

**ORDINANCE NO. (2023) 518 TC 480
TC-1-22
MOBILE RETAIL**

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO MODIFY
MOBILE RETAIL REGULATIONS**

WHEREAS, the Unified Development Ordinance (UDO) contains multiple use classifications for the sale of retail goods and/or food items from mobile vehicles; and

WHEREAS, the UDO requires disparate use standards for uses that include the sale of retail goods and/or food items from mobile vehicles; and

WHEREAS, food trucks and mobile retail vendors have been shown to provide benefits to communities and local economies; and

WHEREAS, it is in the public interest to harmonize the disparate ‘mobile retail’ uses found within the UDO and to modify the applicable use standards to create more flexibility for vendors/operators;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.1.4, Allowed Principal Use Table, is hereby amended by; deleting the row titled ‘Food Truck’; inserting a row entitled ‘Mobile Retail- Long Term’ located under the ‘Retail Sales’ use category, and inserting ‘L’ within the NX-, CX-, DX-, and IX- columns, and inserting ‘-’ in all other columns; in the row titled ‘Vehicle Fuel Sales (including gasoline and diesel fuel)’, in the column titled ‘Definition/Use Standards’ replacing ‘Sec. 6.4.11.C.3.’ with ‘Sec. 6.4.11.D.3.’.

Section 2. Section 6.4.10.A. of the Part 10 Raleigh Unified Development Ordinance, Restaurant/Bar, is hereby amended by deleting the language shown in strikethrough;

A. Restaurant/Bar Use Category

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following uses.

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. ~~Food truck.~~

Section 3. Section 6.4.10.D of the Part 10 Raleigh Unified Development Ordinance, Food Truck, is hereby amended by deleting the language shown in strikethrough;

~~D. Food Truck~~

1. Defined

A licensed, motorized vehicle or mobile food unit which is temporarily stored on a premise where food items are sold to the general public.

2. Use Standards

- a. ~~Food trucks can only be located on a lot containing a principal building or use and the maximum number of food trucks per lot is limited as follows:
 - i. ~~Maximum of 2 food trucks on lots of one half acre or less;~~
 - ii. ~~Maximum of 3 food trucks on lots between one half acre and 1 acre; and~~
 - iii. ~~Maximum of 4 food trucks on lots greater than 1 acre.~~~~
- b. ~~Food trucks must be located at least 100 feet from the main entrance to any eating establishment or similar food service business, 100 feet from any outdoor dining area, and 50 feet from any permitted food vending cart location, as measured from the designated location on the lot accommodating the food truck. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to food truck location being approved, nothing shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.~~
- c. ~~Food trucks must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of 15 feet in all directions of a fire hydrant.~~
- d. ~~Food trucks must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6.~~
- e. ~~No free-standing signage or audio amplification is allowed as part of the food trucks operation. Outdoor seating areas associated with a food trucks vending operation are only permitted on lots 2 acres or greater in size.~~
- f. ~~Hours of operation are limited to the hours between 6 AM and 3 AM unless the designated location on the lot accommodating food truck is located within 150 feet of the property line of a single-unit or two-unit dwelling in which case the hours of operation are limited to the hours between 7 AM and 10 PM.~~
- g. ~~The food truck operator or their designee must be present at all times~~

- except in cases of an emergency.
- ~~h. Food trucks and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.~~
 - ~~i. The food truck 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 must 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 must keep all areas within 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 can grease be released or disposed of in the City's sanitary sewer system.~~
 - ~~j. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or within 3 feet of the food truck and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.~~
 - ~~k. A zoning permit must be obtained by the property owner (as listed in the County tax records) for any lot proposed to accommodate one or more food trucks. If at any time evidence is provided that the lot is being used other than in compliance with these regulations, the zoning permit will be rendered null and void, and the owner punished for the violation. This zoning permit must be required to be renewed annually.~~
 - ~~l. A food truck permit must be obtained for food truck business and all required Wake County and City permits and licenses must 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 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 must provide evidence of having obtained a City Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, Wake County Environmental Services Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This food truck permit is 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 will be rendered null and void and the food truck business will be required to cease operation immediately. The operator of the food truck business will be punished for the violation.~~

- ~~m. If at any time, Wake County revokes or suspends the issued food vending permit, the City permit for the food truck business will be revoked or suspended simultaneously.~~

Section 4. Section 6.4.11 of the Part 10 Raleigh Unified Development Ordinance, Retail Sales, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

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C. Mobile Retail - Long Term

1. Defined

The sale of permitted items or services, including prepared food and beverages, from one or more licensed motorized vehicles, travel trailers transported by a licensed motor vehicle, or food truck, collectively referred to within this section as ‘mobile retail vehicles’. In no instance shall alcoholic beverages exceed 70% of the total annual sales of each temporary mobile retail vehicle.

2. Use Standards

- a. Unless the Board of Adjustment approves a special use permit under Sec. 10.2.9 allowing additional mobile retail vehicles, the maximum number of mobile retail vehicles per lot shall be limited as follows:
 - i. Maximum of 4 mobile retail vehicles on lots of one-half acre or less;
 - ii. Maximum of 6 mobile retail vehicles on lots between one-half acre and 1 acre; and
 - iii. Maximum of 8 mobile retail vehicles on lots greater than 1 acre.
- b. Retail Sales pursuant to Sec. 6.4.11.A. are permitted with the exception of Pawn Shops and Vehicle Fuel Sales.
- c. Personal Services, pursuant to Sec 6.4.9.A, are permitted with the exception of Animal care (outdoor).
- d. Mobile retail vehicles and associated appurtenances must be located a minimum of 5 feet from side and rear property lines and 10 feet from any public right-of-way.
- e. Electrical service must be provided for each mobile retail vehicle. The use of portable generators is prohibited.

- f. Mobile retail vehicles shall be located on a surface meeting the standards of Sec. 7.1.9
- g. A mobile vending permit must be obtained for the mobile retail business and all required County and City permits and licenses must be clearly displayed on the mobile retail vehicle. This mobile vending permit is required to be renewed annually. Prior to the issuance of the mobile vending permit, the vendor must provide evidence of having obtained a NC Sales and Use Certificate for collecting and paying the proper sales taxes.
- h. Mobile retail vehicles selling food items ('food trucks') must meet the following standards:
 - i. Outdoor seating shall only be provided by the property owner or an associated principal use.
 - ii. In addition to the requirements set forth in Sec. 6.4.11.C.2.f, the food truck must provide evidence of having obtained a County Environmental Services –Vending Permit, and a means for the disposal of grease within an approved grease disposal facility prior to the issuance of the mobile vending permit.
 - iii. Operating without a county and/or state-issued food vending permit, including one that has been suspended or revoked, shall be considered a violation of this ordinance.
 - iv. Food trucks must be located at least 50 feet from the main entrance of any offsite eating establishment or similar food service business, any offsite outdoor dining area, and any offsite permitted food vending cart location, as measured from the designated location on the lot accommodating the mobile retail operation. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to the food truck location being approved, nothing shall prohibit the food truck from continuing to operate at the approved location unless the long-term mobile retail use is discontinued.
- i. Mobile retail vehicles must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile retail vehicles must be located a minimum distance of 15 feet in all directions of a fire hydrant.
- j. Mobile retail vehicles must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6

- k. No audio amplification is allowed as part of the mobile retail operation.
- l. Mobile retail vehicles are limited to one (1) A-frame sign per vehicle in accordance with Sec. 7.3.12 and may be displayed during business hours but must be removed daily when the mobile retail vehicle is closed. Signage shall not be illuminated, internally or externally. Signs attached to, painted on or otherwise positioned in or on a mobile retail vehicle shall be exempt from 7.3.15.N.
- m. Hours of operation are limited to the hours between 6 AM and 3 AM. If the mobile retail vehicle(s) is located within 150 feet of a residential zoning district or a building used for single or two-unit living, the hours of operation are limited to the hours between 7 AM and 10 PM.
- n. Any mobile retail vehicle or outdoor seating area shall be a minimum distance of 100 feet from any dwelling in a residential district; however the minimum distance may be reduced to 40 feet provided the standards pursuant to Sec. 7.2.4.E.17.
- o. Restrooms must be provided in accordance with the North Carolina Plumbing code. On-site restrooms shared with an associated principal use may be used to fulfill this requirement.
- p. When in operation, the mobile retail vehicle operator or their designee must be present except in cases of an emergency.
- q. Mobile Retail-Long Term uses must comply with all applicable City ordinances and regulations regarding waste disposal. All waste and trash must be disposed of properly and removed at the end of each day or as needed to maintain the health and safety of the public. City trash receptacles are not to be used for this purpose. All areas within 5 feet of the truck and any associated seating area must be kept 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 can grease be released or disposed of in the City's stormwater or sanitary sewer system.
- r. With the exception of allowable outdoor seating areas, all equipment required for the mobile retail operation must be contained within, attached to or within 10 feet of the mobile retail vehicle and all food preparation, storage, and sales/distribution must be in compliance with all applicable County, State and Federal Health Department sanitary regulations.

~~C-D.~~ Use Standards

Section . Section 6.8.2.C of the Part 10 Raleigh Unified Development Ordinance, Outdoor Mobile Vending Cart, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough;

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C. Outdoor Mobile Vending Cart

An outdoor mobile vending cart is allowed in any mixed-use district subject to the following requirements:

1. Outdoor mobile vending carts shall be located on the same lot as a principal building. ~~The minimum lot size is 2½ acres.~~
2. ~~The maximum number of outdoor mobile vending carts per lot shall be in accordance with the following:~~ The maximum number of outdoor mobile vending carts per lot is limited as follows:
 - a. ~~One~~ Two outdoor mobile vending cart on lots less than 5 acres.
 - b. ~~Two~~ Four outdoor mobile vending carts on lots of 5 acres or greater but less than 10 acres.
 - c. ~~Three~~ Six outdoor mobile vending carts on lots of 10 acres or greater, ~~but less than 15 acres.~~
 - d. ~~Four outdoor mobile vending carts on lots of 15 acres or greater.~~
 - d.e. A maximum of 1 outdoor mobile vending cart when tenant occupancy equates to less than 50% of the gross floor area of the principal buildings.
 - e.f. The amount of space occupied by outdoor mobile vending carts shall not exceed 1% of the occupied floor area gross of the principal buildings.
3. The dimensions of any outdoor mobile vending cart may not exceed the following:
 - a. 50 square feet in area.
 - b. A maximum length or width of 10 feet and a maximum height of 8 feet.
 - c. The maximum height of 8 feet shall include any protection provided for the vendor or customer from outdoor conditions in the form of an umbrella, or other protective covering which must be attached to the cart.
4. ~~All signage must be attached to the cart and shall be limited to a maximum of 32 square feet.~~ Signage for the outdoor mobile vending cart shall be limited to one A-frame sign in accordance with Sec. 7.3.12 and may be displayed during business hours but must be removed daily when the mobile vending cart is closed. Signage shall not be illuminated, internally or externally. All other signage must be attached to the cart and shall be limited to a maximum of 32 square feet

5. All required Wake County and City of Raleigh permits and licenses shall be clearly displayed on the vending cart.
6. The vending cart must be located within ~~25~~50 feet of a principal building façade containing a primary pedestrian entrance, located no closer than 10 feet to any entrance or exit and may not be situated such that the free flow of pedestrian or vehicular traffic is restricted.
7. Hours of operation for any outdoor mobile vending cart shall be limited to the hours of operation of the associated principal use; ~~but i.~~ In no event shall the mobile vending cart be in operation between the hours of 11 PM and 8 AM 1:15AM and 6 AM. If the mobile vending cart is located within 150 feet of a residential zoning district or a lot containing a building used for single or two-unit living, the hours of operation are limited to the hours between 7 AM and 10 PM.
8. Sales of goods and merchandise shall be limited to food and beverage items, fresh cut flowers and original artworks and handicrafts.
9. Outdoor mobile vending carts must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Outdoor mobile vending carts must be located a minimum distance of 15 feet in all directions of a fire hydrant.
10. Outdoor mobile vending must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6.
11. The outdoor mobile vending cart operator or their designee must be present except in cases of an emergency.
12. No audio amplification is allowed as part of the outdoor mobile vending operation.
13. All equipment required for the operation must be contained within, attached to or within 5-feet of the mobile vending cart and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.

Section 6. Section 6.8.2 of the Part 10 Raleigh Unified Development Ordinance, Temporary Use Permit Required, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough;

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F. ~~Temporary~~ Mobile Retail – Short Term

1. Defined

~~Temporary mobile retail is the sale of certain goods or services on a developed property within a completely enclosed recreational vehicle that is a licensed motor vehicle or within a travel trailer that is transported by a licensed motor vehicle.~~

The short-term sale of permitted items or services, including prepared food and beverages, from one or more temporarily stored and licensed motorized vehicles, travel trailers transported by a licensed motor vehicle, or food truck, collectively referred to within this section as ‘mobile retail vehicles’. In no instance shall alcoholic beverages exceed 70% of the total annual sales of each temporary mobile retail vehicle.

2. Use Standards

- a. ~~Temporary mobile~~ Mobile Retail -Short Term shall be allowed in the following zoning districts:
 - i. OX, OP, NX, CX, IX, DX, RX, IH
- b. The maximum number of mobile retail vehicles per lot is limited as follows:
 - i. Maximum of 2 mobile retail vehicles on lots of one-half acre or less;
 - ii. Maximum of 3 mobile retail vehicles on lots between one-half acre and 1 acre; and
 - iii. Maximum of 4 mobile retail vehicles on lots greater than 1 acre
- c. ~~Only uses in the Commercial Use category are allowed as temporary mobile retail uses. Only Permitted Uses in the underlying zoning district are allowed. Limited and Special Uses are not allowed as temporary mobile retail uses. Restaurant/Bar and Pawnshop are not permitted as temporary mobile retail uses. Retail Sales, pursuant to Sec. 6.4.11.A. are permitted with the exception of Pawn Shops and Vehicle Fuel Sales.~~
- d. Personal Services, pursuant to Sec 6.4.9.A, are permitted with the exception of Animal care (outdoor).
- e. Mobile retail vehicles and associated appurtenances must be located a minimum of 5’ from side and rear property lines and 10’ from any public right-of-way.
- f. Mobile retail vehicles shall be located on a surface meeting the standards of Sec. 7.1.9
- g. A mobile vending permit must be obtained for the mobile retail business and all required County and City permits and licenses must be clearly displayed on the mobile retail vehicle. This mobile vending permit is required to be renewed

annually. Prior to the issuance of the mobile vending permit, the vendor must provide evidence of having obtained a NC Sales and Use Certificate for collecting and paying the proper sales taxes.

h. Mobile retail vehicles selling food items ('food trucks') must meet the following standards:

i. In addition to the requirements set forth in Sec. 6.8.2.F.2.g, the food truck must provide evidence of having obtained a County Environmental Services –Vending Permit, and a means for the disposal of grease within an approved grease disposal facility prior to the issuance of the mobile vending permit.

ii. Operating without a county and/or state-issued food vending permit, including one that has been suspended or revoked, shall be considered a violation of this ordinance.

iii. Food trucks must be located at least 50 feet from the main entrance to any eating establishment or similar food service business, any outdoor dining area, and any permitted food vending cart location, as measured from the designated location on the lot accommodating the mobile retail operation. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to the food truck location being approved, nothing shall prohibit a food truck from continuing to operate at the approved location until the temporary use permit has expired.

i. Hours of operation are limited to the hours between 6 AM and 3 AM. If the mobile retail vehicle is located within 150 feet of a residential zoning district or a lot containing a building used for single or two-unit living, the hours of operation are limited to the hours between 7 AM and 10 PM.

j. A lot without another principal use (excluding Parking, see Sec. 6.4.7.) may be used for Mobile Retail - Short Term for up to 4 hours in any one day. A lot with another principal use (excluding Parking, see Sec. 6.4.7.) may be used for Mobile Retail – Short Term for up to 8 hours in any one day. No more than 4 of those hours may occur outside the principal use's hours of operation. These requirements apply to all vehicles on the site, singularly and collectively.

~~e. No activity shall occur outside of the enclosed sales area.~~

~~d. One 6-square-foot A-Frame style sign may be allowed directly in front of the temporary mobile retail vehicle.~~

~~e. The temporary mobile retail vehicle must be located within a parking area.~~

- k. f. Mobile retail vehicles must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. 20-37.6.
- ~~g. A site may host a mobile retail event, which consists of hosting a mobile vehicle or vehicles. A mobile retail event may include two consecutive days, but no more than two. A site may host a mobile retail event for a maximum of ten total events within one calendar year.~~
- ~~h. Hours of operation are limited to the hours between 7:00 AM and 11:00 PM or the hours for a retail use in the zoning district, whichever is more restrictive. If the location on the lot accommodating the mobile retail vehicle is located within 150 feet of the property line of a dwelling unit, the hours of operation are limited to the hours between 9:00 AM and 9:00 PM.~~
- l. Mobile retail vehicles must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile retail vehicles must be located a minimum distance of 15 feet in all directions of a fire hydrant.
- m. No audio amplification is allowed as part of the mobile retail operation.
- n. Outdoor seating is to be provided by the property owner or the associated principal use. Mobile retail vehicles and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.
- o. Mobile retail vehicles are limited to one (1) A-frame sign per vehicle in accordance with Sec. 7.3.12 and may be displayed during business hours but must be removed daily when the mobile retail vehicle is closed. Signage shall not be illuminated, internally or externally. Signs attached to, painted on or otherwise positioned in or on a mobile retail vehicle shall be exempt from 7.3.15.N.
- p. The mobile retail vehicle operator or their designee must be present at all times except in cases of an emergency.
- q. Mobile Retail-Short Term uses must comply with all applicable City ordinances and regulations regarding waste disposal. All waste and trash must be disposed of properly and removed at the end of each day or as needed to maintain the health and safety of the public. City trash receptacles are not to be used for this purpose. All areas within 5 feet of the truck and any associated seating area must be kept 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 can

grease be released or disposed of in the City’s stormwater or sanitary sewer system.

- r. With the exception of allowable outdoor seating areas, all equipment required for the operation shall be contained within the mobile retail vehicle, attached to or within 10 feet of the mobile retail operation. All food preparation, storage, and sales/distribution shall operate in compliance with all applicable County, State and Federal Health Department sanitary regulations.
- s. A temporary use permit must be obtained by the property owner (as listed in the Wake County tax records) for any lot proposed to accommodate one or more food trucks. This temporary permit must be required to be renewed annually. A copy of the approved mobile vending permit and temporary use permit shall be kept in the mobile retail vehicle.

Section 7. Section 7.1.2.C of the Part 10 Raleigh Unified Development Ordinance, Parking Requirements by Use, is amended by renaming the Use Category titled ‘Food Truck’ to ‘Mobile Retail - Long Term’.

Section 8. Section 7.2.4.E of the Part 10 Raleigh Unified Development Ordinance, Use-Specific Requirements, is amended by adding the language shown in underline:

17. Mobile Retail – Long Term

When a mobile retail vehicle or outdoor seating area is located within 100’ of any dwelling in a residential district:

- a. A Type B1 Transitional Protective Yard must be established along any shared property line located between the outdoor seating area and any applicable dwelling; and
- b. A Type C1 or C2 Street Protective Yard must be established along any property line abutting a right-of-way located between the outdoor seating area and any applicable dwelling.
- c. Nothing in this subsection shall be construed to require screening or landscaping along a property line or right-of-way line wherein the outdoor seating area is screened wholly and adequately by a non-residential principal structure, either on site or off-site.

Section 9. Section 7.3.15.N of the Part 10 Raleigh Unified Development Ordinance, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough;

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N. Signs attached to, painted on, or otherwise positioned in or on a licensed vehicle that is located in view of the street right-of-way when in a location or for a period of time that indicates that the use of the vehicle is for displaying the sign to passing motorists or pedestrians, except that such signs are allowed on a temporary basis in association with a temporary event permit-, or in conjunction with mobile retail vehicles selling food items per Sec.6.4.11.C. and 6.8.2.F.

Section 9. This text change has been reviewed by the Raleigh Planning Commission.

Section 10. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

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

Section 12. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 13. This ordinance is effective 90 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: Planning & Development – Young, Bowers, Walter, Ray, Rametta,
Stegall, McDonald, Sheppard
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey
Department Heads

Prepared by the Department of Planning and Development