

ORDINANCE NO. 2016-13
AMENDING ARTICLE 4, SUPPLEMENTAL USE REGULATIONS, AND APPENDIX
A, DEFINITIONS, RELATED TO MOBILE FOOD VENDING, OF THE NORTH
AUGUSTA DEVELOPMENT CODE, CHAPTER 18 OF THE CITY OF NORTH
AUGUSTA, SOUTH CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's 2005 Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Title 6, Chapter 29 of the South Carolina Code, the North Augusta Planning Commission may recommend amendments to the Development Code for the purposes of technical clarification, error correction and to accommodate the needs of the City's citizens, provided such amendments are consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a May 19, 2016 public hearing, reviewed and considered amendments to Table 3-2, Use Matrix, to establish Food Trucks as a conditional temporary use in commercial and industrial zoning districts; Article 4, Supplemental Use Regulations, to provide standards for mobile food vendors; and Appendix A, Definitions, to add definitions for Food Truck and for Mobile Food Unit; and a motion was made to recommend said amendments to the City Council for approval. The motion to recommend approval passed on a 6-0 vote.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in the following sections. The section of the Code affected by the proposed amendment is identified by the section number.

A. Lines 5.38 to 5.89 of Table 3-2, Use Matrix are renumbered and a new Line 5.38 of Table 3-2, Use Matrix, is added to read:

TABLE 3-2 USE MATRIX

Use	Zoning Districts										
	CR	R-14	R-10	R-7	R-5	D	OC	NC	GC	TC	IND
5.38 Food Trucks (See Section 4.35.9)	--	--	--	--	--	C	C	C	C	C	C

B. A new Section 4.35.9 is added to read:

4.35.9 Mobile Food Vendors

This section establishes standards for mobile food vending in designated areas of the City to provide additional dining options to supplement traditional brick and mortar food services. These standards are designed to ensure that the location and operation of mobile food vending is safe, functional and compatible with existing and proposed development. Approved mobile food vendors may operate for a period not to exceed a total of one hundred fifty-six (156) days in any calendar year per approved location.

4.35.9.1 Food Trucks

Food Trucks shall comply with the following standards:

a. Health and Safety:

1. Food truck owner/operators must obtain and maintain any and all required state health and restaurant approvals and licenses as it relates to food trucks.
2. Each food truck owner/operator must obtain a Certificate of Zoning Compliance, conditional use permit, a Certificate of Occupancy, if applicable, and a North Augusta business license prior to opening for business.
3. Required approvals and licenses shall be kept on file in the food truck.

b. Maximum Number of Trucks per Property:

1. For commercially zoned parcels less than $\frac{1}{4}$ acre, up to two food trucks are permitted on the property at the same time.
2. Commercially zoned properties between $\frac{1}{4}$ and $\frac{1}{2}$ acre in size are permitted up to three food trucks at the same time.
3. For commercially zoned parcels over $\frac{1}{2}$ acre in size, a maximum of four food trucks is permitted on the property at the same time, except for City-sponsored special events.
4. For public spaces, the number of food trucks shall be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.
5. Temporary outdoor seating and set up associated with a food truck is only permitted within twenty (20) feet of the food truck or in locations determined by the Director.

c. Food Truck Locations, Minimum Separation:

1. Permitted on commercially and industrially zoned properties only.
2. One hundred (100) feet from any customer entrance of any brick and mortar restaurant and/or outdoor dining area, unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed or readily available in the food truck at all times.

3. Fifteen (15) feet from any fire hydrant, driveway, utility box or vault, handicap ramp and building entrance or exit.
 4. Fifty (50) feet from any residential zoning district.
 5. Must comply with all dimensional standards (setbacks) for the zoning district.
- d. Parking of Food Trucks:
1. The proposed location for food truck parking and any associated outdoor seating must be shown on a sketch plan that is subject to review and approval by the Director.
 2. Food trucks may not be parked in an approved location after the hours of operation specified in this section.
- e. Hours of Operation:
1. 7 a.m. to 10 p.m. for food trucks in commercially and industrially zoned properties.
 2. In public spaces, hours are to be determined by the Department of Parks, Recreation and Tourism in consultation with the Director.
- f. Operational Standards:
1. No audio amplification
 2. City trash receptacles may not be used to dispose of trash or waste. Adjacent dumpsters may be utilized with written permission of the property owner.
 3. All areas within the approved property must be kept clean by the food truck vendor.
 4. Grease and liquid waste shall not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
 5. Food trucks are subject to the City noise ordinance. Sound absorbing devices may be used to contain or deflect noise from external generators.
- g. Public Spaces – City Owned Property
Food trucks:
1. Must have written permission from the Department of Parks, Recreation and Tourism to locate on City-owned properties.
 2. Must locate at least one hundred (100) feet from the entrance to any park.
 3. Shall not occupy any handicap accessible parking space(s).
 4. Shall not otherwise interfere with the movement of motor vehicles in a parking lot.
 5. Shall be positioned such that the truck does not block drive aisles, other access to loading/service areas or emergency access or fire lanes.
 6. The food truck must be located at least fifteen (15) feet from fire hydrants, any fire department connections, driveway entrances, alleys, handicap parking spaces, and trees.
- h. Private Property
Food trucks:
1. Are permitted on commercially and industrially zoned properties.

2. Must be located at least one (100) hundred feet from any customer entrance of any brick and mortar restaurant/ or outdoor dining area,- unless annual written permission is obtained from the restaurant owner. Such written permission must be displayed or readily available in the food truck at all times.
3. Shall not occupy any handicap accessible parking space(s).
4. Shall not otherwise interfere with the movement of motor vehicles in a parking lot.
5. Shall be positioned such that the truck does not block drive aisles, other access to loading/service areas or emergency access or fire lanes.
6. Must be located at least fifteen (15) feet from fire hydrants, any fire department connections, driveway entrances, alleys, handicap parking spaces, and trees.

i. **Special Events**

Nothing in this section should be read to prohibit the City from conducting special events that feature food trucks. Food truck vendors may operate as part of special events if approved by the City.

1. Food trucks and mobile vending are prohibited from operating on any street, sidewalk, alley, trail or other right of way unless approved by the City as part of a permitted special event or contracted with the Department of Parks, Recreation and Tourism within the assigned dates and times.

4.35.9.1.1 Suspension and Revocation

- a. The City business license for any food truck may be revoked if the vendor violates the provisions contained in Section 4.35.9 or if the food truck vendor's SCDHEC permit to operate as a mobile food truck is suspended or revoked.
- b. The Director may halt an approved food truck's operation if it is determined that the food truck operations are causing parking, traffic congestion or litter problems, either on or off the property where the use is located, or that such use otherwise threatens public health or safety.

4.35.9.2 Mobile Food Units

A mobile food unit is a temporary food service vehicle that is movable and has no fixed location. Examples include, but are not limited to, ice cream trucks, beverage or hot dog carts on wheels and pre-packaged snack item vendors. Mobile food vendors, as defined, are considered "peddlers" and are subject to the requirements of Article IV of the Municipal Code. Mobile food vendors are required to hold a North Augusta business license.

C. Appendix A, Definitions, is amended to add the following definitions

Food Truck

A food truck is defined as a fully enclosed vehicle equipped with facilities for preparing, cooking and selling various food products and operating at an approved fixed location as an extension of a retail food establishment. A food

truck must be permitted by the South Carolina Department of Health and Environmental Control (SCDHEC) in order to operate.

Mobile Food Unit

A mobile food unit is a temporary food service vehicle that moves from place to place to sell food items such as ice cream, hot dogs, or pre-packaged snack items or drinks. Mobile food units are regulated by Article IV of the Municipal Code.

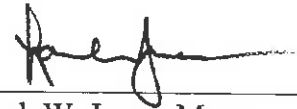
- II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. This Ordinance shall become effective immediately upon its adoption on third reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 20th DAY OF June, 2016.

First Reading 6/6/14

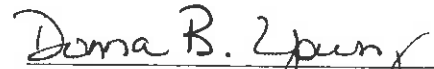
Second Reading 6/6/14

Third Reading 6/20/16



Lark W. Jones, Mayor

ATTEST:


Donna B. Young, City Clerk