

# Proposed Draft

Revised 4-2-14

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 truck". The revised definition shall read as follows:

Mobile Food ~~Vending Service~~ Truck.

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.

#### 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 truck", and 2) adding mobile food trucks as a use permitted under prescribed conditions in the Institutional, office, B-D, BP, CC, UMUD, and U-I zoning districts. The new entries shall read as follows:

| OTHER USES                                       |           |           |           |     |     |           |           |
|--|-----------|-----------|-----------|-----|-----|-----------|-----------|
|  | O-1       | O-2       | O-3       | B-1 | B-2 | B-D       | BP        |
| Mobile Food Trucks<br><del>Vending Service</del> | <u>PC</u> | <u>PC</u> | <u>PC</u> | PC  | PC  | <u>PC</u> | <u>PC</u> |

| OTHER USES                         |      |      |      |       |       |       |
|------------------------------------|------|------|------|-------|-------|-------|
|                                    | RE-1 | RE-2 | RE-3 | TOD-R | TOD-E | TOD-M |
| Mobile Food Trucks Vending Service | PC   | PC   | PC   | PC    | PC    | PC    |

| OTHER USES                         |           |      |           |           |     |     |
|------------------------------------|-----------|------|-----------|-----------|-----|-----|
|                                    | CC        | MUDD | UMUD      | U-I       | I-1 | I-2 |
| Mobile Food Trucks Vending Service | <u>PC</u> | PC   | <u>PC</u> | <u>PC</u> | PC  | PC  |

2. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions” by adding “mobile food trucks” as a new item (10.5). The addition here replaces the removal of the same use in Section 9.604. The new item shall read as follows:

(10.5) Mobile food trucks, subject to the regulations of Section 12.510.

- b. Amend Section 9.604, “Permitted accessory uses and structures” by replacing item (9) with “Reserved”. The revised item shall read as follows:

(9) ~~Mobile food vending, subject to section 12.510.~~ RESERVED.

3. PART 7: OFFICE DISTRICTS

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

(14.5) Mobile food trucks, only when located in a office planned development, subject to the regulations of Section 12.510.

4. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions” by replacing item (18), “RESERVED”, with a new entry for “mobile food trucks”. The revised item shall read as follows:

(18) ~~RESERVED~~ Mobile food trucks, 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 trucks”. The revised entry shall read as follows:

Mobile Food ~~Truck 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 adding “mobile food trucks” as a new item (14.15). The new entry shall read as follows:

(14.15) Mobile food trucks, 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 trucks” as a new item (6.), and renumbering items (6.01), (6.02), (6.05), (6.5) and deleting item (7). Also move renumbered item (2.5) into numerical order. The new and revised entries shall read as follows:

(6) Mobile food trucks, subject to the regulations of Section 12.510.

~~(6.017)~~ Outdoor fresh produce stands, subject to the regulations of Section 12.539.

~~(6.02-2.5)~~ Bicycle-sharing station, subject to the regulations of Section 12.543.

~~(6.058)~~ Shelters

a) Accessory Shelter, subject to the regulations of 12.536.

b) Emergency Shelter, subject to the regulations of 12.537.

c) Homeless Shelter, subject to the regulations of 12.538.

~~(6.59)~~ Short-term care facilities, subject to the regulations of Section 12.522.

~~(7) — RESERVED~~

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 trucks” in item (29.5). The revised entry shall read as follows:

(29.5) Mobile Food ~~Truck 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 modifying the term “mobile food vending services” to “mobile food trucks” in item (7.05). The revised entry shall read as follows:

(7.05) Mobile Food ~~Truck Vending Service~~, 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 adding “mobile food trucks” as a new item (6.5). The new entry shall read as follows:

(6.5) Mobile food trucks, 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, and 2) modifying the subsections and adding new subsections as follows:

**Section 12.510. Mobile food trucks ~~vending services~~.**

Mobile Food ~~Trucks Vending Services~~ shall meet the following requirements:

- (1) The mobile food ~~vending service~~ truck shall not be located in any required setback, any sight distance triangle, or required buffer.
- (2) A mobile food truck may locate on a vacant lot or on a lot with another principal use.
- (3) In the office zoning districts, a mobile food truck shall only be permitted in office planned developments.
- ~~(24)~~ Any operator of a mobile food ~~vending service~~ truck must

receive a zoning use permit and display placard from Neighborhood Development & Business Services. ~~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.~~ A maximum of three (3) locations are allowed per permit. A permit shall be valid for one (1) calendar year, and may be renewed on an annual basis.

- (35) ~~The operator of a mobile food vending service truck shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile food vending service truck on the each property listed on the zoning use permit application. This documentation shall be submitted to Neighborhood Development & Business Services and attached to the zoning use permit application.~~
- (6) The operator of a mobile food truck shall submit an itinerary with hours of operation for each property listed on the zoning use permit application. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application.
- (-47) ~~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. The maximum number of mobile food trucks per lot shall be limited as follows:~~
- a. Maximum of one (1) mobile food truck, at any one time, on lots of one-half acre or less;
  - b. Maximum of two (2) mobile food trucks, at any one time, on lots over one-half acre, up to one acre.
  - c. Maximum of three (3) mobile food trucks, at any one time, on lots greater than one acre.
  - d. More than four (4) mobile food trucks are permitted on a lot, subject to the following:
    - i. The property owner, or designee, shall submit a site plan to Engineering & Property Management for review and approval of a zoning permit.
    - ii. Mobile food trucks may only congregate one (1) day per week on a lot.

iii. The development standards of the zoning district shall be met.

- (58) 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.
- (79) The hours of operation shall be ~~from shall be~~ between 8:00 a.m. and 9:00 p.m. 7:00 a.m. and 10:00 p.m. when the mobile food truck is located less than 400' from a residential use in a single family zoning district. The distance shall be measured as the shortest distance between the nearest point of the mobile food vending service vehicle or trailer to the closest property line of the residential use in a single family zoning district. The hours of operation in all other instances shall be between the hours of 6:00 a.m. to midnight.
- (810) ~~The Each~~ mobile food ~~vending service truck~~ shall provide one parking space per 250 square feet of the mobile food ~~vending unit truck~~. ~~The M~~mobile food ~~vending service trucks~~ 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.
- (11) A mobile food truck shall not be located within 100' of the entrance to any eating, drinking or entertainment establishment, or restaurant, nightclub, or bar, measured from the closest point of the entrance to the closest point of the mobile food truck.
- (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.~~
- (1012) ~~The M~~mobile food ~~vending service trucks~~ shall not have

ingress/egress access to a ~~Class V (collector)~~, Class VI, (local), or Class VI-L (cul-de-sac) street.

- ~~(11)~~ 13) There shall be a minimum ~~400'~~ 20' separation from any other mobile food ~~truck vendor service~~, and a minimum 150' separation to a residential use in a single-family zoning district. The distance shall be measured as the shortest distance between the nearest point of the mobile food ~~vending service unit truck~~, to the closest residential property line of the residential use in a single family zoning district.
- ~~(12)~~ 14) A zoning use placard must be posted in the front window of the mobile food ~~truck vendor's vehicle or trailer~~, while in use.
- 15) Tables, chairs, stools, and other such furniture shall be prohibited outside of the mobile food truck.
- 16) Location of a mobile food truck on a site with an approved conditional site plan is permitted if the approved site plan does not specifically prohibit mobile food trucks.
- ~~(13)~~ 17) All applicable local and state codes shall be met, including returning to a commissary daily, as required by state law.
- ~~(14)~~ 18) Section 12.510(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16), and shall not be applicable in the following situations: for
  - ~~(a)~~ Special events recognized by the City where mobile food ~~vendors trucks~~ 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 \_\_\_\_\_, 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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