

STATE OF GEORGIA
COUNTY OF HALL
CITY OF FLOWERY BRANCH

Public Hearing

06/16/16

First Reading 06/16/16

Passed 07/07/16

ORDINANCE NO. 524

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, ORDINANCE NO. 348, TO AMEND ARTICLE 9, “NONRESIDENTIAL ZONING DISTRICTS,” TABLE 9-1, “PERMITTED AND CONDITIONAL USES IN NONRESIDENTIAL ZONING DISTRICTS, TO ADD “FOOD TRUCK” AND “FARMERS MARKET” AS LISTED USES; TO AMEND ARTICLE 13, “BUILDINGS AND USES ACCESSORY TO NONRESIDENTIAL PRINCIPAL BUILDINGS AND USES,” TO ADD A NEW SECTION 13.14, “FOOD TRUCK,” PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Zoning Ordinance of the City of Flowery Branch, Georgia, authorizes the amendment of the text of the City of Flowery Branch Zoning Ordinance by the City Council; and

WHEREAS, the Zoning Administrator is authorized, pursuant to Section 33.2 of the Zoning Ordinance, to initiate an amendment to the zoning ordinance for consideration by the City Council; and

WHEREAS, the City has complied with the Zoning Procedures Law and the requirements of Article 33 of the Zoning Ordinance with regard to text amendments, including the holding of an advertised public hearing; and

WHEREAS, the proposed amendment to text of the zoning ordinance is found by City Council to be consistent with the overall zoning scheme and adopted Zoning Ordinance, consistent with the city’s adopted comprehensive plan, and consistent with other applicable plans adopted by the city;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENTS TO TABLE 9-1.

Table 9.1, “Permitted and Conditional Uses in Nonresidential Zoning Districts, is hereby amended to add food trucks as permitted uses in the CBD and HB zoning districts and farmer’s markets as a permitted use in the CBD zoning district, as follows:

Use	O-P	INST	NS	HB	CBD	M-1	M-2
<u>Farmer’s market</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Food truck</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>

SECTION 2. AMENDMENT TO ARTICLE 13.

Article 13, “Buildings and Uses Accessory to Nonresidential Principal Buildings and Uses,” is hereby amended to add a New Section 13.14, “Food Truck,” to read as follows:

“Section 13.14. Food Truck.

- (a) Defined. A food truck is a licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to the general public. A food truck is by definition an accessory use.
- (b) Motor Vehicle Tag. A food truck must have a valid tag from the state’s Division of Motor Vehicles.
- (c) Food Service Rules. Food trucks shall operate in accordance with the State of Georgia’s Rules and Regulations Food Service – Chapter 290-5-14, Manual for Design, Installation and Construction, Section U - Special Food Service Operations.
- (d) Health Department License, Permit or Approval. The operator of a food truck shall make application for a license or permit as may be required to the Hall County Health Department, and the applicant shall submit evidence of health department approval as part of an application for a zoning permit. No food truck shall operate without a health department permit or approval.
- (e) Zoning Restrictions and Zoning Permit. Food trucks are permitted in CBD and HB zoning districts only, as an accessory use to an office, institutional, commercial, or industrial establishment. A food truck shall not be located on a vacant lot. A zoning permit for a food truck shall be applied for and must be received from the Zoning Administrator prior to operation. No more than two food trucks may operate simultaneously on any lot of record, and no lot shall be approved for more than two spaces or areas for food truck operations.
- (f) City Business License. A city business license shall be required to operate a food truck.
- (g) On-Site Location Requirements.
 - 1. Food truck operators shall obtain the signed approval of the property owner for each location at which the food truck operates. Such approval must be made available for inspection upon request.
 - 2. The location for the parking and operation of food trucks must be approved by the Zoning Administrator. The approved location must be marked on a site or plot plan of the lot on which it is located, and the Zoning Administrator may require the food truck location on the ground to be marked with paint, tape, chalk, or any other easily identifiable material.

3. Food trucks shall be located no less than ten (10) feet from any fire hydrant, sidewalk, utility box, handicap ramp, or building entrance. No fire lane, vehicular access way, or pedestrian walkway shall be obstructed or encroached upon by the food truck or its operational area. Food trucks shall not park in handicapped accessible parking spaces; a food truck may be permitted to occupy any other private parking space, unless it is determined by the Zoning Administrator that parking demand may exceed supply at the subject location while the food truck is operating.
- (h) Location Restrictions from Certain Adjacent Uses. No food truck shall operate (as measured in a straight line from property line to closest point of the approved food truck location, where distances are specified):
1. Within 750 feet of a public or private elementary, junior or high school while school is in session.
 2. Within 150 feet of a property with a single or two-family residential dwelling.
 3. Within 150 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.
 4. Within 300 feet of a city, county, state or private park or open space, unless a temporary permit is granted by the City Manager.
 5. On a public or private street, or on in a city park or other open space, unless a temporary permit is granted by the City Manager. The City Manager is authorized to promulgate additional rules and regulations for the issuance of temporary permits for food trucks on public streets and public properties.
 6. On the grounds of a school, unless authorized by the school's administration as part of a school-authorized function.
- (i) Operational Limitations. Food trucks shall comply with the following:
1. Food trucks shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
 2. Food trucks shall be limited in their operation to a maximum of six (6) consecutive hours per day at any single location.
 3. Food trucks shall not be parked in an approved operating location overnight and shall not be parked longer than one hour before or after allowable hours of operation; a food truck shall not be in a set-up/start-up or break-down/ close-up mode between the hours of 11:00 p.m. and 6:00 a.m.
 4. No food truck shall be permitted to have a vehicular drive-through facility or drive-up window.

5. No amplified microphones or bullhorns shall be permitted as part of the food truck operation.
 6. The food truck must be self-contained with regard to water and sanitary sewer needs; no temporary potable water or sanitary sewer shall be permitted.
 7. Signage and advertising shall be limited to copy on the food truck itself, and one “sidewalk” sign as defined in the city’s sign regulations, not to exceed four square feet of area, located only within the operational area approved by the Zoning Administrator. Such signage shall be in addition to that approved for the principal use on the lot.
 8. All associated equipment, such as trash receptacles and signage, must be confined within the operational area approved by the Zoning Administrator.
- (j) Sanitation. Food truck operators shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.”

SECTION 3. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Flowery Branch, Georgia.

SECTION 5. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 7th day of July, 2016.

CITY OF FLOWERY BRANCH:

James “Mike” Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney