

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 1: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definitions for "mobile food vending service", "periodic retail sales events, off-premise", and "periodic retail sales events, on-premise". The new definition shall read as follows:

Mobile Food Vending Service.

A service establishment operated from a licensed and moveable vehicle (with or without an attached trailer) that vends or sells food and/or drink processed or prepared on-site to walk-up customers.

Periodic Retail Sales Events, Off-Premise.

A periodic retail sales event is conducted by a person or persons, corporation, or, agent who engages in or solicits, either in one location or by traveling from place to place, a periodic outdoor business selling and exhibiting for sale, or auction, goods, wares and merchandise who in furtherance of such purpose, hires, leases, uses or occupies any temporary structure, outdoor tent, parking lot, or other place on a site, or who operates from a truck, vending cart, or other area outside of a permanent structure on property not owned or leased by the person, firm, or corporation. A mobile food vending service is not considered to be a periodic retail sales event.

Periodic Retail Sales Events, On-Premise.

A periodic retail sales event is sponsored by a business operating from a permanent structure or building on property owned or leased by the same person, firm, or corporation. On-premise outdoor periodic sales events include grand openings, re-openings, periodic tent sales, sidewalk sales, or other special events. A mobile food vending service is not considered to be a periodic retail sales event.

B. CHAPER 9: GENERAL DISTRICTS

1. PART 1: Table of Uses and Hierarchy of Districts

- a. Amend Table 9.101, “Table of Uses” by adding Mobile Food Vendor Services as “PC” (prescribed conditions) under “Other Uses” in the following zoning districts:

Other Uses	B-1	B-2	I-1	I-2	MUDD	TOD
Mobile Food Vending Service	PC	PC	PC	PC	PC	PC

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: Special Requirements For Certain Uses

- a. Amend Section 12.534 by (1) amending subsection (1) by eliminating the word, “food” from the description in order to create a new section with regulations for mobile food vending services; (2) amending subsection (1)(f) by modifying the number of periodic retail sales events from 12 per year to 6 per year; (3) amending subsection (1)(g) by modifying the number of days for period retail sales events from 5 days to 14 days; (4) amending subsection (1)(h) by adding mobile food vending service to the list of events that can occur at one time on parcel.

Section 12.534 Periodic Retail Sales Events, Off-Premise.
(Petition No. 2004135, § 12.534, 3/21/05)

- (1) Any person or persons, corporation, or agent who engages in or solicits, either in one location or by traveling from place to place, a periodic outdoor business selling and exhibiting for sale, or auction, goods, ~~foed~~, wares and merchandise who in furtherance of such purpose, hires, leases, uses or occupies any temporary structure, outdoor tent, parking lot, or other place on a site, or who operates from a truck, vending cart, or other area outside of a permanent structure on property not owned or leased by the person, firm, or corporation, shall meet the following requirements:
 - (a) Periodic retail sales events may only be located in the UR-C, B-1, B-2, TOD, MUDD, UMUD, and Industrial zoning districts. Periodic retail sales events shall also be permitted in the B1-SCD, B-1 (CD), B-2-CD, MX-2, MX-3, NS, and CC zoning districts, as part of a retail center, unless noted on the site plan or conditional plan that this use is

restricted.

- (b) The event shall not have ingress/egress access to a Class V (collector), Class VI, (local), or Class VI-L (cul-de-sac).
- (c) The event shall not involve or require the construction of a permanent building.
- (d) The event, including all sale and display items shall not be located in any required setback, any sight distance triangle, or required buffer.
- (e) Any operator of a periodic retail sales event must receive a permit from Neighborhood Development which describes the type of event involved, and the duration of the sales operation or event. As part of the application, the operator shall submit to Neighborhood Development proof of property owner permission to use the property.
(Petition No. 2005-78, § 12.534(1)(e), 06/20/05)
- (f) No more than ~~twelve (12)~~ six (6) periodic retail sales events shall be allowed per tax parcel, per calendar year, not including Outdoor Seasonal Sales.
- (g) No one event shall be longer than ~~5~~ fourteen (14) days, including set-up and breakdown time.
- (h) There shall only be one Periodic Retail Sales Event (either off-premise or on-premise), ~~or~~ Outdoor Seasonal Sales event, or Mobile Food Vending Service held at any one time on a tax parcel.
- (i) No detached signs are permitted.
- (j) Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
- (k) The event shall not locate in any minimum required parking spaces for other businesses on the site.
- (l) The event shall have adequate parking facilities based upon the size of the area used for the event. 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 during the times of the event. 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.
- (m) The operator is responsible for the removal of all trash or refuse upon cessation of the event.

- (n) All applicable local and state codes shall be met.
- (2) Any person 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 such periodic retail sales event in connection with, as part of, or in the name of any local dealer, trader, operator, merchant, organization, or auctioneer.
- (3) Section 12.534(1) and (2) shall not be applicable in the following situations:
 - (a) Persons or organizations participating in duly recognized fundraising events, including but not limited to, religious, charitable, non-profit, patriotic, or philanthropic events. If such persons or organizations are associated with an outdoor temporary retail sales event, the event would not be considered exempt from these regulations.
 - (b) On site, permanent business and retail establishments holding grand opening or re-opening events, tent sales, sidewalk sales, and similar special events. (See Section 12.535 for requirements).
 - (c) Outdoor Seasonal Sales such as Christmas tree sales, pumpkin sales, plant sales, or fresh produce sales, and similar events. (See Section 12.519 for requirements)
- b. Amend Section 12.510, “RESERVED” by replacing it with a new section titled, “Mobile Food Vending Service”. The new section shall read as follows:

Section 12.510 Mobile Food Vending Service.

Mobile Food Vending Services shall meet the following requirements:

- (1) The mobile food vending service shall not be located in any required setback, any sight distance triangle, or required buffer.
- (2) Any operator of a mobile food vending service must receive a zoning use permit and display placard from Neighborhood Development. 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 that one location.
- (3) The operator of a mobile food vending service shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile food vending service on the property. This documentation shall be submitted to Neighborhood Development and attached to the zoning use permit application.

- (4) If the operator of a mobile food vending service is issued a notice of violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at the same location, during that calendar year.
- (5) Trash receptacles must 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 no more than 10 feet from the mobile food vendor.
- (6) The vendor is responsible for removing all trash, litter, and refuse from the site at the end of each business day. This includes food wrappers, food utensils, paper products, cans, bottles, food, and other such waste discarded improperly by customers.
- (7) The hours of operation shall be from shall be between 8:00 a.m. and 9:00 p.m.
- (8) The mobile food vending service shall provide one parking space per 250 square feet of the mobile food vending unit. The mobile food vending service 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.
- (9) 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 name of any local dealer, trader, operator, merchant, organization, or auctioneer.
- (10) The mobile food vending service shall not have ingress/egress access to a Class V (collector), Class VI, (local), or Class VI-L (cul-de-sac) street.
- (11) There shall be a minimum 400' separation from any other mobile food vendor service, and a minimum 400' separation to a residential use or residential zoning district. The distance shall be measured as the shortest distance between the nearest point of the mobile food vending service unit to the closest residential property line or district.
- (12) A zoning use placard must be posted in the front window of the mobile food vendor's vehicle or trailer, while in use.
- (13) All applicable local and state codes shall be met.

(14) Section 12.510(1), (2), (3), (4), (7), (8), (9), (10), (11), and (12) shall not be applicable in the following situations:

- (a) Special events recognized by the City where mobile food vendors are permitted.
- (b) Non-profit, fundraising events of 5 days or less in duration, where persons or organizations participate in duly recognized fundraising events, including but not limited to, religious, charitable, patriotic, or philanthropic events. With the exception that if the mobile food vendor service is the sponsor of the event, the mobile food vendor service would not be considered exempt from these regulations.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 2008, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2008.