

(CORRECTED)

ORDINANCE NO. (2011) 941 TC 341  
TC-5-11

AN ORDINANCE TO AMEND THE ZONING CODE TO PERMIT FOOD TRUCKS TO LOCATE ON DEVELOPED LOTS COMMERCIALY-ZONED SUBJECT TO CONDITIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

**Section 1.** Amend Raleigh City Code Section 10-2002(b), **DEFINITIONS**, to include the following new definition in its proper alphabetical order:

*“Retail sales – food truck.* A licensed, motorized vehicle or mobile food unit which is temporarily stored on a *premise* where food items are sold to the general public all in accordance with the standards of §10-2072, *Retail sales – food trucks.*”.

**Section 2.** Amend Raleigh City Code Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **COMMERCIAL** category, under the *“Retail sales”* heading, by inserting a new sublisting immediately following the *“Convenience”* sublisting to read as follows:

*“Food Truck”*.

Furthermore, within this new land use listing, place a conditional use symbol (open circle) within the **SC, NB, Bus Zone, TD, I-1** and **I-2** columns.

**Section 3.** Amend Raleigh City Code Section 10-2072 by including the following new conditional use listing in alphabetical order:

*“- Food truck (see Retail sales – food truck)”*.

**Section 4.** Amend Raleigh City Code Section 10-2072(b), **Uses enumerated**, to include the following new conditional use listing in alphabetical order:

*“Retail sales – food truck.*

*A retail sales – food truck* in the Shopping Center, Neighborhood Business, Business, Thoroughfare, Industrial-1 or Industrial-2 zoning district *shall* meet all of the following:

- (1) *Retail sales - food trucks shall* only be located on a *lot* containing a *principal building(s) or use* and the maximum number of *retail sales - food trucks per lot shall* be limited as follows:

- a. maximum of one (1) *retail sales - food trucks* on lots of one-half (1/2) acre or less;
  - b. maximum of two (2) *retail sales - food trucks* on lots between one-half (1/2) acre and one (1) acre; and
  - c. maximum of three (3) *retail sales - food trucks* on lots greater than one acre
- (2) *Retail sales - food trucks* shall be located a minimum of one hundred (100) feet from the main entrance to any *eating establishment* or similar food service business, one hundred (100) feet from any outdoor dining area and fifty (50) feet from any permitted food vending cart location, as measured from the designated location on the *lot* accommodating the *retail sales - food truck*. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to a *retail sales - food truck* location being approved, nothing herein shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.
  - (3) *Retail sales - food trucks* shall be located a minimum distance of five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/ exit ways, or emergency call box and shall not locate within any area of the *lot* that impedes, endangers, or interferes with pedestrian or vehicular traffic. *Retail sales - food trucks* shall be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.
  - (4) *Retail sales - food trucks* and its associated seating, if any, shall not occupy parking spaces required to fulfill the minimum requirements of the principal use per §10-2081 of this Code, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor shall any *retail sales - food truck* and its associated seating, if any, occupy parking spaces which may be leased to other businesses and uses to fulfill its minimum parking requirements. *Retail Sales - food trucks* shall not occupy any handicap accessible parking space as specified in G.S. § 20-37.6.
  - (5) No free-standing signage or audio amplification shall be permitted as part of the *retail sales - food trucks* vending operation. Outdoor seating areas associated with a *retail sales - food trucks* vending operation shall only be permitted on lots two (2) acres or greater in size.
  - (6) Hours of operation of *retail sales - food trucks* shall be limited to the hours between 6:00 a.m. and 3:00 a.m. unless the designated location on the *lot* accommodating the *retail sales - food truck* is located within one hundred fifty (150) feet of the property line of a *single family* or *duplex dwelling* in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
  - (7) The *retail sales - food trucks* operator or his/her designee must be present at all times except in cases of an emergency.

- (8) *Retail sales - food trucks* and associated outdoor seating *shall* be removed from all permitted locations during impermissible hours of operation and *shall* not be stored, parked, or left overnight on any public *street* or sidewalk.
- (9) The *retail sales - food trucks* vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors *shall* remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor *shall* keep all areas within five (5) feet of the truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances *shall* grease be released or disposed of in the City's sanitary sewer system.
- (10) With the exception of allowable outdoor seating areas, all equipment required for the operation *shall* be contained within, attached to or within three (3) feet of the *retail sales - food trucks* and all food preparation, storage, and sales/distribution *shall* be in compliance with all applicable County, State and Federal Health Department sanitary regulations.
- (11) That a City of Raleigh zoning permit *shall* be obtained by the property *owner* (as listed in the Wake County tax records) for any *lot* proposed to accommodate one or more *retail sales - food truck* businesses. If at any time evidence is provided that the *lot* is being used other than in compliance with these regulations such as number of food trucks allowed on the lot, outdoor seating or hours of operation, the zoning permit *shall* be rendered null and void, and the *owner shall* be punished for the violation. This zoning permit *shall* be required to be renewed annually.
- (12) That a City of Raleigh food truck permit *shall* be obtained for the *retail sales - food truck* business and all required Wake County and City of Raleigh permits and licenses *shall* be clearly displayed on the food truck. A copy of the approved food truck permit and zoning permit shall be kept in the food truck. The approved *retail sales - food truck* as shown on the *food truck* permit shall be clearly delineated on the improved surface. Prior to the issuance of the food truck permit, the vendor *shall* provide evidence of having obtained a City of Raleigh Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This food truck permit *shall* be required to be renewed annually. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck permit for the *retail sales - food truck* business *shall* be rendered null and void and the *retail sales - food truck* business *shall* be required to cease operation immediately. The operator of the *retail sales - food truck* business *shall* be punished for the violation.
- (13) If at any time, the Wake County Environmental Services revokes or suspends the issued food vending permit, the City permit for the *retail sales - food truck* business is revoked or suspended simultaneously.

**Section 5.** Amend Raleigh City Code Section 10-2072(b), Uses enumerated, within the “Retail sales – outdoor mobile vending cart” listing, to add the following new sentence to the end of subsection (5):

“This zoning permit *shall* be required to be renewed annually.”.

**Section 6.** Amend Raleigh City Code Section 10-2088 relating to number of principal buildings or uses on a lot to include the following new listing in alphabetical order:

“- Retail sales – food truck approved in accordance with §10-2072(b)”.

**Section 7.** Amend Raleigh City Code Section 10-6039(e) relating to permit fees to include the language “retail sales - food truck,” between the words “retail sales – outdoor mobile vending cart, “ and “fence”.

**Section 8.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 9.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 10.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 11.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 12.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be up to the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 13.** The penalty for violating this ordinance shall be as follows: For the first offense, the fine shall be \$100.00. For the second offense, the fine shall be \$300.00. The permit shall be revoked after the third offense.

**Section 14.** This ordinance shall become effective on October 1, 2011.

**Adopted:** September 6, 2011

**Effective:** October 1, 2011

**Distribution:** DEPARTMENT HEADS