

**ORDINANCE # ZA-19-02**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 6, SECTION 6.5, TABLE OF USES AND ACTIVITIES**  
**AND ARTICLE 7.25 FOOD TRUCKS**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to allow for expanded use of Food Trucks in all the O/I (Office Institutional) B-1 (Business) and B-2 (Business) and other Town sponsored events and other special events.

**WHEREAS**, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

**NOW, THEREFORE**, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Revise Article 6, Section 6.5, to allow for the expanded use of Food Trucks in all the O/I (Office Institutional) B-1 (Business) and B-2 (Business) zoning districts and revise Article 7.25 Food Trucks that allow for the permitting of Food Trucks at Town sponsored events, Town Council approved special events and refinements to the supplemental standards for Food Trucks]

**PART 1**

**SECTION 6.5 TABLE OF USES AND ACTIVITIES.**

Uses	O/I	B-1	B-2	B-3	Supplemental Regulations
Food Trucks	<u>PS</u>	<u>PS</u>	<u>PS</u>	PS	Section 7.25

**PART 2**

**SECTION 7.25 FOOD TRUCKS.**

Food trucks shall be permitted in accordance with Section 6.5 and subject to the following standards:

**7.25.1.** Food trucks may conduct sales while parked on a public street when the Town Council has approved a temporary street closing or on property owned by the Town for a Town-sponsored or civic event such as a street festival/fair, or Town Council approved special event.

**7.25.2.** Food trucks may operate on an individual private property for a maximum of 90 days, each calendar year when utilizing a temporary event permit for each individual parcel on which the food truck is located.

**7.25.3. Food Truck Location.**

Food trucks must be located at least 100 feet from the front door of any restaurant and outdoor dining area during restaurant business hours and at least 50 feet from any permitted mobile food vending cart location. Additionally, food trucks are prohibited from parking closer than 15 feet of a fire

hydrant, and closer than 5 feet of a driveway, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurant's main entrance. If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from the restaurant's main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.

#### ***7.25.4. Zoning Permit.***

A zoning permit is required for each site and must be signed by the property owner, and completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food trucks. The plot plan must show the limits of the property, the location(s) of the proposed food truck, and label adjoining uses on neighboring properties. The applicant must also submit a copy of a Johnston County Application for a Mobile Food Unit when applicable, NC Sales and Use Certificate, NC Department of Agriculture Permit when applicable, location of approved grease disposal facility, proof of food truck storage location and a copy of the vehicle or trailer registration.

#### ***7.25.5. Parking.***

Food trucks may not occupy any required parking stall for the primary use while the primary use is open to the public. Food trucks and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the UDO may be used to park a food truck; however, parking stalls leased to another business or adjacent use may not be used unless the food truck is operating under separate hours of operation. Food trucks may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for the parking trucks, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape or other easily identifiable material. Food trucks may not be parked in an approved location after hours of operation.

#### ***7.25.6. Hours of Operation.***

Food trucks may operate between the hours of 6 a.m. and 10 p.m., unless the food truck is located within 150 feet of a property with a single- or two-family residential dwelling. When located within 150 feet of this residential dwelling, the hours of operation shall be between 7 a.m. and 6 p.m. This measurement is taken from the property line of the residential dwelling in a straight line to the closest point of the approved food truck location.

#### ***7.25.7. Prohibitions.***

Food trucks may not use audio amplification—Freestanding signage shall be limited to a single sandwich board sign of a maximum height of four (4) feet and a maximum length of three (3) feet. All equipment and signage associated with the food trucks must be located within three (3) feet of the food truck. The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. Town trash receptacles may not be used to dispose trash or waste. All areas within fifteen (15) feet of the food truck must be kept clean. Grease and liquid waste may not

be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Food trucks are all subject to the Town-wide noise ordinance.

**7.25.8. Maximum Number of Trucks Per Property.**

**7.25.8.1.** Maximum of two (2) food trucks on lots of one-half acres or less.

**7.25.8.2.** Maximum of three (3) food trucks on lots between one-half acre and 1 acre.

**7.25.8.3.** Maximum of four (4) food trucks on lots greater than 1 acre.

**7.25.8.4.** Outdoor seating associated with a food truck is only permitted on lots at least two acres in size or greater.

**7.25.9. Exceptions.**

**7.25.9.1.** Food Trucks when located at outdoor flea markets are exempt from Section 7.25.2 and Section 7.25.4. Food trucks at outdoor flea markets shall operate under a valid zoning permit for the flea market and are permitted to operate under the same hours of operation.

**7.25.9.2.** The number and location of Food Trucks operating with a Town-sponsored or civic event such as a street festival/fair, or Town Council approved special event shall be regulated with the permit.

**PART 3**

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

**PART 4**

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 4<sup>th</sup> day of June, 2019.

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M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk