

# TA21-001: Ordinance 2 (Staff-Proposed)

## Section 30-4.B.5.e Food Truck Court

### Section 1. Definitions.

- a. Food truck (principal use). A truck, trailer, or other motorized vehicle that from which food and/or beverages are sold to the general public, and which operates within an approved food truck court. A food truck must be self-contained with all cooking apparatuses and related equipment contained within the vehicle.
- b. Food truck court. A parcel of land or structure for which the primary purpose is to allow Food Truck vending to occur.

### Section 2. Location.

- a. Food truck courts are allowed on private property in the following zones as of right:
  1. Limited Commercial
  2. Community Commercial
  3. Mixed Use
  4. Downtown
  5. Light Industrial
  6. Heavy Industrial
- b. Food truck courts are allowed on private property in the following zones subject to approval of a Special Use Permit pursuant to Section 30-2.C.7, Special Use Permit:
  1. Neighborhood Commercial
- c. If the food truck court is located on land adjacent to or across a local street or alley from existing single-family detached residential development, then the provisions of Section 30-5.K, Transitional Standards, shall apply.

### Section 3. Restrictions.

- a. Hours of operation. Food trucks shall not operate outside of the established operating hours of the food truck court.
- b. Outdoor seating. Food truck courts are subject Section 30-4.C.4.e, Eating Establishments, which provides, in part, that if outdoor seating is provided, the following standards apply:
  1. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district (SF-15, SF-10, or SF-6).
  2. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- c. Location of food trucks.
  1. Food trucks shall operate only from designated, approved vending pads within the food truck court.
  2. Food trucks shall not operate within 15 feet from fire hydrants, utility boxes or vaults, nor otherwise obstruct access thereto.
  3. Food trucks shall not operate within 10 feet from handicap ramps, sidewalks, building entrances, or emergency exits, nor other otherwise obstruct pedestrian movement.
  4. A separation of a minimum of 10 feet between food trucks must be maintained and kept clear of obstructions sufficient to provide emergency access to each food truck. This distance shall be increased by any amount deemed necessary for safety by the Fire Marshal.

- d. Signage. One sign identifying the food truck court is permitted. Food trucks shall not install any physical addition to the food truck court sign. Each food truck itself should function as a large-scale sign. Each food truck is allowed one temporary, freestanding sign which shall not be placed more than 8 feet from the ordering window. The sign shall be removed when the food truck is not in operation.
- e. Waste disposal. Food truck courts shall be kept clean and free of debris and waste. City trash receptacles shall not be used to dispose of waste or trash. Grease and liquid waste (including, "greywater") shall not be disposed of in stormwater drains, the sewer system, on the ground, or in the streets.
- f. Noise. Audio amplification is prohibited.

#### Section 4. Site Requirements.

- a. Site plan review. Food truck courts are required to submit a Major Site Plan in compliance with Section 30-2.C.5, Site Plan. In addition to any other requirements, the site plan shall include the designated vending pads from which food trucks may operate.
- b. Each food truck shall be located on an all-weather surface (concrete, asphalt, or graded and compacted gravel.) Food trucks shall not park on unimproved surfaces.
- c. The food truck court shall provide electrical connections accessible from each vending pad. The use of power generators is prohibited.
- d. The food truck court shall provide water service with at least one main water connection for on-site use.
- e. Restrooms with toilet facilities. Restrooms must be provided within a permanent structure and must be in compliance with the Americans with Disabilities Act and the North Carolina Plumbing Code. Portable restrooms are prohibited. A minimum of two restrooms with separate entrances is required. The restrooms may be designated as unisex, all-gender, or family restrooms. The required number of restrooms may be increased depending on the size of the food truck court or number of food trucks on site or in operation.
- f. Garbage receptacles.
  - 1. Food truck use. At minimum, one two-yard commercial garbage receptacle shall be on provided on site and shall be accessible to all food trucks. A larger garbage receptacle or additional receptacles may be required depending on lot size or number of food trucks on site or in operation.
  - 2. Patron use. A minimum of one twenty-gallon garbage receptacle per two food trucks shall be placed in the vending area for patron use. If seating is provided in an area not adjacent to the vending area, additional receptacles shall be placed in the seating area. If 10 or fewer seats are provided, one 20-gallon receptacle is required. If seating exceeds ten seats, the number of 20-gallon receptacles shall be increased by one for every ten seats. (For example, 11-20 seats requires two receptacles; 21-30 seats requires three receptacles.) Recycling and/or composting receptacles are permitted in addition to the required garbage receptacles. The approximate placement of receptacles shall be included on the site plan. City trash receptacles shall not be used for garbage disposal.
- g. Grease disposal. The food truck court shall provide adequate facilities for grease disposal, which may be a grease interceptor/trap or a grease bin. Facilities and means for disposal of wastewater (including, "greywater") must also be provided. Grease and wastewater disposal facilities shall be reviewed and subject to approval at the time of site plan review. Grease and wastewater shall not be disposed of in stormwater drains, the sewer system, on the ground, or in the streets.

- h. Parking. If the site includes six or fewer food truck vending pads, two parking spaces shall be provided per each vending pad. If more than six vending pads are provided, parking spaces shall be provided as follows:
  - a. 4-12 vending pads: 6 spaces for the first 3 vending pads, and 3 spaces for each additional pad.
  - b. 13+ vending pads: 33 spaces for the first 12 vending pads, and 5 spaces for each additional pad.
- i. Bicycle parking. If the site includes six or fewer food truck vending pads, the food truck court shall provide a bicycle rack or other facilities suitable for secured bicycle parking to accommodate at least 5 bicycles. If more than six vending pads are provided, the bicycle parking facilities shall accommodate an additional 2 bicycles per vending pad.

#### Section 5. Permit Requirements.

- a. Permit required. The operation of a food truck court requires a zoning permit from the City. An application for a zoning permit hereunder shall be submitted to the Clerk of the City or his or her designee setting forth all information required hereunder and in compliance with this Ordinance. The Clerk or designee shall develop a form application for the purpose of compliance with this article. The owner of the food truck court is responsible for obtaining a zoning permit (and any renewals thereof), adherence to all requirements herein, and drafting and enforcing rules for the food truck court.
- b. Application contents. An application for a zoning permit hereunder shall include:
  - 1. An approved site plan pursuant to Section 4, above.
  - 2. Proof of current liability insurance in an amount not less than \$1,000,000.00. The insurance policy shall protect the food truck court owner, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the zoning permit.
  - 3. A warranty from the owner or applicant, if different, that each food truck vendor that operates for any amount of time on the site possess all required insurance, permits, inspections, or documents necessary for lawful operation, including specifically and without limitation, NC Sales Tax Certificate, Cumberland County Vending Permit (including Commissary Form), vehicle registration, and proof of compliance with applicable Department of Agriculture requirements. The owner or applicant, if different, shall maintain copies (or other sufficient documentation) of above documents. Such records shall be maintained and available for inspection for a period of at least 3 years from the last date the vendor operated from the site.
- c. Permit renewal. The zoning permit shall expire one year from the date of issuance, and may be renewed upon verification of continued compliance with all applicable requirements. Any and all outstanding citations or violations shall be cured before issuance of a renewal.

#### Section 6. Violations.

- a. Compliance with all provisions of this ordinance and the applicable provisions of the Code of Ordinances shall be enforced pursuant to Article 30-8, Enforcement. Regular inspections of the site will be made by all applicable City departments. If the City determines that activities are being carried out in violation thereof, a notification of non-compliance shall be issued to the owner and a penalty may be applied.

- b. All issues of non-compliance shall be corrected within 10 working days. If the owner fails to correct such issues, then the zoning permit may be suspended or revoked and additional penalties may apply.

Section 30-2.C.5.b.1 Major Site Plans

- f. Food truck courts

Table 30-4.A.2 Use Table

Table 30-4.A.2 Use Table																						
P = Permitted Use S = Special Use																						
MP = Allowed Subject to a Planned Development Master Plan "/" = Prohibited Use [1]																						
USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS							PLANNED DEVELOPMENT						
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN	
AGRICULTURAL USE CLASSIFICATION																						
Retail Sales & Services	Food truck court	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	P	P	/	/	/	30-4.B.5.e

Section 30-9 Definitions

Food truck (principal use). A truck, trailer, or other motorized vehicle that from which food and/or beverages are sold to the general public, and which operates within an approved food truck court. A food truck must be self-contained with all cooking apparatuses and related equipment contained within the vehicle.

Food truck court. A parcel of land or structure for which the primary purpose is to allow Food Truck vending to occur.