

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) processed or prepared on- or off-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 vending"; and 2) adding mobile food vending as a new use permitted under prescribed conditions in the B-D, BP, CC, UMUD, and U-I zoning districts. The use is already permitted under prescribed conditions in the B-1, B-2, RE-1, RE-2, RE-3, TOD-R, TOD-E, TOD-M, MUDD, I-1, and I-2 zoning districts; and 3) adding mobile food vending as an accessory use permitted under prescribed conditions in the O-1, O-2, O-3, B-1, B-2, B-D, BP, RE-1, RE-2, RE-3, TOD-R, TOD-E, TOD-M, MUDD, UMUD, CC, U-I, I-1, and I-2 zoning districts. The new entries shall read as follows:

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

ACCESSORY USES & STRUCTURES							
	O-1	O-2	O-3	B-1	B-2	B-D	BP
<u>Mobile Food Vending</u>	<u>PC</u>						

OTHER USES			
	RE-1	RE-2	RE-3
<u>Mobile Food Vending Service</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

OTHER USES			
	TOD-R	TOD-E	TOD-M
<u>Mobile Food Vending Service</u>	PC	PC	PC

ACCESSORY USES & STRUCTURES						
	RE-1	RE-2	RE-3	TOD-R	TOD-E	TOD-M
<u>Mobile Food Vending</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

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

ACCESSORY USES & STRUCTURES						
	CC	MUDD	UMUD	U-I	I-1	I-2
<u>Mobile Food Vending</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

2. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions” by adding “mobile food vending” as a new item (10.5). The new item shall read as follows:

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

3. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures”, item (10) by replacing “(RESERVED)” with “Mobile food vending” and associated text. The new entry shall read as follows:

(10) ~~(RESERVED)~~ 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 (18), “RESERVED”, with a new entry for “mobile food vending”. The revised item shall read as follows:

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

- c. Amend Section 9.804, “Permitted accessory uses and structures”, by adding a new item (10.5), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(10.5) 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.

- b. Amend Section 9.8504, “Mixed Use Development District; accessory uses”, by adding a new entry, in alphabetical order titled, “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

Mobile food vending, subject to the regulations of 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 vending” as a new item (14.15). The new entry shall read as follows:

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

- b. Amend Section 9.904, “Uptown Mixed Use District; accessory uses” by adding a new item (1.8), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(1.8) 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 (6.), and renumbering items (6.01), (6.02), (6.05), (6.5) and deleting item (7). Also move renumbered item (2.3) into numerical order. The new and revised entries shall read as follows:

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

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

~~(6.02-2.3)~~ 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~~

- b. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses”, by adding a new item (2.5), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(2.5) 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.

- b. Amend Section 9.1104, “Permitted accessory uses and structures”, by adding a new item (5.5), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(5.5) Mobile food vending, subject to the regulations of 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 vending” in item (7.05). The revised entry shall read as follows:

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

- b. Amend Section 9.1207, “Accessory uses”, by adding a new item (4.5), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(4.5) Mobile food vending, subject to the regulations of 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.

- b. Amend Section 11.404, “Permitted accessory uses and structures”, by adding a new item (4.5), “Mobile food vending, subject to the regulations of Section 12.510”. The new item shall read as follows:

(4.5) 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, and 2) modifying the subsections and adding new 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:

- (1) The mobile food vending service vehicle or trailer shall not be located in any required setback, any sight distance triangle, or required buffer, and shall not block driveways or other access to buildings.
- (2) ~~Any A~~ mobile food vending operator of a mobile food vending service 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, renewable up to 2 additional times, for a total period of 90 days per calendar year at that one location. A permit shall be valid for 365 consecutive calendar days, and may be renewed on an annual basis.
- (3) The mobile food vending operator of a mobile food vending service shall submit proof that the property owner(s) or designated agent (lessee) grants his/her permission to locate the mobile food vending vehicle or trailer vending service on the each property listed on the zoning use permit application. A list of the dates and times the use shall be each location shall be submitted This documentation shall be submitted to Neighborhood Development & Business Services 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.~~
- (54) 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.

- ~~(65)~~ 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.~~
- ~~(8.6)~~ The Each mobile food vending service vehicle or trailer shall provide one two parking spaces, 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 Parking 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.
- ~~(97)~~ ~~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.~~
- ~~(108)~~ 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.
- ~~(119)~~ 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.
- ~~(1012)~~ A zoning use placard or a special event permit, a City business license, and a Mecklenburg County Health Department permit must be visibly posted. in the front window of the mobile food vendor's vehicle or trailer, while in use.
- ~~(1113)~~ All applicable local and state codes shall be met, including returning to a commissary daily, as required by state law.

- (12) The setback, yard, buffer and screening standards shall be met. Sidewalks do not have to be provided.
- (13) A mobile food vehicle or trailer may locate on a vacant lot or on a lot with another principal use.
- (14) 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 lots less than one-half acre.
 - b. Maximum of two (2) mobile food vending vehicles or trailers, on lots of .one-half acre to three-quarters acre, at any time.
 - c. Maximum of three (3) mobile food vending vehicles or trailers, at any time on lots over .75 acre or more.,.
 - d. Four (4) or more mobile food vending vehicles and trailers are permitted on a lot of one (1) acre or more, subject to the following:
 - i. The property owner shall submit a site plan to Engineering & Property Management for review.
 - 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.
- (15) 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.
- (16) No detached signs, tables or seating areas shall be permitted.
- (17) 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.
- ~~(14)~~ 18) Section 12.510(1), (2), (3), (4), (6), (7), (8), (9), and (10), (11), and (12), (14), (15), (16), and (17) and shall not be

applicable in the following situations: for:

- (a) Special events ~~recognized by the City~~ where mobile food ~~vendors~~ vending vehicles and trailers 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. A one-time mobile food vending special event is permitted in accordance with the following regulations:~~
 - 1. A single-use special event permit for each mobile food vehicle or trailer is required for each event.

 - 2. An event shall be for one day at one location.

 - 3. Written consent of the property owner shall be provided.

 - 4. When the special event is located on a lot with a residential use, in a residential district 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.

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

 - 6. No more than three (3) events shall occur during the calendar year on a residential used or small institutional used lot. No more than ten (10) events shall occur during a calendar year on a large institutional, office, business or industrial used lot.

 - 7. Amplified music is prohibited in residential districts.

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.
