

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**ORDINANCE NO. K-11-17-1**

AN ORDINANCE AMENDING OFFICIAL ORDINANCE NO. K-5-94-2 KNOWN AS THE ZONING ORDINANCE OF THE VILLAGE OF NEW CONCORD, FINAL READING.

WHEREAS, it is appropriate and necessary to amend and update the Zoning Code; and

WHEREAS, the Village Planning Commission held a two public hearings on August 9<sup>th</sup> and August 24<sup>th</sup>, 2017 and have recommended that the New Concord Village Council adopt said amendments; and

WHEREAS, the Council of the Village of New Concord under the provisions of the Ohio Revised Code finds the said amendments to be in accordance with the spirit and intent of the formally adopted Comprehensive Plan for the development of the Village of New Concord, said plan being known as the 1992 Comprehensive Plan Update and Strategic Plan of Action.

NOW, THEREFORE, be it resolved by the Council of the Village of New Concord, State of Ohio, that;

Section 1. That Village Council hereby adopts said Zoning Code Ordinance amendments and updates as listed in Attachment A.

Section 2. That all ordinances and parts thereof in conflict herewith are hereby repealed.

Section 3. That this ordinance shall take effect and be in force at the earliest period allowed by law.

We do hereby certify that the above ordinance was finally passed by the Village Council on November 13, 2017.

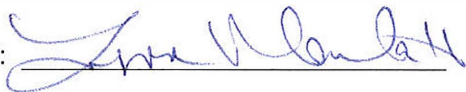
PASSED: November 13, 2017

  
Robert Dickson, Council President

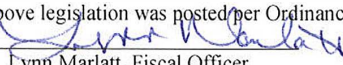
APPROVED: November 13, 2017

  
Brett Essex, Mayor

ATTEST:



I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

  
Lynn Marlatt, Fiscal Officer

# **Attachment A**

## **Village of New Concord Zoning Code Amendment**

### **Mobile Retail Food Court Establishment**

# **Village of New Concord**

## **Zoning Code Amendment Proposal**

### **Mobile Retail Food Establishment Court**

#### **Definitions: Section 200.01**

**Mobile Retail Food Establishment Court:** retail food establishments, grouped together, that are readily moveable, are motorized wheeled vehicles, or towed wheeled vehicles, designed and equipped to serve food. Shall include both “hot trucks” upon which food is cooked and prepared for vending, and “cold trucks” from which only commissary - prepared, ready - to eat or packaged foods in individual servings are handled. Also referred to as a food truck and/or trailer court.

#### **Land Use Table: Section 400.10**

Mobile Retail Food Establishment Court – B2, Conditional Use

#### **Section 600.29: Mobile Retail Food Establishments**

Mobile retail food establishment courts are designated as a conditional use within the B2 Zoning District. This district is covered by the Design Review Board overly district which strives to preserve the historic nature of downtown New Concord. All pertinent guidelines for this district, as well as the B2 zoning district, apply.

All potential mobile retail food establishment courts must be contained on an off-street lot and must abide by the following guidelines. No food trucks and/or trailers may be located on a public street.

Duration: Food trucks and/or trailers are semi-permanent and must move at least once within a prescribed number of days per Muskingum County Health Department regulations

Number/density of food trucks and/or trailers allowed per lot: 1 unit for every 4,000 square feet within the lot.

Parking and Surfacing: Refer to Article VII – Off Street Parking and Loading Requirements for Restaurants, Nightclubs, Cafes or Similar Establishments.

Site Amenities:

- permanent restroom facilities
- designated eating areas
- landscaping throughout lot and screening at perimeter of lot on all sides

Trash: A dumpster must be provided on-site as well as trash receptacles for designated eating areas. Each required dumpster will be screening from view. Refer to Article VII,

Section 700.07 for additional information regarding dumpster and waste receptacle screening.

Lighting: Appropriate lighting is required for Mobile Retail Food Establishment Courts during non-daylight hours of operation. Refer to Article VII, Section 700.10 for additional information.

Signage: Food Trucks and/or Trailers are used not only for food preparation, storage and sale but for advertisement as well. Where applicable the Design Review Board shall review and approve of signage/advertisement on any new food truck and/or trailer. A new food truck and/or trailer refers to a new design for the unit and/or a new food offering.

A mobile retail food establishment court may provide one (1) freestanding sign for the entire lot so as to guide potential customers to the court. For each food truck and/or trailer located within the mobile retail food establishment court the area of signage on the unit shall be as follows, or less:

- 30% of each “long” side of the unit may be covered in signage for the particular food offering of that unit.
- 15% of each “short” side of the unit may be covered in signage for the particular food offering of that unit.

Refer to Article IX – Signs and Outdoor Advertising Structures, Mobile Retail Food Establishment Court for additional details.

Food Preparation: All food preparations and equipment used in food preparation must be approved by the Muskingum County Health Department before the Village of New Concord will allow the food truck and/or trailer to operate within the Village.

#### Section 600.30 – Owner Responsibility in the event of a Cease of Operation

Should an owner of a Mobile Retail Food Establishment Court cease operations the owner is responsible for removing all trucks/trailers and freestanding signs from the lot. The lot shall be secured properly by the owner and the owner shall maintain the lot to the Village’s standards until ownership changes. Three months of consecutive non-operation constitutes a “cease of operation”.

#### Section 600.31 – Planned/Necessary Interruptions in Operations

The owner of a Mobile Retail Food Establishment Court shall contact the Village Zoning Officer in the event of a planned or necessary interruption in operations. This interruption must be temporary in nature and the owner shall continue all lot maintenance as required per the Village’s standards.

#### Section 600.32 – Food Truck/Trailer Maintenance

Each unit, truck or trailer, shall be maintained to an acceptable aesthetic, cleanliness, and functionality level by the owner of a Mobile Retail Food Establishment Court. Units will be rust free, in good working order, have a clean appearance, and display Village approved & maintained signage/paint/graphics.

#### Section 600.33 - Approval Process

Each potential mobile retail food establishment court must submit a site plan to the Zoning Officer for review. As this use requires conditional approval the Zoning Officer will forward the request to the Planning Commission for review.

Once approved, the mobile retail food establishment court will submit plans/drawings for any freestanding sign or signage located on a new food truck and/or trailer to the Zoning Officer for approval.

If the mobile retail food establishment court is located within the Design Review Board overlay district the Zoning Officer will forward this information to the Design Review Board for review. Both the Planning Commission and the Design Review Board will work together to review any such site plan.