

**ORDINANCE NO. 2018-05-03**

**AN ORDINANCE OF THE CITY OF HAHIRA, GEORGIA**

To amend certain provisions of the Zoning Ordinance of the City of Hahira (“the Zoning Ordinance”) to add a new subsection to Section 2 to add a definition of ice cream trucks, to add a new subsection to Section 5 and to the table of uses contained therein to allow certain temporary commercial retail uses (food vendors), to add a new section 9-21 governing temporary commercial retail uses, to add a new section 11-1.1 governing the issuance of administrative permits for such uses, and for other purposes,

BE IT ORDAINED by the Mayor and Council of the City of Hahira and it is hereby ORDAINED by the authority thereof:

I.

Section 2 of the Zoning Ordinance is amended by adding a new Section 2-25A as follows:

Section 2-25A Ice Cream Truck. A motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products operating on public ways within residential zoning districts in the City.

II.

Section 5 of the Zoning Ordinance is amended by adding a new Section 5-1.1.5 as follows:

**Section 5-1.1.5      Uses permitted by Administrative Permit**

Uses permitted after issuance of an administrative permit (see Section 11-4-4.5) are indicated on the following schedule by the letters “AP” in the appropriate column.

III.

Section 5-1 of the Zoning Ordinance is further amended by adding a new item number 119.5 to the Schedule of Permitted Uses as follows:

119.5 Temporary Use, Commercial Retail    AP in the C-H zoning district  
Subject to conditions in Sec. 9-21.

IV.

Section 9 of the Zoning Ordinance is amended by adding a new Section 9-21 as follows:

9-21 Temporary Use, Commercial Retail (vendors):

- (1) A temporary commercial retail use other than food vending shall require an Administrative Permit (Sec. 11-1.1) issued by the Zoning Administrator for a time period not to exceed 30 days per calendar year on the same lot or parcel of land. A temporary commercial retail use for food vending shall require an administrative permit for a time period not to exceed 7 consecutive days. An applicant shall not be eligible to apply for a new administrative permit for food vending until at least 30 days after expiration of the applicant's previous permit.
- (2) The provisions of this section shall not apply to ice cream trucks (see Sec. 2-25A) or to vendors at festivals or other special events sanctioned or operated by the City.
- (3) Temporary commercial retail uses shall operate in accordance with the following regulations:
  - (a) No temporary commercial retail use activities or vehicles shall be permitted to operate in the following areas:
    - i. Within 20 feet from the right-of-way of any city roadway or street.
    - ii. Within a required landscape strip or buffer or improvement setback.
    - iii. Within 20 feet of any street intersection or crosswalk.
    - iv. Within 20 feet of any driveway or other curb cut access, loading zone or bus stop.
    - v. In any area within 50 feet of a building entrance.
    - vi. On the median strip of a divided roadway.
    - vii. In front of display windows of a fixed location business.
    - viii. Within 100 feet of an elementary, middle or high school property line.
    - ix. Within 50 feet of a residential zoning district line.
    - x. Within 10 feet of any fire hydrant or fire escape.
    - xi. Within 10 feet of any parking space or access ramp designated for persons with disabilities.
    - xii. On a vacant parcel of land without a permanent commercial building or without an existing active business that is properly licensed, unless the parcel is owned by the Permit applicant.
    - xiii. On a parcel of land that already contains or is approved for another temporary commercial retail use.
  - (b) No vending cart or stand, or other item related to the operation of a temporary commercial retail use shall be located on any city sidewalk or

other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

(c) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their businesses. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container. Vendors engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

(d) Prohibited Conduct. No temporary commercial retail use may do any of the following:

- i. Obstruct pedestrian or motor vehicle traffic flow.
- ii. Obstruct traffic signals or regulatory signs.
- iii. Stop, stand or park any vehicle, pushcart or other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
- iv. Leave any vending cart or stand unattended at any time or store, park, or leave such conveyance in a public way overnight.
- v. Use any vending cart or stand that when fully loaded with merchandise cannot be easily moved and maintained under the control of licensed Vendor.
- vi. Generate excessive noise or sound any device that produces a loud or raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
- vii. Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(4) A drawing showing the dimensions of the proposed sales area, required parking spaces, and location of the vending stand, vending cart, or motor vehicle used for sales, shall accompany the Administrative Permit application and shall depict compliance with the standards of this subsection.

(5) The applicant shall provide a notarized written permission statement from the property owner of the subject site and a 24-hour contact number of the property owner or their designated contact person.

(6) Vendors shall comply with all state, federal and local health and safety codes, regulations and requirements and shall obtain and maintain any and all licenses required by any governmental or regulatory agency having jurisdiction over this subject matter. Food vendors must have a food vending permit from the Georgia Department of Human Resources, Public Health or the Lowndes County Health Department acting as agent of

the Department of Human Resources. The license(s) under which the vendor is operating must be firmly attached and visible at all times.

- (7) No sale or offer for sale shall be made by any vendor between the hours of 10:00 p.m. and 8:00 a.m. unless such sale is in conjunction with a City approved special event.

V.

Section 11 of the Zoning Ordinance is amended by adding a new Section 11-1.1 as follows:

11-1.1 Administrative Permits

- (A) The Zoning Administrator is authorized to approve administrative permits for certain temporary uses if authorized in accordance with Section 5-1 Table of Permitted Uses.
- (B) Applications for administrative permits shall be filed on forms provided by the Zoning Administrator and shall be accompanied by a fee that shall be established by the Mayor and City Council. The application shall specify the nature, equipment and facilities, location and duration of the proposed temporary use and shall provide written consent of owners of the property where the activity is proposed to take place, if not the property of the applicant, as well as the written consent of each property owner of the adjacent properties.
- (C) Within 10 days following receipt of a complete application, the Zoning Administrator shall approve, approve with conditions, or disapprove said application.
- (D) Prior to action on an administrative permit application, the Zoning Administrator shall conduct a site inspection of the location specified in the application and shall prepare a written analysis applying the criteria and standards set forth as follows:
- (1) The proposed temporary use complies with the applicable standards of Section 5-1 and other applicable requirements of the Zoning Ordinance.
- (2) The applicant possesses a current business license for the proposed use, if required by law.
- (3) The location proposed for the temporary use(s) is appropriate in terms of each of the following criteria:
- (a) It provides adequate space for the proposed use.
- (b) It makes adequate provision for public safety, access and traffic circulation.
- (c) It makes adequate provision for utilities.
- (d) It makes adequate provision for parking.
- (e) It makes adequate provision for sanitation.
- (f) It makes adequate provision for litter control and solid waste disposal.
- (g) It is aesthetically compatible with the surroundings.
- (h) It does not interfere with the use of the subject property and surrounding properties.
- (i) It causes no undue emissions of smoke, light, heat, noise, runoff, or other forms of pollution.

11-1.2 Exceptions

The provisions of sections 9-21 and 11-1.1 shall not apply to the following businesses which are licensed and operating as of the effective date of this ordinance:

Southern BBQ Secrets, presently licensed to operate at 1012 Hwy 122 West, Hahira, GA 31632

Keith's Farm Fresh Produce, presently licensed to operate at 408 W. Main Street, Hahira, GA 31632

(collectively, "the Excepted Businesses"), except that if either of the Excepted Businesses ceases operation or is closed for business for 30 consecutive days, said business shall be required to obtain an administrative permit in compliance with sections 9-21 and 11-1.1 before resuming operation and shall thenceforth subject to those permitting requirements.

VI.

All other provisions of the City Code shall remain in full force and effect except as amended hereby.

VII.


This Ordinance shall become effective on the 3rd day of May, 2018.


VIII.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

ORDAINED this 3rd day of May, 2018.

ATTEST:

  
Bruce Cain, Mayor

  
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City Clerk