

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"; 2) adding mobile food vending as a principal use permitted under prescribed conditions in the RE-1, RE-2, RE-3, B-D, BP, CC, UMUD, and U-I zoning districts; and adding mobile food vending as an accessory use with prescribed conditions in the INST, O-1, O-2, O-3 districts; and 3) delete mobile food vending as a principal use in the TOD-R district.

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				
	CC	NS	MUDD	UMUD
Mobile Food Vending Service	<u>PC</u>	<u>PC</u>	PC	<u>PC</u>

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

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

ACCESSORY USE				
ACCESSORY USES AND STRUCTURES				
	INST	O-1	O-2	O-3
Mobile Food Vending	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

2. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures” by adding “mobile food vending” as a new item (6.3). The new item shall read as follows:

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

3. 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.

4. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures”, by inserting a new item (9.5), titled “Mobile food vending”. The new entry shall read as follows:

(9.5) 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.

5. 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.

6. 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”, and adding “the regulations of” in the text. The revised entry shall read as follows:

Mobile Food Vending Service, subject to the regulations of Section 12.510.

7. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by adding a new item (14.1A) “mobile food vending”, after item (14.1). The new item shall read as follows:

(14.1A) ~~Reserved~~ Mobile food vending, subject to the regulations of Section 12.510.

8. 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 (6A), which will follow item (6). The new revised item shall read as follows:

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

9. 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), and adding “the regulations of” in the text. The revised entry shall read as follows:

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

10. 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); 3) clarifying that this use shall only be applicable in TOD-E and TOD-M, and 4) adding “the regulations of” in the text. The revised entry shall read as follows:

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

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.

(1) A property owner, or designee (proof required) of a property on which mobile food vending will be placed shall obtain a zoning use permit from Neighborhood & Business Services.

- (12) Mobile Food Vending Services located in B-1, B-2, B-D, BP, RE-1, RE-2, RE-3, INST, O-1, O-2, O-3, CC, NS, MUDD, UMUD, TOD-E, TOD-M, U-I, I-1 and I-2 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.~~
 - (a2) ~~Any operator of a mobile food vending service must receive a zoning use permit and display placard from Neighborhood Development. 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.~~
 - (b4) Mobile food vending vehicle(s) or trailer(s) shall not be located in any required setback, yard, sight distance triangle, or required buffer, and shall not block driveways or other access to buildings.
 - (c) 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.
 - (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.~~
 - (-4d) The property owner will be issued a notice of violation if no permit has been issued for the location, however, the mobile food vendor will be cited if located on a property without property owner approval. 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.
 - (5e) Trash receptacles must be provided by the property owner, or designee, for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. The property owner, vendor or designee, is responsible for removing all trash, litter, and refuse from the site at the end of each business day.
 - (7) ~~The hours of operation shall be from shall be between 8:00~~

a.m. and 9:00 p.m.

- (8f) ~~The mobile food vending service shall provide one parking space per 250 square feet of the mobile food vending unit. The number of parking spaces required for mobile food vendor(s) as a principal or accessory use on a site shall be provided as per Table 12.510(1)(f)(i).~~

~~As an accessory use, t~~The mobile food vending service vehicles and trailers shall not locate in any minimum required parking spaces for the principal use. ~~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.~~

<u>Table 12.510(1)(f)(i)</u>		
<u>Number of Vendors</u>	<u>Parking Spaces Required per Vendor*</u>	<u>Site Review Requirements</u>
<u>1</u>	<u>N/A</u>	<u>No</u>
<u>2-3</u>	<u>2</u>	<u>No</u>
<u>4 - 12</u>	<u>6 spaces total for first 3 vendors and 3 spaces for each additional vendor.</u>	<u>Yes</u>
<u>13+</u>	<u>33 spaces total for first 12 vendors and 6 spaces for each additional vendor .</u>	<u>Yes</u>

*Parking is required even if the district does not have a parking requirement, and in accordance with Section 12.202.

- (9g) ~~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. The property owner shall submit a site plan for commercial review by zoning (Neighborhood & Business Service), Charlotte Department of Transportation, and the City of Charlotte Fire Department if four (4) or more vendors locate on a site. The site plan~~

approval shall be valid for the duration of the use. The setback and yard standards shall be met.

- (10h) 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. The property where four or more mobile food vending vehicles and trailers are located shall abut a major or minor thoroughfare, collector or non-residential local street.
- (11i) 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. If the mobile food vending use operates at any time between the hours of 11:00 p.m. to 7:00 a.m., the minimum separation distance shall be 400' 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(s) or trailer(s) service unit to the closest residential property line.
- (j) Mobile food vehicle or trailer shall not be located within 50' of any eating, drinking and entertainment establishment (EDEE) serving food, measured from the closest point of the EDEE entrance to the closest point of the mobile food vehicle or trailer, with two exceptions:
 - (a) The mobile food vehicle(s) or trailer(s) is under the same ownership as the establishment serving food, and operated on the same lot, or
 - (b) The vendor has written approval from all eating, drinking and entertainment establishment tenant(s) located within 50' of the mobile food vendor(s).
- (12) A zoning use placard must be posted in the front window of the mobile food vendor's vehicle or trailer, while in use.
- (13k) All applicable local and state codes shall be met, including returning to a commissary daily, as required by state law.

- (3) 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 in residential, office, and institutional zoning districts on non-residential lots, such as schools and religious institutions shall be permitted, subject to the following:

- (a) Special events recognized by the City where Mmobile

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.~~

(b) A special event duration shall be for one day with a maximum of ten events per year.

(c) The requirements of Section 12.510(2) subsections (b), (c), (d), (e), (i), and (k) shall be met.

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 _____, 2017, 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 _____, 2017.