

AN ORDINANCE     14-101  
ENTITLED

**AN ORDINANCE AMENDING A PORTION OF TITLE II, ARTICLE 10, SECTION 10.02: ALBANY DOWNTOWN RIVERFRONT OVERLAY DISTRICT; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.**

WHEREAS, it would be in the best interests of the citizens of the City of Albany to amend its present Zoning Ordinance, all as set forth in Agenda Items discussed on December 10, 2013 and February 28, 2014, prepared by the Planning and Development Services Department,

BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title II, Article 10, Section 10.02 of the Zoning Ordinance shall be amended to read as follows:

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**BUILDING STREET FACADE REQUIREMENTS**

All property with street frontage on Storefront / Retail Streets (listed below) shall have a continuous BUILDING STREET FACADE, along such streets, except that the BUILDING STREET FACADE may be interrupted as needed for approved intervening driveways. Where these requirements are satisfied by existing principal buildings, additional principle buildings shall be exempt from these requirements. Property not on listed streets is required to comply with these regulations with the exception of a continuous BUILDING STREET FACADE.

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**GENERAL USE REQUIREMENTS**

Alcoholic Beverages

1. Proximity Requirements for Sale of Alcoholic Beverages:

- f. Establishments have a maximum of 180 days to open for business once granted an alcohol license by the City of Albany. If the establishment cannot open within the 180 days the applicant can request a one-time extension of 60 days or the approved alcohol license will be revoked.

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**Temporary Use, Commercial Retail (Vendors): Mobile Food Vending:**

- 1. Mobile Food Vending shall require an occupational tax certificate and an Approved

Mobile Food Vending Application.

2. Mobile Food Vending shall operate in accordance with the following regulations:
  - a. No Mobile Food Vending shall be permitted to operate in the following areas:
    - 1.) Within 300 feet of an existing fixed location restaurant.
    - 2.) Within a required landscape strip or buffer or improvement setback.
    - 3.) Within 10 feet of any street intersection or crosswalk.
    - 4.) Within 10 feet of any driveway or other curb cut access, loading zone or bus stop.
    - 5.) In any area within 15 feet of a building entrance.
    - 6.) On the median strip of a divided roadway.
    - 7.) In front of display windows of a fixed location business.
    - 8.) Any area within 100 feet of a hospital, college, university, elementary, middle or high school.
    - 9.) Within 10 feet of any fire hydrant or fire escape.
    - 10.) Within 10 feet of any parking space or access ramp designated for persons with disabilities
    - 11.) Mobile Food Vending shall operate and sales may occur seven (7) days a week from 10:00am – 6:00pm.
    - 12.) Mobile Food Vendors may only sell food and beverage items.
    - 13.) Must maintain Liability Insurance with the City named as additional insured and certificate holder. Commercial General Liability with a limit of \$1,000,000.
    - 14.) Vehicle, structure or device shall not be located in any on-street parking space that is not parallel to the adjacent street.
  - b. **Size of Vending Carts.** Vending carts shall not exceed 6 feet in length or 5 feet in heights (exclusive of umbrellas or canopies).
  - c. **Size of Stands:** Vending stands dimensions shall not exceed 8 feet in length by 6 feet in height.
  - d. No vending cart or stand, or other item related to the operation of a temporary commercial retail use including Mobile Food Vending 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.
  - e. 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 business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
    - 1.) Vendors engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.
  - f. **Prohibited Conduct.** No Mobile Food Vending may do any of the following:
    - 1.) Obstruct pedestrian or motor vehicle traffic flow.
    - 2.) Obstruct traffic signals or regulatory signs.
    - 3.) 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.
    - 4.) Leave any vending cart or stand unattended at any time or store, park, or leave such conveyance in a public way overnight.
    - 5.) Use any vending cart or stand that when fully loaded with merchandise cannot be easily moved and maintained under the control of licensed Vendor.

- 6.) 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.
- 7.) 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.
3. A drawing showing the dimensions of the proposed sales area, required parking spaces, and location of the vending stand, Mobile Food Vending, or vending cart, shall accompany the Mobile Food Vending application and shall depict compliance with the standards of this subsection.

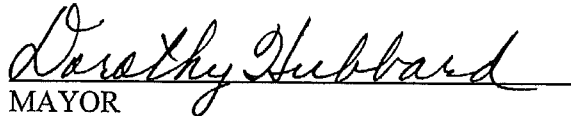
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**Incompatible uses**


5. ~~Tattoo Parlors~~

SECTION 3. This ordinance shall become effective immediately upon its adoption.

SECTION 4. All Ordinances or parts of Ordinances, in conflict herewith are repealed.

  
MAYOR

ATTEST:

  
CITY CLERK  
Adopted: February 25, 2014

Introduced By Commissioner: Jon Howard  
Date(s) read: Feb. 25, 2014