

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3657

AN ORDINANCE ADDING CHAPTER 17.60, MOBILE VENDING BUSINESS PARKS & PREMISES, TO THE CITY OF COLUMBIA MUNICIPAL CODE TO ADD DEVELOPMENT STANDARDS FOR MOBILE VENDING BUSINESS PARKS & PREMISES

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the City of Columbia Zoning Code (“Zoning Code”), which comprises Title 17 of the City of Columbia Municipal Code, as amended, allows the City Council, upon recommendation of the Plan Commission, to approve amendments to the adopted zoning regulations from time to time; and

WHEREAS, the Plan Commission published notice of public hearing on the proposed amendments on October 25, 2023, conducted said hearing on November 13, 2023, and upon consideration, adopted a motion recommending approval of the amendment, all done in accordance with the Zoning Code and applicable state statutes; and

WHEREAS, in consideration of the Plan Commission’s recommendation, the City Council finds it to be in the best interest of the City to establish design standards for mobile vending business parks & premises and adopt the proposed chapter.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Columbia, as follows:

Section 1. The above recitals are hereby incorporated by reference as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council hereby accepts the Plan Commission’s recommendation to adopt Chapter 17.60, Mobile Vending Business Parks & Premises, to the City’s Zoning Code.

Section 3. The City Council approves Chapter 17.60, Mobile Vending Business Parks & Premises, in the form attached hereto as Exhibit 1, and adopts said Chapter as an amendment to the City’s Zoning Code.

Section 4. This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 4th day of December 2023, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Holtkamp, Riddle, Garmer, Khoury, Lawlor, and Nobbe.

NOES: None.

ABSTENTIONS: None.

ABSENT: Alderman Huch.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)

CHAPTER 17.60

MOBILE VENDING BUSINESS PARKS & PREMISES

Sections:

- 17.60.010 General Purpose and Intent.**
- 17.60.020 Applicability.**
- 17.60.030 Definitions.**
- 17.60.040 Reference Table of Zoning Permissions by District.**
- 17.60.050 General Provisions for Mobile Vending Parks.**
- 17.60.060 Development Standards for Mobile Vending Parks.**
- 17.60.070 Off-Street Parking**

Section 17.60 Mobile Vending Business Parks & Premises

Section 17.60.010 General purpose and intent.

Mobile vending business park can provide a unique setting for the service of food and merchandise in areas that are not typically serviced by a concentration of traditional restaurants or storefronts. A mobile vending business park can serve as vibrant public space where a variety of activities take place, but where the primary function is the sale of food and merchandise from a diverse array of vendors. While the operation of mobile vending business parks should contribute to the liveliness and vibrancy of the community, they must not be allowed to create a nuisance, thus the intent of enacting this title to protect the public health, safety and welfare and ensuring orderly development within the city.

17.60.020 Applicability.

This Chapter applies to all mobile vending business parks installations and mobile vending premises within the City of Columbia's zoning jurisdiction.

17.60.030 Definitions.

Applicant

Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license within the city as required by the code.

Application

An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business park license on a form provided by the City Clerk.

Accessible

A site, building, facility, or portion thereof that complies with 410 ILCS 25/1 Environmental Barriers Act and Americans with Disabilities Act of 1990, As Amended.

City Clerk

The City Clerk for the City of Columbia, or his/her designee.

City Special Event

Any outdoor or seasonal event including, but not limited to, a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle/vehicle ride, walk/run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and/or may require special consideration from any or all of the following City Departments: Columbia Police Department (CPD),

Columbia Fire Protection District (CFPD), Department of Public Works (DOPW), Columbia Emergency Medical Service (EMS), and Community Development Department (CDD).

Code

The Municipal Code of the City of Columbia, Illinois, as amended from time to time.

Commissary

A local health department permitted food establishment that acts as a base of operations for a mobile vending business. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the mobile vending business; facilities for filling a potable water holding tank in a sanitary manner.

License Year

May 1 through April 30 of a calendar year.

Licensed Premises

Real estate for which a mobile vending business premises license or mobile vending business park license has been issued.

Merchandise

Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.

Mobile Vending Berth

An *accessible* hard surface (concrete/asphalt) location designed in size with utilities for the operations of a mobile vending business.

Mobile Vending Business

A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the city.

Mobile Vending Business Park

A property on which multiple mobile vending businesses may operate at a single time, as permitted by Title 17 of the Code.

Mobile Vending Business Park License

An annual license issued by the City Clerk to operate a mobile vending business park in the City.

Mobile Vending Business Premises License

An annual license issued by the City Clerk to the owner or operator of a licensed premises, excluding mobile vending business parks, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.

Mobile Vending Permit

A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.

Mobile Vending Vehicle

Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.

Owner

When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.

Person

Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.

Restaurant

Any business establishment whose principal business (meaning 51% or more of sales) is the selling of unpackaged food to the customer in a ready-to-consume state for immediate consumption on or off premise.

Temporary Display Stand

A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

Ice cream truck

A self-contained motorized vehicle or self-contained enclosed trailer designed to be operated on the roadway, from which ice cream is sold.

17.60.040 Reference Table of Zoning Permissions by District

Use	Agricultural A-1	Residential							Commercial						Industrial I-1	
		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	BP-1	BP-2	OP	CP	
Mobile Vending Business Park	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Mobile Vending Business Premises	✓	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓

✓ = Allowed By-right ■ = Special Use ● = Special Use w/considerations ✗ = Prohibited

17.60.050 General Provisions for Mobile Vending Parks.

- A. It shall be unlawful to operate a mobile vending business park in the City of Columbia without having first obtained a mobile vending business park license, and without full compliance with the provisions of the code. Each mobile vending business park shall comply with all city, county, and state codes and regulations.
- B. The owner or operator of any mobile vending business park within the City of Columbia shall cause to be kept a record relating to the dates of operation for all mobile vending businesses that operate within the mobile vending business park. Such record shall be kept on an annual basis and a copy of the same shall be remitted to the City of Columbia Treasurer's office by the beginning of each licensed year in which such record was kept.
- C. No participating mobile vending business shall operate within a mobile vending business park without having first obtained a mobile vending permit as set forth in chapter 5 of the code.
- D. No mobile vending business operating within a mobile vending business park shall be allowed to operate within the mobile vending business park while in violation of any other provision of the code.
- E. Operating hours for any mobile vending business park possessing a liquor license pursuant to this code shall be governed by Section 5.20 (LIQUOR CODE) of the code.
- F. Operating hours for a mobile vending business operating within the boundaries of a mobile vending business park shall be in accordance with the operating hours of the mobile vending business park.
- G. There must be a designated manager of the site that is responsible for the orderly organization of the mobile vending business park, the cleanliness of the site and the site's compliance with all

rules and regulations during working hours. Contact information for the designated manager shall be made available to City.

- H. One on-premises sign is permitted at the entrance identifying the mobile vending business park. Each mobile vending business may have attached signage.
- I. Mobile vending business parks that have obtained the required mobile vending business park license are not subject to proximity restrictions relating to restaurants. All mobile vending businesses' operating within the boundaries of an authorized mobile vending business park shall be exempt from the prohibition from operating within seven hundred and fifty feet (750') of a restaurant as set forth in section 5.50.040(F) of the code.

17.60.060 Development Standards for Mobile Vending Parks.

- A. A mobile vending business park shall be able to accommodate no less than two (2) individual mobile vending businesses within the mobile vending business park.
- B. Permanent restrooms shall be provided within the boundaries of the mobile vending business park. The number of restroom fixtures required shall be based on the occupant load of the mobile vending business park and in compliance with the Illinois Plumbing Code. At a minimum two (2) *accessible* restrooms shall be available for use within 200 feet of the *mobile vending berths*.
- C. A mobile vending business park must be clearly defined and separated from the patron parking area through the installation of a fence or other enclosure which maintains an open appearance.
- D. A mobile vending business park shall provide an *accessible* hard surface (concrete/asphalt) *mobile vending berth* for each individual mobile vending business that provides the following:
 - 1. An *accessible* route to and from the mobile vending business service area and the mobile vending business park's *accessible* elements/features.
 - 2. A minimum five (5) foot clear zone free of all obstructions around the mobile vending business.
 - 3. Mobile vending berth utility connections.
 - i. Mobile vending berths utilizing utilities shall be provided designated connections in conformance with the code for such utility.
 - ii. A mobile vending business is not allowed to operate a generator at the mobile vending business park unless emergency circumstances necessitate the need for use of a generator.
 - iii. A mobile vending business is not permitted electrical or water service other than from that connection which is specifically located at and designated for the intended *mobile vending berth* unless emergency circumstances necessitate the need for such utility service.
- E. Seating must be provided for patrons within the proposed site. Seating layout must be included in site plan.
 - 1. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.
- F. In addition to conforming with requirements established by Section 15.04.032, a site plan shall be provided for review showing:
 - 1. The zoning classification of adjacent sites; and
 - 2. A legal description of the platted lot of the proposed site and the boundaries thereof; and
 - 3. The location of each proposed permanent structure on the site and proposed locations of mobile vending businesses, and identification of any proposed outdoor entertainment locations; and
 - 4. The location of fire hydrants; and

5. All pedestrian walks, accessible routes, patios and open areas for use by tenants or the public; and
6. Location and number of provided seating and eating areas, including number of fixed seats and tables; and
7. A schedule of the phasing of all improvements shown in the plan, if applicable; and
8. Location, height, separation of buildings, including location of restrooms, and open space.

G. The mobile vending business park shall conform to the standards of the zoning district in which the development is located.

Section 17.60.070 Off-Street Parking.

Off-street parking facilities shall be provided as specified in Chapter 17.44 or as prescribed by the underlying zone district of the code, whichever is most restrictive.