

**Legislative #**

**130319**

ORDINANCE NO. 130319

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

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

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

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

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

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

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

1 in full force and effect.

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

3

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

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

14

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

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

17

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

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

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

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

3           (c) General regulations.

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

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

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

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

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

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

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

27  
28           (8) One temporary sign with a maximum sign area of 32 square feet may be allowed.

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

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

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

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

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

9

10           **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

Attest:

Approved as to form and legality:

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

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

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014.