

Sec. 30-5.35. - Food trucks.

- A. The intent of this section is to allow and provide regulations for food trucks as a temporary use on property.
- B. *General regulations.* Food trucks may be located on property in: 1) zoning districts that allow food trucks as a use by right and 2) planned development (PD) zoning districts that allow either restaurants or alcoholic beverage establishments, both as defined in article II. The use and operation of food trucks shall be subject to the following regulations:
1. Except as provided in subsection C. below, the number of food trucks allowed per lot or combination of contiguous lots under common ownership is limited to one food truck per one-half acre of land area or fraction thereof. For example, a maximum of one food truck is allowed on lots with a land area of one-half acre or less, a maximum of two food trucks are allowed on lots with a land area of one acre or less, and so on.
 2. Food trucks may operate only between the hours of 7:00 a.m. and 4:00 a.m. the following day, and may be located on the lot of operation no earlier than 6:00 a.m. and shall be removed and returned to the property's original condition no later than 5:00 a.m. the following day. This regulation shall not apply to food trucks that operate as part of and on the location of a restaurant.
 3. Food trucks shall be located at least 50 linear feet from any restaurant during such restaurant's operating hours. This distance shall be measured by extending a straight line from the food truck to either the main entrance or any outdoor seating area of the restaurant. This regulation shall not apply if the owner(s) or authorized agent(s) of all restaurants within 50 linear feet have provided written consent, and shall not apply to food trucks that operate as part of and on the location of a restaurant.
 4. Food trucks shall be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits, and shall be setback at least 15 feet from fire hydrants.
 5. Food trucks and any associated seating areas shall not occupy any parking spaces reserved for persons with disabilities. In addition, food trucks and any associated seating areas shall not, during the operating hours of any principal use, occupy parking spaces provided to meet the minimum parking requirements of that principal use.
 6. Appropriate trash containers shall be provided, and all sidewalks, parking areas, and other pedestrian spaces shall be kept clean and free from any refuse or obstruction.
 7. Each food truck shall be equipped with at least one approved portable fire extinguisher with a minimum rating of 8 BC.
 8. Food trucks shall be licensed to operate by the State of Florida and shall receive any necessary approvals from Florida Department of Business and Professional Regulations and the City of Gainesville. Food trucks shall comply with state/county health department licensing requirements for preparing and selling food items.
- C. *Food truck special events.* An owner, or authorized agent, of property located in a zoning district specified in subsection B. above may apply for a food truck special event permit under this section to allow food trucks to operate on the property in a greater number than allowed under subsection B. above. A permit is not required under this section where food trucks will be operating as part of a special event that is permitted under another section of the Code of Ordinances. A property owner or authorized agent shall apply for a permit by paying the fee specified in appendix A and submitting an application to the code enforcement division on a form furnished by the city. The application shall include a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck special event area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the city manager or designee to determine whether the food truck special event is in compliance with all applicable

requirements of the Code of Ordinances. Upon determination that the application meets all applicable requirements of this section and the Code of Ordinances, the city manager or designee shall issue a food truck special event permit. A food truck special event permit may be issued no more than once every 30 days per location.

In addition to the regulations numbered 3. through 8. set forth in subsection B. above, food truck special events shall be subject to the following regulations. In the event of conflict between the regulations in this subsection and subsection B. above, the regulations in this subsection shall prevail.

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

Sec. 30-5.47. - Promotional/temporary sales.

The city manager or designee may issue a permit for the sale of certain goods and commodities that are strictly of a temporary nature, not including farmers markets, provided the following conditions and requirements are met:

- A. Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned CCD such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.
- B. The sales period for seasonal or temporary goods, such as Christmas trees, shall not exceed 30 calendar days; promotional sales such as characterized by the so-called "midnight madness," "truck sale," "tent sale" or "sidewalk sale" shall not exceed 72 hours; and special event sales such as may be permitted in conjunction with a parade, festival, or other such event shall not exceed the specified period approved for such event. No more than one permit per applicant per location shall be issued in any given six-month period for seasonal type sales, and no more than one special event permit per applicant per location shall be issued in any given 60-day period of time for promotional type sales.
- C. Application for a permit under the provisions herein shall be examined and approved by the appropriate departments of the city to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of each such department, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.
- D. When the city manager or designee deems it necessary, the applicant may be required to post a bond or otherwise provide adequate assurance that the site of the selling activity will be returned to its original or an improved state when the selling activity has ceased.