

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2000-079

Petitioner: Charlotte Mecklenburg Planning Commission

Request: Text amendment to 1) add definitions for “mobile food vending service”, “periodic retail sales events, off-premise” and “periodic retail sales events, on-premise”, 2) create new standards for mobile food vendors, and 3) modify the standards for “periodic retail sales events, off-premise”.

Background

Currently mobile food vendors are permitted to operate as a “periodic retail sales event, off-premise” with a permit for a five-day period, including setup and breakdown. A mobile food vendor is allowed to operate up to 12 separate times per calendar year, per tax parcel or location. Up to 24 inspections per vendor are required on one parcel if 12 permits are issued, each for five days. When the vendor moves to a second site, the permitting/inspection process begins again. Multiply this by an increasing number of vendors, and the result is a strain on inspection staff resources.

Couple the difficulty with coordinating and conducting inspections with the growing number of neighborhood and police concerns about mobile food vendors:

- Parking issues
- Litter issues
- Consumption of alcohol
- Operating after 9 pm
- Loitering
- Robbery

In September of 2007, the Planning Department formed a Mobile Food Unit Stakeholder Group to review the current regulations for mobile food vendors and identify issues with the current requirements. This text amendment is a result of the recommendations from the Stakeholder’s Group.

Summary

Three new definitions are proposed in this text amendment. Currently, the definitions for periodic retail sales events were embedded in the zoning ordinance section related to periodic retail sales events. This text amendment proposes to also add them to the definition section, for easy reference. The three new definitions are as follows:

Mobile food vending service.

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.

Periodic Retail Sales Events, Off-Premise.

A periodic retail sales event is conducted by a person or persons, corporation, or, agent who engages in or solicits, either in one location or by traveling from place to place, a periodic outdoor business selling and exhibiting for sale, or auction, goods, wares and merchandise who in furtherance of such purpose, hires, leases, uses or occupies any temporary structure, outdoor tent, parking lot, or other place on a site, or who operates from a truck, vending cart, or other area outside of a permanent structure on property not owned or leased by the person, firm, or corporation. A mobile food vending service is not considered to be a periodic retail sales event.

Periodic Retail Sales Events, On-Premise.

A periodic retail sales event is sponsored by a business operating from a permanent structure or building on property owned or leased by the same person, firm, or corporation. On-premise outdoor periodic sales events include grand openings, re-openings, periodic tent sales, sidewalk sales, or other special events. A mobile food vending service is not considered to be a periodic retail sales event.

This text amendment also modifies the standards for “periodic retail sales events, off-premise” to distinguish this section from the new “mobile food vending service” regulations proposed in this text amendment. Specifically, it modifies the length of time an event (not a mobile food vendor) may operate on one tax parcel, per calendar year from 60 days to 84 days. It also cuts the number of inspections needed on one tax parcel, per calendar year from 24 to 12, with only 6 permits issued, instead of 12:

- No more than six periodic retail sales events can occur per tax parcel, per calendar year. This is a decrease from the current 12 events.
- No one event shall be longer than 14 days. This is an increase in the number of days from 5 days to 14.

The new proposed standards for “mobile food vending service” include:

- Issuance of a permit for up to 30 days at one location, renewable up to two additional times, for a total period of 90 days per calendar year at one location.
- Proof of property owner permission to locate the service on the property.
- Trash receptacles must be provided no further than 10’ from the vendor.
- The vendor is responsible for removing all trash, litter, and refuse on the site at the end of the each business day.
- Hours of operation: 8:00 am to 9:00 pm.

- Parking shall be provided at a rate of 1 parking space per 250 square feet of the mobile food vending unit. However, the vendor shall not locate in any minimum required parking spaces for other businesses on the site. Parking spaces may be shared with other businesses, unless the Zoning Administrator determines that parking congestion problems will be present on the site.
- Minimum 400' separation from any other mobile food vendor service.
- Minimum 400' separation to a residential use or residential zoning district.
- A zoning use placard must be posted in the front window of the vehicle or trailer.
- If a notice of violation is issued, then the operator is not eligible to renew the permit at the same location, during that calendar year.

These regulations would NOT be applicable in the following situations:

- Special events recognized by the City where mobile food vendors are permitted.
- Non-profit, fundraising events of five days or less, where persons or organizations participate in duly recognized fundraising events, including religious, charitable, patriotic, or philanthropic events.

Consistency and Conclusion

This text amendment is consistent with adopted plans and policies, and reasonable and in the public interest, and considered appropriate for approval.