

BOARD OF ALDERMEN

ITEM NO. C(8)

AGENDA ITEM ABSTRACT

MEETING DATE: May 20, 2008

TITLE: Request to Set a Public Hearing on a Draft Ordinance Amending the Land Use Ordinance to Allow Mobile Prepared Food Vendors in Certain Districts

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. LUO Section 15-149 C. Excerpt from 2-5-08 minutes of Board of Aldermen D. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Board of Aldermen has requested that staff prepare an amendment to the Land Use Ordinance to allow food sales from trucks. A draft ordinance has been prepared. The Board of Aldermen must receive public comment before deciding on the draft ordinance. A resolution that sets a public hearing and refers the draft ordinance to the Planning Board is provided for the Board's use.

INFORMATION

Section 15-149 (c)(4), titled Permissible Uses and Specific Exclusions, of the Land Use Ordinance includes specific prohibitions regarding the use of motor vehicles the sale of good and/or performance of services, as well as several uses that are not prohibited. Subsection (i) addresses food sales. Though it appears as if this section would already authorize the sale of food from trucks, such as the "taco trucks" that have been discussed in recent months, the section has over many years been consistently interpreted to mean that food sales from motor vehicles is not permitted unless the food is grown or produced entirely by the seller for sale at the Carrboro Farmers Market. This provision was established in the early 1980s, just after the Farmers Market was founded. On February 5, 2008, the Board of Aldermen requested that staff prepare a draft ordinance amending the Land Use Ordinance to allow the sale of food from trucks.

The draft ordinance does the following:

1. Creates a definition for "mobile food vendors." The definition describes the use, limits the size of the motor vehicle and requires its daily removal and specifies hours when mobile food vending sales may not occur.
2. Amends Section 15-149 (c)(4) to include the sale of food by mobile food vendors to the extent permitted in the Table of Permissible Uses (Section 15-146).
3. Amends Section 15-146 to allow mobile food vendors as a permissible use in the B-1(c), B-1(g), and M-1 zoning districts with a zoning permit.
4. Establishes new, supplementary use regulations for mobile food vendors such that they are also allowed on existing lots where a nonconforming non-residential use operates in a permanent building, and the zoning administrator's permit review for a mobile food vendor

is focused on that use and not the other use(s) on the lot. The mobile food vendor must meet building setbacks, may not tap into any potable water supplies, may not operate as a drive-through business, and are allowed no signage other than signs permanently attached to the motor vehicle., and are not allowed to locate in any portion of a parking lot that prevents the use of regular parking space during a business' normal hours of operation.

Section 15-322 of the Land Use Ordinance requires that any proposed amendments shall be referred to the planning board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board. Per the Joint Planning Agreement, amendments to the Land Use Ordinance must also be submitted for Orange County staff for review. Attachment A provides the opportunity for the Board of Aldermen to set a public hearing and to specify any reviewers in addition to the Planning Board and Orange County.

FISCAL IMPACT

This amendment was initiated by the Board of Aldermen. The public hearing notice costs are estimated to be approximately \$200.

The staff involved in processing such a request includes the Town Attorney, GIS Specialist, Planning Administrator, and numerous other planning staff who participate in evaluating the appropriateness of the request, public notice (advertisements) and preparation for the advisory board meeting.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider adoption of the attached resolution (*Attachment A*) directing staff to prepare a draft ordinance, setting a public hearing date and referring the request to the Planning Board and Orange County.