

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, SECTION 16-4-17 MOBILE FOOD VENDOR, SECTION 8-1-1 EXCEPTIONS TO SETBACK REGULATIONS, SECTION 13-1-10 SUPPLEMENTARY STANDARDS FOR MOBILE FOOD VENDORS, AND SECTION 13-1- 11 NONCOMMERCIAL MESSAGES IN THE CITY OF HENDERSONVILLE.

WHEREAS, the City of Hendersonville's Planning Board has reviewed and **recommended/not recommended** for adoption of a zoning text amendment to the requirements for mobile food vendors within the City of Hendersonville's jurisdiction; and

WHEREAS, the proposed amendment is intended to not duplicate regulations enforced by other agencies and to keep the requirements up to date and reflective of current trends; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 16-4-17 Mobile Food Vendor, Section 8-1-1 Exceptions to Setback Regulations, Section 13-1-10 Supplementary Standards for Mobile Food Vendors, and Section 13-1-11 Noncommercial Messages of the Zoning Ordinance of the City of Hendersonville be amended as follows:

16-4-17 Mobile food vendor.

- a) Zoning compliance permits for mobile food vendor sites ~~and mobile food vendors shall be valid for a period of one year, and shall be renewed annually.~~ shall be accompanied by a conceptual site plan depicting a location on the subject property that meets all applicable requirements of this section.
 - 1) Exemption: A mobile food vendor associated with an event with an active City of Hendersonville Special Event Permit.
- b) ~~Mobile food vendors must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the health department. If the base of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the application. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.~~
- b) e) There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.
- c) d) ~~Mobile food vendors shall follow the dimensional requirements of the zoning district classification in which they are located. If there are no dimensional requirements in zoning district classification, at a minimum, food vendors shall be situated at least ten feet from all property lines and any road right-of-way.~~ Mobile food vendors shall:
 - 1) Not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. ~~Additionally, mobile food vendors must be:~~
 - 2) ~~4)~~ Be located on property in a manner that does not eliminate required parking for a development or impede the flow of traffic in any way.

- 3) 2) Be situated at least 10 feet away from buildings, structures, vehicles, and any combustible materials. ~~Situated at least 25 feet from any permanent structure. The community development director or designee may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information.~~
- 4) 3) ~~Not located within 250 feet from any restaurant, and~~ Not be located within 100 feet from any residential structure or residential zoning district lot line—unless their hours of operation are limited to 7:00 a.m. to 10:00 p.m.
- 5) 4) Be set back a minimum of ten feet in all directions from fire hydrants.
- 6) 5) Be situated at least 10 ~~20~~ feet from one another.
- e) ~~Mobile food vendors on vacant sites shall adhere to article XV, buffering, screening, and landscaping general requirements, including any overlay district landscaping requirements.~~
- f) ~~Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.~~
- g) ~~Vendors must vacate the site each day unless the vendor owns the site.~~
- h) ~~Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day, city trash receptacles shall not be used for food truck waste.~~
- i) ~~Mobile food vendors shall be limited to the following signage: One wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet and one small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer to display daily specials, menus, or other similar information. Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.~~

8-1-1 Exceptions to setback regulations.

The following features shall not be subject to the required minimum setbacks:

Bridges

Doghouses

Driveways, walks and parking areas

Fences and walls not exceeding nine feet in height

Landscape features such as entrance piers, columns, gates, planters and gardens

Mobile food vendors

Playhouses, not exceeding 64 square feet in floor area

Required building entry ramps

Retaining walls

Stormwater management facilities such as head walls and culverts

13-1-10- Supplementary standards for mobile food vendors.

Mobile food vendors shall be limited to the following signage:

- a) One wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no

larger than 32 square feet. Any sign illumination shall be downward facing.

- b) One small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer.
- c) Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.

~~13-1-10~~ 11- Noncommercial messages.

Any sign, display, or device allowed under this article and which complies with size, lighting, and spacing requirements of this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of October 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney