



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Tyler Morrow **MEETING DATE:** September 14th 2023

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Zoning Text Amendment: Mobile Food Vendor Updates (P23-50-ZTA) –Tyler Morrow, Planner II

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official 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, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning mobile food vendors.

2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment creates flexibility for property owners and mobile food vendor operators while still limiting potential impacts to the greater community.
2. The proposed text amendment reflects real world conditions and potentially allows non-conforming mobile food vendors to come into

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official 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, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning mobile food vendors.

2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. The proposed text amendment would reduce the distance required between mobile food vendors and permanent structures.
2. The proposed text amendment eliminates the requirements for landscaping associated with mobile food vendors.
3. The proposed text amendment removes

compliance. 3. The proposed text amendment reduces duplicated standards and focuses primarily on zoning/site specific requirements. <p style="text-align: center;">[DISCUSS & VOTE]</p>	setback requirements for mobile food vendors. <p style="text-align: center;">[DISCUSS & VOTE]</p>
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***SUMMARY:** “Mobile Food Vendors” were added to the City Zoning Ordinance as a permitted use on April 5, 2018. The amendment in 2018 was an applicant driven text amendment petitioned by Mark Searcy to allow a mobile food vendor at 2745 Chimney Rock Road. Mobile food vendors are currently permitted in the following districts with supplementary standards: C-2, C-3, CMU, I-1, HMU. There have been no amendments to the mobile food vendor ordinance since its adoption in 2018.*

Since 2018, staff have worked with and applied the supplementary standards for any permitted mobile food vendor operating in the City of Hendersonville. Through this work, staff has found that the current ordinance has some problematic aspects to it. It has been found problematic to apply the standards to real world requests, as well as the enforcement of current standards. There are few sites in the City that meet the requirements outlined in the ordinance and staff has found that our ordinance duplicates requirements that are enforced by other outside agencies.

For these reasons, staff is proposing the changes that are before you. Staff believe that these changes will make the supplementary standards enforceable and follows the trends that are currently happening in our community

PROJECT/PETITIONER NUMBER:	P23-50-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Recorded Ordinance 3. Draft Ordinance 4. Draft Ordinance (Clean Version) 5. Henderson County Department of Health Food Truck Regulations 6. National Fire Protection Agency Food Truck Regulations.