



ORDINANCE # 2015 – 237

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF THE TOWN OF UNICOI, TENNESSEE FOR THE PURPOSE OF ALLOWING AND GOVERNING MOBILE FOOD UNITS.

Whereas, Sections 13-7-201 – 13-7-212 of the Tennessee Code Annotated provides the Town of Unicoi, Tennessee with the powers and authority to enact local municipal zoning codes; and

Whereas, said sections provide a process for the amendment of local municipal zoning codes; and

Whereas, mobile food units are not restaurants under the current Unicoi Municipal Zoning Ordinance; and

Whereas, the Town of Unicoi Municipal Planning Commission met on March 9, 2015 for the purpose of considering this ordinance amendment and recommended approval of the ordinance to the Board of Mayor and Aldermen; and

Whereas, the Town of Unicoi, Tennessee Board of Mayor and Aldermen recognizes it to be in the best interest and to the best general welfare of the citizens of the Town of Unicoi, Tennessee to amend the Unicoi Municipal Zoning Ordinance to allow and govern mobile food units;

Now Therefore, be it Ordained, by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee that the Town of Unicoi Municipal Zoning Ordinance is hereby amended.

1. Article III., Definitions, is amended to add the following definitions and is renumbered accordingly:

Mobile Food Unit: A food service establishment designed to be readily movable. Food service establishments may be allowed by special event permits and not regulated as mobile food units.

Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.

2. Article IV., Section 402, is amended to add the following Mobile Food Units off-street parking requirement and is renumbered accordingly:

402.10. Mobile Food Units: Eight (8) spaces devoted to the use of the mobile food unit and in addition to any required spaces for other permitted uses on the same property.

3. Article IV., General Provisions, is amended to add Section 414, Mobile Food Units, as follows:

414. Mobile Food Units: A permit to locate and operate a mobile food unit may be issued upon special exception by the Unicoi Board of Zoning Appeals provided:

414.1 The applicant has presented the following to the Unicoi Board of Zoning Appeals:

- a. A Unicoi County business license or proof of application;
- b. Verification of current sales tax number showing tax revenue will go to the Town of Unicoi or proof of application;
- c. A site plan including the location of all proposed equipment and landscaping, in accordance with Section 410.2 of the Zoning Ordinance, to be approved by the Unicoi Planning Commission;
- d. Approval by the **Unicoi Fire Chief, Unicoi County Sheriff** and by the building inspector of the safety, including ingress and egress and the food preparation equipment, of the proposed use;
- e. Verification from the Town of Unicoi that the proposed premises is properly zoned;
- f. Certification of property owner that authorizes business on premises submitted;
- g. Verification of compliance with all applicable State health laws and regulations;
- h. Proof of liability insurance coverage of \$1,000,000 or such figure satisfactory to the Board of Zoning Appeals; and
- i. Any other information the Board of Zoning Appeals deems pertinent.

414.2. An application fee of \$200.00 must be paid before issuance of a Mobile Food Unit permit. No more than five (5) valid permits will be issued by the Town at any time.

414.3. Notwithstanding the date that a permit is issued or renewed, all permits are valid for one year but shall expire on June 30th. Upon verification by the building inspector that all requirements have been sustained, the Town may renew a permit for an additional year for a fee of \$150.00. There is no limit on renewals.

414.4. A mobile food unit shall meet the same setbacks as a principal structure but are allowed on lots with a principal structure. Unattached storage and incidental equipment shall meet accessory use setbacks.

414.5. Each mobile food unit operator shall maintain the area around the vending unit in a neat and clean manner at all times and shall provide a litter receptacle for public use at the unit.

414.6. No mobile food unit shall utilize a public road right-of-way in any way other than for ingress and egress.

414.7. The Board of Zoning Appeals reserves the right to deny any application for a Mobile Food Unit permit which the Board feels will negatively impact surrounding properties and character of the Town of Unicoi.

414.8. If at any time any Town official is made aware that the necessary prerequisites or information submitted for approval has changed, the building inspector may notify the permit holder of any corrective action required. After 10 days notice and failure to perform the corrective action detailed by the building inspector, the building inspector may revoke the permit. Changes that may result in Mobile Food Unit permit revocation include, but are not limited to, failure to obtain and maintain needed licensure, the expiration of applicable State permits, and a change in the location of any equipment shown on the site plan.

3. Article VII. Provisions Governing Use Districts, is amended to allow mobile food units in the B-2, B-3, B-4, M-1, M-2, and PBD Districts. Mobile food units are to be listed as permitted special exceptions upon Board of Zoning Appeals review in sections 707, 709, and 712 to explicitly allow mobile food units in the B-2, B-4, and PBD Districts. Mobile food units are to be permitted by incorporation under the pyramid zoning scheme in the B-3, M-1, and M-2 Districts.

Be it Further Ordained, that this ordinance shall be effective from and after its passage, the public welfare requiring it.

Approved by the Planning Commission on March 9, 2015.


Voting by the Board, as follows, on April 20th, 2015 - First Reading

	<u>Aye</u>	<u>No</u>
Alderman Jeff Linville	X	___
Alderman Kathryn Bullen	X	___
Alderman Phillip Hensley	X	___
Vice-Mayor Doug Hopson	X	___
Mayor Johnny Lynch	X	___

Voting by the Board, as follows, on May 18th, 2015 - Second and Final Reading

	<u>Aye</u>	<u>No</u>
Alderman Phillip Hensley	X	___
Alderman Kathy Bullen	X	___
Alderman Phillip Hensley	X	___
Vice-Mayor Doug Hopson	X	___
Mayor Johnny Lynch	X	___


 Larry Rea, CMFO, CMC, City Recorder


 Johnny Lynch, Mayor