

TA 20-03 – Food Trucks in Rural Banquet Facilities

PART 1: DESCRIPTION

TA20-03 is a text amendment request made by Gayle Allen to amend Article 9.59 of the Huntersville Zoning Ordinance. The purpose of the amendment is to allow food trucks in the Rural Zoning district when associated with an approved banquet facility.

PART 2: BACKGROUND

In the Rural (R) Zoning District (Article 3.2.1), banquet facilities are permitted with the issuance of a Special Use Permit. The use is subject to the conditions outlined in Article 9.59 of the zoning ordinance. The Planning Department received an application for a special use permit to operate a banquet facility on NC 73. During permit discussions with staff, the applicant expressed their desire to use food trucks as an additional catering option for the banquet facility operation. Staff communicated that food trucks were not a permitted use in the Rural zoning district or expressly allowed in Article 9.59, therefore food trucks could not be permitted for banquet facilities in the Rural zoning district under current zoning requirements.

The application submitted therefore is intended to allow food trucks for banquet facilities in the Rural zoning district by specifically permitting them as part of the banquet facility conditions of Article 9.59. Under the current proposed language, they would only be permitted as an accessory use to a banquet facility and would not be permitted in the Rural district as a principle use.

Please find the draft ordinance language attached in the agenda packet. The proposed language would include food trucks as an allowed accessory use, but would also add specific conditions for their operation. Included conditions from the applicant would be the following:

1. The food trucks would only be used to cater invitation only events, and could not be used for commercial food service events to the public.
2. When the special use permit plan is reviewed, the location of the food truck area would need to be delineated on the site plan for review. The area shown needs to be screened with an opaque buffer from adjacent properties.
3. No more than 3 food trucks can be used for any one event.
4. They cannot be kept on the site overnight.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

- Staff found no directly applicable small area plans or sections of the Huntersville 2030 Community Plan related to the application. The banquet facility use is already a permitted use in the Rural district. The proposed text amendment only allows a specific accessory use for additional catering options.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application. It is understood that food trucks have become a common method of dining and food service operation in recent years. It seems reasonable then that food trucks would be a desired catering option for permitted banquet facility uses.

There are concerns however to be considered with outdoor food truck operations in a residential zoning district. Odors and noise from generators could become nuisances for adjacent residential development. However these elements and the appropriateness of the use on the site can be examined on a case by case basis through the special use permit review process. Per Article 11.4.10 F 1, the Town Board through the special use permit process has the ability to “attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health safety, and general welfare of the community will be minimized.” Therefore if necessary, the Town Board may amend the conditions of the permit based on the unique circumstances of the application in order to protect adjacent development.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) considered the proposed text amendment application on March 5, 2020. After discussion of the application, the Board unanimously recommended approval of the application as currently proposed.

PART 6: PUBLIC HEARING

The Public Hearing was held on June 1, 2020. There were no comments on the application from the public. After Town Board discussion with staff, the hearing was closed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment on June 23, 2020.

PART 8: ATTACHMENTS AND ENCLOSURES

- Draft Language Ordinance
- Text Amendment Application / Updated Language from the applicant.

PART 9: STATEMENT OF CONSISTENCY – TA20-03

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment TA20-03, to amend Article 9.59 to allow food trucks for banquet facilities, the Planning Staff recommends approval of the application based on the amendment being consistent with the principles in the Huntersville Zoning Ordinance.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it would allow banquet facilities additional catering options while protecting adjacent residential uses from adverse effects.</p>	<p>APPROVAL: In considering the proposed amendment TA20-03, to amend Article 9.59 to allow food trucks for banquet facilities, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>	<p>APPROVAL: In considering the proposed amendment TA20-03, to amend Article 9.59 to allow food trucks for banquet facilities, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
	<p>DENIAL: In considering the proposed amendment TA20-03, to amend Article 9.59 to allow food trucks for banquet facilities, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>	<p>DENIAL: In considering the proposed amendment TA20-03, to amend Article 9.59 to allow food trucks for banquet facilities, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>