

For office use only:

PERMIT#: _____ DATE OF APPROVAL: _____ EXPIRATION DATE: **12/31/20** _____

NUMBER OF FOOD TRUCK LOCATIONS APPROVED ON LOT: _____

ACCESSORY USE PERMIT APPLICATION

Food Trucks

(Please print clearly)

Property Owner (applicant) Name: _____

Property Address: _____ Zip _____

Contact Numbers: Home _____ Work _____ Mobile _____

Email address: _____

(All correspondence will be emailed to this address unless otherwise requested.)

ZONING DISTRICT: _____

Allowed in Zoning Districts as noted in 5.3.4(P)(1) and 5.3.4(P)(2). Please confirm at <http://vip.townofcary.org>.

NUMBER OF FOOD TRUCK LOCATIONS REQUESTED: _____ (up to 3 max. per lot)

LOCATION ON LOT:

- ☐ Attach a site layout with the specific location of each food truck. Show the required distances from the elements listed in 5.3.4(P)(1)(b) Locational Standards.

Note: A site layout is not required for food trucks serving residents and guests at a neighborhood activity or function on commonly-owned property within that residential development

APPROVED VENDORS:

- ☐ Please list potential food truck vendors on page 2 and provide a copy of their NC Sales and Use Tax Certificate and Wake County Environmental Services Vending Permit for each.

Note: To amend (add or remove) your list of authorized vendors on an existing permit, submit page 2 only.

TERMS AND CONDITIONS:

1. This permit is valid through December 31 of the year in which it is issued.
2. Only the food truck vendors listed on this permit shall operate on site, and must be in approved locations (up to 3 may be allowed, if approved).
3. Food trucks must be operated in accordance with all Locational, Operational, and Health and Sanitation standards and other requirements detailed in Section 5.3.4(P).

APPLICANT'S STATEMENT:

I hereby certify that I am making this application for myself and that the statements given are true to the best of my knowledge. I further attest that I understand that I am responsible for compliance with the terms and conditions of this permit and any other applicable laws and regulations not expressly stated in this permit.

Signature of applicant

Date

Signature of property owner, if different from above

Date

FOOD TRUCK VENDORS

Please check one: ☐ New application ☐ Amended vendor list only

Important: To change the number of approved locations on your lot, please submit a new application!

Only the Food Trucks listed below may operate on the lot as a part of this permit, if approved. This list may be amended within the approval period. **No more than the approved number of food trucks may be on site at any one time, and may operate only in approved locations.**

For each vendor listed below, please submit a copy of their (1) NC Sales and Use Tax Certificate, and (2) Wake County Environmental Services Vending Permit.

Food Truck Vendor Name	NC Sales and Use Tax Certificate	Wake County Environmental Vending Permit
1. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	<input type="checkbox"/>	<input type="checkbox"/>
8. _____	<input type="checkbox"/>	<input type="checkbox"/>
9. _____	<input type="checkbox"/>	<input type="checkbox"/>
10. _____	<input type="checkbox"/>	<input type="checkbox"/>
11. _____	<input type="checkbox"/>	<input type="checkbox"/>
12. _____	<input type="checkbox"/>	<input type="checkbox"/>
13. _____	<input type="checkbox"/>	<input type="checkbox"/>
14. _____	<input type="checkbox"/>	<input type="checkbox"/>
15. _____	<input type="checkbox"/>	<input type="checkbox"/>

Signature of applicant

Date

Signature of property owner, if different from above

Date

REQUIREMENTS FOR OPERATING FOOD TRUCKS

5.3.4 ACCESSORY USES AND STRUCTURES: *Accessory Uses and Structures Allowed*

(P) Food Trucks

The purpose of these regulations is to promote the general health, safety and welfare of the citizens of the town by establishing reasonable regulations and review procedures to allow for the retail sale of food and food products via mobile food vending vehicles, commonly called "food trucks." The intent of these provisions is to establish rules related to the location and operation of food trucks on private and public property within the town, while considering their potential effects on public streets, public properties, nearby residential properties, and other food service establishments. These provisions are not intended to apply to peddlers and solicitors who are otherwise regulated under Chapter 20, Licenses and Business Regulations, of the Cary Town Code.

(1) Developed Sites in Non-Residential Zoning Districts, Mixed Use Overlay Districts and Non-Residential Portions of Planned Development Districts, and HMXD, MXD, COM, OFC/INS and OFC/IND Sub-districts of the Town Center District

(a) Permits Required

1. An accessory use permit per Section 3.5 shall be obtained by the property owner for any lot proposed to accommodate one or more food truck businesses. A copy of the accessory use permit shall be kept in the food truck.
2. The accessory use permit application shall include a list of potential food truck businesses expected to operate on the lot, and a copy of the following for each business:
 - a) NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes; and
 - b) Wake County Environmental Services Vending Permit and a means for the disposal of grease within an approved grease disposal facility.

Said certificate and permit shall be clearly displayed on the food truck.

4. The accessory use permit shall be valid for up to one calendar year and may be amended during the period of validity to remove or add specific food truck business(es) authorized to operate on the lot.
5. The Accessory Use Permit shall designate the specific locations on a given site where a food truck may operate.

(b) Locational Standards

Food trucks shall be located on developed lots in accordance with the following standards:

1. Food trucks must be located in an area that is not actively used by an existing, approved principal use on a developed lot.
2. Food trucks may not encroach upon open space, landscaping, fire lanes, vehicular access ways or pedestrian walkways, and shall not obstruct or disturb existing buffers or required setbacks from buffers or streetscapes,
3. Food trucks shall be located a minimum of one hundred (100) feet from the main entrance of any eating establishment or similar food service business, any outdoor dining area, and any other food truck location, as measured in a straight line. This 100-foot separation requirement shall not apply to a food truck located on the same lot as an eating establishment or similar food service business, outdoor dining area, or other food truck, so long as all other requirements of this Ordinance are met. No more than three (3) food trucks may be located on a single lot.
4. Food trucks may not be located within 150 feet of a lot with a dwelling unit as measured in a straight line from the location of the food truck to the nearest property boundary.
5. In the event that one or more permanent restaurant or other food service establishment or residence is located within the minimum separation requirement after an accessory use permit for a food truck location has been issued, the food truck may continue to operate under the terms of its Accessory Use Permit until said permit expires.
6. Food trucks shall be located a minimum of five (5) feet from any fire hydrant, sidewalk, utility box, handicap ramp and building entrance.
7. Food trucks may not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the food truck.

(c) General Operational Standards

1. Food trucks may only operate between the hours of 6:00 a.m. to midnight.

2. Food trucks must be removed from all permitted locations during the hours when they are not permitted to be in operation, and may not be stored, parked, or left overnight on any public street or sidewalk.
3. One sandwich board sign shall be allowed.
4. Amplified music is not permitted.
5. Outdoor seating areas for dining associated with a food truck, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, are not permitted.

(d) Health and Sanitation Standards

1. All food preparation, storage, and sales or distribution by a food truck operator shall be in compliance with all applicable County, State and Federal Health Department sanitary regulations. In accordance with such laws, the food truck shall return daily to a commissary for proper servicing.
2. The operator shall keep all areas within five (5) feet of the food truck and any associated customer or dining area clean of grease, trash, paper, cups or cans associated with the food truck.
3. Each food truck operator is responsible for the proper disposal of solid waste associated with the operation of the food truck and any outdoor dining areas. Public trash receptacles are not to be used for this purpose.
4. Operators shall remove all waste and trash prior to leaving their approved location or as needed to maintain the health and safety of the public.
5. No waste or grease may be disposed in storm drains, the sanitary sewer system or onto the sidewalks, streets, or other public spaces.
6. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck operator shall be required to cease operation immediately. The owner of the food truck business shall be liable for the violation.

(2) Other Zoning Districts

In all zoning districts other than those listed in Section 5.3.4(P)(1) above, food trucks may be allowed only on commonly-owned property within a residential development serving residents and guests at a neighborhood activity or function. Requirements of Section 5.3.4(P)(1) shall apply.

(3) Public Property

Food trucks may not be operated on public property such as parks or plazas, parking lots, public street rights-of-way, or public sidewalks except as specifically authorized by the Town and as part of an official public event sponsored or co-sponsored by the Town of Cary,

(4) Component of Temporary Event

In accordance with Sec. 5.4, Temporary Uses and Structures, food trucks may be placed on private property in conjunction with a public or private event. If food trucks are included as part of the event, the temporary use permit for the event itself, if required in Table 5.4-1, shall also identify the inclusion of food trucks and shall serve as the accessory use permit for the site for the duration of the event. Such food trucks shall only be operated during the hours of the event, which time does not include the time before and after the event where the operator is preparing to set up or remove the food truck.

(5) Construction Sites

In all zoning districts, food trucks may be allowed on construction sites in accordance with the following:

- (a) The site is undergoing construction in accordance with an approved and valid site plan or subdivision plan and building permit.
- (b) Such trucks may vend to person(s) lawfully authorized to be on the construction site, and not to the general public.
- (c) Food trucks shall be parked in an appropriate location based on the location of active construction activity, as authorized by the general contractor consistent with safe construction site management practices,
- (d) A copy of the following shall be clearly displayed on each food truck:
 - (i) NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes; and
 - (ii) Wake County Environmental Services Vending Permit and a means for the disposal of grease within an approved grease disposal facility.
- (e) General operational standards specified in Section 5.3.4(P)(1)(c) shall apply.
- (f) Health and sanitation standards specified in Section 5.3.4(P)(1)(d) shall apply.