

COMMISSIONERS' ORDINANCE NO. O-08-20

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (O-37-06) AMENDING CHAPTER 6.34, TO REVISE THE REGULATIONS FOR MOBILE FOOD VENDING SERVICES ON PRIVATE PROPERTY.

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WHEREAS, the operation of mobile food units, commonly called "food trucks," has become a national trend and has proven to stimulate social and economic activity and enhance local commerce; and

WHEREAS, Covington previously passed Commissioner's Ordinance No. O-24-12, which regulated mobile food units on private property; and

WHEREAS, the Covington Board of Commissioners now desires to expand mobile food unit operations within the City by creating a permit system allowing mobile food units to locate upon certain City-owned property and streets, and by revising the restrictions on mobile food units on private property; and

WHEREAS, it is necessary for the City to prescribe certain rules and regulations for mobile food units and vendors in order to protect and promote the health, safety, and welfare of the general public; and

WHEREAS, the proposed mobile food unit regulations are intended as a pilot program, which the City will monitor and amend as necessary; and

WHEREAS, the City of Covington submitted an application requesting the Kenton County Planning Commission to review and make recommendations on text amendments to the official Zoning Ordinance of the City of Covington, Kentucky (O-37-06) relating to the mobile food vending service changes; and

WHEREAS, the Kenton County Commission held a public hearing on the application on March 5, 2020, wherein a favorable recommendation of the proposed text amendments was reached; and

WHEREAS, the Board of Commissioners, having reviewed the Statement of Recommendation, the evidence presented, and the record made before the Kenton County Planning Commission, find that the proposed changes are compliant with the City's Comprehensive Plan, and agrees with the recommendation to amend the zoning text as indicated in the caption of this ordinance.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 6.34 “Mobile Food Vending Service” of the Covington Code of Ordinances, Zoning Ordinance (O-37-06) is hereby amended to read as follows:

Section 6.34 Mobile Food Vending Service

6.34.01 Mobile Food Vending Services may be permitted only in commercial zoning districts, provided that all of the following criteria are met:

- A. The mobile food vending service shall not be located in any required setback, sight distance triangle, or buffer.
- B. Any operator of a mobile food vending service must receive and display a valid zoning compliance permit from the Zoning Administrator.
- C. ~~The maximum duration of a mobile food vending service permit is for 30 days at one location, renewable up to 2 additional times, for a total period of 90 days per calendar year at a single location.]~~
- D. The operator of a mobile food vending service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to Community Development
- E. If the operator of a mobile food vending service is issued a notice of any municipal code violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.
- F. ~~Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than 10 feet from the mobile food vendor.~~
- G. ~~The hours of operation shall be between 10:00 AM and 3:30 PM,~~
- H. ~~The event shall not locate in any minimum required parking spaces for other businesses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. The Zoning Administrator may require additional parking to alleviate the congestion. If enough parking cannot be provided, the use may not be located on the site.]~~
- I. Any person(s) so engaged shall not be relieved from complying with the provisions of this section by reason of

association with any local dealer, trader, operator, merchant, organization, or auctioneer, or by conducting the mobile food vending service in connection with, as part of, or in the same name of any local dealer, trader, operator, merchant, organization, or auctioneer.

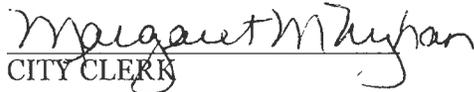
- J. The mobile food vendor must meet all applicable local and state [codes] **laws, rules, regulations and ordinances, including but not limited to the Mobile Food Unit Regulations and permitting requirements in the Covington Code of Ordinances Sections 111.550 to 111.558.**

Section 2

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law.


MAYOR

ATTEST:


CITY CLERK

Passed: 4-28-20 (Second Reading)

4-14-20 (First Reading)