



# Certified Recommendation

Raleigh Planning Commission

CR# 11657

## Case Information: TC-9-15 / FOOD TRUCK: LIMITED USE IN NX- & OX-

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<p><b>Policy LU 2.1—Placemaking</b> Development within Raleigh’s jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.</p> <p><b>Policy LU 6.1—Composition of Mixed Use Centers</b> Mixed-use centers should be comprised of well-mixed and integrated developments that avoid segregated uses and have well planned public spaces that bring people together and provide opportunities for active living and interaction.</p> <p><b>Policy LU 6.2 - Complementary Uses and Urban Vitality</b> A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers and developments to maintain the City’s livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the Comprehensive Plan should be zoned consistent with this policy.</p> <p><b>Policy UD 2.3—Activating the Street</b> New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections, particularly along designated Main Street corridors.</p>
<i>Action Items</i>	Not applicable

### Summary of Text Change

<i>Summary</i>	Amends Sections 6.1.4. of the Part 10A Raleigh Unified Development Ordinance to amend the Allowed Principal Use Table to add “Food Truck” as a Limited Use in the Neighborhood Mixed Use (NX-) district and Office Park (OP-) district.
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### Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-2(A)-15:</u></p> <ol style="list-style-type: none"> <li>1. The adoption of the text change would allow “Food Truck” as a limited use in the both the NX- and OP-districts.</li> </ol>
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## Zoning Staff Report / TC-9-15

### Food Truck: Limited Use in NX- & OP-

#### Request

<i>Section Reference</i>	<b>Part 10A §6.1.4 Allowed Principal Use Table</b>
<i>Basic Information</i>	Amends the Part 10A Raleigh Unified Development Ordinance's Allowed Principal Use Table to permit "Food Truck" as a Limited Use in the Neighborhood Mixed Use (NX-) district and the Office Park (OP-) district.
<i>PC Recommendation Deadline</i>	November 24, 2015

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p><b>Policy LU 2.1—Placemaking</b> Development within Raleigh's jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.</p> <p><b>Policy LU 6.1—Composition of Mixed Use Centers</b> Mixed-use centers should be comprised of well-mixed and integrated developments that avoid segregated uses and have well planned public spaces that bring people together and provide opportunities for active living and interaction.</p> <p><b>Policy LU 6.2 - Complementary Uses and Urban Vitality</b> A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers and developments to maintain the City's livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the Comprehensive Plan should be zoned consistent with this policy.</p> <p><b>Policy UD 2.3—Activating the Street</b> New retail and mixed-use centers should activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections, particularly along designated Main Street corridors.</p>
<i>Action Items</i>	Not applicable

## Contact Information

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## History/Overview

This text change was initiated by several Petitions of Citizens requests from Food Truck proponents to the City Council. The City Council unanimously supported their proposed text change to allow Food Truck as a Limited Use in both the Neighborhood Mixed Use (NX-) district and Office Park (OP-) district.

## Purpose and Need

This text change would bring the UDO Use Regulations more into alignment with certain aspects of the Part 10 Zoning Code's Schedule of Permitted Uses in Zoning Districts in that the legacy Neighborhood Business (NB) district permits Food Trucks as a Conditional Use. As the Neighborhood Mixed Use (NX-) district is a somewhat of a UDO equivalent of the Neighborhood Business (NB) district, Food Truck should be permitted as a Limited Use. Additionally, the Office Park (OP-) district is well suited to allowing food trucks as they are places with high concentrations of employment that would be well served by temporary access to prepared food and could minimize the need for individual vehicle-trips off-site during lunch times.

## Alternatives Considered

None

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

None.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Food Truck would not be an allowed use in the Neighborhood Mixed-Use (NX-) district or Office Park (OP-) district..

## Impacts Summary

### Adoption of Proposed Text Change

The adoption of this text change will change the areas where Food Trucks may operate.

Existing Zoning Allowed Area: 25,606 acres or 40 sqmi (SC, NB, BUS, TD, IND-1, IND-2 & DOD)

Original UDO Proposed Zoning Allowed Area: 27,216 acres or 42.5 sqmi (OX-, CX-, DX-, IX-, IH & CMP)

**Proposed Zoning Allowed Area (with NX):** 27,972 acres or 43.7 sqmi (OX-, NX-, CX-, DX-, IX-, IH & CMP)

**Proposed Zoning Allowed Area (with OP):** 28,625 acres or 44.7 sqmi (OP-, OX-, NX-, CX-, DX-, IX-, IH & CMP)

**No action**

The status quo will be maintained and the Part 10A Raleigh Unified Development Ordinance's Chapter 6 Use Regulations will remain unchanged and Food Trucks would not be permitted in the Neighborhood Mixed-Use (NX-) district or the Office Park (OP-) district.

**ORDINANCE NO. 2015 – 497 TC 372  
TC-9-15**

**AN ORDINANCE TO MODIFY THE ALLOWED PRINCIPAL USE REGULATIONS IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO ALLOW FOOD TRUCK AS A LIMITED USE IN THE NX- and OP- DISTRICTS**

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

**Section 1.** Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by expanding the allowed uses within both the NX-district and the OP- district to include “Food Truck” as a Limited Use.

**Section 2.** All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

**Section 3.** 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 this end the provisions of this ordinance are declared to be severable.

**Section 4.** This text change has been reviewed by the Raleigh City Planning Commission.

**Section 5.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 6.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 7.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

**Section 8.** This ordinance is effective 5 days after adoption.

**ADOPTED:           October 7, 2015**

**EFFECTIVE:        October 12, 2015**

**DISTRIBUTION:    Department Heads**

*Prepared by the Planning and Development Department*