

1
2
3
4
5
6
7
8
9
10
11

ORDINANCE NO. 130319

An ordinance of the City of Gainesville, Florida, amending the Land Development Code to provide regulations for food truck special events as part of a zoning district's applicable special event permitting process; by adding new definitions to Section 30-23. *Definitions*; by creating Section 30-125. *Food truck special events*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

12 **WHEREAS**, notice was given as required by law that the text of the Land Development
13 Code of the City of Gainesville, Florida, be amended and a public hearing was then held by the
14 City Plan Board on August 22, 2013, and by the City Commission on November 21, 2013; and

15 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
16 inches long was placed in a newspaper of general circulation and provided the public with at
17 least seven (7) days' advance notice of the first public hearing to be held in the City Hall
18 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

19 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long
20 was placed in the aforesaid newspaper and provided the public with at least five (5) days'
21 advance notice of the second public hearing to be held in the City Hall Auditorium, located on
22 the first floor of City Hall in the City of Gainesville; and

23 **WHEREAS**, public hearings were held pursuant to the published notices described
24 above at which hearings the parties in interest and all others had an opportunity to be and were,
25 in fact, heard.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
27 CITY OF GAINESVILLE, FLORIDA:**

28 **Section 1.** Subsection 30-23(c) of the Land Development Code is amended to add the
following definitions. Except as amended herein, the remainder of subsection 30-23(c) remains

1 in full force and effect.

2 **Sec. 30-23 (c). - Definitions.**

3

4 Food truck means a motorized vehicle that a natural person or business entity uses to sell
5 immediately consumable food products and non-alcoholic beverage items from a fixed location.
6 A food truck is one type of itinerant food vendor regulated under Article IV of Chapter 19 of the
7 Code of Ordinances.

8 Special event means a temporary meeting, activity, gathering, or group of persons or
9 vehicles, or a combination thereof, having a common purpose, design, or goal that will affect or
10 impact the ordinary and normal use by the general public upon any public or private facility,
11 street, sidewalk, alley, public or private area, or building where the event substantially inhibits
12 the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily
13 associated with, the site upon which the event is located.

14

15 **Section 2.** A new Section 30-125 is created and added to the Land Development Code.

16 **Section 30-125. Food truck special events.**

17

18 (a) Intent. The intent of this specially regulated use is to allow and provide regulations for food
19 truck special events on private property. A food truck special event is characterized as two or
20 more food trucks operating on one parcel, location or development. If only one food truck is
21 operating on a parcel, location or development, it shall be regulated as an itinerant food vendor
22 pursuant to Article IV of Chapter 19 of the Code of Ordinances.

23 (b) Food truck special event permit. A food truck special event organizer shall apply for a
24 permit by paying the fee specified in Appendix A and submitting an application to the Code
25 Enforcement Division on a form furnished by the city. If the food truck special event is
26 conducted on property that is not owned or leased by the applicant (such as a common area), the
27 applicant must obtain the written consent of the property owner(s) or the property owner's
28 authorized agent. The application shall include a site layout plan drawn to scale that includes
29 dimensions and the proposed location of the food truck special event area, all entrances and exits
30 to the property, parking areas, bus stops, loading zones, fire hydrants and any other information
31 reasonably required by the City Manager or designee to determine whether the food truck special
32 event is in compliance with all applicable requirements of the Code of Ordinances. Upon
33 determination that the application meets all applicable requirements of this section and the Code
34 of Ordinances, the City Manager or designee shall issue a food truck special event permit
35 pursuant to either:

36 (1) Section 30-67(1) for food truck special events that occur on property zoned business
37 or mixed-use. Although special event permits are generally limited to once every 60
38 days per location under Section 30-67(1), a food truck special event permit may be issued
39 once every 30 days per location within the CCD zoning district; or

1 (2) Section 30-107 for food truck special events held by non-profit agencies in any
2 zoning district.

3 (c) General regulations.

4 (1) Food truck special events shall be located on private property in an area that will
5 not obstruct fire hydrants, bus stops, and any ingress or egress from building
6 entrances or emergency exits.

7 (2) Food truck special events may take place only between the hours of 5:00 p.m. and
8 12:00 a.m., for no more than two consecutive days. Food truck special events
9 area may be set up no earlier than 4:00 p.m. and shall be returned to the
10 property's original condition no later than four hours after the event.

11 (3) Food trucks shall be licensed to operate by the State of Florida and shall receive
12 any necessary approvals from Florida Department of Business and Professional
13 Regulations and the City of Gainesville. Food trucks shall comply with
14 state/county health department licensing requirements for preparing and selling
15 food items.

16 (4) Any electricity required to service food trucks shall meet state and local electrical
17 code requirements. Lighting shall be in conformity with the city's lighting
18 regulations.

19 (5) The special event area shall include appropriate trash containers and all
20 sidewalks, parking areas, and other pedestrian spaces shall be kept clean and free
21 from any refuse or obstruction.

22 (6) Vehicular traffic shall be prohibited within the designated food truck special
23 event area.

24 (7) Food trucks shall not exceed a size of ten (10) feet in width and twenty (20) feet
25 in length.

26 (8) One temporary sign with a maximum sign area of 32 square feet may be allowed.

27 (9) Each food truck shall be equipped with at least one approved portable fire
28 extinguisher with a minimum rating of 8 BC.

29 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
30 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
31 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered
32 or relettered in order to accomplish such intentions.
33
34

1 **Section 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance
2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
3 finding shall not affect the other provisions or applications of this ordinance that can be given
4 effect without the invalid or unconstitutional provision or application, and to this end the
5 provisions of this ordinance are declared severable.

6 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
7 such conflict hereby repealed.

8 **Section 6.** This ordinance shall become effective immediately upon adoption.

9

10 **PASSED AND ADOPTED** this 7th day of August, 2014.

11

12

13

14

15

16

17 Attest:

18

19

20


21

22

23 This ordinance passed on first reading this 17th day of July, 2014.


24

25 This ordinance passed on second reading this 7th day of August, 2014.


EDWARD B. BRADDY
MAYOR

Approved as to form and legality:


NICOLLE M. SHALLEY
CITY ATTORNEY


KURT M. LANNON
CLERK OF THE COMMISSION