

TEXT AMENDMENT SUMMARY: Mobile Food Vending Districts and Prescribed Conditions

2-28-17

2014-053

Purpose/Background: The purpose of this text amendment is to 1) modify the name of mobile food vending service; 2) allow the use in additional zoning districts, with prescribed conditions, as either a principal or accessory use; and 3) modify the mobile food vending prescribed conditions.

		Proposed Regulations
Definition	Current Regulations	<ul style="list-style-type: none"> Deletes the term, “service” from the use name: Mobile Food Vending - A service establishment operated from a licensed and moveable vehicle or trailer that vends or sells food and/or drink (excluding alcoholic beverages)
Districts where permitted as a principal use, with prescribed conditions	<ul style="list-style-type: none"> B-1, B-2, NS, MUDD, TOD-R, TOD-E, TOD-M, I-1, and I-2 	<ul style="list-style-type: none"> Adds the use, as a principal use in the following districts: RE-1, RE-2, RE-3, B-D, BP, CC, UMUD, and U-I zoning districts. Deletes the use from the TOD-R zoning district.
Districts where permitted as an accessory use, with conditions	<ul style="list-style-type: none"> B-1, B-2, MUDD, TOD-R, TOD-E, TOD-M, I-1, I-2, RE-1, RE-2, and RE-3. 	<ul style="list-style-type: none"> Adds the use, as an accessory use to the following districts: INST, O-1, O-2, and O-3. [Note, the Zoning Ordinance allows accessory uses to locate in districts where a principal mobile food vending use, is permitted.]
Permits and Placards	<ul style="list-style-type: none"> Any operator of a mobile food vending service must receive a zoning use permit and display placard from Neighborhood Development. Permits are valid 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. Requires the zoning use placard to be posted in the front window of the mobile food vendor’s vehicle or trailer, when in use. 	<ul style="list-style-type: none"> Modifies who receives the permit and the name of the Department: <ul style="list-style-type: none"> A property owner, or designee of a property on which mobile food vending will be placed shall obtain a zoning use permit from Neighborhood & Business Services. Modifies the permit validity period from 90 to 365 consecutive calendar years, which may be renewed on an annual basis. Eliminates the requirement for a zoning use placard.
Location	<ul style="list-style-type: none"> The mobile food vending service shall not be located in any required setback, yard, sight distance triangle, or required buffer. The mobile food vending service shall not have ingress/egress access to a collector, local or cul-de-sac street. 	<ul style="list-style-type: none"> Adds a new condition related to driveways and building access: <ul style="list-style-type: none"> The mobile food vending service 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. Adds language to allow location of a mobile food vending use on a site with an approved conditional site plan if the approved site plan does not specifically prohibit mobile food vending. Removes street access requirement when there are three or fewer mobile food vehicles/trailers at a location.

		<ul style="list-style-type: none"> Adds new requirement that where four or more mobile food vending vehicles/trailers are located, the site shall abut a major or minor thoroughfare, collector or non-residential local street. Deletes this provision, as the property owner is the entity applying for the permit. Deletes the hours of operation. Modifies the minimum parking requirements based on the number of vendors at a location, (for both principal or accessory uses): <ul style="list-style-type: none"> 1 vendor: no requirements 2-3 vendors: 2 parking spaces required per vendor 4-12 vendors: 6 spaces total for the first 3 vendors and 3 spaces for each additional vendor 13+ vendors: 33 spaces total for the first 12 vendors and 6 spaces for each additional vendor. Adds text that requires parking to be provided, even if the district does not have a parking requirement, and that parking shall also be in accordance with Section 12.202. Deletes the reference share parking spaces and Zoning Administrator input on parking. Adds that accessory uses shall not locate in any minimum required parking spaces for the principal use. Modifies the separation distance from 400' to 100', unless the use operates between 1:00 p.m. and 7:00 a.m.: <ul style="list-style-type: none"> There shall be a minimum 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 mobile food vending vehicle(s) or trailer(s) to the closest residential property line. If the use operates between the hours of 1:00 p.m. and 7:00 a.m., then there shall be a minimum 400' separation distance to a residential use (single family, duplex, triplex or quadraplex only) located in a single family zoning district. The distance shall be measured as the shortest distance between the nearest mobile food vending vehicle(s) or trailer(s) to the closest residential property line. Eliminates the separation distance between mobile food vendors. Adds new requirement for separation from an eating, drinking and entertainment establishment (EDEE): <ul style="list-style-type: none"> Mobile food vehicle or trailer shall not be located within 50' of any eating, drinking and entertainment establishment (EDEE) serving
Property Owner Permission	<ul style="list-style-type: none"> The operator shall submit proof that the property owner or designated agent (lessee) grants permission to locate the mobile food vending use on the property. 	
Hours of Operation	<ul style="list-style-type: none"> Hours of operation are between 8:00 a.m. to 9:00 p.m. 	
Parking	<ul style="list-style-type: none"> One parking space is required per 250 square feet of the mobile food unit. The mobile food vending service vehicles and trailers 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. 	
Separation Distance	<ul style="list-style-type: none"> There shall be a minimum 400' separation from any other mobile food vending 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 vehicle(s) or trailer(s) service unit to the closest residential property line. 	
Separation Distance to an EDEE	<ul style="list-style-type: none"> N/A 	

		<p>food, measured from the closest point of the EDEE entrance to the closest point of the mobile food vehicle or trailer, with two exceptions:</p> <ul style="list-style-type: none"> • 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 • The vendor has written approval from all eating, drinking and entertainment establishment tenant(s) located within 50' of the mobile food vendor(s).
Site Plan Review	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Adds a new provision requiring a site plan for commercial review if 4 or more vendors are on a site: <ul style="list-style-type: none"> • 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.
Trash	<ul style="list-style-type: none"> • Trash receptacles must be provided by the vendor. • The vendor is responsible for removing all litter, trash, and refuse from the site at the end of each business day. 	<ul style="list-style-type: none"> • Shifts the responsibility for trash receptacles to the property owner or designee, and the removal of the trash at the end of the business day.
Violations	<ul style="list-style-type: none"> • If the owner 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. 	<ul style="list-style-type: none"> • Deletes the provision related to renewing a permit at a location where the vendor has received a notice of violation. • Modifies the entity that receives the notice of violation: <ul style="list-style-type: none"> • The property owner will be issued a notice of violation if no permit has been issued for the location. • The mobile food vendor will be cited if located on a property without property owner permission.
Associations	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • Eliminates this provision.
Other codes	<ul style="list-style-type: none"> • Requires all applicable local and state codes to be met. 	<ul style="list-style-type: none"> • Expands the requirement to include returning to a commissary daily: <ul style="list-style-type: none"> • Requires all local and state codes to be met, including returning to the commissary daily, as required by state law.
Special event permits	<ul style="list-style-type: none"> • For special events recognized by the City, and non-profit, fundraising events of 5 days or less in duration, mobile food vendors are exempt from the following requirements: observing setbacks, buffers, yards; obtaining a use permit; having property owner permission; hours of operation; parking; associations; 	<ul style="list-style-type: none"> • Modifies the special event permit regulations and deletes the non-profit, fundraising event regulations: <ul style="list-style-type: none"> • 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:

separation distances; display of placard; and restriction of location if a notice of violation is issued:

- Mobile food vending vehicles and trailers are permitted at a special event, only as an accessory use on a site.
- A special event duration shall be for one day with a maximum of ten events per year.
- The requirements of Section 12.510(2) subsections (b), (c), (d), (e), (i), and (k) shall be met:
 - Shall not locate in any required setback, buffer, yard, sight distance triangle;
 - Location on a site with an approved conditional site plan is permitted if the approved site plan does not specifically prohibit mobile food vending.
 - The property owner will be issued a notice of violation if no permit is issued for the location, however, the vendor will be cited if the location does not have property owner approval.
 - Trash receptacles must be provided by the property owner, or designee, and the property owner or designee is responsible for removing all trash, litter and refuse from the site at the end of each business day.
 - A minimum separation distances of 100' is required to a residential use (single family, duplex, triplex or quadrplex only) when located in a single family zoning district. The distance shall be measured as the shortest distance between the nearest mobile food vending vehicle(s) or trailer(s) to the closest residential property line.
 - Requires all local and state codes to be met, including returning to the commissary daily, as required by state law.