
REQUEST	Text amendment to Sections 2.201 and 12.510 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to: 1) Modify the definition of “mobile food vending service” to include intermodal shipping containers; 2) Add a definition for “intermodal shipping container”; and, 3) Add requirements for intermodal shipping containers used for mobile food vending services.
STAFF RECOMMENDATION	Staff does not recommend approval of this petition. The petition is inconsistent with intent of the 2008 text amendment for mobile food vendors that were arrived at through an extensive stakeholder group process.
Petitioner	Boxman Studios, LLC
Agent/Representative	David Campbell
Community Meeting	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - A Mobile Food Vendors Stakeholder Group was convened in 2007 to assist staff with the development of updated zoning regulations for mobile food vendors. The Stakeholder Group was comprised of representatives from the mobile food vending industry, neighborhood leaders, the Mecklenburg County Health Department, the Charlotte-Mecklenburg Police Department, and staff from various other City and County Departments.
 - A text amendment that provided a new definition and prescribed conditions for “mobile food vending service” was developed through consensus of the Stakeholder Group and adopted by City Council on November 17, 2008.
 - The 2008 text amendment defined a mobile food vending service as “a service establishment, operated from a licensed and moveable vehicle (with or without a trailer), that vends or sells food and/or drink processed or prepared on-site to walk-up customers”.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Modifies the definition of “mobile food vending service” to include intermodal shipping containers.
 - Adds a new definition for “intermodal shipping containers”.
 - Adds requirements for intermodal shipping containers used for mobile food vending service:
 - Transported on a truck bed or trailer daily to the site no earlier than 7:00 a.m. and removed by 10:00 p.m.
 - Maximum container dimensions of 8 feet in width, 20 feet in length, and 8½ feet in height.
 - Fitted with doors on one side.
 - Fitted with the corner casting portion of a twistlock system on all corners.
 - At least one window provided on two sides.
 - Food service window provided on one side, with awnings over the window.
- **Public Plans and Policies**
 - The petition is inconsistent with intent of the 2008 text amendment that mobile food vendors be operated from a licensed and moveable vehicle.

PUBLIC INFRASTRUCTURE (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.

- **Connectivity:** No issues.
 - **Neighborhood & Business Services:** No issues.
 - **Schools:** CMS does not comment on text amendments.
 - **Park and Recreation:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** Applicable State and Mecklenburg County Health Department rules for food service apply. All food service for the public must undergo plan review for approval prior to any construction and subsequent operation.
 - **Site Design:** There is no site plan associated with this text amendment.
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OUTSTANDING ISSUES

- Staff has the following concerns with this text amendment:
 1. This amendment broadens the definition for a “mobile food vending service” that was arrived at through an extensive Mobile Food Vendor stakeholder process. The mobile food vending service text amendment was reviewed by the Housing and Neighborhood Development Committee and the Community Safety Committee before being adopted by the full City Council in November 2008.
 2. As part of the process, staff researched mobile food vendor regulations adopted by cities across the country to gather information on best practices. Staff’s research did not find any community that permitted intermodal shipping containers to be used for a mobile food vending service. Intermodal shipping containers are designed for freight handling and do not qualify as a licensed or moveable vehicle under the current definition for “mobile food vending service”.
 3. Any structure that is located on a lot for commercial purposes must meet the North Carolina Building Code. An intermodal shipping container is considered to be a “structure” as defined in the Zoning Ordinance. According to the Land Use and Environmental Services Agency, when an intermodal shipping container designed for commercial purposes is placed on the ground, it is required to meet the North Carolina Building Code and be certified as such by a Structural Engineer, in order to receive a permit. Any structure, including intermodal shipping containers, that is removed from the site after certification and permit approval, would require a new North Carolina Building Code certification inspection and a new permit each time it is placed on the ground, on any site. An intermodal shipping container that meets the North Carolina Building Code regulations, is certified by a Structural Engineer, and receives a building permit would be allowed as a permanent use in a number of zoning districts under the existing regulations.
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Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- LUESA Review
- Neighborhood & Business Services Review
- Storm Water Review

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