

Petition No. 2014-53

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 modifying the term, "mobile food vending service" to "mobile food vending". The revised definition shall read as follows:

Mobile Food Vending-Service.

A service establishment operated from a licensed and moveable vehicle or trailer that vends or sells food and/or drink (excluding alcoholic beverages)

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Section 9.101, "Table of Uses" by 1) modifying the term, "mobile food vending service" to "mobile food vending"; and 2) adding mobile food vending as a new use permitted under prescribed conditions in the O-1, O-2, O-3, RE-1, RE-2, RE-3, B-D, BP, CC, UMUD, and U-I zoning districts. The use is already permitted under prescribed conditions in the B-1, B-2, TOD-R, TOD-E, TOD-M, MUDD, I-1, and I-2 zoning districts. The new entries shall read as follows:

PRINCIPAL USE							
OTHER USES							
	B-1	B-2	B-D	BP	RE-1	RE-2	RE-3
Mobile Food Vending Service	PC	PC	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

PRINCIPAL USE						
OTHER USES						
	O-1	O-2	O-3	CC	MUDD	UMUD
Mobile Food Vending Service	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	PC	<u>PC</u>

PRINCIPAL USE			
OTHER USES			
	TOD-R	TOD-E	TOD-M
Mobile Food Vending Service	PC	PC	PC

PRINCIPAL USE			
OTHER USES			
	U-I	I-1	I-2
Mobile Food Vending Service	<u>PC</u>	PC	PC

2. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions” by adding “mobile food vending” as a new item (10.3). The new item shall read as follows:

(10.3) Mobile food vending, subject to the regulations of Section 12.510.

3. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, by adding a new item (14.5) titled “Mobile food vending”. The new entry shall read as follows:

(14.5) Mobile food vending, when located on a lot with a building of at least 30,000 square feet of floor area, and subject to the regulations of Section 12.510.

4. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, “Uses permitted by right” by deleting item (59.5) in its entirety. This entry will be relocated into Section 9.803. The deleted item reads as follows:

~~(59.5) Mobile food Vending Service (B-1 and B-2 only), subject to Section 12.510.~~

- b. Amend Section 9.803, “Uses permitted under prescribed conditions” by replacing item (19), “RESERVED”, with a new entry for “mobile food vending”. The revised item shall read as follows:

(19) ~~RESERVED~~ Mobile food vending, subject to the regulations of Section 12.510.

5. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions” by modifying the term “mobile food vending services” to “mobile food vending”. The revised entry shall read as follows:

Mobile Food Vending ~~Service~~, subject to Section 12.510.

6. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by amending item (14.2) from “Reserved” to “mobile food vending”. The revised item shall read as follows:

(14.2) ~~Reserved.~~ Mobile food vending, subject to the regulations of Section 12.510.

7. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Urban Industrial District; uses permitted under prescribed conditions” by adding “mobile food vending” as a new item (7). The new revised item shall read as follows:

(7) Mobile food vending, subject to the regulations of Section 12.510.

8. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions” by modifying the term “mobile food vending services” to “mobile food vending” in item (29.5). The revised entry shall read as follows:

(29.5) Mobile Food Vending ~~Service~~, subject to Section 12.510.

9. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses Permitted Under Prescribed Conditions” by 1) modifying the term “mobile food vending services” to “mobile food vending” in item (7.05); 2) renumbering the item from (7.05) to (7.5); and 3) clarifying that this use shall only be applicable in TOD-E and TOD-M. The revised entry shall read as follows:

(7.05) Mobile Food Vending ~~Service~~, (TOD-E and TOD-M only), subject to Section 12.510.

B. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions” by replacing item (7), “RESERVED” with “mobile food vending”. The revised entry shall read as follows:

(7) ~~RESERVED~~ Mobile food vending, subject to the regulations of Section 12.510.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Modify Section 12.510, “Mobile food vending services”, by 1) modifying the term, 2) modifying the subsections and adding new subsections, and 3) reorganizing the subsections as follows:

Section 12.510. Mobile food vending services.

Mobile Food Vending ~~Services~~ is considered a temporary use and shall meet the following requirements:

- (12) ~~Any A property owner operator of a mobile food vending location-service must receive shall obtain a zoning use permit and display placard from Neighborhood Development & Business Services. A permit shall be valid for 365 consecutive calendar days, and may be renewed on an annual basis. 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, renewable up to 2 additional times, for a total period of 90 days per calendar year at that one location.~~

- (24) The mobile food vending service vehicle or trailer shall not be located in any required setback, yard, any sight distance triangle, or required buffer, and shall not block driveways or other access to buildings. Screening standards shall be met. Sidewalks do not have to be provided.
- (3) A mobile food vehicle or trailer may locate on a vacant lot or on a lot with another principal use.
- (4) Location of a mobile food vending use on a site with an approved conditional site plan is permitted if the approved site plan does not specifically prohibit mobile food vending.
- (35) ~~The mobile food vending operator of a mobile food vending service shall have submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile food vending vehicle or trailer vending service on the property premise. This documentation shall be submitted to Neighborhood Development and attached to the zoning use permit application.~~
- (4-6) The property owner and the mobile food vendor will be issued a notice of violation if no permit has been issued for the location. 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.
- (57) 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.
- (68) 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.~~
- (89) Two parking spaces shall be provided for each The mobile food vending-service vehicle or trailer shall provide one parking space per 250 square feet of the mobile food vending unit. The mobile food vending-service use shall not locate in any minimum required parking spaces for other businesses on the site. The required Pparking spaces for the mobile food vendor 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 vending service, and a minimum 400' 100'~~ separation to a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. The distance shall be measured as the shortest distance between the nearest point of the mobile food vending vehicle or trailer service unit to the closest residential property line.
- (11) A mobile food vehicle or trailer shall not be located within 50' of any eating, drinking and entertainment establishment serving food, measured from the closest point of the entrance to the closest point of the mobile food vehicle or trailer, except when the mobile food vehicle or trailer is under the same ownership as the establishment serving food, and operated on the same lot.
- (12) No detached signs, tables or seating areas shall be permitted. A zoning use placard must be in the front window of the mobile food vendor's vehicle or trailer, while in use.
- (13) The maximum number of mobile food vending vehicles or trailers permitted on a lot shall be limited as follows:
 - (a) Maximum of one (1) mobile food vending vehicle or trailer, on any size lot.
 - (b) Maximum of two (2) mobile food vending vehicles or trailers, on at least one-half acre.
 - (c) Three (3) or more mobile food vending vehicles and trailers are permitted on a lot of more than one-half acre, subject to the following:

- i. The property owner shall submit a site plan for commercial review. The site plan approval shall be valid for the duration of the use.
 - ii. The setback, yard, buffer and screening standards shall be met. Sidewalks do not have to be provided.
 - iii. Access for emergency vehicles shall be considered when determining the placement of mobile food vending vehicles and trailers on a lot.
- (14) Section 12.510(1), (2), (3), (4), (7), (8), (9), (10), (11), and (12), shall not be applicable in the following situations: Special event permits shall be permitted, subject to the following:
- (a) Special events recognized by the City where ~~M~~mobile food vendors vending vehicles and trailers are permitted at a special event, only as an accessory use on a site.
 - (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. The property owner shall apply for a one-time special event permit for each special event.
 - (c) A special event duration shall be for one day at one location.
 - (d) The requirements of Section 12.510, subsections (1), (2), (3), (4), (5), (9), (10), (11) and (13) shall not be applicable.
 - (e) No more than four (4) special events shall occur during a calendar year on a lot, unless the special event is located on a residentially used lot, located in a residential zoning district [see Section 12.510(14)(f)].
 - (f) Special events located on a residentially used lot located in a residential zoning district are subject to the following:
 - i. The mobile food vending use shall be totally

located on the property. A special event may also be located in a common area approved by the neighborhood governing body.

ii. Only one mobile food vendor is permitted on the property at any time.

iii. The hours of operation shall be between 6:00 a.m. to 11:00 p.m.

iv. No more than (3) special events shall occur during the calendar year on a residentially used property or common area.

v. Amplified music is prohibited in residential districts.

(~~1315~~) All applicable local and state codes shall be met, including returning to a commissary daily, as required by state law.

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 ____, 2015, 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 _____, 2015.
