

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 11/7/2013

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Zoning Ordinance Amendment.

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance to amend ARTICLE 3-DEFINITIONS; amend ARTICLES 23, 24, 25, 40, and 44-Uses Permitted; and amend ARTICLE 73-SUPPLEMENTARY REGULATIONS, to add regulations concerning mobile food vending units.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission.
Public Hearing Date: December 19, 2013

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: *[Signature]*

Date: 10/23/2013

RESOLUTION NO. 13-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to the Zoning Ordinance, a synopsis of said amendment being as follows:

- (1) Amends ARTICLE 3 - DEFINITIONS, Section 3.1-Interpretation; ARTICLE 23 - GENERAL BUSINESS C-3 DISTRICT REGULATIONS, Section 23.1 - Uses Permitted; ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 25 - COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS, Section 25.1 - Uses Permitted; ARTICLE 40 - LIGHT DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted; and amends ARTICLE 73 - SUPPLEMENTARY REGULATIONS to add regulations concerning mobile food vending units.
- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the ___ day of ___, 2013, and the second publication shall be one week thereafter on the ___ day of ___, 2013, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgment and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of said amendment to the Zoning Ordinance of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, as follows:

That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the ___ day of ___, 2013, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing, at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending the Zoning Ordinance of the City of Huntsville, Alabama.

That the proposed amendment to the Zoning Ordinance of the City of Huntsville, Alabama, is substantially in words and figures as follows:

ORDINANCE NO. 13-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 Code of Alabama, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 3 - DEFINITIONS, Section 3.1 - Interpretation to add the following new definitions:

Food Kiosk- A non-motorized pushcart or stand designed to be portable and not permanently attached to the ground from which prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away.

Mobile Food Vending Site- A collection of mobile food vending units clustered together on a single lot or parcel of land under common ownership or control.

Mobile Food Vending Unit- A trailer or motorized vehicle designed to be portable and not permanently attached to the ground from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away.

Section 2. Amend ARTICLE 23 - GENERAL BUSINESS C-3 DISTRICT REGULATIONS, Section 23.1 - Uses Permitted; ARTICLE 24 - HIGHWAY BUSINESS C-4 DISTRICT REGULATIONS, Section 24.1 - Uses Permitted; ARTICLE 25 - COMMERCIAL RECREATION C-5 DISTRICT REGULATIONS, Section 25.1 - Uses Permitted; ARTICLE 40 - LIGHT INDUSTRY DISTRICT REGULATIONS, Section 40.1 - Uses Permitted; ARTICLE 44 - COMMERCIAL INDUSTRIAL PARK DISTRICT REGULATIONS, Section 44.1 - Uses Permitted by adding the following as permitted uses:

Mobile Food Vending Units.

Mobile Food Vending Sites.

Section 3. Amend ARTICLE 73 - SUPPLEMENTARY REGULATIONS to add the following:

73.23.1 Mobile Food Vending

Mobile food vending in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light

ORDINANCE NO. 13-

Industry, Heavy Industry, and Commercial Industrial Park districts shall conform to the following regulations:

- (1) Mobile food vending units located in applicable districts shall have a minimum buffer of one hundred (100) feet as measured from the primary entrance of existing restaurants, cafes, and other food related establishments.
- (2) Mobile food vending units are permitted to operate between the hours of 6 a.m.- 10 p.m. Sunday through Wednesday and 6 a.m.- 2 a.m. Thursday through Sunday in General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, and Commercial Industrial Park districts.
- (3) Food preparation will be regulated by the Madison County Health Department. The business license application must be accompanied by a food permit issued by the Madison County Health Department and written consent from the property owner (if applicable).
- (4) For any location where the mobile food vending unit is proposed to stay for two (2) or more hours, vendors shall provide toilet facilities for persons operating the unit, including employees, in accordance with the requirements of the Madison County Health Department.
- (5) Mobile food vending sites shall have fixed public toilet facilities including one (1) male and one (1) female restroom available for operators, including employees, and patrons, which meet the requirements of the Madison County Health Department for food establishment toilet rooms.
- (6) Mobile food vending units shall be removed from the premises each night and such operations are not permitted to operate in the required front yard on major arterials.
- (7) Mobile food vending units are not permitted to operate in loading zones, public rights-of-way, or obstruct or impede the flow of traffic for neighboring businesses.
- (8) All mobile food vending units must meet the zoning district setbacks.

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- (9) All signage must be attached to the mobile food vending unit.
- (10) Mobile food vending units must provide sufficient artificial lighting during non-daylight hours.
- (11) Mobile food vending units shall not be allowed to consume otherwise necessary parking spaces.
- (12) No outdoor loudspeaker, public address system, music, or other form of entertainment shall be audible from mobile food vending units.
- (13) Any on-site preparation of food shall be performed inside the primary vending unit only. There shall be no grills or other cooking facilities allowed outside the primary vending unit.
- (14) Notwithstanding anything to the contrary contained in this section, mobile food vending units regulated under Section 18-36 of the City Code shall not be subject to the regulation of this section.

Section 4. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 13-

ADOPTED this the ___ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the ___ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama