
ZEBULON

NORTH CAROLINA

**TOWN OF ZEBULON
PLANNING BOARD MEETING
SEPTEMBER 15, 2025
6:00 PM**

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. PRESENTATIONS

- a. Wake Transit Plan** - Ben Howell, the CAMPO Wake Transit Program Manager will present the Recommended 2035 Wake Transit Plan to Town Council. The Recommended Plan will guide transit investments in Wake County over the next 10 years, includes the Transit Investment Strategy for the County, and is expected to be adopted by the CAMPO Executive Board and GoTriangle Board of Trustees in November. The Recommended Transit Plan is currently out for public comment through October 5th – more information can be found on the Plan website at <https://www.campo-nc.us/programs-studies/transit/wake-transit-plan>
- b. Planning Board Training**

IV. OLD BUSINESS

- a. TA 2025-03 – Amendment of Mobile Food Vendors Ordinance** - A request led by the Town of Zebulon, for a text amendment to section 4.5 of the UDO amending the language around Mobile Food Vendors.

V. DEVELOPMENT UPDATES

VI. ADJOURNMENT

STAFF REPORT
TEXT AMENDMENT 2025-03
MOBILE FOOD VENDOR
SEPTEMBER 15, 2025

Topic: TA 2025-03 – Mobile Food Vendor

Speaker: Matthew Lower, Planning Director
From: Matthew Lower, Planning Director
Prepared by: Matthew Lower, Planning Director

Background

As part of the Unified Development Ordinance (UDO) evaluation, staff identified inconsistencies between ordinance language and past practices. The UDO limits mobile food vendors to private property, yet permits have historically been issued for operations on public streets within the Downtown Core (DTC). Abruptly ending this practice would raise fairness and due process concerns, so staff have continued existing operations while developing long-term policy options. Staff presented six text amendment options at the August Joint Public Hearing. The Planning Board tabled the item, requesting a more robust draft of Option 2. As a result, staff is now presenting the following:

- **Option 1 (Enforce as is):** Prohibit food trucks in the right-of-way
- **Option 2:** Establish designated food truck spaces on Vance and Horton Streets with operating rules

Policy Options

Option 1: Prohibit Food Trucks in the DTC Right-of-Way

- **Summary:** End all food truck operations on public streets within the DTC.
- **Rationale:** Preserves pedestrian space, supports brick-and-mortar restaurants, simplifies enforcement.
- **Implications:** Discontinues longstanding practice; may reduce downtown vibrancy.

Option 2: Designated Food Truck Spaces on Vance and Horton Streets

- **Summary:** Create Town-managed spaces for food trucks on Vance and Horton Streets where power is available.
- **Operating Framework (abbreviated):**
 - Vendors limited to posted spaces and scheduled time slots.
 - Hours: 10 AM–2 PM (Mon–Thu) and 10 AM–10 PM (Fri–Sun).
 - Each vendor limited to 16 hours/month, with only one Fri/Sat/Sun slot per month.
 - No free-standing equipment outside trucks.
 - Vendors must obtain a Town permit with \$1M liability insurance naming the Town as additional insured, and execute an indemnity agreement.
 - Any new designated spaces beyond Vance and Horton must be 100 feet from restaurants; Board may revisit locations if conflicts arise.
- **Rationale:** Provides structure, balances vibrancy with business impacts, and ensures equitable vendor access.
- **Implications:** Requires Town oversight, scheduling, and enforcement.

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Additional Considerations

Clarify the Problem: As policy goals are refined, the Town Board may wish to revisit a central question: *What challenge are we trying to solve?* Depending on the answer, different options may be more suitable.

- **Equity and Business Incubation through a Permanent Rodeo Area:** The Town could explore a dedicated food truck rodeo zone on public property. While requiring capital investment, such a location could incubate and scale small businesses. For example, SmashMasters began as a food truck before transitioning to a brick-and-mortar establishment.
- **Align with the Local Dining Economy:** With several downtown and adjacent restaurants, food truck policy could be designed to complement existing establishments—for example, encouraging partnerships between food trucks and nearby bars or restaurants.

Enforcement

- **Option 1:** Enforcement would focus on ensuring no food trucks operate in the right-of-way.
- **Option 2 (Planning Board's current preferred alternative):** Enforcement would ensure compliance with designated spaces, time limits, and permit requirements. Scheduling responsibility would shift to the Town.

If the Board selects Option 1, or as part of implementing any option, staff will coordinate with the Town Attorney to ensure enforcement respects the economic expectations of existing permit holders until their permits expire.

Recommendation

Staff does not recommend a single option at this time. Both options represent a balance between vibrancy, accessibility, and management of downtown public space. Staff requests Board guidance on a preferred direction so draft UDO language can be refined and returned for further consideration with Planning Board input.

Attachments:

1. Revised Option #2 Based on Planning Board Comments

1. Use of an alternate location or date;
2. Modification or elimination of certain proposed activities;
3. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
4. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

4.1.2. STANDARDS FOR SPECIFIC TEMPORARY USES

A. MOBILE FOOD VENDORS

1. PURPOSE

This section is designed to provide standards relative to the accessibility, appearance, and safety regarding commercial food vending, as well as to preserve the peace and enjoyment of residences and occupation of a site by a properly licensed business.

2. OPERATIONAL REGULATIONS

- a. A mobile food vendor permit shall be required as provided for herein.
- b. Noncommercial private events held on single-family detached and duplex lots shall not be required to obtain a mobile food vendor permit.
- c. The following activities shall not be required to obtain a mobile food vendor permit provided that all required permits are obtained:
- d. Mobile food vendors that that stop based on customer demand for point of sale service and move to a different location such as an ice cream truck or similar operation.
- e. Mobile food vendors operating as part of a Town of Zebulon sponsored event, provided that all required permits are obtained, if applicable, and that the mobile food vendor:
 - i. Is not open to the public, such as outdoor weddings and employee parties;
 - ii. Is located on a site with a single user and/or tenant; and,
 - iii. Noncommercial private events held on single-family detached, duplex lots, or common space owned by a home owners association, if applicable, the mobile food vendor:
 1. Is not open to the public, such as outdoor weddings, employee parties and homeowner association events;
 2. Is located on a site with a single user/ or tenant;
 3. Will not make, cause, or allow the making of any noise or sound which exceeds the limits set forth in the Town of Zebulon's Code of Ordinances, as may be amended from time to time, and will not generate adverse traffic, or other nuisance impacts on adjacent properties.
- f. Permits, unless sooner suspended or revoked, shall be valid for no longer than one year expiring at the end of the calendar year.
- g. Permit certificates shall be attached to the mobile food vendor unit where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vendor unit owner and shall list the addresses and parcel identification numbers where the permit is valid.
- h. Routine inspections may be conducted by local inspectors on each mobile food unit at any time and at any frequency deemed appropriate by the Town.
- i. Any mobile food vendor unit that has a suspended or revoked permit by the State of North Carolina and/or Wake County, and on a subsequent inspection, a State of North Carolina and/or Wake County Inspector determines that the mobile food vendor has not corrected the violation(s), shall have its Town-issued mobile food vendor permit revoked and food service shall cease in the Town.
- j. A permit issued under this section is not transferable.

3. STANDARDS

The following standards shall apply to all mobile food vendor permits, unless exempt above:

- a. No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement, nor shall the mobile food vendor impede the flow of traffic or pedestrians on the sidewalk, **except for that Mobile Food Vendors may operate along Vance and Horton Street in a manner consistent with 4.1.2.3.d.**
- b. Mobile food vendor units are prohibited on all parcels used for residential purposes as designated on the Official Zoning Map or on the grounds of any government office, facility, public park, recreation area, or other similar public land within the Town, which is under the control, operation, or management of the Town, except as otherwise allowed in this section or by law.
- c. **Except as described otherwise in this section**, mobile food vendors are allowed within the Town's planning jurisdiction so long as the mobile food vendor unit is located on private property designated and used for commercial, industrial, or nonresidential purposes, subject to the following conditions:
 - i. Mobile food vendors shall not provide customer seating.
 - ii. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street, right-of-way, or easement, or onto any adjacent private property without express permission from that property owner.
 - iii. The mobile food vendor shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setback requirements of the district where located.
 - iv. The mobile food vendor sales area shall not exceed more than two parking spaces or six hundred square feet in area, whichever is greater. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.
 - v. The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces or the vehicular access to those spaces for the principal use.
 - vi. The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.
 - vii. During periods of nonuse, mobile food vendor equipment must remain locked and secured, unless otherwise required by the State of North Carolina or Wake County.
 - viii. The mobile food vendor shall be prohibited from selling or distributing any type of glass container with the exception of sealed prepackaged nonalcoholic beverages such as sodas or juices.
 - ix. Amplified music or other sounds from any mobile food vendor unit for the purposes of vending products is prohibited.
 - x. All mobile food vendors shall operate in compliance with Title IX: General Regulations, Chapter 97: Noise, of the Town Code of Ordinances.
 - xi. Mobile food vendors shall be prohibited from discharging fat, oil, grease, or waste water into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.
 - xii. Each mobile food vending unit shall be equipped with adequate trash receptacles and shall be responsible for the proper disposal of solid waste from the site daily without using public waste receptacles. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location.
 - xiii. Each mobile food vending unit shall be equipped with at least one fire extinguisher with a minimum of a 2A-10-BC rating.

- xiv. Vinyl wrapping, decals, stickers, painted text and/or graphics, and menu boards affixed to the mobile food vendor unit shall not count towards the maximum aggregate sign area.
- d. When operating within the Town designated areas within the Right-of-way the following rules and standards must be followed in addition to any of the items listed above in section 4.1.2.a.3.c:
 - i. Mobile food vendors may only be parked in the posted spots during their allotted time
 - ii. Mobile food vendors will only be permitted to operate between 10 AM and 2 PM on Monday – Thursday and between 10 AM and 10 PM on Friday – Sunday
 - iii. A single mobile food vendor cannot operate within the Right-of-Way more than 16 hours in a single month, and not more than 1 Friday, Saturday, or Sunday a month.
 - iv. Available time slots will be decided by the Planning Director and may change with their discretion. The operating time will not exceed what is listed in this section of the ordinance
 - v. Mobile food vendor operating in the Right-of-way may not have any equipment free-standing outside of the truck (i.e. Signage, tables, chairs, etc.)
 - vi. If a mobile food vendor is found to be operating outside of the designated area or their allotted time enforcement action may be taken (Mobile Food Vendor Enforcement 4.1.2.A.4)
 - vii. Any mobile food vendor hoping to operate within the designated Town Right-of-way areas must obtain a mobile food vendor permit (operating in the Right-of-Way) from the planning department; The following items will need to be included in the application
 - 1. Certificate of Insurance through an insurance carrier authorized or eligible to do business in the state of North Carolina for any damage to the public right-of-way and for any damages which the Town might incur liability because of property damage or personal injury arising from the use of the public right-of-way. The minimum liability limit of the policy shall be \$1,000,000.00. The Town of Zebulon shall be listed as an additional insured as its interests may appear on all Certificates of Insurance. The Certificate Holder must read as follows: Town of Zebulon 1003 N Arendell Ave, Zebulon, NC, 27597
 - 2. The vendor shall sign a statement that hold the Town, its officers, councilors, and employees harmless and indemnify them for any loss, liability, damage, and costs/expenses associated with its operations by executing an Indemnity Agreement.
 - viii. When determining the location of the designated spots the following requirements will be considered
 - 1. Spots should be 100 ft from an established restaurant. If a restaurant opens within 100 ft of an existing designated spot the Board of commissioners may reconsider the spot within 6 months of the businesses opening.
 - ix. The following locations have been established as designated spots may be marked accordingly as determined by the planning director
 - 1. Specific spots on W. Horton St between N. Arendell and N. Church St
 - 2. Specific sports on W. Vance St between N. Arendell and N. Church St

4. ENFORCEMENT

The following provisions may be enforced by the Police Department and the Planning Department.

a. FINE FOR VIOLATION

Any mobile food vendor licensee operating in violation of any provision within this section or any other rules and regulations may be subject to a fine in accordance with Article 8: Enforcement. Each day of violation shall constitute a separate offense for purposes of the penalties and remedies specified in this Ordinance.

b. REVOCATION, SUSPENSION, MODIFICATION

- i. The Board of Commissioners may modify a mobile food vendor license, including an approved location:
 1. At any time before the issuance of a mobile food vendor license;
 2. If after the issuance of such license, for cause, after reasonable notice to the licensee of the grounds for the proposed modification and the time and place of the hearing regarding such proposed modification; or
 3. By request of the licensee.
- ii. The Board may suspend, revoke, or decline to renew a mobile food vendor license for cause, after reasonable notice to the licensee of the grounds for the proposed action and the time and place of the hearing regarding such proposed action.

B. OUTDOOR SEASONAL SALES

1. PURPOSE

The purpose of this section is to prevent the unrestricted proliferation of open-air sales events within the town and to protect those businesses and food services that operate from within principle buildings at permanent locations in accordance with the law.

2. EXEMPTIONS

Sale of the following products or services are exempted from these standards.

- a. The sale or display of fruits, vegetables, other farm or homemade products produced by the person offering them for sale in a commercial zoning district with the permission of the property owner;
- b. The sale or display of goods or merchandise (not including food or food products) by a person, partnership, corporation or other entity at a particular location if the sale or display of like or same items is conducted in association with the party's sale or display of goods or merchandise at the same location from or in a principle building that is regularly entered by the general public for the transaction of business. The items to be sold are limited to the same items that are sold inside the establishment, such as toys, clothing, furniture and outdoor equipment.
- c. Any nonprofit group, charitable or civic organization that conducts open-air sales on either their own property or on other business property for charitable or other fund-raising purposes.
- d. Vendors at special events, such as the Christmas Parade, Arts in the Park and the like selling goods only for that event. Food vendors will need to obtain a permit from the Wake County Health Department.
- e. Seasonal sales of Christmas trees, pumpkins, and similar products.