

STATE OF GEORGIA

CITY OF HAMPTON

ADOPTED BY THE GOVERNING BODY THIS 11th DAY OF October 2022.

ORDINANCE NO. **2022-584**

AN ORDINANCE OF THE CITY OF HAMPTON’S MAYOR AND COUNCIL AMENDING APPENDIX A, ZONING, SECTION 2-1, DEFINITIONS, SECTION 6-7, ALLOWED USES, SECTION 7-5, ALLOWED USES, AND TO ADD SECTION 4-16, FOOD TRUCK COURTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hampton (hereinafter “City”) is governed by the Mayor and Council; and

WHEREAS, it is the desire of this Council to allow for food trucks and mobile food vendors to do business in the City with a food truck court provided the activity is safe and protects the welfare of the citizenry; and

AND WHEREAS, it is in the City’s best interest to revise the current Code of Ordinances to amend Appendix A, Zoning, Section 2-1, Definition, Section 6-7, Allowed Uses, Section 7-5, Allowed Uses, and Article 4, Use Provisions to add a Section 4-16 for Food Truck Courts to allow for the regulated activity within the City.

Section 1. NOW THEREFORE IT IS HEREBY RESOLVED Section 2-1, Definitions Regulations of the City Code be amended to add the following definitions:

Food truck. A motorized vehicle or trailer drawn by a motorized vehicle used to prepare and sell food to the public directly from the vehicle or trailer. Food trucks are mobile food vendors and require licensing with the State Department of Environmental Health.

Food truck court. An area designated on a site for hosting food trucks, subject to the requirements of Appendix A, Article 4, Section 4-16 and the mobile food vendor requirements of Chapter 11, Article XV, Section 22.530.

Mobile Food Vendor. Any person or entity that prepares and sells food from a food truck in a designated food truck court or that otherwise operates a food truck.

Section 2. **NOW THEREFORE IT IS HEREBY RESOLVED** Section 6-7, Allowed Uses Regulations of the City Code be amended to read:

Commercial Uses	OI	C-1	C-2	C-3	M-1	M-2	Use Standards
Food Truck Court	-	-	P	-	-	-	Sec. 4-16

Section 3. **NOW THEREFORE IT IS HEREBY RESOLVED** Section 7-5, Allowed Uses Regulations of the City Code be amended to read:

Public Uses	MU	DT-MU	DT-RC	Use Standards
Food Truck Court	P	P	-	Sec. 4-16

Commercial Uses	MU	DT-MU	DT-RC	Use Standards
Food Truck Court	CU	CU	-	Sec. 4-16

Section 4. **NOW THEREFORE IT IS HEREBY RESOLVED** Article 4, Use Provisions of the City Code be amended to add a Section 4-16, Food Truck Courts so that as newly created, Section 4-16, Food Truck Courts shall read:

Sec. 4-16. *Food Truck Courts.*

- A. **Purpose.** The purpose of this section is to establish the minimum standards for the development and operation of food truck court uses.

B. Variances. Requests for deviations from these standards shall be governed by the provisions of Section 11-7.

C. Use limitations.

(1) Food truck courts may be established as a permanent use on private property subject to the following provisions:

- a. The property is not zoned or used as residential.
- b. The lot is paved where food trucks and parked vehicles are located.
- c. There are no unoccupied buildings present on the parcel.
- d. Food truck courts operating as a primary use in the Downtown Mixed Use (DT-MU) district and the Mixed-Use (MU) district shall require a conditional use permit. The conditional use permit application must include all documents required in Section 12-5, Conditional Uses, including a site plan designating the food truck locations, parking, amenities, and any other site specifications that are subject to approval by the Mayor and City Council.
- e. The site is serviced by public water.
- f. There are designated parking spaces on hardscape for food trucks. The designated areas must not block any driveway entrance/exit, parking lot aisle, loading area, customer/employee parking area, or fire lane.
- g. There is a maximum of six designated food truck parking spaces in the court.
- h. The court prohibits overnight parking of vehicles or food trucks. Signage is posted in accordance with Title 44, Chapter 1, Section 13 of the Official Code of Georgia Annotated.
- i. The court provides for permanent restroom facilities compliant with the Americans with Disabilities Act (ADA).
- j. There are a minimum of four (4) parking spaces for customer use per food truck in addition to the parking required in subsection (f). All spaces must be paved and striped.
- k. There is a designated area for outdoor covered or uncovered dining. Any accessory structures, such as pavilions, wooden gazebos, or pergolas must be issued a building

permit and shall not be small than 120 square feet. Other than dining umbrellas, which must be removed at the end of the business day, temporary canopies are not permitted.

- l. The court provides for permanent trash receptacles, adequate lighting, and unobstructed pathways separate from parking and circulation shall be provided on-site. Food truck court operators shall be responsible for all maintenance of on-site amenities and property.
- m. Outdoor speakers, musical instruments, or other sound projection equipment shall not operate between the hours of 10:00 p.m. and 11:00 a.m. daily.
- n. Dumpsters are screened on three sides by a brick or stone wall and have opaque closeable gates of a suitable height and material to adequately conceal them.
- o. The food trucks operating within the court shall have a valid mobile food vendor permit issued by the City per the requirements of Chapter 11, Article XV, Section 22.530. Operators of food truck courts shall retain a copy of each food truck's mobile food vendor permit, to be furnished upon request to the code enforcement officer.

(2) Food truck court or food trucks located on public property.

- a. Food trucks may be allowed to operate on a City-sponsored food truck court, City property or in the public right-of way subject to the following use limitations:
 - 1. The city may establish a food truck court on public property. Any food truck vendor desirous to operate in a city food truck court must operate under an agreement for the space with the City.
 - 2. All food trucks shall have valid mobile food vendor permits from the city per the requirements of Chapter 11, Article XV, Section 22.530. Operators of food trucks shall retain a copy of its mobile food vendor permit, to be furnished upon request to the code enforcement officer.
 - 3. Food trucks may locate on city property or public right-of-way provided the food trucks operators provide locations, dates, and times for their proposed operations. The Main Street Director must approve all locations, dates, and times for food truck operations.

4. Food trucks are not permitted to operate in the right-of-way in residential districts unless approved by the Main Street Director. Food trucks operating in the right-of-way in residential areas may operate between the hours of 11:00 a.m. and 10:00 p.m. and are restricted to two (2) day per month.
5. No vehicles or food trucks shall be permitted to park overnight on City property or in the public right-of-way. Unauthorized vehicles may be ticketed or impounded at the owner's expense.
6. Food trucks located in City-sponsored food truck courts may operate between 7:00 a.m. and 10:00 p.m., seven (7) days per week.
7. Food trucks located in the public right-of-way may operate between the hours of 11:00 a.m. and 10:00 p.m.
8. Food trucks located in the public right-of-way may not reduce shared parking requirements for surrounding properties or impede traffic.
9. Access to food trucks may not hinder or impede pedestrian traffic.
10. Sales of articles other than food and non-alcoholic beverages shall be prohibited.

Section 5. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 7. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 8.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

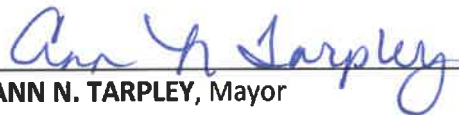
c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 9. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 10. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 11th day of October 2022.

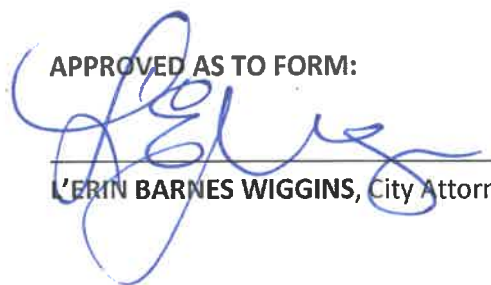
CITY OF HAMPTON, GEORGIA


ANN N. TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney

First Reading: 091322
Second Reading/
Adoption: 101122

