

**Legislative #**

**140190**

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**ORDINANCE NO. 140190**

**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances to allow and provide regulations for food trucks as a temporary use on private property; by amending Section 2-339 to provide civil citation penalties for vending booths and food trucks; by amending Chapter 19, Article IV –*Vending Booths and Itinerant Vendors* to delete provisions regarding Itinerant Food Vendors; by amending the definition of Food Truck in Section 30-23; by amending the permitted uses in the following zoning districts to add Food Trucks as a permitted use by right: Office Residential District (OR), General Office District (OF), General Business District (BUS), Automotive-oriented Business District (BA), Tourist-oriented Business District (BT), Mixed Use Low Intensity District (MU-1), Mixed Use Medium Intensity District (MU-2), Urban Mixed-Use District 1 (UMU-1), Urban Mixed-Use District 2 (UMU-2), Central City District (CCD), Business Industrial District (BI), Warehousing and Wholesaling District (W), Limited Industrial District (I-1), General Industrial District (I-2), Public Services and Operations District (PS), Airport Facility District (AF), and Corporate Park District (CP); by amending Section 30-125 to provide regulations for food trucks; by amending Appendix A –*Schedule of Fees, Rates and Charges* to provide a permit fee for food truck special events; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, notice was given as required by law that the text of the Code of Ordinances of the City of Gainesville, Florida, be amended; and

**WHEREAS**, on February 26, 2015, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted to recommend that the City Commission approve this ordinance; and

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

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
 2 was placed in the aforesaid newspaper and provided the public with at least five (5) days'  
 3 advance notice of this ordinance’s second public hearing to be held by the City Commission in  
 4 the City Hall Auditorium; and

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

7           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
 8 **CITY OF GAINESVILLE, FLORIDA:**

9  
 10           **Section 1.** The portion of Section 2-339 of the City of Gainesville Code of Ordinances  
 11 that pertains to vending booths, mobile food carts and food trucks is amended as follows. Except  
 12 as amended herein, the remainder of Section 2-339 remains in full force and effect.

13 **Sec. 2-339. – Applicable codes and ordinances.**

14 The following ordinances are enforceable by the procedures described in this division:

Section	Description	Class	Penalty
<del>19-96</del> <u>19-92</u>	Operation of <del>mobile food cart in prohibited area</del> <u>a vending booth</u> without a permit	I	\$250.00
<del>19-97</del> <u>19-93</u>	Violation of regulations on permitted <del>mobile food cart</del> <u>vending booth</u>	I	\$250.00
<u>30-125</u>	<u>Operation of food trucks in violation of regulations</u>	<u>I</u>	<u>\$250.00</u>

15•  
 16           **Section 2.** Chapter 19 – PEDDLERS, SOLICITORS AND CANVASSERS, Article IV.  
 17 – VENDING BOOTHS AND ITINERANT VENDORS of the City of Gainesville Code of  
 18 Ordinances is amended as follows.

1  
2 **ARTICLE IV. - VENDING BOOTHS AND ~~ITINERANT VENDORS~~**

3  
4 **Sec. 19-91. - Definitions.**

5  
6 A "vending booth" is a temporary wheeled cart-mounted food or retail establishment located on  
7 public property, or a permanent structure constructed by the city on the Gainesville Community  
8 Plaza. A vending booth cannot be propelled by an internal combustion engine, electric motor or  
9 other similar mechanical device. A vending booth, except a permanent structure constructed by  
10 the city on the Gainesville Community Plaza, must be capable of being moved from place to  
11 place, but may be stationary during the business day. Examples of vending booths are, but are  
12 not limited to, the following: coffee/cappuccino stands; stands selling muffins, bagels and other  
13 bakery items; ice cream carts; snow cone and Italian Ice carts; fast-food carts; souvenirs carts;  
14 and newsstands.

15  
16 ~~An "itinerant food vendor" is a natural person or business entity, that sells immediately~~  
17 ~~consumable food products and non-alcoholic beverage items from a non-permanent cart, trailer,~~  
18 ~~or vehicle (an "itinerant food vending conveyance") at a fixed location on private property.~~

19  
20 **Sec. 19-92. - Annual permit.**

21  
22 (a) A vending booth permit ~~or itinerant food vendor permit~~ is required and can be obtained from  
23 the city manager, or designee, upon payment of the fee specified in Appendix A of this Code,  
24 along with submitting a completed application that includes a description of the nature,  
25 ~~character and quality of~~ food, beverage or retail items to be offered for sale; photographs of  
26 the vending booth ~~or itinerant food vending conveyance~~; and sufficient information for city  
27 reviewing staff to determine compliance with the requirements listed in subsection (b) ~~or (e)~~  
28 below, the applicable regulations listed in section 19-93 and other applicable code and safety  
29 requirements. Vending booth ~~and itinerant food vendor~~ permits expire on September 30 of  
30 each year. Vending booth ~~and itinerant food vendor~~ permits issued between April 1 and  
31 September 30 are subject to one-half the permit fees for the initial period (between issuance  
32 and September 30). Vending booth ~~and itinerant food vendor~~ permits shall not be valid  
33 during any event declared to be a special event by the city manager or designee. A separate  
34 permit shall be required for vending at these events.

35  
36 (b) Requirements to obtain a vending booth permit:

37  
38 (1) Proof of liability insurance, in amounts to annually be determined by the city manager,  
39 which shall include the city as an additional insured and which shall indemnify, defend  
40 and hold harmless the city, its elected and appointed officers, employees and agents, from  
41 any resultant claims which may arise from operation of the booth due to intentional or  
42 unintentional wrongdoing or negligence by the operator, or employees, contractors or  
43 agents of the operator.

44  
45 (2) Proof of workers compensation insurance or provide a certificate of exemption.

1  
2 (3) Select an available public property site from the official vending booth site map on file  
3 with the city manager or designee. When more than one application is received for a  
4 designated site, that site will be made available by random drawing of all qualified  
5 applicants. Once an operator has received a space, that site will not become available  
6 again unless the operator does not renew the permit or the owner's permit is revoked  
7 under this article.

8  
9 (4) Submission of a site drawing clearly depicting the public property site location, size of  
10 the vending booth, set up of the vending booth and any other information necessary for  
11 the city reviewing staff to determine that the vending booth will comply with all  
12 applicable city codes. The vending booth must be located a minimum of five feet from  
13 the curb or improved right-of-way and so positioned as to leave an unobstructed way for  
14 pedestrian passage on any sidewalk and shall not be positioned within five feet of any  
15 crosswalk or fire hydrant, nor block any ingress or egress from a building entrance or  
16 emergency exit. Vending booths shall be located a minimum of 25 feet from intersections  
17 and shall be located outside of the vision triangle.

18  
19 ~~(e) Requirements to obtain an itinerant food vendor permit:~~

20  
21 ~~(1) Provide the name and address of the applicant's employer, if not self-employed.~~

22  
23 ~~(2) Provide written permission or lease from the owner of the property where the itinerant~~  
24 ~~food vendor will operate.~~

25  
26 ~~(3) Submit a site plan meeting the requirements of Article VII of the land development code~~  
27 ~~for a minor development plan to include dimensions and the proposed location of the~~  
28 ~~itinerant food vending conveyance as well as entrance and exits to the host business,~~  
29 ~~parking areas, bus stops, loading zones, fire hydrants, zoning district setbacks and any~~  
30 ~~other information necessary for the city reviewing staff to determine that the itinerant~~  
31 ~~food vending conveyance will comply with all applicable city codes.~~

32  
33 **Sec. 19-93. - Regulations.**

34  
35 (a) ~~Vending booths and itinerant food vending conveyances operating in the city shall be subject~~  
36 ~~to the following regulations:~~

37  
38 (1) The county/state health department must license any vending booths ~~and itinerant food~~  
39 ~~vending~~ operations preparing and selling food items. All applicable codes of the health  
40 department shall be met.

41  
42 (2) A trash container must be available on the vending booth ~~or itinerant food vending~~  
43 ~~conveyance.~~

- 1 (3) Lighting may be used to continuously illuminate the vending booth ~~or itinerant food~~  
2 ~~vending conveyance~~ canopy and provide task lighting for night operation, provided it is  
3 in conformity with the city's lighting regulations.  
4
- 5 (4) Change of ownership, booth/conveyance or location will require that the owner apply for  
6 a new vending booth ~~or itinerant food vendor~~ permit.  
7
- 8 (5) All required licenses must be conspicuously displayed on the vending booth ~~or itinerant~~  
9 ~~food vending conveyance~~.
- 10
- 11 (6) Vending booths ~~and itinerant food vending conveyances~~ must be provided with at least  
12 one approved portable fire extinguisher having a minimum rating of 8 BC.  
13
- 14 (7) All liquefied petroleum gas containers must be installed on the outside of the vending  
15 booth ~~or itinerant food vending conveyance~~, protected from physical damage and, if  
16 enclosed, vented at the lowest point of the enclosure. All liquefied petroleum gas  
17 containers must be properly secured and comply with all applicable standards.  
18
- 19 (8) Signs using lettering painted on or applied to the canopy valance will be allowed. Two  
20 additional signs in conformity with the city's sign regulations will be allowed at a  
21 maximum size of six square feet each, to be mounted on the vending booth ~~or itinerant~~  
22 ~~food vending conveyance~~. No other signs, pictures or advertisements of any kind, such as  
23 stickers, flags, balloons, inflatables or lights shall be allowed.  
24
- 25 (9) The vendor must obtain a local business tax receipt from the city.  
26
- 27 (10) The vendor shall keep the sidewalks, parking areas and other spaces adjacent to their  
28 vending sites or locations clean and free of paper, peelings and refuse of any kind  
29 generated from their vending operation.  
30
- 31 (11) Sales shall be oriented to pedestrians. No vendor shall sell or attempt to sell any product  
32 or engage in any commercial transaction with the occupant of any motor vehicle.  
33
- 34 (12) Vendors shall not conduct business in a way that will restrict or interfere with the  
35 entrance or exit of a business, create a nuisance, create a hazard to pedestrians, life or  
36 property, or obstruct vehicular circulation, pedestrian circulation, or access to emergency  
37 exits.  
38
- 39 (13) Vending booth vendors operating within the Central City Zoning District (CCD), as this  
40 area is shown on the city's zoning map atlas, and the College Park Area, as delineated in  
41 the College Park-Master Plan and Regulation Plan for New Construction map in  
42 Appendix A Section 3 of the Land Development Code, shall be limited to the hours  
43 between 7:00 a.m. and 3:00 a.m. the following day and shall take place only at the  
44 approved location. The "vending booth" conveyance shall not be set up prior to 6:00  
45 a.m. and must be removed by 4:00 a.m. the following day.

1  
 2 ~~(14) Itinerant food vendors operating within the Central City Zoning District (CCD), as this~~  
 3 ~~area is shown on the city's zoning map atlas, shall be limited to the hours between 7:00~~  
 4 ~~a.m. and 3:00 a.m. the following day and shall take place only at the approved location.~~  
 5 ~~The "vending booth" conveyance shall not be set up prior to 6:00 a.m. and must be~~  
 6 ~~removed by 4:00 a.m. the following day.~~

7  
 8 ~~(b) The following additional regulations shall apply to itinerant food vendors:~~  
 9

10 ~~(1) Tent structures shall not be permitted.~~

11  
 12 ~~(2) No alcoholic beverages may be sold.~~

13  
 14 ~~(3) All food shall be prepared on site from the itinerant food vending conveyance.~~

15  
 16 ~~(4) There shall be only one itinerant food vending conveyance per parcel, location or~~  
 17 ~~development.~~

18  
 19 ~~(5) No itinerant food vendor shall be permitted to operate in any of the following areas:~~

20  
 21 ~~a. Within 25 feet of any loading zone or bus stop.~~

22  
 23 ~~b. Within 15 feet of a building entrance or exit.~~

24  
 25 ~~c. Against display windows of a business.~~

26  
 27 ~~d. Within 25 feet of any fire hydrant, fire escape or fire control device.~~

28  
 29 ~~e. Within 25 feet of any parking space or access ramp designated for persons with~~  
 30 ~~disabilities.~~

31  
 32 ~~f. Outside of the established building setbacks of the zoning district.~~

33  
 34 ~~g. Within required parking spaces or within the required interior or terminal islands of~~  
 35 ~~the vehicle use area.~~

36  
 37 ~~h. On a vacant lot or property.~~

38  
 39 ~~(6) Except as provided in section 19-93(a), itinerant food vendors shall be limited to the~~  
 40 ~~hours between 7:00 a.m. and 10:00 p.m. daily and shall take place only at the approved~~  
 41 ~~location. The itinerant food vending conveyance shall not be set up prior to 6:00 a.m. and~~  
 42 ~~must be removed by 11:00 p.m. of that same day.~~

43  
 44 ~~(7) Outdoor seating shall not be permitted.~~  
 45

1       ~~(8) An itinerant food vending conveyance shall not exceed a size of ten feet in width and 20~~  
 2       ~~feet in length. If the itinerant food vending conveyance is a trailer, the trailer shall be~~  
 3       ~~unhitched from the motorized vehicle and stabilized prior to operating the vending~~  
 4       ~~conveyance and it is the trailer alone that will be considered the itinerant food vending~~  
 5       ~~conveyance for purposes of the size limitation.~~

6  
 7       ~~(9) The itinerant food vending conveyance shall not be operated in a manner that destroys~~  
 8       ~~existing sodded areas, results in erosion or breaks down the previous or impervious~~  
 9       ~~surface of the site. In the event of erosion or destruction of the site surface, the owner of~~  
 10       ~~the site shall be required to restore the site to its original condition.~~

11  
 12   **Sec. 19-94. - Revocation of permit/license.**

13  
 14   Permits/licenses issued under this article may be revoked by the city manager or designee after  
 15   written notice and opportunity for hearing for any of the following reasons:

- 16  
 17       (1) Fraud, misrepresentation or false statement contained in the application for permit.  
 18  
 19       (2) Any violation of this article.  
 20  
 21       (3) Conviction of a felony by a court of competent jurisdiction of the operator, or any  
 22       shareholder, partner or member of a business entity holding a 50-percent or greater  
 23       interest in the vending both ~~or itinerant food vending conveyance~~ for any of the  
 24       following: homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping,  
 25       robbery, child molestation, lewd and lascivious acts, criminal solicitation to commit any  
 26       of the above, criminal attempt to commit any of the above, or possession, sale or  
 27       distribution of narcotic drugs, barbituric acid derivatives or central nervous system  
 28       stimulants.  
 29  
 30       (4) Conducting business in an unlawful manner or in such a manner as to constitute a breach  
 31       of the peace or to constitute a menace to the health, safety or general welfare of the  
 32       public.  
 33  
 34       (5) With respect to a vending booth, failure to operate for more than 14 days during the  
 35       period from May 1 through September 30 of each year.  
 36  
 37       (6) Refusal to remove the vending booth ~~or itinerant food vending conveyance~~ from the site  
 38       at the end of each business day.  
 39  
 40       (7) The vending booth ~~or itinerant food vendor~~ has been adjudicated guilty of, been found  
 41       guilty of with adjudication withheld, waived the right to contest, or pled no contest to,  
 42       three or more violations of city ordinances with respect to the vending operation.

43  
 44   Such revocation may be appealed directly to the city commission provided such appeal is filed  
 45   with the clerk of the commission within 15 days of the time of the revocation by the city



1 manager. The clerk shall schedule the hearing on the appeal at the next regular meeting of the  
 2 city commission scheduled to be at least ten days from the date the appeal is filed. The clerk  
 3 shall inform the city manager of the appeal, and the city manager shall forward the evidence used  
 4 to determine the revocation, including minutes of the hearing, if any, to the clerk. No new  
 5 evidence or testimony may be introduced before the city commission, which shall render its  
 6 decision based upon the record. The city commission may reinstate the permit only if it finds an  
 7 abuse of discretion in the decision of the city manager or designee.

8  
 9 **Sec. 19-95. - Vendors' stands.**

10  
 11 It shall be unlawful for any person to display, keep or maintain any stand, article or item of  
 12 personal property, whether for sale, advertising or other purpose, on any of the streets or  
 13 sidewalks of the city, or within 50 feet of the main entrance to any public building in the city  
 14 during normal operating hours for that building, without first obtaining a permit from the city  
 15 manager. This section does not apply to a vending booth properly permitted under this chapter.

16  
 17  
 18 **Section 3.** Subsection 30-23(c) of the Land Development Code (Chapter 30 of the City  
 19 of Gainesville Code of Ordinances) is amended as follows. Except as amended herein, the  
 20 remainder of subsection 30-23(c) remains in full force in effect.

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

22 *Food truck* means a motorized vehicle or trailer that a natural person or business entity uses to  
 23 sell immediately consumable food products and non-alcoholic beverage items from a fixed  
 24 location. ~~A food truck is one type of itinerant food vendor regulated under Article IV of Chapter~~  
 25 ~~19 of the Code of Ordinances.~~

26  
 27  
 28 **Section 4.** Subsection 30-59(c) of the Land Development Code is amended to add food  
 29 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 30 59(c) remains in full force and effect.

31 **Sec. 30-59. – Office districts (OR and OF).**

32 (c) *Permitted uses, OR district (office residential district).*

SIC	Use	Conditions
	USES BY RIGHT:	

<u>Food trucks</u>	<u>Only when accessory to a permitted principal use and in accordance with Article VI</u>
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2           **Section 5.** Subsection 30-59(e) of the Land Development Code is amended to add food  
3 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
4 59(e) remains in full force and effect.

5 **Sec. 30-59. – Office districts (OR and OF).**

6 *(e) Permitted uses, OF (general office district).*

SIC	Use	Conditions
	USES BY RIGHT:	
	<u>Food trucks</u>	<u>Only when accessory to a permitted principal use and in accordance with Article VI</u>

7

8           **Section 6.** Subsection 30-61(c) of the Land Development Code is amended to add food  
9 trucks as a permitted use and to delete itinerant food vendors as a permitted use as follows.  
10 Except as amended herein, the remainder of Subsection 30-61(c) remains in full force and effect.

11 **Sec. 30-61. – General business district (BUS).**

12 *(c) Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<del>Itinerant food vendor</del> <u>Food trucks</u>	<del>Only on parcels that contain a retail store with a minimum gross floor area of 50,000 square feet and in accordance with chapter 19, article IV</del> <u>In accordance with Article VI</u>

13•

1 • **Section 7.** Subsection 30-62(c) of the Land Development Code is amended to add food  
 2 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 3 62(c) remains in full force and effect.

4 **Sec. 30-62. – Automotive-oriented business district (BA).**

5 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

6  
 7 **Section 8.** Subsection 30-63(c) of the Land Development Code is amended to add food  
 8 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 9 63(c) remains in full force and effect.

10 **Sec. 30-63. – Tourist-oriented business district (BT).**

11 (c) *Permitted uses.*

12 (1) *Uses by right.*

13 h. Food trucks, in accordance with Article VI.

14 ((Note to codifier: reletter the remaining listed uses.))

15  
 16 **Section 9.** Subsection 30-64(g) of the Land Development Code is amended to add food  
 17 trucks as a permitted use and to delete itinerant food vendors as a permitted use as follows.  
 18 Except as amended herein, the remainder of Subsection 30-64(g) remains in full force and effect.

19 **Sec. 30-64. – Mixed use low intensity district (MU-1).**

20 (g) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Food trucks</u>	<u>In accordance with Article VI</u>
	<del>Itinerant food vendor</del>	<del>In accordance with chapter 19, article IV</del>

1

2           **Section 10.** Subsection 30-65(e) of the Land Development Code is amended to add food  
 3 trucks as a permitted use and to delete itinerant food vendors as a permitted use as follows.

4 Except as amended herein, the remainder of Subsection 30-65(e) remains in full force and effect.

5 **Sec. 30-65. – Mixed use medium intensity district (MU-2).**

6 (e) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<del>Itinerant food vendor</del> <u>Food trucks</u>	<del>In accordance with Chapter 19, article IV</del> <u>In accordance with Article VI</u>

7

8           **Section 11.** Subsection 30-65.1(c) of the Land Development Code is amended to add  
 9 food trucks as a permitted use as follows. Except as amended herein, the remainder of  
 10 Subsection 30-65.1(c) remains in full force and effect.

11 **Sec. 30-65.1. – Urban mixed-use district 1 (UMU-1).**

12 (c) *Permitted uses.*

SIC	Uses	Conditions
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

13

1           **Section 12.** Subsection 30-65.2(c) of the Land Development Code is amended to add  
 2 food trucks as a permitted use as follows. Except as amended herein, the remainder of  
 3 Subsection 30-65.2(c) remains in full force and effect.

4   **Sec. 30-65.2. – Urban mixed-use district 2 (UMU-2).**

5   (c) *Uses.*

6           (1) Permitted uses by right are as follows:

SIC	Uses	Conditions
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

7•

8•

9           **Section 13.** Subsection 30-66(c) of the Land Development Code is amended to add food  
 10 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 11 66(c) remains in full force and effect.

12   **Sec. 30-66. – Central city district (CCD).**

13   (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

14

15           **Section 14.** Subsection 30-67.1(c) of the Land Development Code is amended to add  
 16 food trucks as a permitted use as follows. Except as amended herein, the remainder of  
 17 Subsection 30-67.1(c) remains in full force and effect.

18   **Sec. 30-67.1. – Business industrial district (BI).**

1 (c) *Permitted uses.*

2 (1) *Uses by right.*

SIC	Uses	Conditions
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

3

4 **Section 15.** Subsection 30-68(c) of the Land Development Code is amended to add food  
5 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
6 68(c) remains in full force and effect.

7 **Sec. 30-68. – Warehousing and wholesaling district (W).**

8 (c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

9

10 **Section 16.** Subsection 30-69(c) of the Land Development Code is amended to add food  
11 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
12 69(c) remains in full force and effect.

13 **Sec. 30-69. – Limited industrial district (I-1).**

14 (c) *Permitted uses.*

15 (1) *Uses by right.*

16 s. Food trucks, in accordance with Article VI.  
17 ((Note to codifier: reletter the remaining listed uses.))

18

19

1           **Section 17.** Subsection 30-70(c)(1) of the Land Development Code is amended to add  
 2 food trucks as a permitted use as follows. Except as amended herein, the remainder of  
 3 Subsection 30-70(c)(1) remains in full force and effect.

4   **Sec. 30-70. – General industrial district (I-2).**

5   (c) *Permitted uses.*

6       (1) *Uses by right.*

7           ff. Food trucks, in accordance with Article VI

8           ((Note to codifier: reletter the remaining listed uses.))

9

10           **Section 18.** Subsection 30-75(c) of the Land Development Code is amended to add food  
 11 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 12 75(c) remains in full force and effect.

13   **Sec. 30-75. – Public services and operations district (PS).**

14   (c) *Uses permitted by right.* ~~The specific uses(s) permitted by right shall be specified in the~~  
 15 ordinance that assigns PS zoning to a property and may include, but shall not be limited to, the  
 16 uses that are listed as follows. However, food trucks shall be permitted by right on all property  
 17 with PS zoning when accessory to a permitted principal use and in accordance with Article VI.  
 18 ~~on the subject property shall be specified as a part of the ordinance which places this~~  
 19 ~~classification on a particular area of ground and may include:~~

20  
 21

22           **Section 19.** Subsection 30-76(c) of the Land Development Code is amended to add food  
 23 trucks as a permitted use as follows. Except as amended herein, the remainder of Subsection 30-  
 24 76(c) remains in full force and effect.

25   **Sec. 30-76. – Airport facility district (AF).**

26   (c) *Uses permitted by right.* The specific uses permitted within the airport development area of this  
 27 district are listed below, subject to the limitations as further provided in this section and subject to the  
 28 limitations and requirements of Appendix F, Airport Hazard Zoning Regulations, as applicable:

SIC	Uses	Conditions
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SIC	Uses	Conditions
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

1

2           **Section 20.** Subsection 30-78(c)(1) of the Land Development Code is amended to add  
3 food trucks as a permitted use as follows. Except as amended herein, the remainder of  
4 Subsection 30-78(c)(1) remains in full force and effect.

5 **Sec. 30-78. – Corporate park district (CP).**

6• (c) *Permitted uses.*

7       (1) *Uses by right:*

SIC	Uses	Conditions
	<u>Food trucks</u>	<u>In accordance with Article VI</u>

8

9           **Section 21.** Section 30-125 of the Land Development Code is amended as follows.

10 **Sec. 30-125. Food trucks. ~~truck special events.~~**

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

16  
17 (b) *General regulations.* Food trucks may be located on property in: 1) zoning districts that  
18 allow food trucks as a use by right and 2) Planned Development (PD) zoning districts that allow  
19 either eating places or alcoholic beverage establishments, both as defined in Section 30-23. The  
20 use and operation of food trucks shall be subject to the following regulations.

21       (1) Except as provided in subsection (c) below, the number of food trucks allowed per  
22 lot or combination of contiguous lots under common ownership is limited to one  
23 food truck per one-half (0.5) acre of land area or fraction thereof. For example, a  
24 maximum of one food truck is allowed on lots with a land area of one-half (0.5)  
25 acre or less, a maximum of two food trucks are allowed on lots with a land area of  
26 one acre or less, and so on.



- 1       (2) Food trucks may operate only between the hours of 7:00 a.m. and 4:00 a.m. the  
 2 following day, and may be located on the lot of operation no earlier than 6:00 a.m.  
 3 and shall be removed and returned to the property's original condition no later than  
 4 5:00 a.m. the following day. This regulation shall not apply to food trucks that  
 5 operate as part of and on the location of an eating place.
- 6       (3) Food trucks shall be located at least 50 linear feet from any eating place during such  
 7 eating place's operating hours. This distance shall be measured by extending a  
 8 straight line from the food truck to either the main entrance or any outdoor seating  
 9 area of the eating place. This regulation shall not apply if the owner(s) or  
 10 authorized agent(s) of all eating places within 50 linear feet have provided written  
 11 consent, and shall not apply to food trucks that operate as part of and on the location  
 12 of an eating place.
- 13       (4) Food trucks shall be located in an area that will not obstruct vehicular or pedestrian  
 14 circulation, bus stops, or any ingress or egress from building entrances or exits, and  
 15 shall be setback at least 15 feet from fire hydrants.
- 16       (5) Food trucks and any associated seating areas shall not occupy any parking spaces  
 17 reserved for persons with disabilities. In addition, food trucks and any associated  
 18 seating areas shall not, during the operating hours of any principal use, occupy  
 19 parking spaces provided to meet the minimum parking requirements of that  
 20 principal use.
- 21       (6) Appropriate trash containers shall be provided, and all sidewalks, parking areas, and  
 22 other pedestrian spaces shall be kept clean and free from any refuse or obstruction.
- 23       (7) Each food truck shall be equipped with at least one approved portable fire  
 24 extinguisher with a minimum rating of 8 BC.
- 25       (8) Food trucks shall be licensed to operate by the State of Florida and shall receive any  
 26 necessary approvals from Florida Department of Business and Professional  
 27 Regulations and the City of Gainesville. Food trucks shall comply with  
 28 state/county health department licensing requirements for preparing and selling  
 29 food items.

30

31 ~~(c)(b)~~ Food truck special events. event permit. An owner, or authorized agent, of property  
 32 located in a zoning district specified in subsection (b) above may apply for a food truck special  
 33 event permit under this section to allow food trucks to operate on the property in a greater  
 34 number than allowed under subsection (b) above. A permit is not required under this section  
 35 where food trucks will be operating as part of a special event that is permitted under another  
 36 section of the Code of Ordinances. A property owner or authorized agent ~~food truck special~~  
 37 ~~event organizer~~ shall apply for a permit by paying the fee specified in Appendix A and  
 38 submitting an application to the Code Enforcement Division on a form furnished by the city. If  
 39 ~~the food truck special event is conducted on property that is not owned or leased by the applicant~~  
 40 ~~(such as a common area), the applicant must obtain the written consent of the property owner(s)~~  
 41 ~~or the property owner's authorized agent.~~ The application shall include a site layout plan drawn  
 42 to scale that includes dimensions and the proposed location of the food truck special event area,  
 43 all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and

1 any other information reasonably required by the City Manager or designee to determine whether  
 2 the food truck special event is in compliance with all applicable requirements of the Code of  
 3 Ordinances. Upon determination that the application meets all applicable requirements of this  
 4 section and the Code of Ordinances, the City Manager or designee shall issue a food truck  
 5 special event permit. pursuant to A food truck special event permit may be issued no more than  
 6 once every 30 days per location. either:

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

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

13  
 14 In addition to the regulations numbered (3) through (8) set forth in subsection (b) above, food  
 15 truck special events shall be subject to the following regulations. In the event of conflict  
 16 between the regulations in this subsection and subsection (b) above, the regulations in this  
 17 subsection shall prevail.

18 (1) Food truck special events may take place only between the hours of 5:00 p.m. and  
 19 2:00 a.m. the following day, for no more than two consecutive days. Food truck  
 20 special events area may be set up no earlier than 3:00 p.m. and shall be returned to  
 21 the property's original condition no later than four hours after the event.

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

24  
 25 ~~(c) General regulations:~~

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

29 ~~(2) Food truck special events may take place only between the hours of 5:00 p.m. and~~  
 30 ~~12:00 a.m., for no more than two consecutive days. Food truck special events area~~  
 31 ~~may be set up no earlier than 4:00 p.m. and shall be returned to the property's original~~  
 32 ~~condition no later than four hours after the event.~~

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

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

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

4 ~~(6) Vehicular traffic shall be prohibited within the designated food truck special event~~  
5 ~~area.~~

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

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

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

11  
12 **Section 22.** Appendix A. – Schedule of Fees, Rates and Charges of the Code of  
13 Ordinances is amended as follows. Except as amended herein, the remainder of Appendix A. –  
14 Schedule of Fees, Rates and Charges remains in full force and effect.

15 LAND DEVELOPMENT CODE:

16 (4) Zoning:

17 h. Permit for Special Events (§30-67(g), §30-107, §30-125, Ch. 19) .....55.25

18  
19 PEDDLERS, SOLICITORS AND CANVASSERS:

20 ~~Itinerant food vendor permit (§ 19-92).....64.00~~

21  
22 **Section 23.** It is the intent of the City Commission that the provisions of Sections 1  
23 through 22 of this ordinance shall become and be made a part of the Code of Ordinances of the  
24 City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be  
25 renumbered or relettered in order to accomplish such intent.

26 **Section 24.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
27 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
28 finding shall not affect the other provisions or applications of this ordinance that can be given  
29 effect without the invalid or unconstitutional provision or application, and to this end the  
30 provisions of this ordinance are declared severable.

1           **Section 25.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
2 such conflict hereby repealed.

3           **Section 26.** This ordinance shall become effective immediately upon adoption.

4

5           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

6

7

8

9

\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

10

11

12

13

Attest:

Approved as to form and legality:

14

15

16

17

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

18

19

20 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

21

22 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.