



PLANNING DEPARTMENT  
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GAINESVILLE, FL 32602-0490

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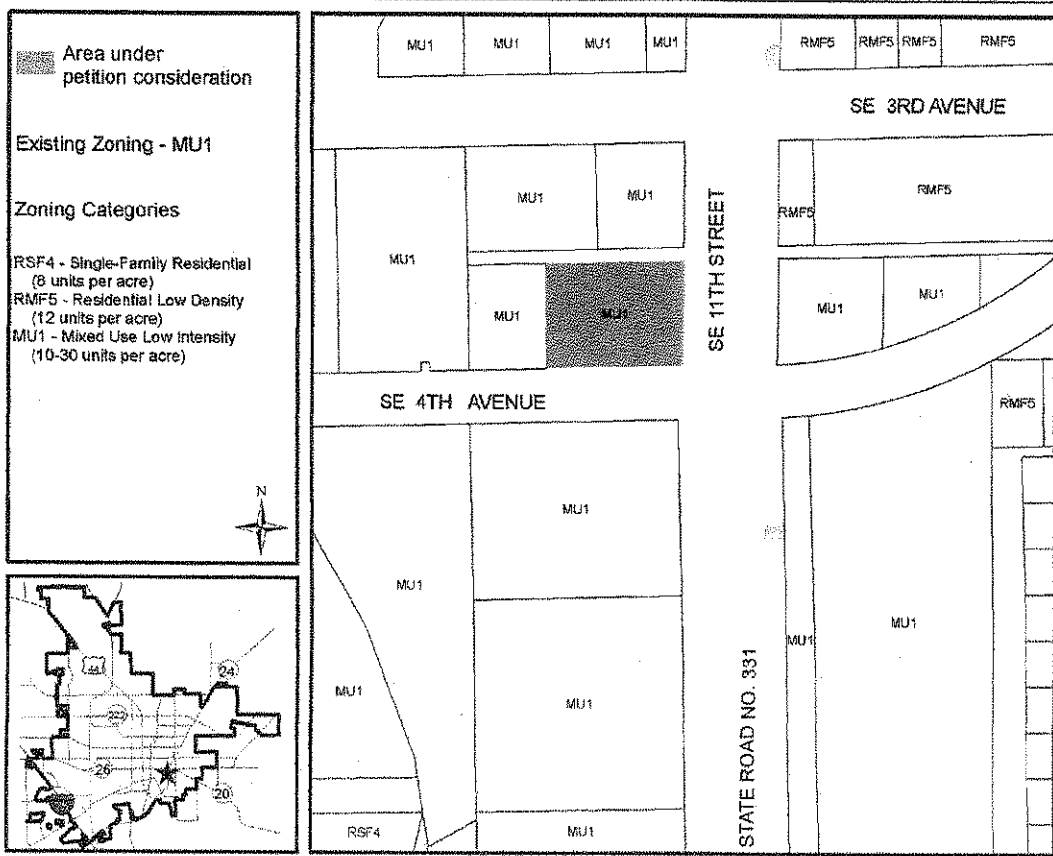
TO: Board of Adjustment

Item Number: 1

FROM: Planning Department Staff

DATE: October 5, 2010

SUBJECT: Petition BA-10-6 APP. Pressman and Associates, Inc., agent for Main and Waldo Investments LLC. Ice House America appealing an administrative decision of the Planning Manager to classify the proposed ice making and dispensing machine as a use in the Standard Industrial Classification as IN 2097 (Manufacture Ice) instead of a retail use for zoning purposes. Zoned: MU-1 (Mixed Use Low Intensity, 10-30 units per acre. Located at 1030 Southeast 4<sup>th</sup> Avenue.



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Explanation

Pursuant to Section 30-354(h), the applicant is appealing a decision made by a City administrative officer of an interpretation of the Land Development Code (Chapter 30). The applicant applied for a zoning compliance permit on August 1, 2010 to allow "retail location for purchase or retail sale of ice" (Exhibit 1). On August 4, 2010, the applicant provided additional information at the request of staff that would clarify and explain what was being requested. The applicant provided the following explanation: "The use is a retail sales location for ice. The site functions as a free standing self service ice dispenser. The site functions with a connection to a water line and machinery produces the ice on site. This eliminates the significant cost and time and travel and energy needed for deliveries. There are no on site employees but the sites are closely monitored. The use could be both a principal and accessory use - that will differ depending upon circumstances and the site it may be proposed to exist upon. In emergencies, the ice station is turned over to the public for free use."

Based on staff research of the issue (see attached photographs Exhibit 2) the proposed facility is mechanical equipment that manufactures ice for sale through a self serve vending device. This facility does not operate as a typical vending machine. The typical vending is a machine that has to be stocked by hand and is much smaller than what has been proposed (Exhibit 3 typical vending machines). Based on the nature of this use and the manufacturing capabilities of the equipment, staff considers this a new use that was not anticipated by the 1987 Standard Industrial Classification Manual (SIC). The 1987 SIC is the framework of the Land Development Code used to determine what uses are allowed where in the City. Staff contends that the 1987 SIC could not have anticipated the proposed use because it had not been developed in its current mechanical stand alone form. A history of the industry found on the internet reveals that this new industry concept got its start in 2003 (Exhibit 4).

After review of the operation of the facility staff classified the use as IN2097 Manufactured Ice. The SIC describes IN2097 as establishments primarily engaged in manufacturing ice for sale (Exhibit 5). The applicant has indicated that SIC 5999 Miscellaneous Retail Store, Not Elsewhere Classified (Exhibit 6) should have been use because it would allow the use in the MU-1 zoning district. While this category lists Ice Dealers-retail as a use, it defines IN5999 as establishments primarily engaged in the retail sales of specialized merchandise, not elsewhere classified, such as artists' supplies; orthopedic and artificial limbs; rubber stamps; pets; religious goods; and monuments and tombstones. This industry includes establishments primarily engaged in selling a general line of their own or cosigned merchandise at retail on an auction bases. It is staff's opinion that this definition anticipates a retail store (establishment) operation and not a large vending facility operation.

Section 30-357(d) authorizes the City Manager or designee to classify new industries for zoning compliance purposes. Staff has made a determination that the use is best classified as IN2097 due to the nature and size of the use. The applicant filed an application on March 3, 2010 for a text change to the Land Development Code for the use to be allowed as a stand alone automated ice manufacturing and vending machine in the MU-1 and MU- 2 districts as a use by right (Exhibit 7). The applicant has placed that application on hold pending the outcome of the Board of Adjustment decision.

In summary it is staff's position that the proposed facility has been properly classified as ice manufacturing for sale IN2097.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

**List of Exhibits**

- Exhibit 1: Zoning Compliance Permit/Todd Pressman E-mail
- Exhibit 2: Photos of Ice Vending Machines
- Exhibit 3: Vending Machine Typical
- Exhibit 4: History of the Industry
- Exhibit 5: SIC- IN2097
- Exhibit 6: SIC- IN5999
- Exhibit 7: Plan Board Application and Staff Report
- Exhibit 8: Board of Adjustment Application



# Zoning Compliance Permit

100547.A

Received 8/11/2010

City of Gainesville  
Planning & Development Services  
P.O. Box 490, Station 11  
Gainesville, FL 32602-0490  
Phone: 352.334.5023 FAX: 352.334.3259

### FOR OFFICE USE ONLY

ZCP No. \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

ZCP Approved

ZCP Approved with Conditions

ZCP Denied

#### Part 1 - To be completed by Applicant

A Zoning Compliance Permit must be completed for the following: Zoning Approval (Home Occupations, Day Care Center etc), Building Inspections Department Approval (Change of Use Permit or Occupancy Permit, if needed), Occupational License Tax and Alcohol Beverage License.

1. Applicant to complete Part 1.
2. Forward the document to the Planning Department (mail or fax 352.334.3259) for processing
3. Planning staff will Approve, Approve with Conditions or Deny Zoning Compliance Permit.
4. Planning staff will complete Part 2.
5. The completed Zoning Compliance permit will be returned to Applicant as indicated below

Ice House America Agent: Todd Pressman, 727-804-1760

Name of Business: \_\_\_\_\_

1030 SE 4th Avenue

Address of Business: \_\_\_\_\_

GAINESVILLE, FLORIDA

City, State and Zip Code: \_\_\_\_\_

Business Phone: \_\_\_\_\_

PLEASE USE AGENT  
(727) - 804-1760

Please use agent  
Fax: ( ) - ~~727-1179~~ 888-977-1179

retail location for purchase or retail

Proposed Use of Premises: \_\_\_\_\_

sale of ice

Applicant Name: \_\_\_\_\_

Ice House America

Mailing Address: \_\_\_\_\_

P.O. Box 6015, Palm Harbor, FL 34684

City, State and Zip Code: \_\_\_\_\_

Phone Number: ( ) - \_\_\_\_\_

above

Alternate contact: ( ) - \_\_\_\_\_

none

Please initial the following, indicating that you understand the requirements:

X

I understand that I must comply with current Florida Building Code through the Building Department and obtain any necessary permits; that I must obtain an Occupational License through the Finance Department; that I must meet parking standards for my zoning district; and that falsifying information may result in my Zoning Compliance Permit being revoked.

Signature of Applicant: Todd Pressman  
Todd Pressman, Agent, Pressman & Associates, Inc.

Date: 8/01/10 /

Return to Applicant:

Pick up at Thomas Center

Return by Mail

Return by Fax



100547A

**Hilliard, Ralph W.**

---

**From:** Todd Pressman [todd@pressmaninc.com]  
**Sent:** Wednesday, August 04, 2010 8:26 PM  
**To:** Hilliard, Ralph W.  
**Subject:** Re: Ice House America

Just to be sure you get it alright, I am copying and pasting from the email I think you are referring to - is this all you need? - Thx.:

The use is a retail sales location for ice. The site functions as a free standing self service ice dispenser. The site functions with a connection to a water line and machinery produces the ice on site. This eliminates the significant cost and time and travel and energy needed for deliveries. There are no on site employees but the sites are closely monitored. The use could be both a principal and accessory use - that will differ depending upon circumstances and the site it may be proposed to exist upon. In emergencies, the ice station is turned over to the public for free use.

On Aug 4, 2010, at 11:14 AM, Hilliard, Ralph W. wrote:

Todd- can I get you to describe what you mean by retail sale and purchase of ice. We need a full description of the use. You can resend me the information that you provided before as an attachment on June 30. I need a copy of your June 30 letter because I have misplaced the one you sent me. Thanks. Ralph

---

**From:** Todd Pressman [mailto:todd@pressmaninc.com]  
**Sent:** Sunday, August 01, 2010 6:41 PM  
**To:** Hilliard, Ralph W.  
**Cc:** Calderon, Lawrence D.; Bredfeldt, Erik A.  
**Subject:** Re: Ice House America

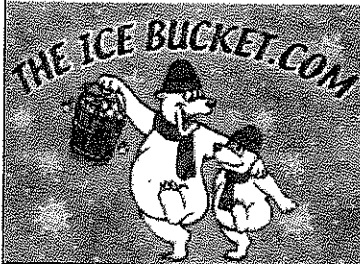
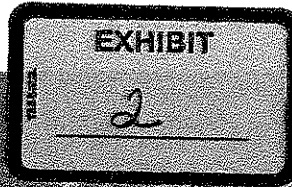
FYI, Got a business address for a proposed ice house location and I am mailing the zoning compliance permit and executed lease to Ralph on Monday.

If you can accept just the zoning permit to get it started, it is attached, the lease and my signed copy of the permit, again, is in the mail on Monday.  
<gainesville zoning permit, complete.pdf><ATT00001..htm>

Todd Pressman  
President,  
Pressman & Associates, Inc.  
P.O. Box 6015  
Palm Harbor, FL 34684  
727-804-1760  
Fx. 1-888-977-1179  
[todd@pressmaninc.com](mailto:todd@pressmaninc.com)

9/14/2010

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Manufacturers of Quality  
Ice Vending Machines  
Call: 910-850-5146  
204 Progress Ave., Pelham, GA 31779

Home | Features | Requirements | How It Operates | Photo Gallery | Client Testimonials | Contact Us

### Features...

The Ice Bucket automatic ice maker and vending machine comes with these standard features that make it the premium ice house.

#### 6,000 lb. Per Day Ice Maker

The Ice Bucket's 6,000 lb. per day standard ice maker is the most reliable and energy efficient in the industry and ours is 100% controllable from the touch screen!

#### Sales Tracking

The Ice Bucket automatically tracks data such as dollar sales, amount of bagged and bulk ice sold, and other accounting elements. You can easily access this information from the password protected, touch screen interface display, located on the front of the building without going inside. A service representative will be able to get more information remotely if needed.

#### Water Softener

The Ice Bucket ice vending machine has an installed water softener which means cleaner ice and a cleaner machine. Unlike most ice vending machines in the industry, The Ice Bucket does not need to be scrubbed frequently.

#### Diagnostic System with Phone Alerts

This standard feature monitors The Ice Bucket and gives you peace of mind knowing that all functions are running smoothly. Any alerts can be instantly sent to your phone or hand held mobile device. Also, a service representative will be able to remotely troubleshoot the machine if necessary.

#### Available Options & Upgrades

- Water Dispensing
- Credit/Debit Card Reader
- 10,000 pound per 24 hour premium Vogt Ice Maker
- Remote Monitoring with Data Collection and Real Time Streaming Video

#### New Product! - The Ice Bucket Jr.

- Bag only operation
- 1250 pound large storage capacity bin
- 2500 pound per 24 hour ice maker

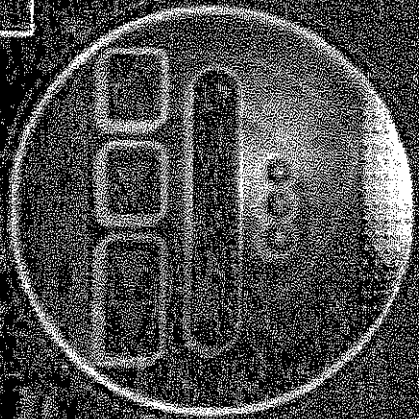


**Call 910-850-5146  
or contact us today  
for pricing!**

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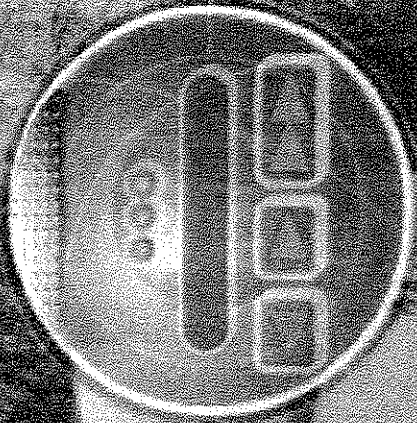
16.00	16.00
\$1.00	\$1.00
24.	24.

**ICE**  
**THE**  
**ICE**  
**ICE**





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Ice Vending Machine Photo Gallery

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# Vending machine

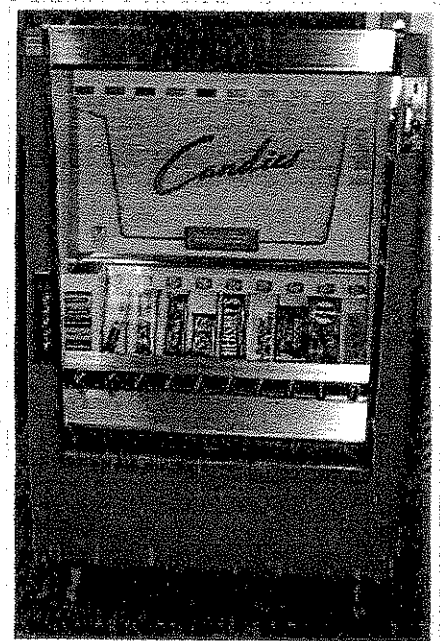
From Wikipedia, the free encyclopedia

A **vending machine** provides snacks, beverages, lottery tickets, and other products to consumers without a cashier. Items sold via these machines vary by country and region.

In some countries, merchants may sell alcoholic beverages such as beer through vending machines, while other countries do not allow this practice (usually because of dram shop laws).

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A vending machine made in 1952.

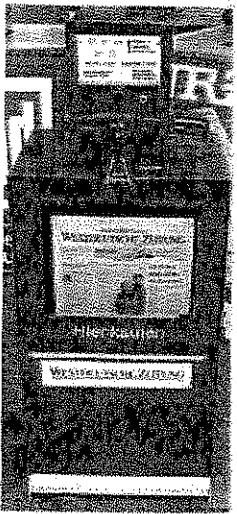
## History

The first recorded reference to a vending machine is found in the work of Hero of Alexandria, a first-century engineer and mathematician. His machine accepted a coin and then dispensed a fixed amount of holy water.<sup>[1][2]</sup> When the coin was deposited, it fell upon a pan attached to a lever. The lever opened up a valve which let some water flow out. The pan continued to tilt with the weight of the coin until it fell off, at which point a counter-weight would snap the lever back up and turn off the valve.

Despite this early precedent, vending machines had to wait for the Industrial Age before they came to prominence. The first modern coin-operated vending machines were introduced in London, England in the early 1880s, dispensing post cards. The first vending machine in the U.S. was built in 1888 by the Thomas Adams Gum Company, selling gum on train platforms. The idea of adding simple games to these machines as a further incentive to buy came in 1897 when the Pulver Manufacturing Company added small figures which would move around whenever somebody bought some gum from their machines. This simple idea spawned a whole new type of mechanical device known as the "trade stimulators". The birth of slot machines and pinball is ultimately rooted in these early devices.

## Mechanism

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Newspaper vending machine in Düsseldorf

After paying, a product may become available by:

- the machine releasing it, so that it falls in an open compartment at the bottom, or into a cup, either released first, or put in by the customer
- the unlocking of a door, drawer, turning of a knob, etc.

Some products need to be prepared to become available. For example, tickets are printed or magnetized on the spot, and coffee is freshly concocted. One of the most common form of vending machine, the snack machine, often uses a metal coil which when ordered rotates to release the product.

The main example of a vending machine giving access to all merchandise after paying for one item is a newspaper vending machine (also called vending box) found mainly in U.S. It contains a pile of identical newspapers. After a sale the door automatically returns to a locked position. A customer could open the box and take all of the newspapers or, for the benefit of other customers, leave all of the newspapers outside of the box, slowly return the door to an unlatched position, or block the door from fully closing, each of which are frequently discouraged, sometimes by a security clamp. The success of such machines is predicated on the assumption that the customer will be honest (hence the nickname "honor box"), and need only one copy.

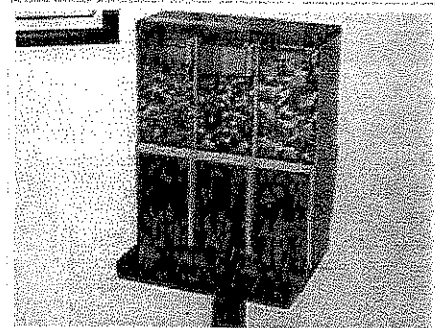
## Bulk candy and gumball vending

*Main article: Bulk vending*

Bulk candy machines are entirely mechanical machines that vend a handful of candy, a bouncy ball, or perhaps a capsule with a small toy or jewelry, for one or two coins. The items may be unsorted; in that case what the customer exactly gets is subject to chance. In other instances, the customer is guaranteed a specific type of candy.

The gross margins in the bulk candy business can be quite high — gumballs, for instance, can be purchased in bulk for 2 cents apiece and sold for 25 cents in the US. Gumballs and candy have a relatively long shelf life, enabling vending machine operators to manage many machines without too much time or cost involved.<sup>[3]</sup> In addition, the machines are typically inexpensive compared to soft drink or snack machines, which often require power and sometimes refrigeration to work. Many operators donate a percentage of the profits to charity so that locations will allow them to place the machines for free.

Bulk vending may be a more practical choice than soft drink/snack vending for an individual who also works a full-time job, since the restaurants, retail stores, and other locations suitable for bulk vending may be more likely to be open during the evening and on weekends than venues such as offices that host soft drink and snack machines.



The Vendstar 3000, a typical bulk candy machine

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## Cigarette vending

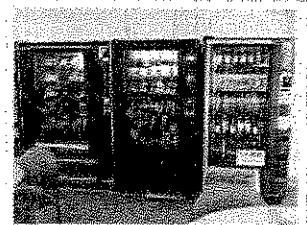
Cigarettes were commonly sold in the United States through these machines, but this practice is increasingly rare due to concerns about underaged buyers. This is similar to the situation in the UK, where many machines in pubs and clubs have been removed as well. Sometimes a pass has to be inserted in the machine to prove one's age before a purchase can be made. In some countries like Germany and Japan, by contrast, cigarette machines are still common.

Since 2007, however, age verification has been mandatory in Germany - buyers must be 18 or over. The various machines installed in pubs and cafés, other publicly accessible buildings and on the street accept one or more of the following as proof of age: the buyer's identity card, bank debit card (smart card) or European Union driver's licence.

## Full-line vending

*Main article: Full-line vending*

A full-line vending company may set up several types of vending machines that sell a wide range of products. The types of products may include candy, cookies, chips, fresh fruit, milk, cold food, coffee, bottles, cans of soda, and even frozen products like ice cream. These products can be sold from various types of vending machines that include coffee, snack, cold food, 20-oz. bottle machines, and glass-front bottle machines. Almost all machines accept bills with more and more machines accepting \$5 bills. This is a great advantage to the vendor because it virtually eliminates the need for a bill changer. Larger corporations with cafeterias will often request full line vending with food service. Vending companies that offer both have a competitive advantage in acquiring accounts because it makes it much easier to deal with one company for both services.



Full line of vending machines in hospital cafeteria in Punta Gorda, Florida. Includes machines for drinks, snacks, and microwaveable foods.

## Specialized vending



Best Buy Express vending machine at Hartsfield-Jackson Atlanta International Airport

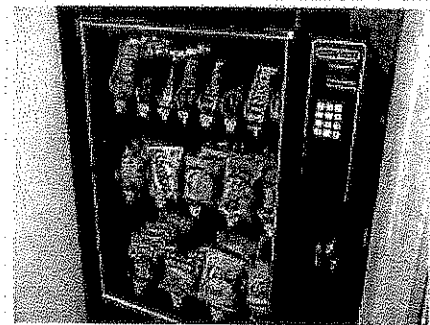
Some types of vending machines are those that dispense personal products, typically in public toilet facilities. The machines in ladies' restrooms typically sell some form of absorbent device for menstruation such as a pad or tampon. The machines in men's rooms, when they are present, are most commonly used for the sale of condoms, though in some locations they may be found dispensing cologne, medicine, small candies, or even pornography.<sup>[4]</sup> These are often found at toilets used by transient persons in high traffic locations, such as bus stations, shopping centres, airports and service stations.

In the past, vending machines were used at American airports from the 1950s until well into the 1970s to sell life insurance policies covering death in the event that the buyer's flight crashed. Such policies were quite profitable, because the risk of any given flight crashing was (and remains) very low, but this practice gradually disappeared due to the tendency of American courts to strictly construe such policies against their sellers, such as Mutual of Omaha.<sup>[5]</sup>

From 2000-2010, specialization of vending machines became more and more common. Vending extended increasingly into non-traditional areas like electronics. An example of this is the iPod vending machines that have become common in many airports, and Coinstar change sorting machines located in grocery stores.<sup>[6]</sup> The trend of specialization and proliferation of vending machines is perhaps most apparent in Japan where vending machines sell products from toilet paper to hot meals and pornography, and there is an estimated 1 vending machine per 23 people.<sup>[7]</sup>

## Safety

Most modern vending machines have been extensively tested and designed to inhibit theft, with security measures resulting in designs similar in strength to safes. As a result, they can be very heavy. Every year, a small number of people are killed when machines topple over on them, either while trying to steal from them, or venting frustration on them, especially when a malfunction causes the machine to fail to dispense the purchased item or the proper change. An article in the Journal of the American Medical Association (11 November 1988, p. 2697) documents 15 cases in which men trying to get a can out of the machine were crushed. Three died, the other 12 required hospitalization for injuries such as fractures of the skull, toe, ankle, tibia, femur, and pelvis; intracerebral bleeding; knee contusion; and one punctured bladder. The article states that because the soft drinks are located in the upper half of the machine (so that they can fall into the dispensing slot), the center of gravity of the machine is abnormally high, and the machine will fall after it has been tipped only 20 degrees, a deceptively small angle. A large, fully loaded soft drink machine can weigh over 400 kg (880 lbs.)



A typical American snack vending machine

There is also an issue with vending machines involving using a coin of a foreign currency which has the same size and shape as the coin accepted by the machine to get cheaper merchandise and some times change that might have more value than the originally inserted foreign coin. One remarkable example of this was the use of Libyan coins of 100 Dirhams and 50 Dirhams denominations in Maltese vending machines in the late 1990s. The 100 Dirham coin was used in place of the 1 Maltese Lira coin which had, back then, a de facto black market value of approximately 10 Libyan Dinars and thus having a staggering value 100 times higher than that of the fraudulent coin. Similarly, the 50 Dirhams coin was used in place of the 25 Maltese Cent which meant 50 folds increase of value according to the black market price.

However, the problem was quickly solved when the machines involved were quickly replaced with new ones that could detect the difference between the Libyan and the Maltese coins, especially in touristic areas. Most notably, the 2 euro coin is similar in size to the 10 baht coin (worth only €0.25). As a result, many vending machines in the eurozone will not accept €2 coins, such is the extent of the 10-baht scam.<sup>[8]</sup>

In addition, the Korean 500 won coin which there was not was forged as 500 yen coin by a machine so that it was recognized, and, in Japan, only a one-tenth value was abused with a vending machine although a diameter was the same as 500 yen coin. The design of the 500 yen coin was changed as an anti-forgery measure in Japan by this case.

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## Innovations

Vending has gone through significant changes over the decades. Many machines are still evolving to become able take credit cards and companies are beginning to obtain the capability of monitoring a machine's state from afar.

John Greenwick of the Greenway company is a former Mars Electronics employee and former product manager of the first ever bill acceptor. According to him, the industry saw a need for the ability to standardize the acceptance of coins and currency on a global basis. As such, a standard known as MDB (Multi-Drop Bus) was invented. This allows for machines around the world to utilize the same bill acceptor and coin changer devices with an international specification. Thus, legacy machines may require conversion kits in order to avoid extinction.

Doug M. Sanford of Vending Times notes that "many vendors today do not remember the urgency with which industry leaders called on their peers to install coin mechanisms that held the patron's money in escrow until the vend was made; to post a telephone number that a customer could call to report a failure and request a refund; to make sure their drivers were cleaning the machines adequately and replacing burnt-out lamps; and so on and on". More recent innovations include improved coin and bill validation and the rapid adoption of sense-and-feedback systems to verify that the vend was made.

One of the newest vending innovations is telemetry. According to Michael Kasavana, National Automatic Merchandising Association Endowed Professor at The School for Hospitality Business, Michigan State University, the advent of reliable, affordable wireless technology has made telemetry practical and provided the medium through which cashless payments can be authenticated. This is important because research shows that 50% of consumers will not make a purchase from a vending machine if its "use exact change only" light is on. Machines equipped with telemetry can transmit sales and inventory data to a route truck in the parking lot so that the driver knows exactly what products to bring in for restocking. Or the data can be transmitted to a remote headquarters for use in scheduling a route stop, detecting component failure or verifying collection information. Telemetry could be one of the most significant developments in vending technology since the invention of the bill changer.



A Redbox DVD vending machine.

Currently the Company Vendtxt Vending Inc. Based in Estevan, Saskatchewan, Canada has developed and deployed vending machines in Saskatchewan which allow customers to purchase products through the use of an SMS(text) message. The user sends a text to a short code and receives a text message back with a four digit numeric code. The user is then able to enter their code into the vending machine and make a selection. If their product is successfully delivered the customers mobile phone account is charged the cost of their purchase.

With consumers wanting quick and convenient access to competitively priced products, the vending industry has seen a great deal of growth over the last ten years. Vending offers new entrepreneurs a way to start businesses which can grow quickly. Snack, beverage, candy and food vending machines continue to be the most lucrative and stable in the market place. New innovations in service vending machines include internet

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kiosks and DVD vending. Cashless vending now allows consumers to use debit cards or precharged 'keys' such as the U-Key for added convenience. Vending is a multi-billion dollar industry, and is growing.

In order to prevent injuries or death from tipping or striking the machine, most modern snack vending machines equipped with spirals to hold products contain lasers near the access door at the bottom. If a purchased item does not break the laser beam when falling, the spirals will automatically turn, usually three times to ensure that a product will fall. If this still does not occur, the customer will be asked to make another selection or will be refunded their money.

Off-grid fuel cell based vending machines with swappable hydrogen storage tanks are entering the market.<sup>[9]</sup>

## Individual countries

### Australia

In Australia, where gemstones are commonly mined, vending machines selling gemstones have appeared. The machines, usually converted candy machines, sell gemstones for approximately A\$2.

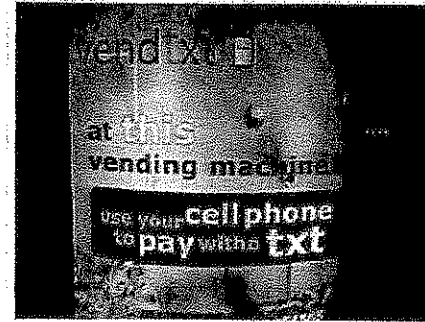
### Japan

Japan has the highest number of vending machines per capita, with about one machine for every twenty-three people.<sup>[10]</sup> Japan's high population density, relatively high cost of labor, limited space, preference for shopping on foot or by bicycle, and low rates of vandalism and petty crime, provide a fertile environment for vending machines. While the majority of machines in Japan are stocked with drinks, snacks, and cigarettes, one occasionally finds vending machines selling items such as bottles of liquor, cans of beer, fried food, underwear, iPods, porn magazines, sexual lubricants, live lobsters, fresh meat, eggs and potted plants.<sup>[11][12]</sup> The practice of "vendo", or lingering around the vending machine to drink in groups, is not unheard of during warmer months.

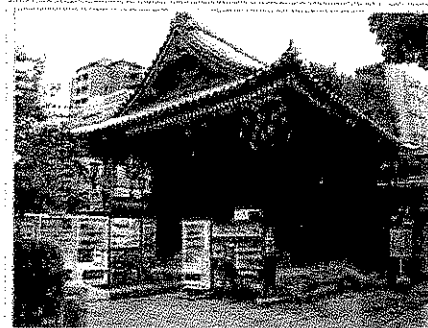
The first vending machine in Japan was made of wood and sold postage stamps and post cards. About 80 years ago, there were vending machines that sold sweets called "Glico". In 1967, the 100-yen coin was distributed for the first time, and vending machine sales skyrocketed overnight,<sup>[citation needed]</sup> selling a vast variety of items everywhere.

In Japan, vending machines are known as 自動販売機 (*jidō-hanbaiki*) from *jidō*, or "automatic"; *hanbai*, or "vending"; and *ki*, or "machine", 自販機 (*jihanki*) for short.

In 1999, the estimated 5.6 million coin- and card-operated Japanese vending machines generated \$53.28



A Vendtxt Vending Inc. Machine located in Bienfait Saskatchewan Canada



A shrine with drink vending machines, Fukuoka.

billion in sales. Vending machine goods and services can cost as little as 50 and as much as 3,000 yen.

With the introduction to services such as "Osaifu-Keitai", cell phones can now be used to pay for the items bought from these vending machines more easily.

In 2008, a smart card called taspo was implemented in the majority of tobacco vending machines across the country to restrict sales of cigarettes from them. From such machines cigarette purchases may only be made by those in possession of the card, which is issued to adult applicants (which in the case of Japan, is 20 years of age). The card is held up to a sensor after money is inserted into the machine.



Drink vending machines at night, Tokyo.

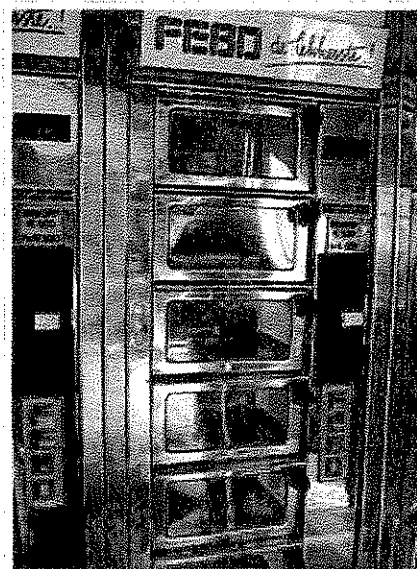
### Netherlands

A common type of snack bar in the Netherlands is called *automatiek* and is similar to an automat. It has a wall lined with coin-operated machines. Each has a vertical row of little windows, with a (usually hot) snack behind each, e.g. a croquette, a frikandel or a hamburger.

After inserting a coin into a slot, an individual opens one of the windows and removes a snack. The machines are heated so that the snacks stay hot. Behind the machine is the kitchen where the snacks are prepared, with the little windows being re-supplied from the back.

In addition, a snack counter for food less suitable for vending machines is usually available in the same area (example: French fries).

Automatieks may or may not provide chairs for customers. Sometimes the vending machines are in an outside wall, and no shelter is provided.



A Dutch 'automatiek'

These vending machines are often located at railway stations or in busy shopping streets. One large chain of these automatieks is FEBO.

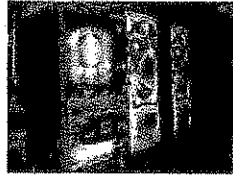
### Varieties of vending machines





100547A

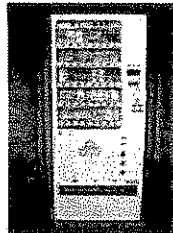
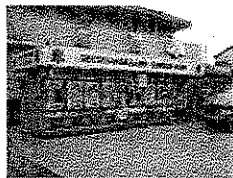
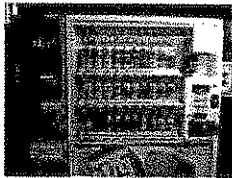
Los Angeles, California, newspaper vending machine featuring news of the 1984 Summer Olympics



A machine that makes fresh French fries, Australia

Ramen noodle vending machine in the United States

Cigarette vending machines in Tokyo, with a woman promoting the products



Beer and sake machines, Japan

Rice vending machines, Japan

A Buddhist prayer bead-roll vending machine at Zenkō-ji, Nagano, Japan

Onsen (hot spring) water machine in Kanagawa, Japan

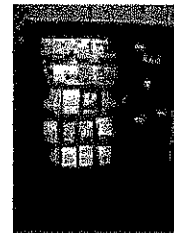
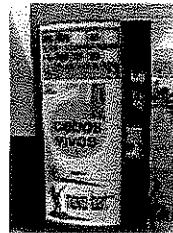
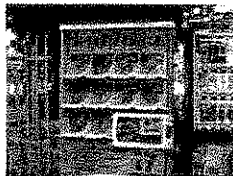
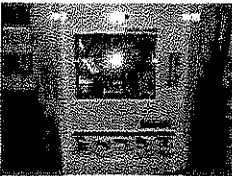


Photo booth, Germany

Condom machine, Italy

Fishing-bait machine, Spain

Book vending machine, United Kingdom



DVD vending machine, Tokyo

Ice cream machine, Tokyo

Instant-noodles vending machine, Tokyo

Coin-operated binoculars, United States

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Drinks and snacks vending machines alongside in National University of Singapore, Singapore

## See also

- Automat
- Cigarette machine
- Dispenser
- Interactive kiosk
- National Automatic Merchandising Association
- Rental shop
- Self-service kiosk
- Snack vending
- Soda vending
- Stamp vending machine
- Ticket machine

## References

- Krug, Bryon: *Vending Business-in-a-Box*, BooksOnStuff, 2003.
1. ^ [http://www.smithsonianmag.com/science-nature/ancient\\_calendar.html](http://www.smithsonianmag.com/science-nature/ancient_calendar.html) Old World, High Tech: World's First Vending Machine (scroll down to see the item)
  2. ^ "History of the Vending Machine" page of Gumballs.com.
  3. ^ "Why Vending" page of candymachines.com
  4. ^ Vending Machines of Japan
  5. ^ Steven v. Fidelity & Casualty Co. (1962) 58 C2d 862
  6. ^ <http://blog.seattlepi.com/personal-finance/archives/219494.asp>
  7. ^ <http://www.japan-guide.com/e/e2010.html>
  8. ^ <http://www.unison.ie/features/euro/?ca=219&si=646097>
  9. ^ Hydrogen powered vending machine unveiled
  10. ^ According to the Japan Vending Machine Manufactures Association website, there are 5,582,200 vending machines in Japan, or one machine for every 23 people.
  11. ^ "Vending Machines of Japan" page of PhotoMann Travel Photography.
  12. ^ "Vending machines from around the world" page of Cerebrus Constipatus.

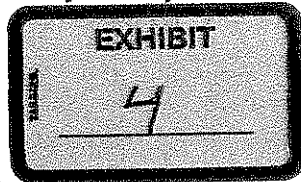
## External links

Retrieved from "[http://en.wikipedia.org/wiki/Vending\\_machine](http://en.wikipedia.org/wiki/Vending_machine)"

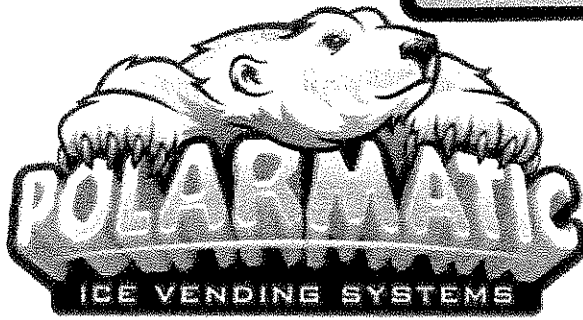
Categories: [Vending machines](#) | [Retailing](#) | [Commercial machines](#) | [Hellenistic engineering](#)

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## Industry History

Ice as a consumer good has been around since Frederic Tudor, "the Ice King" first sold blocks of ice cut from Thoreau's frozen Walden Pond in the first half of 19th century. From these early beginnings, the packaged ice industry has grown to become a \$2.5 billion a year goliath. Tudor's ice-harvesting methods dominated until the 1940's when reliable electrical freezers and refrigerators provided continuous ice production and permanently replaced the seasonally-dependent ponds of yesteryear. Since this innovation of locally operated Ice Plants after World War II, little had changed. Local mom-and-pop operations may have been gobbled up by the mega-distributors like Reddy Ice or Arctic Glacier, but the basic delivery mechanism of ice plant production distributed on a refrigerated truck delivered to a refrigerated on-site cooler had remained unchanged for 60+ years. That is - until 2003.

Increasing labor, insurance and fuel costs had forced packaged ice providers to continually raise rates to stem their eroding margins. This created an opportunity. In the town of Moultrie, Georgia, a new process was conceived. Employing the great American tradition of using technology to deliver a superior product for a cheaper price, the breakthrough occurred. Produce and package ice at the point of sale. By eliminating the costs and waste associated with the conventional method of

delivering ice, one could produce and package ice at a fraction of the cost it takes even the largest ice providers to deliver their product.

As with all innovation, the first machines have been complicated, expensive, and difficult to maintain. Part-time inventors have thrown ill-conceived concepts promising performance and/or quality they have no capability of delivering. The market has been beset by the clutter typical of such breakthroughs, until now.

The Polarmatic first entered the marketplace in 2006 and through a continuous stream of technological breakthroughs, has established itself as the highest production, most efficient, lowest maintenance machine delivering the highest quality ice to the consumer in the marketplace. With almost 12,000 pounds of production capacity a day it dwarfs the competition. With a production, storage and delivery process that never climbs above 32 degrees, waste is virtually eliminated, bacterial growth is eliminated (unlike other systems that store their ice above freezing), and the quality of the end product is unmatched. Compare a bag of Polarmatic's "dry" ice to the competition's "wet" ice and see the melt time difference. With a patented, simple, component-driven process that contains very few moving parts, maintenance requirements pale in comparison to other, more complicated (and less efficient) systems. Finally, with Polarmatic offering the industry's only customizable graphics package, the Owner can wrap their machine with the design that best fits their brand and location.

Polarmatic's guiding principles center around continuous technological improvement, top-quality manufacturing and the industry's best Owner support and service.

© 2010 Polarmatic Ice Vending Systems | [info@polarmatic.com](mailto:info@polarmatic.com)

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No.  
209

No.

MISCELLANEOUS FOOD PREPARATIONS AND KINDRED PRODUCTS—  
Con.

## 2091 Canned and Cured Fish and Seafoods—Con.

Seafood products, canned and cured  
Shellfish, canned and cured  
Shrimp, canned and curedSoups, fish and seafood: canned  
Stews, fish and seafood: canned  
Tuna fish, canned

## 2092 Prepared Fresh or Frozen Fish and Seafoods

Establishments primarily engaged in preparing fresh and raw or cooked frozen fish and other seafoods and seafood preparations, such as soups, stews, chowders, fishcakes, crabcakes, and shrimpcakes. Prepared fresh fish are eviscerated or processed by removal of heads, fins, or scales. This industry also includes establishments primarily engaged in the shucking and packing of fresh oysters in nonsealed containers.

Chowders, fish and seafood: frozen  
Crabcakes, frozen  
Crabmeat picking  
Crabmeat, fresh: packed in nonsealed containers  
Fish and seafood cakes, frozen  
Fish fillets  
Fish sticks  
Fish: fresh and frozen, preparedOysters, fresh: shucking and packing in nonsealed containers  
Seafoods, fresh and frozen  
Shellfish, fresh and frozen  
Shellfish, fresh: shucked, picked, or packed  
Shrimp, fresh and frozen  
Soups, fish and seafood: frozen  
Stews, fish and seafood: frozen

## 2095 Roasted Coffee

Establishments primarily engaged in roasting coffee, and in manufacturing coffee concentrates and extracts in powdered, liquid, or frozen form, including freeze-dried. Coffee roasting by wholesale grocers is classified in Wholesale Trade, Industry 5149.

Coffee extracts  
Coffee roasting, except by wholesale grocersCoffee, ground: mixed with grain or chicory  
Coffee, instant and freeze-dried

## 2096 Potato Chips, Corn Chips, and Similar Snacks

Establishments primarily engaged in manufacturing potato chips, corn chips, and similar snacks. Establishments primarily engaged in manufacturing pretzels and crackers are classified in Industry 2052; those manufacturing candy covered popcorn are classified in Industry 2064; those manufacturing salted, roasted, cooked or canned nuts and seeds are classified in Industry 2068; and those manufacturing packaged unpopped popcorn are classified in Industry 2099.

Cheese curls and puffs  
Corn chips and related corn snacks  
Popcorn, popped: except candy coveredPork rinds  
Potato chips and related corn snacks  
Potato sticks

## 2097 Manufactured Ice

Establishments primarily engaged in manufacturing ice for sale. Establishments primarily engaged in manufacturing dry ice are classified in Industry 2813.

Block ice  
Ice cubes  
Ice plants, operated by public utilities

Ice, manufactured or artificial: except dry ice

599

## RETAIL STORES, NOT ELSEWHERE CLASSIFIED—Con.

## 5995 Optical Goods Stores—Con.

in the retail sale of binoculars, telescopes, and opera glasses are classified in Industry 5999.

Optical goods—retail

Opticians—retail

## 5999 Miscellaneous Retail Stores, Not Elsewhere Classified

Establishments primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified, such as artists' supplies; orthopedic and artificial limbs; rubber stamps; pets; religious goods; and monuments and tombstones. This industry also includes establishments primarily engaged in selling a general line of their own or consigned merchandise at retail on an auction basis. Establishments primarily engaged in auctioning tangible personal property of others on a contract or fee basis are classified in Services, Industry 7389.

Architectural supplies—retail  
 Art dealers—retail  
 Artificial flowers—retail  
 Artists' supply and material stores—retail  
 Auction rooms (general merchandise)—retail  
 Autograph and philatelist supply stores—retail  
 Awning shops—retail  
 Baby carriages—retail  
 Banner shops—retail  
 Binoculars—retail  
 Cake decorating supplies—retail  
 Candle shops—retail  
 Coin shops—retail, except mail-order  
 Cosmetics stores—retail  
 Electric razor shops—retail  
 Fireworks—retail  
 Flag shops—retail  
 Gem stones, rough—retail  
 Gravestones, finished—retail  
 Hearing aids—retail  
 Hot tubs—retail  
 Ice dealers—retail

Monuments, finished to custom order—retail  
 Orthopedic and artificial limb stores—retail  
 Pet food stores—retail  
 Pet shops—retail  
 Picture frames, ready-made—retail  
 Police supply stores—retail  
 Religious goods stores (other than books)—retail  
 Rock and stone specimens—retail  
 Rubber stamp stores—retail  
 Sales barns—retail  
 Stamps, philatelist—retail: except mail-order  
 Stones, crystalline; rough—retail  
 Swimming pools, home: not installed—retail  
 Telephone stores—retail  
 Telescopes—retail  
 Tent shops—retail  
 Tombstones—retail  
 Trophy shops—retail  
 Typewriter stores—retail  
 Whirlpool baths—retail



Attachment 5

100547A

APPLICATION CITY PLAN BOARD TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY
Petition No. PB-10-23 TCM Fee: \$ 607.75
1st Step Mtg Date: EZ Fee: \$
Tax Map No. Receipt No.
Account No. 001-670-6710-3401 [X]
Account No. 001-670-6710-1124 (Enterprise Zone) [ ]
Account No. 001-670-6710-1125 (Enterprise Zone Credit) [ ]

Table with applicant information: Name of Applicant/Agent (Ice House America), Address (13361 Atlantic Blvd), City (Jacksonville), State (Florida 32225), Phone (904-241-7535), Fax (904-221-5399)

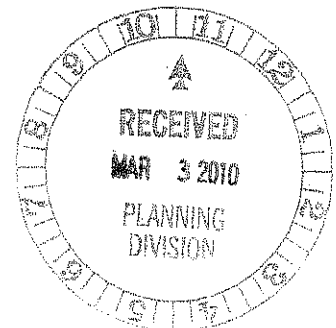
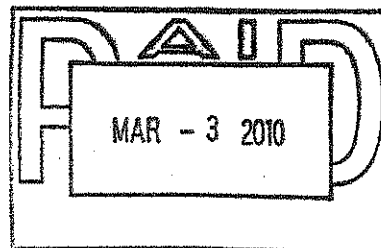
Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition...

TEXT AMENDMENT

Check applicable request below:

Table with 3 columns: Land Development Code [X], Comprehensive Plan Text [ ], Other [X]. Content includes zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65. Other specifies: Reclassification of Ice House America vending units to SIC 5999 from SIC 2097.

Certified Cashiers Receipt:





100547 A


**Application—Text Amendment:**

Ice House America, LLC (IHA) respectfully requests a text amendment to the Gainesville zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65 to allow the IHA automated ice vending machines as one of the permitted uses. Or in the alternative, IHA requests reclassification of its Ice Vending machine to SIC 5999 from SIC 2097 as this will appropriately characterize the machines as commercial retail, thus avoiding the need for an amendment to the code. (Please see attachments 1 through 3)

*No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.*

**CERTIFICATION**

The undersigned has read the above application and is familiar with the information submitted herewith.

Signature of applicant/agent: 

Date: 2/26/2010

TL—djw

100547 A



Attachment 1

Ice House America Petition for a Text Amendment  
to the Gainesville zoning code Chapter 30

Ice House America, LLC (IHA) respectfully requests assistance in enabling our main product, self contained ice vending structures, to be approved within areas of the City of Gainesville at locations in keeping with the current IHA business model. This assistance could take either the form of a text amendment to the Gainesville zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65 to allow the IHA automated ice vending machines as one of the permitted uses. Or in the alternative, IHA believes that reclassification to SIC 5999 from SIC 2097 will appropriately characterize the machines as commercial retail, thus avoiding the need for an amendment to the code.

Ice House America is a Jacksonville, Florida based manufacturer of ice vending machines. We are the original developers of stand-alone ice vending technology and our products are protected by several United States patents. Since our inception in 2003, we have manufactured and sold over seventeen hundred ice vending units of various sizes throughout the United States, the Caribbean, Australia, and Brazil. The operation and aesthetics of the machines are detailed on our website at [www.icehouseamerica.com](http://www.icehouseamerica.com) and are pictured in Exhibit A. In short, the ice vending machine is a revolutionary method of delivering fresh, clean, low-cost ice directly to a consumer. The machines are enormously popular with the public, both due to the price point and the convenience they offer. Currently, there are 238 ice vending units operating throughout Florida, and we hope to install an additional 400 machines by year-end 2013. To date, as a result of a zoning decision, there are zero units installed in the Gainesville area.

Specifically, the City of Gainesville has zoned our product "Industrial." The zoning of "Industrial" was determined through the use of the Standard Industrial Classification Manual (SIC), *latest version 1987*. Keyword "Ice" references Industry Group 2097—"manufactured ice." Manufactured ice references Division D: Manufacturing and Major Group 20: Food and Kindred Products/ Major Group 28: Chemicals and Allied Products (Dry Ice). There is a carve-out in the second to last paragraph "Wholesale and Retail Trade" which allows for products produced and sold to the general public on the same premises. It states in part, "Wholesale and Retail Trade. .... Also included in Retail Trade are establishments primarily engaged in selling, to the general public, products produced on the same premises from which they are sold." (Attachment 2)

In contrast, the State of Florida, Department of Community Affairs has classified the Ice House America ice vending machine as "Commercial, Storage and Utility-Misc. Buildings," and hundreds of municipalities throughout Florida categorize the machine as commercial-retail, which we respectfully submit is the more proper designation.

In discussions with the City of Gainesville the reasoning, documentation, and rationale behind the decision to zone our product "Industrial" was explained. While IHA appreciates the time and professionalism that went into this determination, IHA believes that a more appropriate interpretation would be that our machines should be characterized as being part of Division G: Retail Trade, Major

Group 59: Miscellaneous Retail, Industry Group 599, Retail Stores, not Elsewhere Classified, Code 5999: retail Stores not otherwise Classified. The description of this designation reads in part, "Establishment primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified." It goes on to specifically list "Ice Dealers-retail" as one of the examples. Additionally, the description of Division G, Retail Trade includes the following, "For the most part establishments engaged in retail trade sell merchandise to the general public for personal or household consumption," It further states, "Processing incidental or subordinate to selling is conducted at retail stores. For example, restaurants prepare meals, and meat markets cut meat." Ice House America feels strongly that that could also include, "Ice Houses make ice." (Attachment 3)

The Ice House America vending units are unique and modern hybrid ice makers and vending establishments, fully automated throughout the manufacturing and vending phases of the operations. We understand and would agree with the 2097 designation if our facility was solely engaged in the manufacturing of ice for sale primarily at different locations. However, we also believe that the determination of 2097 within the 1987 zoning manual does not account for advances in technology and now commonly accepted business models. "Self-Serve" has only come into its own within the past 15 years with the introduction of kiosk ATMs, airline tickets, and DVDs (Red Box), vending reverse recycling machines, photo reproductions, automated charging stations for cell phones and MP3 players, and of course all the online opportunities to provide for oneself. We contend that these ice vending products truly support a commercial/retail venue (MU-1 and MU-2) as they are completely "Self-Serve" in nature and cannot serve the general public tucked away in an industrial type atmosphere. As we understand the manual, if our product (the ice) was manufactured at a different location and only dispensed through our machines, we would not be facing this issue. Thus it appears that IHA is being penalized because of the nature of our self-contained combined operation.

When customers purchase ice from an Ice House America vending unit, they will get clean, filtered, fresh ice that has never been touched by human hands. Unlike ice from traditional packaged ice producers, ice from the Ice House America vending machine is stored in a stainless steel sanitary bin inside the machine until dispensed, eliminating any chance of leaching chemicals from prolonged exposure to the plastic bags or multiple persons handling the product.

Concern about our planet has led many to consider their personal "carbon footprint." Every action, every purchase affects our environment. Ice House America ice is not only the most sanitary and healthiest ice available; it's also the "greenest." When compared to traditional distribution, IHA's bagged ice produces lower carbon emissions because there is no need for transport. The ice is made and bagged within the machine exactly when and where the patron requests it automatically.

It should also be noted that this request is not intended to circumvent any of the regular permitting process. IHA fully understands that each proposed location will be judged on its own merits with regard to compliance for architectural standards, signage, setbacks, and other normal permitting considerations.

For all the above reasons, we would request a review and reversal of the "Industrial" zoning designation as described above as it pertains to Ice House America ice vending products, or a text amendment to the MU-1 and MU-2 permitted uses to allow Code 5999, specifically "Ice Dealer-retail"



# ICE HOUSE AMERICA - Attachment 2

printing, and preparing electrotyping and stereotype plates, but not blueprinting or photocopying services;

Electroplating, plating, metal heat treating, and polishing for the trade;

Lapidary work for the trade;

Fabricating of signs and advertising displays.

There are also some manufacturing-type activities performed by establishments which are primarily engaged in activities covered by other divisions, and are, thus, not classified as manufacturing. A few of the more important examples are:

Agriculture, Forestry, and Fishing. Processing on farms is not considered manufacturing if the raw materials are grown on the farm and if the manufacturing activities are on a small scale without the extensive use of paid labor. Other exclusions are threshing and cotton ginning.

Mining. The dressing and beneficiating of ores; the breaking, washing, and grading of coal; the crushing and breaking of stone; and the crushing, grinding, or otherwise preparing of sand, gravel, and nonmetallic chemical and fertilizer minerals other than barite are classified in Mining.

Construction. Fabricating operations performed at the site of construction by contractors are not considered manufacturing, but the prefabrication of sheet metal, concrete, and terrazzo products and similar construction materials is included in the Manufacturing Division.

Wholesale and Retail Trade. Establishments engaged in the following types of operations are included in Wholesale or Retail Trade: cutting and selling purchased carcasses; preparing feed at grain elevators and farm supply stores; stemming leaf tobacco at wholesale establishments; and production of wiping rags. The breaking of bulk and redistribution in smaller lots, including packaging, repackaging, or bottling products, such as liquors or chemicals, is also classified as Wholesale or Retail Trade. Also included in Retail Trade are establishments primarily engaged in selling, to the general public, products produced on the same premises from which they are sold, such as bakeries, candy stores, ice cream parlors, and custom tailors.

Services. Tire retreading and rebuilding, sign painting and lettering shops, computer software production, and the production of motion picture films (including video tapes) are classified in Services. Most repair activities are classified as Services. However, some repair activity such as shipbuilding and boatbuilding and repair, the rebuilding of machinery and equipment on a factory basis, and machine shop repair are classified as manufacturing.

[ [SIC Search](#) | [Division Structure](#) ]

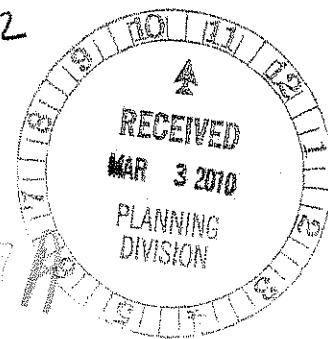
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Occupational Safety & Health Administration  
200 Constitution Avenue, NW  
Washington, DC 20210





# UNITED STATES DEPARTMENT OF LABOR

## OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

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### SIC Division D

### Division D: Manufacturing

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The manufacturing division includes establishments engaged in the mechanical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials, such as lubricating oils, plastics resins, or liquors.

The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying as well as products of other manufacturing establishments. The new product of a manufacturing establishment may be finished in the sense that it is ready for utilization or consumption, or it may be semifinished to become a raw material for an establishment engaged in further manufacturing. For example, the product of the copper smelter is the raw material used in electrolytic refineries; refined copper is the raw material used by copper wire mills; and copper wire is the raw material used by certain electrical equipment manufacturers.

The materials used by manufacturing establishments may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one establishment to another which is under the same ownership. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

There are numerous borderline cases between manufacturing and other divisions of the classification system. Specific instances will be found in the descriptions of the individual industries. The following activities, although not always considered as manufacturing, are so classified:

Milk bottling and pasteurizing;

Fresh fish packaging (oyster shucking, fish filleting);

Apparel jobbing (assigning of materials to contract factories or shops for fabrication or other contract operations) as well as contracting on materials owned by others;

Publishing;

Ready-mixed concrete production;

Leather converting;

Logging;

Wood preserving;

Various service industries to the manufacturing trade, such as typesetting, engraving, plate

ICE HOUSE AMERICA - Attachment 3

00547A

SIC Description for 5999

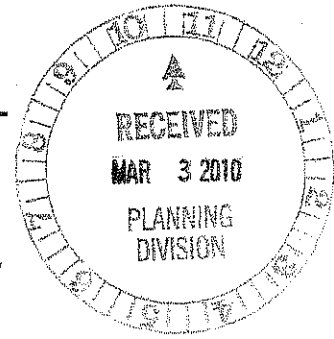
Description for 5999: Miscellaneous Retail Stores, Not Elsewhere Classified

Division G: Retail Trade

Major Group 59: Miscellaneous Retail

Industry Group 599: Retail Stores, Not Elsewhere Classified

5999 Miscellaneous Retail Stores, Not Elsewhere Classified



Establishments primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified, such as artists' supplies; orthopedic and artificial limbs; rubber stamps; pets; religious goods; and monuments and tombstones. This industry also includes establishments primarily engaged in selling a general line of their own or consigned merchandise at retail on an auction basis. Establishments primarily engaged in auctioning tangible personal property of others on a contract or fee basis are classified in Services, Industry 7389.

- Architectural supplies-retail
- Art dealers-retail
- Artificial flowers-retail
- Artists' supply and material stores-retail
- Auction rooms (general merchandise)-retail
- Autograph and philatelist supply stores-retail
- Awning shops-retail
- Baby carriages-retail
- Banner shops-retail
- Binoculars-retail
- Cake decorating supplies-retail
- Candle shops-retail
- Coin shops-retail, except mail-order
- Cosmetics stores-retail
- Electric razor shops-retail
- Fireworks-retail
- Flag shops-retail
- Gem stones, rough-retail
- Gravestones, finished-retail
- Hearing aids-retail
- Hot tub-retail
- Ice dealers-retail
- Monuments, finished to custom order-retail
- Orthopedic and artificial limb stores-retail
- Pet food stores-retail
- Pet shops-retail
- Picture frames, ready-made-retail
- Police supply stores-retail
- Religious goods stores (other than books)-retail
- Rock and stone specimens-retail
- Rubber stamp stores-retail
- Sales barns-retail
- Stamps, philatelist-retail: except mail-order
- Stones, crystalline: rough-retail
- Swimming pools, home: not installed-retail
- Telephone stores-retail
- Telescopes-retail



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This division includes establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. In general, retail establishments are classified by kind of business according to the principal lines of commodities sold (groceries, hardware, etc.), or the usual trade designation (drug store, cigar store, etc.). Some of the important characteristics of retail trade establishments are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use. Not all of these characteristics need be present and some are modified by trade practice.

For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Exceptions to this general rule are lumber yards; paint, glass, and wallpaper stores; typewriter stores; stationery stores; and gasoline service stations which sell to both the general public for personal or household consumption and to businesses. These types of stores are classified in Retail Trade even if a higher proportion of their sales is made to other than individuals for personal or household consumption.

However, establishments that sell these products only to institutional or industrial users and to other wholesalers and establishments that sell similar merchandise for use exclusively by business establishments are classified in Wholesale Trade.

Establishments primarily engaged in selling such merchandise as plumbing equipment; electrical supplies; used automobile parts; and office furniture are classified in Wholesale Trade, even if a higher proportion of their sales is made to individuals for personal or household consumption.

Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from the agricultural and extractive industries. For example, farmers who sell only their own produce at or from the point of production are not classified as retailers.

Processing incidental or subordinate to selling often is conducted at retail stores. For example, restaurants prepare meals, and meat markets cut meat. Separate establishments selling merchandise for personal or household consumption which has been manufactured by other establishments of the same company are classified in Retail Trade.

Chain store warehouses are considered auxiliary to the retail establishment served and are classified on the basis of the activity carried on by such retail stores.

Establishments primarily engaged in the retail sale of used motor vehicles, trailers, and boats are classified in Major Group 55; those selling used mobile homes are classified in Industry 5271; those selling used automobile parts are classified in Wholesale Trade, Industry 5015; and those selling all other used merchandise are classified in Industry Group 593. Establishments primarily engaged in non-store retailing are classified in Industry Group 596.

[ SIC Search | Division Structure ]

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100547A

TO: City Plan Board

Item Number: 7

FROM: Planning Department Staff

DATE: April 22, 2010

SUBJECT: Petition PB-10-23 TCH. Ice House America, owner. Amend the Land Development Code sections 30-64 Mixed use low intensity district (MU-1) and 30-65 Mixed use medium intensity district (MU-2) to allow stand-alone automated ice manufacturing and vending machines as one of the permitted uses.

### Recommendation

Staff recommends denial of Petition PB-10-23 TCH.

### Discussion

This petition is a request by Ice House America to amend the City's Land Development Code to allow their ice machines, which both manufacture and vend ice from stand-alone modular buildings, in the Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2) zoning districts. As described on the Ice House America web site, these buildings are "a self-contained ice plant that produces, stores, bags, and sells ice utilizing a vending machine concept." Another portion of the web site indicates that, "No employees are necessary to be on-site," and "Purchase or lease a small plot of land (or part of a busy parking lot)."

The units require 3-phase electricity and a water line to produce and store the ice. The dimensions of these units, as provided by the petitioner, are as follows:

200 square foot footprint

9 feet high

8 feet 4 inches wide

24 feet long

Sample photos of the units are shown as Attachments 1-3 at the end of this document.

### Basis for denial

Planning Staff recommends denial of the petition on the following 6 bases.

1. There is adequate provision of land/properties in other existing zoning districts for this use.

The proposed use involves the manufacture and storage of ice. Ice manufacturing is provided for in SIC 2097, which is an allowable use in the Business Industrial (BI), Warehouse (W), Limited Industrial (I-1), and General Industrial (I-2) zoning districts. There are adequate vacant and developed parcels in city limits with these zoning categories to accommodate the proposed use. The total acreage (vacant and developed) for these categories currently is 2,726.33 acres. Breaking it out by specific zoning district, the acreages are as follows: BI = 123.92 acres; W = 26.62 acres; I-1 = 1,413.36 acres; and I-2 = 1,162.43 acres.

Given the stand-alone building type and associated aesthetics, the Industrial, Warehouse and Business Industrial zoning categories are the appropriate locations for this type of building and use.

**2. The proposal by the petitioner is for a use by right in the MU-1 and MU-2 zoning districts with no consideration of design, aesthetics, layout, or access management.**

As proposed in the petitioner's application, the request is to add this as a use by right. The petitioner did not include any design, layout, access management, or aesthetic criteria that would accompany such use or support the use as being by Special Use Permit. As such, Planning staff finds that given the diverse locations in the city where MU-1 and MU-2 are located, this is not an appropriate general use by right that should be included in these zoning districts.

As a stand-alone use, these units could be placed as a principle, single use on small vacant MU-1 or MU-2 parcels because the petitioner's proposal is to allow them by right in the zoning district. This is not an acceptable use of MU-1 or MU-2 parcels, as the districts are defined in the Code (see #3 below).

In addition, several existing MU-1 parcels contain only residential uses (examples: Marta at Magnolia Park and Hampton Oaks). This petition, as a "by right" use would allow this use and associated building on residential mixed use properties. The use and the building design (as shown on the petitioner's web site) are not compatible with residential development given concerns of traffic, noise, operating hours (24 hours), and necessary lighting for security.

**3. The use is inconsistent with the existing MU-1 and MU-2 zoning districts as stated in their purpose and objectives clauses.**

The MU-1 district (Sec. 30-64 (b) (5)) states: "Ensure through development plan approval, that nonresidential and mixed-use developments are designed to promote the most efficient use of the land, and that they coordinate the internal activities of the site as well as establish a harmonious relationship between such developments and their environment."

The MU-2 district (Sec. 30-65 (b) (5)) states: "Encourage proper design review through the utilization of the development plan review process to ensure a harmonious relationship with surrounding development (including adequate ingress and egress)."

The building design for this use does not establish or ensure a harmonious relationship with surrounding development. There are no aesthetic guidelines or internal circulation guidelines

provided by the petitioner, and as stated in #2 above, the petitioner's request is to allow this use by right in the MU-1 and MU-2 zoning districts, which tend to be located adjacent to or near residential uses (or contain residential uses).

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In addition, even if the proposed use was only an ice vending machine, the City would not allow vending machines as a principle use in any business or mixed use district. Such machines would be considered accessory to the principle use and would be required to be inside or next to a principle building housing the occupancy.

4. **The use and building type are inconsistent with the proposed updates to the MU-1 and MU-2 zoning district regulations as identified in the consultant work currently under review.**

For several months, the City has been reviewing proposed amendments to the MU-1 and MU-2 zoning districts to clarify allowable uses and the activity center concept. The proposed building type is incompatible with the consultant recommendations in the proposed amendment package for these zoning districts.

Incompatibilities include:

- a. The building materials
  - b. Design requirements for principle buildings (this would be a principle building because it is a stand-alone use)
  - c. Building articulation requirements
  - d. Glazing requirements
5. **The use is auto-oriented and does not promote the combination of trips or pedestrian access in the citywide Transportation Concurrency Exception Area (TCEA).**

Both the City's TCEA and the mixed use zoning districts promote the combining of trips as a strategy to reduce traffic congestion and reduce vehicle miles travelled. As stated in the MU-1 district purpose clause, "The district is intended to reduce the length and number of vehicle trips by providing for basic needs within close proximity to residential area, by encouraging pedestrian access, and by the combining of trips."

As a stand-alone, auto-oriented use, the proposed Ice House America building/use does not encourage the combining of trips for multiple goods (such as would be the case at a grocery store or convenience store). Access to the structure is clearly designed for automobiles, and pedestrian/bicycle trips are not encouraged by this use.

6. **The use and building type are inconsistent with Comprehensive Plan goals, objectives and policies.**

This proposal is inconsistent with several Comprehensive Plan goals, objectives, and policies. They include: Urban Design Element Objective 1.2, 1.8 and Policy 1.8.1; Future Land Use Element Goal 4, and Future Land Use Element Policy 1.4.4. These policies are replicated in Attachment 4 for review.

In particular, Future Land Use Element Policy 1.4.4 speaks to the issue of uses in the mixed-use zoning districts. It states, "In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots."

While the Ice House America type ice machine building/vending units are not specifically called out in this policy, it is clear that the mixed-use zoning districts should discourage uses that discourage pedestrian activity and residential use. Currently, the MU-1 and MU-2 zoning districts do not allow the use and building type proposed by Ice House America, and this is supported by the Comprehensive Plan.

The design and aesthetic of the proposed building does not promote the unique character and identity of Gainesville, especially as it has been evolving in the past 10 years through redevelopment and design requirements on new development as supported by the Comprehensive Plan. And, the buildings could not meet the Central Corridors design standards as implemented through the TCEA.

**Staff finding**

Staff finds the proposed use incompatible with the MU-1 and MU-2 zoning districts and allowing the use would be incompatible with the Comprehensive Plan. On this basis, staff recommends denial of the petition.

**Impact on Affordable Housing**

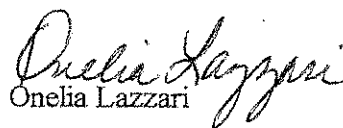
Not applicable

Respectfully submitted,



Ralph Hilliard  
Planning Manager

Prepared by:



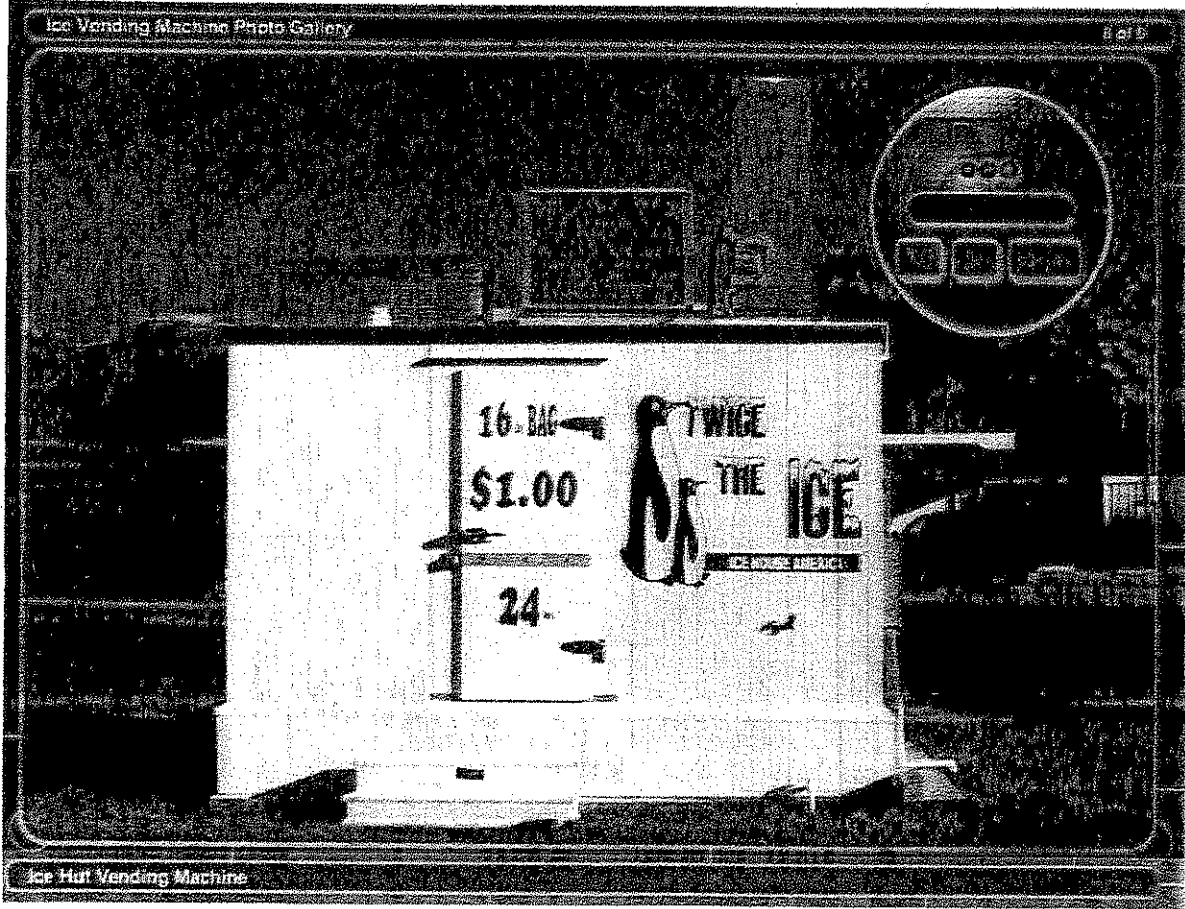
Onelia Lazzari

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Attachments:

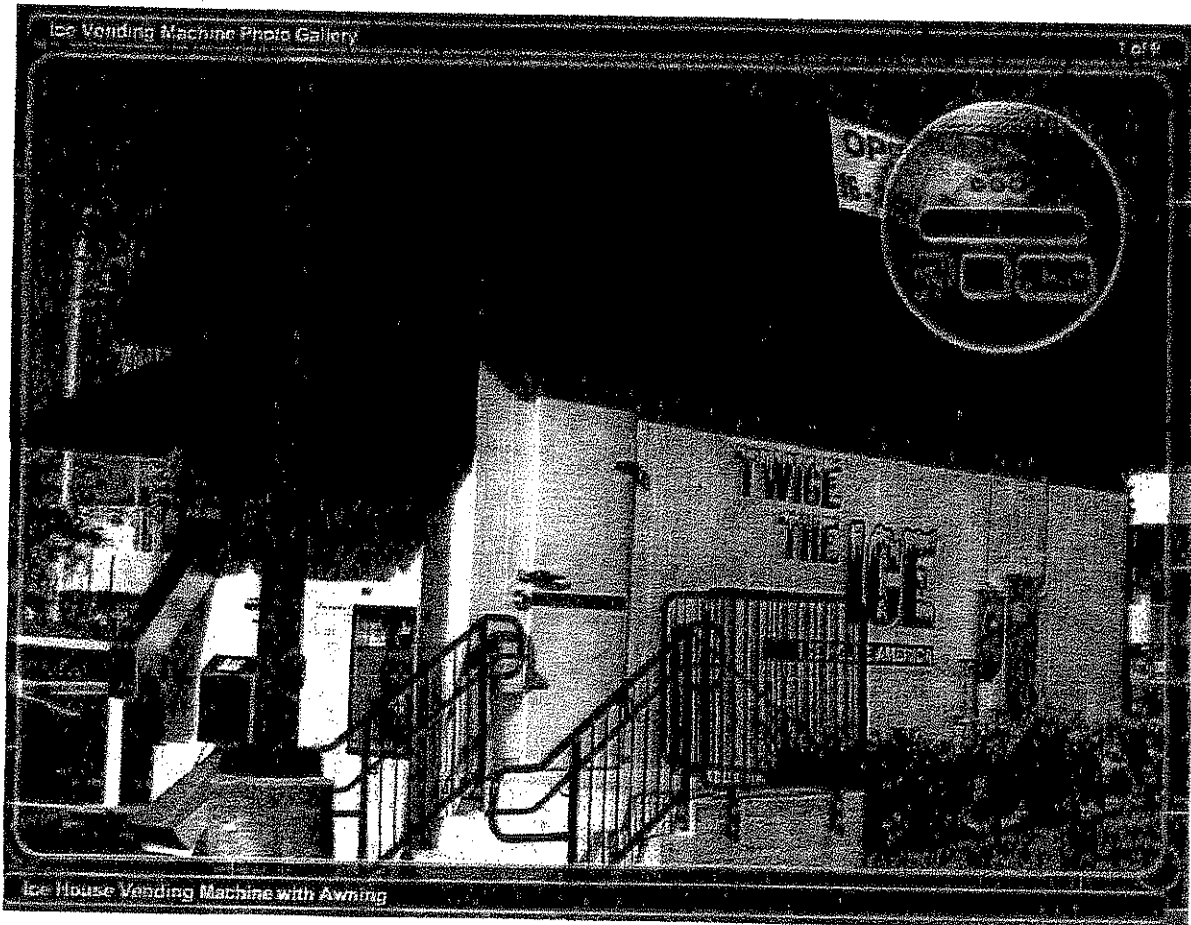
- Attachment 1: Sample photo of Ice House America building/vending unit
- Attachment 2: Sample photo of Ice House America building/vending unit
- Attachment 3: Sample photo of Ice House America building/vending unit
- Attachment 4: Supporting Comprehensive Plan goals, objectives and policies
- Attachment 5: Petitioner's application and supporting information
- Attachment 6: Citizen letter

Attachment 1



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Attachment 2



Attachment 3





**Attachment 4**

**Supporting Comprehensive Plan Goals, Objectives and Policies**

Urban Design Element

Objective 1.2

Promote urban livability and aesthetics, including the safety, comfort, and convenience of pedestrians, bicyclists and transit users, while still providing for the needs of car drivers.

Objective 1.8

Guide large, corporate, national chain sales and service establishments toward a design that promotes the unique character and identity of Gainesville.

Policy 1.8.1

By 2002, the City shall establish land development regulations that control wall articulation, entrance orientation, building colors, location, drive-throughs, building setbacks, location and amount of parking, side and rear facades, number of stories, outdoor lighting building footprint, compatibility with context, and quality of materials for large, retail and service establishments in a manner that promotes civic pride, unique identity and land use objectives.

Future Land Use Goal 4

The Land Use Element shall foster the unique character of the city by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to city residents; protects neighborhoods; distributes growth and economic activity throughout the city in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the city. The Land Use Element shall promote state goals for compact development and efficient use of infrastructure.

Attachment 5

100547A



APPLICATION CITY PLAN BOARD TEXT AMENDMENT  
Planning & Development Services

<b>OFFICE USE ONLY</b>	
Petition No. <u>PP-10-23 TCM</u>	Fee: \$ <u>607.75</u>
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 <input checked="" type="checkbox"/>	
Account No. 001-670-6710-1124 (Enterprise Zone) [ ]	
Account No. 001-670-6710-1125 (Enterprise Zone Credit [ ]	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name:	Ice House America
Applicant/Agent Address:	13361 Atlantic Blvd
City:	Jacksonville
State:	Florida 32225
Applicant/Agent Phone:	904-241-7535
Applicant/Agent Fax:	904-221-5399

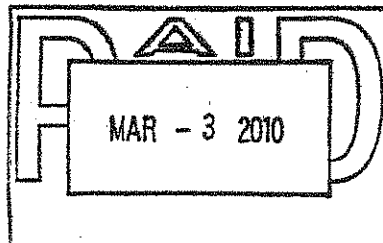
*Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.*

**TEXT AMENDMENT**

Check applicable request below:

Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text [ ]	Other <input checked="" type="checkbox"/>
Section/Appendix No.: Gainesville zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65.	Element & Goal, Objective or Policy No.:	Specify: <b>Reclassification of Ice House America vending units to SIC 5999 from SIC 2097</b>

Certified Cashiers Receipt:




**Application—Text Amendment:**

Ice House America, LLC (IHA) respectfully requests a text amendment to the Gainesville zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65 to allow the IHA automated ice vending machines as one of the permitted uses. Or in the alternative, IHA requests reclassification of its Ice Vending machine to SIC 5999 from SIC 2097 as this will appropriately characterize the machines as commercial retail, thus avoiding the need for an amendment to the code. (Please see attachments 1 through 3)

*No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.*

**CERTIFICATION**

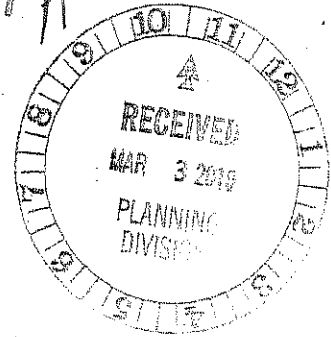
The undersigned has read the above application and is familiar with the information submitted herewith.

Signature of applicant/agent: 

Date: 2/26/2010

TL—djw

100547A



Attachment 1

Ice House America Petition for a Text Amendment  
to the Gainesville zoning code Chapter 30

Ice House America, LLC (IHA) respectfully requests assistance in enabling our main product, self contained ice vending structures, to be approved within areas of the City of Gainesville at locations in keeping with the current IHA business model. This assistance could take either the form of a text amendment to the Gainesville zoning code Chapter 30, Land Development Code, Article IV, Use Regulations, Division 4, Business and Mixed Use Districts, sections 30-64 and 30-65 to allow the IHA automated ice vending machines as one of the permitted uses. Or in the alternative, IHA believes that reclassification to SIC 5999 from SIC 2097 will appropriately characterize the machines as commercial retail, thus avoiding the need for an amendment to the code.

Ice House America is a Jacksonville, Florida based manufacturer of ice vending machines. We are the original developers of stand-alone ice vending technology and our products are protected by several United States patents. Since our inception in 2003, we have manufactured and sold over seventeen hundred ice vending units of various sizes throughout the United States, the Caribbean, Australia, and Brazil. The operation and aesthetics of the machines are detailed on our website at [www.icehouseamerica.com](http://www.icehouseamerica.com) and are pictured in Exhibit A. In short, the ice vending machine is a revolutionary method of delivering fresh, clean, low-cost ice directly to a consumer. The machines are enormously popular with the public, both due to the price point and the convenience they offer. Currently, there are 238 ice vending units operating throughout Florida, and we hope to install an additional 400 machines by year-end 2013. To date, as a result of a zoning decision, there are zero units installed in the Gainesville area.

Specifically, the City of Gainesville has zoned our product "Industrial." The zoning of "Industrial" was determined through the use of the Standard Industrial Classification Manual (SIC), *latest version 1987*. Keyword "ice" references Industry Group 2097—"manufactured ice." Manufactured ice references Division D: Manufacturing and Major Group 20: Food and Kindred Products/ Major Group 28: Chemicals and Allied Products (Dry Ice). There is a carve-out in the second to last paragraph "Wholesale and Retail Trade" which allows for products produced and sold to the general public on the same premises. It states in part, "Wholesale and Retail Trade. .... Also included in Retail Trade are establishments primarily engaged in selling, to the general public, products produced on the same premises from which they are sold." (Attachment 2)

In contrast, the State of Florida, Department of Community Affairs has classified the Ice House America ice vending machine as "Commercial, Storage and Utility-Misc. Buildings," and hundreds of municipalities throughout Florida categorize the machine as commercial-retail, which we respectfully submit is the more proper designation.

In discussions with the City of Gainesville the reasoning, documentation, and rationale behind the decision to zone our product "Industrial" was explained. While IHA appreciates the time and professionalism that went into this determination, IHA believes that a more appropriate interpretation would be that our machines should be characterized as being part of Division G: Retail Trade, Major

Group 59: Miscellaneous Retail, Industry Group 599, Retail Stores, not Elsewhere Classified, Code 5999: retail Stores not otherwise Classified. The description of this designation reads in part, "Establishment primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified." It goes on to specifically list "Ice Dealers-retail" as one of the examples. Additionally, the description of Division G, Retail Trade includes the following, "For the most part establishments engaged in retail trade sell merchandise to the general public for personal or household consumption," It further states, "Processing incidental or subordinate to selling is conducted at retail stores. For example, restaurants prepare meals, and meat markets cut meat." Ice House America feels strongly that that could also include, "Ice Houses make ice." (Attachment 3)

The Ice House America vending units are unique and modern hybrid ice makers and vending establishments, fully automated throughout the manufacturing and vending phases of the operations. We understand and would agree with the 2097 designation if our facility was solely engaged in the manufacturing of ice for sale primarily at different locations. However, we also believe that the determination of 2097 within the 1987 zoning manual does not account for advances in technology and now commonly accepted business models. "Self-Serve" has only come into its own within the past 15 years with the introduction of kiosk ATMs, airline tickets, and DVDs (Red Box), vending reverse recycling machines, photo reproductions, automated charging stations for cell phones and MP3 players, and of course all the online opportunities to provide for oneself. We contend that these ice vending products truly support a commercial/retail venue (MU-1 and MU-2) as they are completely "Self-Serve" in nature and cannot serve the general public tucked away in an industrial type atmosphere. As we understand the manual, if our product (the ice) was manufactured at a different location and only dispensed through our machines, we would not be facing this issue. Thus it appears that IHA is being penalized because of the nature of our self-contained combined operation.

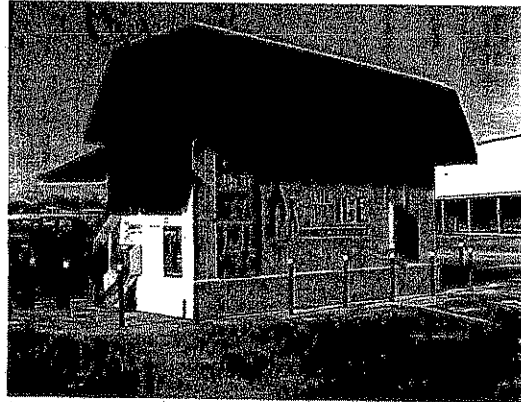
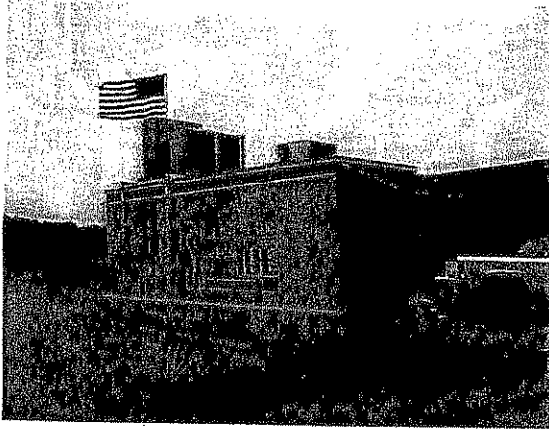
When customers purchase ice from an Ice House America vending unit, they will get clean, filtered, fresh ice that has never been touched by human hands. Unlike ice from traditional packaged ice producers, ice from the Ice House America vending machine is stored in a stainless steel sanitary bin inside the machine until dispensed, eliminating any chance of leaching chemicals from prolonged exposure to the plastic bags or multiple persons handling the product.

Concern about our planet has led many to consider their personal "carbon footprint." Every action, every purchase affects our environment. Ice House America ice is not only the most sanitary and healthiest ice available; it's also the "greenest." When compared to traditional distribution, IHA's bagged ice produces lower carbon emissions because there is no need for transport. The ice is made and bagged within the machine exactly when and where the patron requests it automatically.

It should also be noted that this request is not intended to circumvent any of the regular permitting process. IHA fully understands that each proposed location will be judged on its own merits with regard to compliance for architectural standards, signage, setbacks, and other normal permitting considerations.

For all the above reasons, we would request a review and reversal of the "Industrial" zoning designation as described above as it pertains to Ice House America ice vending products, or a text amendment to the MU-1 and MU-2 permitted uses to allow Code 5999, specifically "Ice Dealer-retail "

Exhibit A



Ice House Information: Height: 9 ft.

Width: 8 ft. - 4 in.

Length: 24 ft.

Total land space required: 200 sq. ft.

**Ice House America**

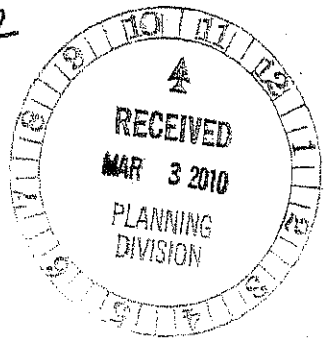
# ICE HOUSE AMERICA - ATTACHMENT - 2

printing, and preparing electrotyping and stereotype plates, but not blueprinting or photocopying services;

Electroplating, plating, metal heat treating, and polishing for the trade;

Lapidary work for the trade;

Fabricating of signs and advertising displays.



There are also some manufacturing-type activities performed by establishments which are primarily engaged in activities covered by other divisions, and are, thus, not classified as manufacturing. A few of the more important examples are:

Agriculture, Forestry, and Fishing. Processing on farms is not considered manufacturing if the raw materials are grown on the farm and if the manufacturing activities are on a small scale without the extensive use of paid labor. Other exclusions are threshing and cotton ginning.

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Mining. The dressing and beneficiating of ores; the breaking, washing, and grading of coal; the crushing and breaking of stone; and the crushing, grinding, or otherwise preparing of sand, gravel, and nonmetallic chemical and fertilizer minerals other than barite are classified in Mining.

Construction. Fabricating operations performed at the site of construction by contractors are not considered manufacturing, but the prefabrication of sheet metal, concrete, and terrazzo products and similar construction materials is included in the Manufacturing Division.

Wholesale and Retail Trade. Establishments engaged in the following types of operations are included in Wholesale or Retail Trade: cutting and selling purchased carcasses; preparing feed at grain elevators and farm supply stores; stemming leaf tobacco at wholesale establishments; and production of wiping rags. The breaking of bulk and redistribution in smaller lots, including packaging, repackaging, or bottling products, such as liquors or chemicals, is also classified as Wholesale or Retail Trade. Also included in Retail Trade are establishments primarily engaged in selling, to the general public, products produced on the same premises from which they are sold, such as bakeries, candy stores, ice cream parlors, and custom tailors.

Services. Tire retreading and rebuilding, sign painting and lettering shops, computer software production, and the production of motion picture films (including video tapes) are classified in Services. Most repair activities are classified as Services. However, some repair activity such as shipbuilding and boatbuilding and repair, the rebuilding of machinery and equipment on a factory basis, and machine shop repair are classified as manufacturing.

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SIC Division D

Division D: Manufacturing

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The manufacturing division includes establishments engaged in the mechanical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials, such as lubricating oils, plastics resins, or liquors.

The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying as well as products of other manufacturing establishments. The new product of a manufacturing establishment may be finished in the sense that it is ready for utilization or consumption, or it may be semifinished to become a raw material for an establishment engaged in further manufacturing. For example, the product of the copper smelter is the raw material used in electrolytic refineries; refined copper is the raw material used by copper wire mills; and copper wire is the raw material used by certain electrical equipment manufacturers.

The materials used by manufacturing establishments may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one establishment to another which is under the same ownership. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

There are numerous borderline cases between manufacturing and other divisions of the classification system. Specific instances will be found in the descriptions of the individual industries. The following activities, although not always considered as manufacturing, are so classified:

- Milk bottling and pasteurizing;
- Fresh fish packaging (oyster shucking, fish filleting);
- Apparel jobbing (assigning of materials to contract factories or shops for fabrication or other contract operations) as well as contracting on materials owned by others;
- Publishing;
- Ready-mixed concrete production;
- Leather converting;
- Logging;
- Wood preserving;
- Various service industries to the manufacturing trade, such as typesetting, engraving, plate

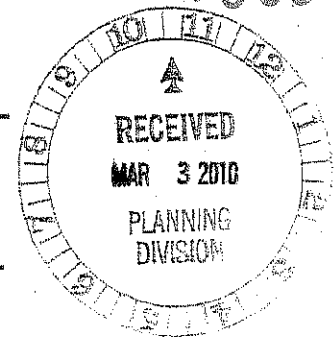


ICE HOUSE AMERICA - Attachment 3

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SIC Description for 5999

Description for 5999: Miscellaneous Retail Stores, Not Elsewhere Classified



Division G: Retail Trade

Major Group 59: Miscellaneous Retail

Industry Group 599: Retail Stores, Not Elsewhere Classified

5999 Miscellaneous Retail Stores, Not Elsewhere Classified

Establishments primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified, such as artists' supplies; orthopedic and artificial limbs; rubber stamps; pets; religious goods; and monuments and tombstones. This industry also includes establishments primarily engaged in selling a general line of their own or consigned merchandise at retail on an auction basis. Establishments primarily engaged in auctioning tangible personal property of others on a contract or fee basis are classified in Services, Industry 7389.

- Architectural supplies-retail
- Art dealers-retail
- Artificial flowers-retail
- Artists' supply and material stores-retail
- Auction rooms (general merchandise)-retail
- Autograph and philatelist supply stores-retail
- Awning shops-retail
- Baby carriages-retail
- Banner shops-retail
- Binoculars-retail
- Cake decorating supplies-retail
- Candle shops-retail
- Coin shops-retail, except mail-order
- Cosmetics stores-retail
- Electric razor shops-retail
- Fireworks-retail
- Flag shops-retail
- Gem stones, rough-retail
- Gravestones, finished-retail
- Hearing aids-retail
- Hot tub-retail
- Ice dealers-retail
- Monuments, finished to custom order-retail
- Orthopedic and artificial limb stores-retail
- Pet food stores-retail
- Pet shops-retail
- Picture frames, ready-made-retail
- Police supply stores-retail
- Religious goods stores (other than books)-retail
- Rock and stone specimens-retail
- Rubber stamp stores-retail
- Sales barns-retail
- Stamps, philatelist-retail: except mail-order
- Stones, crystalline: rough-retail
- Swimming pools, home: not installed-retail
- Telephone stores-retail
- Telescopes-retail



UNITED STATES DEPARTMENT OF LABOR Occupational Safety & Health Administration

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This division includes establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. In general, retail establishments are classified by kind of business according to the principal lines of commodities sold (groceries, hardware, etc.), or the usual trade designation (drug store, cigar store, etc.). Some of the important characteristics of retail trade establishments are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use. Not all of these characteristics need be present and some are modified by trade practice.

For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Exceptions to this general rule are lumber yards; paint, glass, and wallpaper stores; typewriter stores; stationery stores; and gasoline service stations which sell to both the general public for personal or household consumption and to businesses. These types of stores are classified in Retail Trade even if a higher proportion of their sales is made to other than individuals for personal or household consumption.

However, establishments that sell these products only to institutional or industrial users and to other wholesalers and establishments that sell similar merchandise for use exclusively by business establishments are classified in Wholesale Trade.

Establishments primarily engaged in selling such merchandise as plumbing equipment, electrical supplies; used automobile parts; and office furniture are classified in Wholesale Trade, even if a higher proportion of their sales is made to individuals for personal or household consumption.

Buying of goods for resale to the consumer is a characteristic of retail trade establishments that particularly distinguishes them from the agricultural and extractive industries. For example, farmers who sell only their own produce at or from the point of production are not classified as retailers.

Processing incidental or subordinate to selling often is conducted at retail stores. For example, restaurants prepare meals, and meat markets cut meat. Separate establishments selling merchandise for personal or household consumption which has been manufactured by other establishments of the same company are classified in Retail Trade.

Chain store warehouses are considered auxiliary to the retail establishment served and are classified on the basis of the activity carried on by such retail stores.

Establishments primarily engaged in the retail sale of used motor vehicles, trailers, and boats are classified in Major Group 55; those selling used mobile homes are classified in Industry 5271; those selling used automobile parts are classified in Wholesale Trade, Industry 5015; and those selling all other used merchandise are classified in Industry Group 593. Establishments primarily engaged in non-store retailing are classified in Industry Group 596.

[ SIC Search | Division Structure ]

Freedom of Information Act | Privacy & Security Statement | Disclaimers | Customer Survey | Important Web Site Notices | International

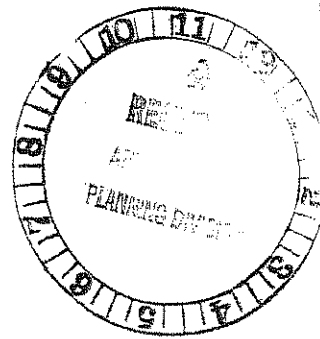
U.S. Department of Labor | Occupational Safety & Health Administration | 200 Constitution Ave., NW, Washington, DC 20210 Telephone: 800-321-OSHA (6742) | TTY: 877-889-5627

www.OSHA.gov

8 April 2010

100547A

City Plan Bd.  
 c/o City of Gainesville Planning Dept.  
 P.O. Box 490 Mail Stop 11  
 Gainesville, FL 32602



Re: PB-10-23-TCH

We have received a letter about a proposal to change the text of the Land Development Code sections 30-64 MU-1 and 30-65 MU-2 to allow stand-alone automatic ice manufacturing and vending machines.

We are against this proposal because:

- 1) The city looks junky enough with all the vending boxes for newspapers and other advertising literature. — aesthetics.
- 2) Stand alone boxes encourage single vehicle trips instead of encouraging people to combine trips such as when they pick-up ice with their groceries. — environment.
- 3) There are plenty of places (24-7) to get ice now. They are businesses that provide many jobs. Those businesses may depend on ice to bring in customers who buy other items thus keeping the businesses afloat in these difficult times. — economic

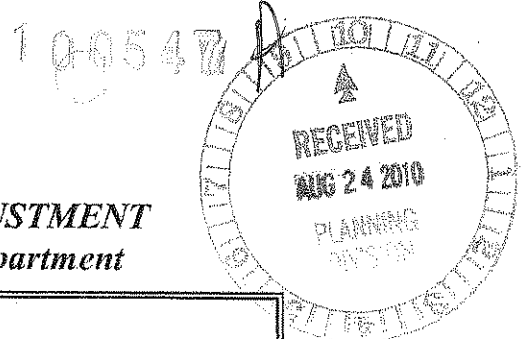
100547 A

Thank you.

Yours truly,  
Lane + Phil Husley  
2157 NW 9 Ave.  
Gainesville, FL 32603  
352-375-3558

and

410 Books Inc.  
505 NW 13 St.  
Gainesville, FL 32601  
352-374-4241  
booksinc@bellsouth.net



**PETITION TO THE BOARD OF ADJUSTMENT**  
*Planning & Development Services Department*

**OFFICE USE ONLY**

Petition No. BA-10-6 Fee: \$ \$26,500  
 Hearing Date: \_\_\_\_\_ EZ Fee: \$ \$122,500  
 Account No. 001-670-6710-3401 [ ]  
 Account No. 001-670-6710-1124 (Enterprise Zone) [X]  
 Account No. 001-670-6710-1125 (Enterprise Zone Credit) [X]

**CHECK ONE:**

- Variance     Appeal of Administrative Decision     Special Exception     Special Permit

*Please note that a pre-application conference is required before submitting this application*

Owner(s) of Record (please print)		Agent Authorized to Act on Owner Behalf	
Name:	MAIN & WALDO INVESTMENTS LLC	Name:	Todd Pressman
Address:	241 NE 39TH AVE Gainesville, FL	Address:	P.O. Box 6015 Palm Harbor, FL 34684
E-mail Address:	Please use agent	E-mail Address:	Todd@Pressmaninc.com
Phone:	please use agent	Phone:	727-804-1760
Fax:	please use agent	Fax:	1-888-977-1179
<b>PROPERTY INFORMATION:</b>			
Street address:		1030 SE 4 <sup>th</sup> Avenue	
Tax parcel no(s):		11665-001-000	
Legal description (may be attached):		NEW GAINESVILLE PB A-65 E 10 FT OF LOT 11 & LOTS 12 13 & 14 BK 45 LESS R/W) OR 3926/0513	
Existing Zoning:	mu-1	Lot size:	.41 acres
Present use:	stores	Proposed use:	same, with ice house use
Historic District or Landmark?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Present structures (type) and improvements upon the land: convenience storee			
<b>SURROUNDING PROPERTY INFORMATION:</b> (List all uses surrounding the subject property under "Existing use." Staff is available to supply zoning and land use information.)			
	<b>Zoning</b>	<b>Land Use</b>	<b>Existing Use</b>
North	MU-1	MUL	woods/forest
South	MU-1	MUL	office
East	MU-1	MUL	roadway/closed retail
West	MU-1	MUL	office

**Certified Cashier's Receipt:**

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SIGNATURE PAGE

1. (a) I hereby attest to the fact that the above supplied parcel number(s) and legal description(s) is (are) the true and proper identification of the area of this petition.  
(b) I authorize staff from the Planning and Development Services Department to enter onto the property in question during regular city business hours in order to take photos which will be placed in the permanent file.
2. I/We understand that this petition becomes a part of the permanent records of the Board of Adjustment. I/We hereby certify that the above statements and the statements or showings made in any document or plans submitted herewith are true and correct to the best of my/our knowledge.

Property Owner Signature:

Date: 8/23/2010

STATE OF FLORIDA  
COUNTY OF Duval

Sworn to and subscribed before me this 23rd day of August, 2010,  
by (Name) Tami Keener

Signature - Notary Public

Personally Known  OR Produced Identification  (Type) Drivers License



100547A

### APPEAL OF ADMINISTRATIVE DECISION

The process for requesting an appeal is documented in the Land Development Code Chapter 30-354(h).

Please provide the following:

- A copy of the administrative official's written decision (e.g., written interpretation of code, denial of permit, etc.). NOTE: An appeal must be filed within 20 days from the date of the written decision.
- Date of Administrative Decision: 8/5/10
- Reduced images or digital submission for oversized paper documents (greater than 11x17)
- Any additional information to support the application for appeal

(1) Please describe the nature of the administrative decision that was rendered and how the petitioner is adversely affected by the decision.

The petitioner seeks a retail and commercial ice sales location. The decision does not allow this use in typical and normal retail/commercial zoning categories, but relegates the use to manufacturing/industrial zoning categories.

(2) Please provide a statement of all disputed issues of material fact or state that there are no disputed issues of material fact.

The staff refers to the Standard Industrial Classification Manual, as directed by the code, but did not refer to the correct use entitled: "Ice Dealers - Retail". The staff refers to manufacturing ice only. Also, staff claims that it is a newly created use, which is not the case. The staff also confuses the issue of retail versus a retail store.

(3) If there are disputed issues of material fact, the petitioner is entitled to have the dispute heard by a third party hearing officer or by the Board of Adjustment. Please indicate if the right to a hearing officer is waived in which case the Board of Adjustment will decide on the matter of the disputed issues of material fact.

- Third party hearing officer  
Refer to procedures in 30-354(h)(5)b
- Defer to the Board of Adjustment

(4) Please provide a concise statement of the ultimate facts alleged, including specific facts that the applicant contends would warrant reversal by the board or would warrant modification of the administrator's decision.

please see attached.

(5) Please provide a statement of relief sought by the applicant, stating precisely the remedy the applicant seeks from the board.

That the use as proposed be allowed to exist as a right in all retail and commercially zoned categories.

100547A

From:

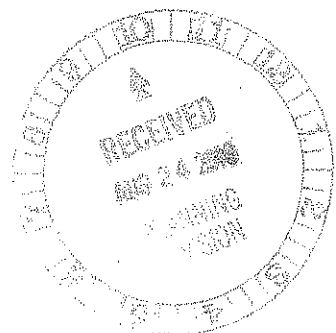
Ice House America  
13361 Atlantic Blvd  
Jacksonville, FL 32225

To:

Mr. Lawrence Calderon  
Chief of Current Planning  
Planning and Development Services Dept.  
City of Gainesville  
306 NE 6<sup>th</sup> Avenue  
Gainesville, FL 32601

List of Documents:

1. Letter of Authorization
2. Zoning Compliance Permit
3. Petition to the Board of Adjustment
4. Statement of Support
5. Copy of the Lease Agreement
6. Check for \$182.50





# PRESSMAN & ASSOC., INC.

## Governmental and Public Affairs

P.O. BOX 6015, PALM HARBOR, FL 34684  
727-804-1760, FX. (888) 977-1179  
CELL 727-804-1760, E-MAIL, PRESSINC@AOL.COM

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### LETTER OF AUTHORIZATION

To The City of Gainesville, Florida:

Please accept this letter of authority to allow Todd Pressman, of Pressman and Associates, Inc., to represent applications and land use issues to the City for the property located under tax parcel # 11665-001-000.

Thank you.



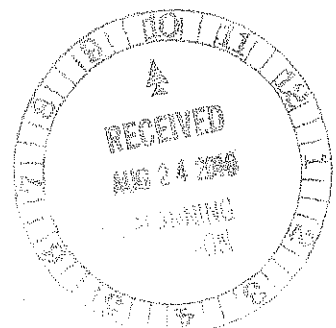
\_\_\_\_\_  
Property Owner or Authorized Officer

State of: Florida  
County of: Duval

Before me personally appeared Rayman Momen Sadi, who, being duly sworn, swears and affirms that the above information is true to the best of his/her knowledge.

Signed and sworn before me this 23<sup>rd</sup> day of August, 2010, a.d., who I personally know or produced identification as Driver's License.

Tami Keener  
\_\_\_\_\_  
Notary Public



00547 A

City of Gainesville  
Planning & Development Services  
P.O. Box 490, Station 11  
Gainesville, FL 32602-0490  
Phone: 352.334.5023 FAX: 352.334.3259

**FOR OFFICE USE ONLY**

ZCP No. ZC-10-00289

Date: 8/15/2010

ZCP Approved

ZCP Approved with Conditions

ZCP Denied

**Part 1 - To be completed by Applicant**

A Zoning Compliance Permit must be completed for the following: Zoning Approval (Home Occupations, Day Care Center etc), Building Inspections Department Approval (Change of Use Permit or Occupancy Permit, if needed), Occupational License Tax and Alcohol Beverage License.

1. Applicant to complete Part 1.
2. Forward the document to the Planning Department (mail or fax 352.334.3259) for processing
3. Planning staff will Approve, Approve with Conditions or Deny Zoning Compliance Permit.
4. Planning staff will complete Part 2.
5. The completed Zoning Compliance permit will be returned to Applicant as indicated below

Ice House America Agent: Todd Pressman, 727-804-1760

Name of Business:

1030 SE 4th Avenue

Address of Business:

GAINESVILLE, FLORIDA

City, State and Zip Code:

Business Phone: PLEASE USE AGENT (727) - 804-1760 Fax: ( ) Please use agent 1-888-977-1179  
retail location for purchase or retail

Proposed Use of Premises:

sale of ice

Applicant Name:

Ice House America

Mailing Address:

P.O. Box 6015, Palm Harbor, FL 34684

City, State and Zip Code:

Phone Number: ( ) - above Alternate contact: ( ) - none

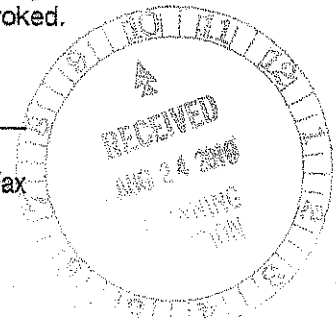
Please initial the following, indicating that you understand the requirements:

X I understand that I must comply with current Florida Building Code through the Building Department and obtain any necessary permits; that I must obtain an Occupational License through the Finance Department; that I must meet parking standards for my zoning district; and that falsifying information may result in my Zoning Compliance Permit being revoked.

Signature of Applicant: Todd Pressman  
Todd Pressman, Agent, Pressman & Associates, Inc.

Date: 8/01/10

Return to Applicant:  Pick up at Thomas Center  Return by Mail  Return by Fax



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**Part 2 - To be completed by Staff**

**PLANNING DIVISION ANALYSIS**

Initial Review Date: 08/05/2010

1005 - A

Tax Parcel Number: 11665 - 001 - 000 Map Number: 4053

Zoning District: MU-1 SIC Code: 2097

**MURPHY WELLFIELD PROTECTIONS PERMIT**

Located in Wellfield Zone:  YES  NO Primary Secondary Tertiary

Permit Required: EXEMPTION WELLFIELD SPECIAL USE PERMIT WELLFIELD PERMIT

Conditions/Comments: \_\_\_\_\_

Additional documents attached to completed Zoning Compliance Permit for Wellfield information?  YES  NO

**Special Overlay Plans or Districts**  YES  NO

- Central Corridors  NW 39<sup>th</sup> Avenue  Corporate Park
- Traditional City  University Heights  SW 13<sup>th</sup> Street
- Five Points  Gateway Street  Special Environment Overlay
- Idylwild-Serenola Special Overlay  Significant Ecological Communities Overlay

*in TCEA Comp. Plan*

**Parking Standard for Zoning District**

Parking Standard: Vehicle 1 space per 250 Bicycle 10 percent of required parking

Comments: \_\_\_\_\_

**SIGNS:** Any new, modified or expanded sign visible from a street requires a permit, call the Building Inspections Department (352/334-5050).

**HOME OCCUPATIONS** run from a residential address are permitted by the Codes Enforcement Department, 352/334-5030

**ALCOHOLIC BEVERAGE LICENSES** require Planning Department approval, Thomas Center B, Room 158 (352/334-5023). Please leave the entire State of Florida application packet with the Staff Assistant.

**DAY CARE CENTER** applications must have the Alachua County signature sheet, and may also need site plan approval or site inspections.

Signature/Planning Division Ralph Hilliard Date 08/05/2010

# PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS  
P.O. BOX 6015, PALM HARBOR, FL 34684  
727-804-1760, FX. (888) 977-1179  
E-MAIL, PRESSINC@AOL.COM

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## STATEMENT OF SUPPORT

### Ice House America/Administrative Decision

The staff, as they communicated, and as the code directs, first referred to the 1987 Standard Industrial Classification Manual ("SI") to determine how a use should be categorized. The first contention from the staff was that this proposed retail ice service use falls under a manufacturing ice category in the 1987 SIC category. However, staff chose to not refer to the 1987 SIC category 5999, of which includes the category of "ice dealers - retail".

The staff's next contention, after review of the information from above, was that the use as proposed is new, and in that regard, they have full authority to make an interpretation on this issue. However, the exact use of ice retail services in this manner is not a new use and substantiation exists to show that the use has existed in the same manner since the early 1970's, and possibly earlier.

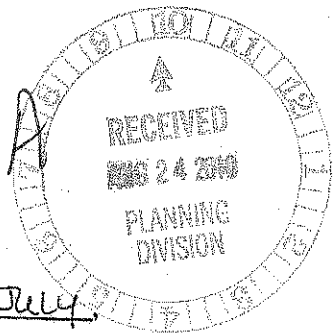
However, the staff, in the most recent follow-up, still continues to maintain their support and directive from the SIC 2097 category that refers to "Manufacture Ice", of which that category clearly is directive to large manufacturing and industrial uses.

Finally, the staff continues to confuse the issue of retail "store" versus retail "use". The categories under the SIC refer to retail use - and the inclusion of retail "store" is created and applied solely by the City's staff.

Thank you for your consideration.



103547



LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease Agreement") made and entered into this 21 day of July, 2010, by and between Md. Nizam Faraque ("Lessor") and East Coast Ice, LLC, a Florida limited liability company ("Lessee"). The Lessor, for and in consideration of the annual sum of \$ [REDACTED] dollars, hereby leases approximately 200 square feet of space within the parking lot of the GAINESVILLE FOOD STORE Shopping Center situated in the City of GAINESVILLE, County of Alachua, State of Florida, at street address 1030 SE 4th AVE GAINESVILLE FL., as more particularly described in Exhibit "A" (the "Premises") for the placement of an Ice House, as depicted in Exhibit "B" (the "Leasehold Improvement").

1. Term: The lease shall commence within ten (10) days after the approval of a building permit by the City/County of Alachua and installation of all utilities necessary for the operation of the machine ("Lease Commencement"), and shall continue on a for a period of one (1) year from the date of Lease Commencement. The Lessee shall have the option to extend the term of the lease under this Lease Agreement for periods of one (1) year, upon Lessee providing written notice to Lessor thirty (30) days prior to the end of the then existing term. If no written notice is provided, the term will automatically extend for the period of one (1) year.
2. Rent: Rent shall be paid monthly, in an amount equal to \$ [REDACTED] (the "Rent"), payable in advance, due upon the first day of each calendar month to Lessor or his/her authorized agent (which name shall be provided in writing to Lessee) at the following address: 1030 SE 4th AVE, GAINESVILLE FL. 32601 or at such other places as may be designated in writing by Lessor from time to time. This amount includes all due taxes in association with this lease including applicable property taxes. The first month's Rent shall be prorated for the month based upon the date of Lease Commencement.

In the event Lessee extends the term of the lease under this Lease Agreement, as described in Section 1 above, the Rent shall not be increased by more than a percentage equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) as promulgated by the Bureau of Labor Statistics of the United States Department of Labor, using the Rent for the year 2010 as a base of 100. If there is no percentage increase in, or a decline in, the Consumer Price Index for that period, the Rent will remain the same as the basic rental for the preceding year. In the event that the Consumer Price Index ceases to be maintained by the U.S. Department of Labor, or if a substantial change is made in the method of establishing such

10054.17 A

Consumer Price Index, then the Consumer Price Index shall be adjusted to the figure that would have resulted had no change occurred in the manner of computing such Consumer Price Index. In the event that such Consumer Price Index, or a successor or substitute index, is not available, a reliable governmental or other nonpartisan publication, evaluating the information for use in determining the Consumer Price Index, shall be used in lieu of such Consumer Price Index.

3. **Late Fee:** In the event the full amount of the Rent is not paid within five (5) days after the due date, Lessee agrees to pay a late charge of five dollars and 00/100 (\$5.00) per day until the date the Rent is paid in full.
4. **Utilities:** The Rent does not include the cost of any water, electric, telephone, sewer, or any other utility charges, all of which shall be paid by Lessee. Lessee shall also be responsible for the connection of all utilities.
5. **Site Preparation:** Lessee shall be responsible for all costs associated with site preparation for the Ice House set-up. Lessee shall also be responsible for obtaining all required governmental approvals and permits, as may be necessary from time to time.
6. **Use:** The Premises shall be used as a site for placement of the Leasehold Improvement, which shall be used for the retail sale of bulk and bagged ice and water. The site shall be used for no other purpose without prior written consent of Lessor.
  - a. Lessor may terminate the Lease Agreement effective immediately if the intended use for the ice vending machines is not permitted on the subject property for any reason including, but not limited to, state or municipal regulations, local zoning restrictions, or failure to receive installation for necessary utilities.
7. **Maintenance, Repairs, or Alterations:** Lessee shall maintain the Premises in a clean, well-lighted and sanitary manner, including all equipment, appliances, and furnishings therein, and upon termination of the Lease Agreement, shall restore the Premises to its condition as of the date of Lease Commencement, subject to ordinary wear and tear. Lessee shall be responsible for damages caused by his/her negligence. Lessee shall maintain any surrounding grounds, including lawns and shrubbery, and keep the same clear of rubbish and weeds, if such grounds are part of the Premises and are exclusively for use of the Lessee. If Lessee's equipment shall cease to operate due to mechanical failure, then Lessee shall begin to make the required repairs within three (3) days after being notified of such equipment failure and shall make all reasonable attempts to have the equipment operating within such three (3) day period.

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8. **Attorney Fees:** The prevailing party shall be entitled to all costs incurred in connection with any legal action brought by either party to enforce the terms hereof or relating to the Premises, including reasonable attorney's fees.

9. **Notices:** Any notice which either party may or is required to give in connection with this Lease Agreement, shall be in writing, signed by the party, and shall be served by registered or certified mail, overnight service via FedEx or UPS, or courier service, to the addresses as set forth below:

As to Lessor: Md. Nizam Farouque.  
As Per Pg 1

Attention: \_\_\_\_\_  
Phone: 352-256-3123 cell  
352-375-0910 home

As to Lessee: East Coast Ice, LLC  
13361 Atlantic Boulevard  
Jacksonville, Florida 32225  
Attention: Matt Tuohy

Any such notice shall be considered delivered (a) on the date of hand delivery, (b) on the first business day after the date of deposit with FedEx or UPS, or (c) on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as non-deliverable, as the case may be, if mailed by certified mail.

10. **Default:** If Lessee fails to pay Rent when due or perform any term hereof, after not less than three (3) days written notice of such default given in the manner required by law, the Lessor at his/her option may terminate all rights of the Lessee hereunder, unless Lessee, within said time, shall cure such default. If Lessee abandons or vacates the property while in default of payment of rent, Lessor may consider any property left on the Premises to be abandoned and may dispose of the same in any manner allowed by law. In the event the Lessor reasonably believes that such abandoned property has no value, it may be discarded.

11. **Lease Termination:** Lessee may terminate the Lease Agreement upon thirty (30) days written notice of intent to terminate the lease. Within five (5) days after termination of the Lease Agreement, Lessee and shall restore the Premises to its condition as of the date of Lease Commencement, subject to ordinary wear and tear. If restoration is not performed within such

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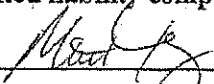
time period, Lessor shall have the right to make such restoration and Lessee shall reimburse Lessor for its reasonable cost in restoring the Premises. Lessee shall remove its Leasehold Improvement within thirty (30) days after the termination of this Lease.

- 12. Lessee agrees to procure and maintain insurance at all times during this Lease Agreement is in effect, at its sole cost and expense, comprehensive public liability insurance in an amount not less than \$1,000,000 per occurrence. Lessor shall be furnished with satisfactory proof for this existence of such coverage upon request.
- 13. Assignment: Lessee shall not assign this Lease Agreement nor sub-let the Premises without the written approval of Lessor.
- 14. Lessee covenants and agrees that it will not suffer nor permit any mechanic's, laborer's, or materialmen's liens to be filed or placed against the Premises or the Lessor's interest therein and that it will indemnify and save the Lessor harmless from all loss or damage resulting to the Lessor on account of such liens. Lessee shall promptly pay and discharge all of such liens and claims that may at any time be filed against the Premises or any improvements thereon. Lessor shall have the right to pay and discharge any liens if not paid and discharged by lessee within 30 days notice from Lessor. Lessee shall reimburse Lessor for any cost in paying or discharging such liens plus 15% interest until such time as Lessor is reimbursed by Lessee.

The parties hereto have executed this Lease Agreement on the day and year first written above.

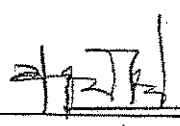
LESSEE:

East Coast Ice, a Florida limited liability company



Matt Tuohy, Executive VP

LESSOR:



Name: MD NIZAM FAROUQUE

Title: OWNER



*Please continue on additional pages as needed.*

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**for**

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