30-5.19 <u>30-5.19</u>	-	-	-	-	-	-	-	-	P	P	P	P
Museums and art galleries <u>Museum or art gallery</u>		P	P	P	P	P	P	-	P	P	P	-	-
Offices <u>Office</u>		P	P	P	P	P	P	P	P	P	P	P	P
Offices, medical and dental <u>Office (medical, dental, or other health-related service)</u>		P	P	P	P	P	P	-	P	-	P	-	-
Outdoor storage, (principal use) <u>Outdoor storage, (principal use)</u>	30-5.19 <u>30-5.20</u>	-	-	-	-	-	-	-	-	S	P	P	P
Parking, surface (as a principal use) <u>Parking, surface (as a principal use)</u>	30-5.20 <u>30-5.21</u>	-	S	-	-	-	S	P	-	P	P	-	-

<u>Passenger transit or rail stations station</u>		S	S	-	-	P	P	P	P	P	P	P	-
Personal services		P	P	P	P	P	P	P	P	P	P	P	P
<u>Places Place of religious assembly</u>	30-5.21 <u>30-5.22</u>	P	P	P	P	P	P	P	P	P	P	-	-
<u>Public administration buildings building</u>		P	P	P	P	P	P	P	P	P	P	P	-
<u>Public maintenance and or storage facilities facility</u>		-	-	-	-	-	-	-	-	P	P	P	P
<u>Public parks park</u>		S	S	S	S	P	P	P	P	P	P	P	P
Recreation, indoor		P	P	P	P	P	P	P	P	P	P	P	P
Recreation, outdoor		-	-	-	-	-	S	P	P	S	-	P	P
Recreational vehicle park	30-5.22 <u>30-5.23</u>	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	-
<u>Recycling centers center</u>		-	S	-	-	-	S	-	-	-	S	S	P
<u>Rehabilitation centers center</u>		S	S	S	S	-	S	-	-	S	-	S	
<u>Research, development and or testing facilities facility</u>		-	-	-	-	P	P	-	-	P	P	P	P
Residences-Residence for destitute people	30-5.23 <u>30-5.24</u>	S	S	S	S	-	S	-	S	-	-	-	-
<u>Restaurants Restaurant</u>		P	P	-	S	P	P	P	P	P	P	P	P
<u>Retail nurseries, lawn and garden supply stores nursery, lawn, or garden supply store</u>		P	P	-	-	-	P	P	-	P	P	P	-
Retail sales (not elsewhere classified)		P	P	-	-	S	P	P	P	P	P	S	S
<u>Schools, elementary, middle & high (public & private) School (elementary, middle, or high – public or private)</u>		P	P	S	S	-	P	-	-	-	P	-	-
<u>Schools School, professional</u>		P	P	P	P	P	P	P	-	P	P	P	P
<u>Schools School, vocational or and-trade</u>		-	P	P	P	-	P	P	-	P	P	P	P
Scooter or electric golf cart sales		P	P	-	-	-	P	P	-	P	-	P	-
<u>Sexually-oriented cabarets</u>	30-5.24	-	-	-	-	-	-	-	P	-	-	-	P

<u>cabaret</u>	<u>30-5.25</u>													
Sexually-oriented motion picture theaters <u>theater</u>	30-5.24 <u>30-5.25</u>	-	-	-	-	-	-	-	P	-	-	-	P	
Sexually-oriented retail store	30-5.24 <u>30-5.25</u>	-	-	-	-	-	P	-	P	-	-	-	P	
Simulated gambling establishments <u>establishment</u>		-	-	-	-	-	-	-	-	-	-	-	-	-
Skilled nursing facility		P	P	-	P	P	P	-	-	-	P	-	-	
Social service facility	30-5.26 <u>30-5.27</u>	S	S	S	S	-	-	-	-	-	P	S	S	
Solar generation station	30-5.28 <u>30-5.29</u>	-	-	-	-	-	-	-	-	P	-	P	P	
Truck or bus <u>terminal or maintenance facility</u> terminal/maintenance facilities		-	-	-	-	-	-	P	P	P	P	P	P	
Vehicle repair	30-5.29 <u>30-5.30</u>	-	-	-	-	-	-	P	P	P	-	P	P	
Vehicle rental		-	-	-	-	-	P	P	P	P	P	P	P	-
Vehicle sales (no outdoor display)		-	-	-	-	-	P	P	P	P	-	P	-	
Vehicle sales (with outdoor display)		-	-	-	-	-	-	P	-	P	-	P	P	
Vehicle services	30-5.29 <u>30-5.30</u>	S	S	-	-	-	P	P	P	P	S	P	P	
Veterinary services	30-5.30 <u>30-5.31</u>	P	P	P	P	P	P	P	P	P	P	P	P	
Warehouse/distribution facilities (<100,000 SF) <u>Warehouse or distribution facility (less than 100,000 sf)</u>		-	-	-	-	-	-	-	-	P	P	P	P	
Warehouse/distribution facilities (>100,000 SF) <u>Warehouse or distribution facility (100,000 sf or greater)</u>		-	-	-	-	-	-	-	-	P	P	P	P	
Waste management facilities <u>facility</u>		-	-	-	-	-	-	-	-	S	-	P	P	
Wholesale trade		-	-	-	-	-	-	S	-	P	P	P	P	

Wireless communication facilities	30-5.31																			
Wireless communication facility or antenna	See 30-5.32																			

1 **LEGEND:**

2 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

3 1 = Only when accessory to and in the same building as health services or offices of physicians, dentists,
4 and other health practitioners.

5 2 = Accessory to and in the same building as health services and comprising less than 25 percent of the
6 gross floor area of the building.

7 3 = Prohibited where adjacent to single-family zoned property.

8 4 = Special use permit required for any proposed food truck park with six or more food truck pads when
9 the food truck park's boundaries would be less than 300 feet from the boundary of any single-family
10 zoned property or property that is developed with a single-family dwelling; otherwise, such food truck
11 park is allowed by right.

12

13 **SECTION 5.** Section 30-4.23 of the Land Development Code is amended as follows. Except as
14 amended herein, the remainder of Section 30-4.23 remains in full force and effect.

15 **Section 30-4.23. Permitted Uses.**

16 The following table contains the list of uses allowed, and specifies whether the uses are allowed by right
17 (P), accessory to a principal use (A), or by special use permit approval (S). Blank cells indicate that the
18 use is not allowed. No variances from the requirements of this section ~~are shall be~~ allowed.

19 **Table V-9: Permitted Uses in Special Districts.**

Use	Use Standards	AGR	AF	CON	ED	MD	PS *
Agricultural, forestry and fishing uses		P	-	-	-	-	-
Airports <u>Airport</u>		-	S	-	-	-	-
Animal specialty services		P	-	-	-	-	P
Arboreta and botanical or zoological gardens <u>garden</u>		-	-	P	-	-	P
Armor systems manufacturing and assembly	<u>30-5.16</u>	-	P	-	-	-	-
Assisted living facility		-	-	-	-	P	-
Business services		-	P	-	-	P	P
Campgrounds <u>Campground</u>		P	-	-	-	-	P

Cemeteries <u>Cemetery</u>		-	-	-	-	-	P
Community residential homes <u>home</u> (up to 6 residents)	30-5.6	P	-	P	-	-	-
Correctional institutions <u>institution</u>		-	-	-	-	-	P
Day care center	30-5.7	-	-	-	-	P	P
Drive-through facilities <u>facility</u>	30-5.9	-	P	-	-	-	-
Emergency shelters <u>shelter</u>		-	-	P	P	P	P
Equipment rental and leasing, heavy		P	P	-	-	P	-
Equipment rental and leasing, light		P	P	-	P	P	-
Farmers markets <u>market</u>		P	-	-	-	-	P
Food distribution center for the needy	30-5.12	-	-	-	-	P	P
Food trucks truck , not located within a food truck park	30-5.36 <u>30-5.37</u>	-	P	-	P	P	A
Food truck park (less than 6 pads)	<u>30-5.13</u>	-	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>
Food truck park (6 or more pads) ¹	<u>30-5.13</u>	-	<u>S</u>	-	<u>S</u>	<u>S</u>	<u>S</u>
Gasoline/alternative fuel stations <u>Gasoline or alternative fuel station</u>	30-5.13 <u>30-5.14</u>	-	P	-	-	-	P
Golf courses <u>course</u>		P	P	-	-	-	P
Health services		-	P	-	-	P	P
Heliports <u>Heliport</u>		-	P	-	-	S	-
Hospitals <u>Hospital</u>		-	-	-	-	P	-
Hotels and motels <u>Hotel or motel</u>		-	P	-	-	P	-
Libraries <u>Library</u>		-	-	-	-	-	P
Light assembly, fabrication and processing	<u>30-5.17</u>	-	P	-	-	-	-
Medical and or dental laboratories <u>laboratory</u>		-	P	-	-	P	-
Medical marijuana dispensing facility		-	P	-	-	A	-
Membership sports and recreation clubs <u>club</u>		P	P	-	-	-	P
Mini-warehouses, self-storage <u>Mini-warehouse or self-storage facility</u>	<u>30-5.19</u>	-	P	-	-	-	-
Museums and or art galleries <u>gallery</u>		-	-	-	P	-	P
Offices <u>Office</u>		-	P	-	-	P	P
Offices, medical and dental <u>Office, medical or dental</u>		-	P	-	-	P	-

Outdoor storage, (principal use)	30-5.19 <u>30-5.20</u>	S	S	-	-	-	-
Parking, surface (as a principal use)	30-5.20 <u>30-5.21</u>	-	S	-	-	-	P
Pet services		P	P	-	-	-	P
Places <u>Place</u> of religious assembly	30-5.21 <u>30-5.22</u>	-	P	-	P	-	-
Public administration buildings <u>building</u>		-	P	-	P	-	P
Public maintenance and or storage facilities <u>facility</u>		-	P	-	-	-	P
Public <u>park</u> parks and recreational facilities		P	P	P	P	P	P
Recreation, indoor		P	P	-	P	-	P
Recreation, outdoor		-	P	-	P	-	P
Recreational vehicle <u>park</u> parks and campsites		-	-	-	-	-	P
Rehabilitation centers <u>center</u>		-	-	-	-	P	P
Research, development and testing service <u>Research development or testing facility</u>		-	P	-	-	P	-
Residences <u>Residence</u> for destitute people	30-5.23 <u>30-5.24</u>	-	-	-	-	P	P
Restaurants <u>Restaurant</u>		-	P	-	-	P	-
Retail nurseries, lawn and garden supply stores <u>nursery, lawn, or garden supply store</u>		S	P	-	-	-	-
Retail sales (not elsewhere classified)		-	P	-	-	A	-
Sale of agricultural products		A	-	-	-	-	P
Schools, elementary, middle & high (public & private) <u>School (elementary, middle, or high – public or private)</u>		-	-	-	P	-	-
Schools <u>School</u> , professional		-	P	-	P	-	-
Schools <u>School</u> , vocational and or trade		-	P	-	P	-	-
Shooting ranges <u>range</u> , outdoor	30-5.25 <u>30-5.26</u>	S	-	-	-	-	-
Simulated gambling establishments <u>establishment</u>		-	-	-	-	-	-
Single-family dwellings <u>dwelling</u>		P	-	P	-	-	-
Skilled nursing facility		-	-	-	-	P	-
Social service facilities <u>facility</u> (not elsewhere	<u>30-5.26</u>	-	-	-	-	P	-

classified)	<u>30-5.27</u>						
Solar generation station	30-5.28 <u>30-5.29</u>	P	P	-	-	-	P
Stadiums and or athletic/sports arena arenas		-	-	-	P	-	P
Theaters Theater, drive-in		-	S	-	-	-	-
Truck, train or bus <u>terminal or maintenance facility</u> terminal/maintenance facilities		-	P	-	-	-	P
Utilities		-	-	-	-	-	P
Vehicle repair	30-5.29 <u>30-5.30</u>	-	P	-	-	-	P
Vehicles sales and or rental		-	P	-	-	-	-
Veterinary services	30-5.30 <u>30-5.31</u>	P	P	-	-	-	-
Warehouse/distribution facilities (<50,000 SF) <u>Warehouse or distribution facility (less than 50,000 sf)</u>		-	P	-	-	-	-
Warehouse/distribution facilities (>50,000 SF) <u>Warehouse or distribution facility (50,000 sf or greater)</u>		-	P	-	-	-	-
Waste management facilities <u>facility</u>		-	-	-	-	-	S
Water conservation area, water reservoir or control structure, or drainage or water well areas, water reservoirs and control structures, drainage wells and water wells.		-	-	P	-	-	P
Wholesale trade		-	P	-	-	-	-
Wireless communication facilities <u>facility or antenna</u>		See 30-5.31 <u>30-5.32</u>					

1 **LEGEND:**

2 P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed.

3 * = Other uses may be allowed as designated by the ordinance rezoning a property to PS.

4 1 = Special use permit required for any proposed food truck park with six or more food truck pads when
5 the food truck park's boundaries would be less than 300 feet from the boundary of any single-family
6 zoned property or property that is developed with a single-family dwelling; otherwise, such food truck
7 park is allowed by right.

8

9 **SECTION 6.** Section 30-5.5 of the Land Development Code is amended as follows.

1 **Section 30-5.5. Carwash, Automated or Self-Service.**

2 All principal and accessory structures used for carwash service ~~shall~~ must be located and constructed in
3 accordance with the following requirements:

- 4 A. When the use is located in an accessory structure, the structure ~~shall~~ must not exceed 25 feet in
5 height.
- 6 B. All bay openings ~~shall~~ must be oriented away from any property in a residential district (including
7 MH, mobile home residential district) or other existing, conforming residential use.
- 8 C. Bay openings ~~shall~~ must be located to the side or rear of the building and ~~shall~~ must be screened
9 from the street.
- 10 D. All outdoor lighting ~~shall~~ must be oriented away from any property in a residential district
11 (including MH, mobile home residential district) or other existing conforming residential use.
- 12 E. All uses ~~shall~~ must comply with the requirements of article VIII for buffering.
- 13 F. Accessory automotive detailing within enclosed parking structures may be allowed consistent with
14 ~~section 30-5.32~~ applicable use standards in Article V.

15

16 **SECTION 7.** Section 30-5.13 is added as a new section to the Land Development Code as
17 follows. [**NOTE TO CODIFIER: Insert the new section immediately after “Section 30-5.12. Food
18 Distribution Centers for the Needy” and keep remainder of sections, but renumber
19 sequentially.**]

20 **Section 30-5.13. Food Truck Park.**

- 21 A. Location. Food truck parks may be located on property within zoning districts that allow food truck
22 parks and within planned development (PD) zoning districts that allow either restaurants or
23 alcoholic beverage establishments, both as defined in Article II. Food trucks located within a food
24 truck park are not subject to the requirements provided in Article V for food trucks that are not
25 located within a food truck park.
- 26 B. Construction standards. Food truck pads and associated facilities may be constructed with
27 alternatives to asphalt and cement as approved by staff if the applicant demonstrates that the site
28 will meet acceptable stormwater management practices and will not accumulate mud or debris on
29 public right-of-way.
- 30 C. Utilities.
- 31 1. Food truck parks must provide connections to electric utility services.
- 32 2. Food truck parks must provide restroom facilities that are connected to water and sewer utility
33 services in accordance with Chapter 27 of the Code of Ordinances, and have plumbing facilities

1 in the minimum number as required by the Florida Building Code for classification of
2 “restaurants, banquet halls, and food courts.”

- 3 3. Food truck parks must provide one handwashing station, meeting any applicable state
4 standards, per two food trucks or food truck pads.
- 5 4. Food trucks operating within a food truck park must not operate a generator at the site, except
6 when necessary in the case of an emergency.
- 7 5. Food truck parks must provide central solid waste disposal areas and recycling facilities, in
8 accordance with applicable standards. Where applicable, food truck parks must have grease
9 interceptors in accordance with applicable regulations.

10 D. *Parking and pedestrian infrastructure.* Except as provided in this section, parking must meet the
11 requirements of Article VII.

- 12 ~~1. Two automobile and two bicycle parking spaces each must be provided per food truck pad.~~
13 ~~However, automobile parking spaces are not required in zoning districts where automobile~~
14 ~~parking is not required.~~
- 15 ~~2. Staff at its discretion may consider existing parking spaces within 600 feet of the site as fulfilling~~
16 ~~applicable parking requirements, but must not consider any parking spaces that are reserved,~~
17 ~~encumbered, or designated to satisfy the off-street parking requirement of a business or activity~~
18 ~~that would operate at the same time as the food truck park.~~
- 19 ~~3. Staff may approve parking reductions based on estimated pedestrian traffic, subject to the~~
20 ~~criteria for parking reduction in Article VII.~~
- 21 4. 2. Food truck parks with five or fewer food truck pads may use existing pedestrian and service
22 infrastructure to service the site, unless staff determines that sidewalk facilities are needed for
23 safety reasons.

24 E. *Alcoholic beverages.* Food truck parks may include the sale or consumption of alcoholic beverages
25 on premises if it is located in a zoning district that allows the sale and consumption of alcoholic
26 beverages, subject to applicable regulations.

27 F. *Accessory activity areas.* Development plans must clearly designate all areas that will be used as
28 accessory activity areas. The operation of such areas must comply with all applicable regulations,
29 such as noise regulations.

30 G. *Designated agent.* Each food truck park must have, and register with the City, a designated agent or
31 team with management responsibility and authority to address and resolve issues of permitting,
32 code compliance, operations, and site maintenance.

33

34 **SECTION 8.** Section 30-5.19 of the Land Development Code is amended as follows. [NOTE TO
35 **CODIFIER: Section 30-5.19 is renumbered to Section 30-5.20 per codifier note above in this**
36 **ordinance.]**

1 **Section ~~30-5.19~~ 30-5.20. Outdoor Storage.**

2 Where outdoor storage is a permitted principal use (not including accessory, short-term or temporary
3 storage) the following requirements shall apply (see ~~section 30-5.39~~ applicable use standards in Article V
4 for outdoor storage as an accessory use):

5 A. *Screening requirements.* A landscape buffer strip ~~shall~~ must be provided in the same manner as if
6 the property were in an industrial land use designation in accordance with the requirements of
7 Article VIII.

8 1. Additional screening may be required to visually shield the use from the public right-of-way.

9 2. No merchandise, equipment, machinery, materials, motor vehicles, or other items ~~shall~~ may be
10 stored above the height of the landscape buffer strip.

11
12 **SECTION 9.** Section 30-5.36 of the Land Development Code is amended as follows. [NOTE TO
13 **CODIFIER: Section 30-5.36 is renumbered to Section 30-5.37 per codifier note above in this**
14 **ordinance.]**

15 **Section ~~30-5.36~~ 30-5.37. Food Trucks.**

16 A. The intent of this section is to allow and provide regulations for food trucks as a temporary use on
17 property. This section does not apply to food trucks that are located within a food truck park.

18 B. *General regulations.* Food trucks may be located on property in: 1) zoning districts that allow food
19 trucks as a use by right; and 2) planned development (PD) zoning districts that allow either
20 restaurants or alcoholic beverage establishments, both as defined in article II. The use and operation
21 of food trucks ~~shall be subject to~~ must comply with the following regulations:

22 1. Except as provided in subsection C. below, the number of food trucks allowed per lot or
23 combination of contiguous lots under common ownership is limited to ~~one~~ two food trucks per
24 one-half acre of land area or fraction thereof. For example, a maximum of ~~one~~ two food trucks ~~is~~
25 are allowed on lots with a land area of one-half acre or less, a maximum of ~~two~~ four food trucks
26 are allowed on lots with a land area of one acre or less, and so on.

27 ~~2. Food trucks may operate only between the hours of 7:00 a.m. and 4:00 a.m. the following day,~~
28 ~~and may be located on the lot of operation no earlier than 6:00 a.m. and shall must be removed~~
29 ~~and returned to the property's original condition no later than 5:00 a.m. the following day. This~~
30 ~~hours of operation regulation shall does not apply to food trucks that operate as part of and on~~
31 ~~the location of a restaurant.~~

32 ~~3. Food trucks shall be located at least 50 linear feet from any restaurant during such restaurant's~~
33 ~~operating hours. This distance shall be measured by extending a straight line from the food~~
34 ~~truck to either the main entrance or any outdoor seating area of the restaurant. This regulation~~
35 ~~shall not apply if the owner(s) or authorized agent(s) of all restaurants within 50 linear feet have~~

1 ~~provided written consent, and shall not apply to food trucks that operate as part of and on the~~
2 ~~location of a restaurant.~~

3 2. ~~4.~~ Food trucks ~~shall~~ must be located in an area that will not obstruct vehicular or pedestrian
4 circulation, bus stops, or any ingress or egress from building entrances or exits, and ~~shall~~ must
5 be setback at least 15 feet from fire hydrants.

6 3. ~~5.~~ Food trucks and any associated seating areas ~~shall~~ must not occupy any parking spaces
7 reserved for persons with disabilities. ~~In addition, food trucks and any associated seating areas~~
8 ~~shall not, during the operating hours of any principal use, occupy parking spaces provided~~
9 ~~to meet the minimum parking requirements of that principal use.~~

10 4. ~~6.~~ Appropriate trash and recycling containers ~~shall~~ must be provided, and all sidewalks, parking
11 areas, and other pedestrian spaces ~~shall~~ must be kept clean and free from any refuse or
12 obstruction.

13 5. ~~7.~~ Each food truck ~~shall~~ must be equipped with at least one approved portable fire extinguisher
14 with a minimum rating of 8 BC.

15 6. ~~8.~~ Food trucks ~~shall~~ must be licensed to operate by the State of Florida and ~~shall~~ must receive any
16 necessary approvals, including from the Florida Department of Business and Professional
17 Regulations, the Florida Department of Health, the Florida Department of Agriculture and
18 Consumer Services, and the City of Gainesville. Food trucks ~~shall~~ must comply with applicable
19 state or county state/county health department licensing requirements for preparing and selling
20 food items. All food truck operations must comply with Florida Administrative Code 61C-4.0161,
21 Mobile Food Dispensing Vehicles.

22 7. Any food truck generator(s) used must operate at a sound decible level of 60 db or less,
23 measured at a distance of ten feet from the generator.

24 C. *Food truck special events.* An owner, or authorized agent, of property located in a zoning district
25 specified in Subsection B- above may apply for a food truck special event permit under this section
26 to allow food trucks to operate on the property in a greater number than allowed under Subsection
27 B. ~~above.~~ A permit is not required under this section where food trucks will be operating as part of a
28 special event that is permitted under another section of the Code of Ordinances. A property owner
29 or authorized agent shall apply for a permit by paying the fee specified in Appendix A and submitting
30 an application to the ~~city code enforcement division~~ on a form furnished by the city. The application
31 ~~shall~~ must include a site layout plan drawn to scale that includes dimensions and the proposed
32 location of the food truck special event area, all entrances and exits to the property, parking areas,
33 bus stops, loading zones, fire hydrants and any other information reasonably required by the City
34 Manager or designee to determine whether the food truck special event is in compliance with all
35 applicable requirements of the Code of Ordinances. Upon determination that the application meets
36 all applicable requirements of this section and the Code of Ordinances, the City Manager or
37 designee shall issue a food truck special event permit. A food truck special event permit may be
38 issued no more than once every 30 days per location.

39 In addition to the regulations numbered 3- through ~~7-~~ set forth in Subsection B- above, food truck
40 special events ~~shall be~~ are subject to the following regulations. In the event of conflict between the
41 regulations in this subsection and Subsection B- above, the regulations in this subsection ~~shall~~
42 prevail.

- 1 1. Food truck special events may not take place ~~only between the hours of 5:00 p.m. and 2:00 a.m.~~
2 ~~the following day,~~ for no more than two consecutive days. Food truck special events area ~~may~~
3 ~~be set up no earlier than 3:00 p.m. and shall~~ must be returned to the property's original
4 condition no later than four hours after the event.
- 5 2. Vehicular traffic ~~shall be~~ is prohibited within the designated food truck special event area.
- 6 3. A food truck special event may satisfy the required number of restroom facilities by
7 demonstrating access to existing surrounding bathroom facilities. Alternatively, temporary
8 restroom facilities may be provided in accordance with FL Rule 64E-6.0101, Table PR I, subject to
9 approval by the Alachua County Health Department.

10 **SECTION 10.** Appendix A of the Code of Ordinances is amended as follows. Except as amended
11 herein, the remainder of Appendix A remains in full force and effect.

12 HOME OCCUPATION PERMIT:

13 An application for a permit ~~shall~~ must be submitted for each home occupation (§ ~~30-5.38~~ 30-
14 5.39).

- 15 (1) Initial filing fee, per application submitted, per application 84.50
- 16 (2) Permit processing fee, annually per permit 14.00
- 17 (3) Reinspection fee, per permit (required every three years) 70.50

18
19 LAND DEVELOPMENT CODE:

20 (4) *Zoning:*

- 21 h. Permit for special events (§ 30-4.19, § ~~30-5.50~~ 30-5.51, § ~~30-5.36~~ 30-5.37, Ch. 19)
22 64.00
- 23 i. Sidewalk café in city right-of-way, annual license agreement administrative fee (§ ~~30-~~
24 ~~5.45~~ 30-5.46) 66.25
- 25 j. Sidewalk café in state right-of-way, annual license agreement administrative fee (§ ~~30-~~
26 ~~5.45~~ 30-5.46), per square foot of right-of-way 2.00
- 27 k. Permit for patrons' dogs within outdoor portions of eating places (§ ~~30-5.42~~ 30-5.43)
28 289.50
- 29 l. Permit for parking for special event (§ 30-4.16) 61.00
- 30 m. Permit for seasonal use of portable storage unit by commercial parcel delivery services
31 (§ ~~30-5.43~~ 30-5.44) 275.75

1 **SECTION 11.** It is the intent of the City Commission that the provisions of Sections 1 through 10
2 of this ordinance become and be made a part of the Code of Ordinances of the City of
3 Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be
4 renumbered or relettered in order to accomplish such intent.


5 **SECTION 12.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
6 the application hereof to any person or circumstance is held invalid or unconstitutional, such
7 finding will not affect the other provisions or applications of this ordinance that can be given
8 effect without the invalid or unconstitutional provision or application, and to this end the
9 provisions of this ordinance are declared severable.

10 **SECTION 13.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
11 conflict hereby repealed.

12 **SECTION 14.** This ordinance will become effective immediately upon adoption.

13 **PASSED AND ADOPTED** this 4th day of June, 2020.


14
15
16
17
18
19
20
21
22
23
24
25




LAUREN POE
MAYOR

Attest:

Approved as to form and legality:



OMICHELE D. GAANEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

26 This ordinance passed on first reading this 21st day of May, 2020.

27
28 This ordinance passed on second reading this 4th day of June, 2020.