



**TO:** City Plan Board **Item Number:2**

**FROM:** Planning & Development Services Department **DATE: August 22, 2013**  
 Staff

**SUBJECT:** Petition PB-13-73 TCH, City of Gainesville. Amend the Land Development Code to extend the time frame for the operation of food truck sales within the CCD (Central City District) zoning designation.

### Recommendation

Staff recommends approval of Petition PB-13-73 TCH as shown in Exhibit 1.

### Description

This petition addresses a referral from the City Commission to modify the Land Development Code to allow vending from food trucks to operate once per week as part of a Special Event within the CCD (Central City District) zoning. The referral was initiated based on a presentation to the City Commission by local food truck operators who were concerned about the limitation of allowing special events only once every sixty days per site.

“Food Truck Vending” is not specifically listed in any of the City’s development regulations, but the use is very similar to other uses allowed by city ordinances. Those uses include itinerant food vendors, vending booth operators and peddlers, regulated by Chapter 19. Currently the city allows food truck sales as a Special Event in accordance with Section 30-67(g) of the Land Development Code. Based on Section 30-67(g) staff has determined that “Food Truck Vending” can be conducted as part of a Special Event in accordance with the standards for such events. Any business owner may apply for a Special Event Permit to conduct a promotional event within the limits of their property. The permit is limited to one per applicant per location in any given 60-day period and for the time period approved by the permit (usually 72 hours or three days). This option is not directly open to owners and operators of food trucks since it is limited to the business operating at the specific location. However, a business owner may use food trucks as part of its business promotional activities during a Special Event. This is the only option that can be used by the food truck operators to conduct a “Food Truck Vending” event throughout the city.

During the meetings held by the Community Development Committee and the City Commission about “Food Truck Vending”, cogent arguments emerged from parties representing food truck vendors, the general public and merchants operating from established brick and mortar sites within the downtown area. The food truck vendors claim that the current ordinance is too restrictive in that it limits the number of events to once every 60 days; that the “Food Truck Vending” activity is a legitimate, viable and economically beneficial service to the city; and that

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the food truck service brings to the downtown customers who also support the brick and mortar establishments. Food truck vendors also claim that the "Food Truck Vending" event provides a service to patrons of the downtown nightclubs after the brick and mortar establishments are closed. On the other hand, the downtown restaurant owners who operate from brick and mortar establishments claim unfair competition for the limited number of customers who frequent the downtown. They claim that the events occur during the peak dinner hours when the downtown restaurants expect to serve their highest volume of patrons. The restaurant owners and operators are opposed to the operation of food trucks within close proximity to their established brick and mortar sites. They are also opposed to food truck operations within the public rights-of-way which may be just outside their main entrance.

Other general comments cautioned about the potential negative impacts to the community as a whole. They expressed concerns about the pitfalls of such an industry, considering the experiences of other cities such as Washington DC and Chicago, related to monitoring and managing the industry to ensure important health and safety standards. Another caution raised pertains to whether the City of Gainesville has the population size and cultural diversity to support both the brick and mortar restaurants and the food truck vendor special events.

### **City Commission Referral**

In consideration of the above arguments, the City Commission authorized staff to initiate a petition to allow "Food Truck Vending" as a special event once per week within the Central City District. Specific instructions were provided by the commission to address the service as a Special Event providing consideration to the concerns expressed by representatives of restaurant operated from brick and mortar establishments. Staff notes that the service is currently allowed indirectly as part of a Special Event available to existing establishments operating within the CCD. The service is also allowed on private property as an Itinerant Food Vendor but only within the BUS, MU-1 and MU-2 zoning districts. It is not specifically listed as an allowed use within the CCD and is definitely prohibited within the public rights-of-way, except as a Peddler.

This petition therefore proposes a modification of the frequency with which the event is allowed and to set standards for its operation. The City Commission's referral recommends a frequency of once a week per location but also asked that staff obtain input from stakeholders within the community. During a meeting with stakeholders, the downtown merchants expressed concerns that once a week might be too frequent and recommended once per month which was acceptable by all parties represented.

### **Proposed Code Modifications**

Given that Planning Staff is currently rewriting the Land Development Code, staff feels that the best approach at this time, is to allow food truck sales as a specially regulated use as shown in Exhibit 1 below. The following definitions will be added to Section 30-23, Definitions:

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Food Truck - a motorized vehicle operated by a natural person or business entity that sells immediately consumable food products and non-alcoholic beverage items from a vehicle at a fixed location on private property.

Special Event – A temporary event conducted by the owner and/or operator of an existing business establishment intended to promote its products and/or services or to participate in the celebration of holidays, historical occasion or a community-wide event recognized by the local community.

### Summary

Based on a meeting with stakeholders and downtown merchants it was expressed that allowing “Food Truck Vending” once a week might be too frequent and it was recommended that once per month would be more acceptable. All parties represented agreed that once a month would be best for the downtown. Given the agreement amongst the parties staff has recommended that each site may be allowed one event per month.

Respectfully submitted,



Ralph Hilliard.  
Planning Manager

Prepared by:



Lawrence Calderon  
Lead Planner

Attachment:

**Exhibit 1.** Proposed Ordinance Modification to allow Special Events with “Food Truck Vending”

**Exhibit 2.** Some relevant code references