

Petition No. 2014-021  
 Petitioner: Charlotte-Mecklenburg Planning Department

**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 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definition for "mobile food market", in alphabetical order. The new definition shall read as follows:

Mobile food market.

A mobile vehicle from which perishable and nonperishable food items,(fruits, vegetables, food products, and goods typically found in a grocery store are sold (excluding alcoholic beverages, homemade food products and goods). A mobile food market does not sell food and/or drink processed or prepared on-site.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Section 9.101, "Table of Uses" by adding "mobile food markets", in alphabetical order, as a use allowed under prescribed conditions under the heading, "Accessory Uses and Structures" and "Other Uses" in the table. The amended table shall read as follows:

<b>Accessory Uses and Structures</b>										
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
<u>Mobile food market as an accessory use to a church, school, college, university or hospital</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures								
	UR-1	UR-2	UR-3	TOD-R	R-MH	MX-1	MX-2	MX-3
<u>Mobile food market as an accessory use to a church, school, college, university or hospital</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures				
	O-1	O-2	O-3	Institutional
<u>Mobile food market as an accessory use to a church, school, college, university, hospital, or office</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures										
	UR-C	RE-3	B-1	B-2	CC	NS	MUDD	UMUD	TOD-E	TOD-M
<u>Mobile food market</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Other Uses										
	UR-C	RE-3	B-1	B-2	CC	NS	MUDD	UMUD	TOD-E	TOD-M
<u>Mobile food market</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.510 by modifying the title from “Mobile food vending services” to “Mobile food vending services and mobile food market”, and add new regulations for mobile food markets. Add a new section number “(A)” for “Mobile food vending services”, and add a new section “(B)” for the new “mobile food markets”. Remove extraneous text. The revised text shall read as follows:

**Section 12.510. Mobile food vending services and mobile food markets.**

- (A) 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. 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.
- (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(A), subsections (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.

(B) Mobile Food Markets shall meet the following requirements:

- (1) The mobile food market shall not be located in any required setback, any sight distance triangle, or required buffer.
- (2) Any operator of a mobile food market must receive a zoning use permit and display placard from Neighborhood Development. The maximum duration of a mobile food market permit is 180

days. A list of dates and times the mobile food market will be at each location shall be submitted with the zoning use permit application. Any changes to the approved dates, times and/or locations shall be submitted to Neighborhood Development.

- (3) The operator of a mobile food market shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile food market on each property. This documentation shall be submitted to Neighborhood Development and attached to the zoning use permit application.
- (4) The hours of operation shall be between 8:00 a.m. and 9:00 p.m.
- (5) If the mobile food market utilizes a large commercial vehicle, it may park in a residential district as an accessory use on a site with a church, school, college, university or hospital.
- (6) The mobile food market shall provide five off-street parking spaces. The mobile food market shall not locate in any minimum required parking spaces for other uses 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.
- (7) The mobile food market shall not have ingress/egress access to a Class V (collector), Class VI, (local), or Class VI-L (cul-de-sac) street.
- (8) In the residential districts, the ingress/egress shall be from a (Class III) major thoroughfare (See Section 9.103(1)).
- (9) A zoning use placard must be posted in the front window of the mobile food market vehicle, while in use.
- (10) The mobile food market vehicle must be licensed by the North Carolina Department of Motor Vehicles.
- (11) All applicable local and state codes shall be met.

- (12) No more than one mobile grocery market may locate on a site at any one time.

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 \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2014.

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