



## Legislation Text

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**File #:** 070209., **Version:** 3

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### VENDING BOOTHS AND ITINERANT FOOD VENDORS (B)

Ordinance No. 0-07-75; Petition 80TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 19 and Chapter 30 of the City of Gainesville Code of Ordinances, relating to itinerant food vendors; amending Section 30-61(c) to add itinerant food vendors as a permitted use in the General Business (BUS) zoning district subject to limitations and in accordance with Chapter 19, Article IV; amending Article IV of Chapter 19 by revising the definitions of vending booths and itinerant food vending conveyances; imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

### PLANNING DEPARTMENT STAFF REPORT

This Petition amends Section 30-61(c) and Section 19-97(8)(c) of the City of Gainesville Land Development Code to allow itinerant food vendors in the General Business (BUS) zoning district in association with retailers over 50,000 square feet in size.

An "itinerant food vendor" is defined in Section 19-91 of the City of Gainesville Code of Ordinances as a person, corporation, company or business that sells immediately consumable food products and non-alcoholic beverage items from a nonpermanent structure at a fixed location on private property. In other words, itinerant food vendors sell products from small, mobile vending carts, trailer-mounted units or vehicles that are typically (and often appropriately) found in places exhibiting relatively high pedestrian volumes, such as downtown or in front of a large-format retail store such as a Wal-Mart or Home Depot. Currently, itinerant food vendors are only allowed in the MU-1 and MU-2 zoning districts.

Currently, there are 848 parcels within the city that are zoned MU- 1, 276 that are zoned MU-2 and 242 zoned BUS. Therefore, allowing itinerant food vendors in the BUS zoning district would increase the number of parcels where such vendors are allowed, but only on those parcels where a retailer exceeding 50,000 square feet is found. Only a small handful of BUS parcels have such retailers in the city.

Expanding itinerant food vendors to properties containing relatively large-scale retail stores may humanize the scale of a large retail center. Allowing such vendors within additional locations in the city promotes small, locally owned business operations-particularly those with modest capital resources. The main concern that communities have with such vendors is aesthetics and the potential for clutter and litter problems. As of July 3, 2007, there were six individuals holding itinerant food vendor permits in six locations within city limits. This number has remained fairly steady over the past several years. Staff believes that the City will be able to adequately enforce and correct such problems, and the large distances found between large-format retailer buildings and nearby streets and properties further mitigate these potential problems.

Public notice was published in the Gainesville Sun on July 3, 2007. On July 11, 2007, the Plan board heard the Petition and by a vote of 4-0 recommended the City Commission approve the Petition.

On August 13, 2007, the City Commission approved the Petition by a vote of 6-0.

**CITY ATTORNEY MEMORANDUM**

When staff began work on the ordinance and reviewed the existing code provisions, staff realized that the provisions concerning vending booths and itinerant food vending conveyances were not clear, lacked standards and did not reflect the reality of the permitting process. Therefore, this ordinance amends the existing code provisions by imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances.

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on July 14, 2008.