

ORDINANCE #0-21-20

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS, CHAPTER 4, SECTION 4.7.16, TABLE OF PERMITTED USES, AND CHAPTER 5, SECTION 5.24 AND 5.25. OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD TEXT FOR MOBILE FOOD VENDORS AND MOBILE FOOD VENDOR COURTS

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it promotes and supports the recommended sign ordinance and supports the orderly and planned community goals of the comprehensive plan;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendment is consistent with the comprehensive plan and is reasonable and in the public interest because of the following findings:

- Promotes and supports the recommended sign ordinance and supports the orderly and planned community goals of the comprehensive plan.

WHEREAS, after notice duly given, a public hearing was held on January 10, 2022, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3; Chapter 4, Section 4.7.16; and Chapter 5, Section 5.24 and 5.25, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1

Section 1.2.3 – Definitions.

Mobile food vendor – any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages.

Mobile food court/food vendor court: a tract of land providing spaces for two or more mobile food vendors to offer food or beverages for sale to the public.

Chapter 4

Section 4.7.16 – Table of permitted uses.

Category	Uses	CR -1	SR- 2	TR- 4	UR -8	NM U-8	OI- C	CB D	HB -8	LI- 8	HI- 0
<u>Commercial</u>	<u>Mobile Food Vendors</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Commercial</u>	<u>Mobile Food Vendor Courts</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Chapter 5

Section 5.24 – Mobile food vendors.

A. Permit required.

- 1. Any mobile food vendor operating in the Town of Black Mountain must obtain a permit issued by the zoning administrator.**
- 2. The vendor shall submit an application to Planning Department, which shall include a site plan showing the location or locations where the mobile food vendor will operate and demonstrate that all requirements of this ordinance can be met while operating at each location.**
- 3. The vendor shall only operate at those locations specified in the permit.**
- 4. A permit shall be valid for a period of one year from the date of issuance.**

B. A valid health department inspection grade card from the Buncombe County Health Department shall be visually displayed on the mobile food truck or cart in clear view of all patrons.

C. Mobile food vendors shall operate only on private property with permission of the owner. No mobile food vendor shall operate on a public street, sidewalk or right-of-way.

D. Mobile food vendors shall comply with the setback requirements for the zoning district in which the truck or cart is operating and, for purposes of setback regulations, shall be treated as a building or structure. No mobile food vendor shall be parked closer than ten feet (10') from a structure or other mobile food vendor.

E. Each mobile food vendor shall have sufficient space to maneuver onto the lot and to allow for safe access by pedestrians and emergency response vehicles.

- F. At least one onsite parking space per mobile food vendor is required, except that no onsite parking shall be required for a mobile food vendor operating in the Central Business District. Allocation of parking spaces to the mobile food vendor must not reduce available parking for other uses such that those uses would no longer meet minimum parking requirements.
- G. Mobile food vendors shall remove trash and litter from the site each day and as needed. Mobile food vendors must maintain cleanliness of the site.
- H. No temporary toilet facilities are allowed.
- I. These regulations do not apply to mobile food vendors operating solely as part of a special event for which a permit has been issued by the Town of Black Mountain, or as part of a private event on private property when that event is of limited duration.

Section 5.25 – Mobile food vendor courts.

- A. Site requirements.
 - a. Before obtaining a zoning permit, the owner shall submit a site plan showing the location of mobile food vendors, kitchen or restroom facilities, seating for patrons, site maneuvering, and parking.
 - b. There shall be at least one trash can per vendor or one dumpster for the entire court (see screening requirements).
 - c. Outdoor seating is allowed.
 - d. Permanent restroom facilities are allowed.
 - e. A permanent, on-site commissary kitchen is allowed.
 - f. Permanent power is recommended.
 - g. Permanent water connections are allowed with proper permitting.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 10th day of January 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk