5.17.1 Mobile retail vendors.

A. *Temporary use permit required.*

1. Any mobile retail vendor operating in the Town of Black Mountain must obtain a permit issued by the zoning administrator.
2. The vendor will submit an application to the planning and development department, which shall include a site plan showing the location or locations where the mobile retail vendor will operate and demonstrate that all requirements of this ordinance can be met while operating at each location.
3. The vendor will only operate at those locations specified in the permit.
4. A permit will be valid for a period of one year from the date of issuance.

B. *Operating location and requirements.*

1. Mobile retail vendors will operate only on private non-residential property with permission of the owner. No mobile retail vendors will operate on a public street, sidewalk, or right-of-way.
2. Mobile retail vendors will be allowed as a primary use or secondary use.
3. ~~Mobile retail vendors will comply with the setback requirements for the zoning district in which the vendor is operating and, for purposes of setback regulations, will be treated as a building or structure. No mobile retail vendor will be parked closer than ten feet from a structure or other mobile retail vendor.~~
4. Each mobile retail vendor will have sufficient space to maneuver onto the lot and to allow for safe access by pedestrians and emergency response vehicles.
5. Sight triangles must be maintained to ensure visibility (see Section 4.4.6).
6. At least one onsite parking space per mobile retail vendor is required, except that no onsite parking will be required for a mobile retail vendor operating in the central business district. Allocation of parking spaces to the mobile retail vendor must not reduce available parking for other uses such that those uses would no longer meet minimum parking requirements.
7. Signage.
    a. Cantilevered ground sign that has a pole with a maximum height of six feet, and with a sign that has a maximum square footage of five square feet will be allowed.
8. Number of mobile retail vendors.
    a. In the central business, highway business, and neighborhood mixed use districts, mobile retail vendors will be limited to one per parcel.
    b. In the light industrial, heavy industrial, and traditional neighborhood districts, mobile retail vendors will be limited to six per parcel.
    c. In the central business, neighborhood mixed use, light industrial, and light industrial districts, there will be a maximum of five mobile retail vendors per district.
    d. In the highway business and traditional neighborhood district, there will be a maximum of ten mobile retail vendors per district.
9. Use of generators by mobile retail vendors is prohibited.
10. Hours of operation.
    a. Mobile retail vendors may operate between the hours of 6:00 a.m. and 10:00 p.m. daily.

C. *Site maintenance.*

1. Mobile retail vendors will remove trash and litter from the site each day and as needed. Mobile retail vendors must maintain the cleanliness of the site.
2. No temporary toilet facilities will be allowed.
3. No permanent water or sewer connections will be allowed.
4. All temporary signs, seating, and merchandise must be removed and/or brought into the mobile unit during non-operating hours.

D. *Special events.*

1. These regulations do not apply to mobile retail vendors operating solely as part of a special event for which a permit has been issued by the Town of Black Mountain, or as part of a non-commercial, private event on private property when the event is non-recurring and of a temporary duration.

(Ord. No. O-24-14, 9-9-2024; Ord. No. O-24-16, 12-9-2024)