



MEMORANDUM

TO: Brannon Godfrey, Town Manager
CC: Whit Robinson, Town Attorney
FROM: Brandie Schaeffer, Director of Community Development
DATE: November 3, 2017
SUBJECT: Mobile Food Vendor Provisions- Update for Discussion

Please accept this as response to additional information regarding the “Mobile Food Vendor” provisions:

First, we report that we have granted no applications in the past year for a Mobile Food Vendor permit. We had some inquiries from prospective Vendors, and a couple of incomplete applications, but no one successfully negotiated the process. Based on these experiences, we conclude the reason for this is twofold:

1. The provisions of where a mobile food vendor can operate are very restrictive and do not appear to be in locations that are satisfactory to the Vendors;
2. The language of the existing provisions may be confusing to the general public and potential applicants.

Second, based on the above and any feedback that members of Town Council have had from vendors and the community over the past year regarding Mobile Food Vendors, Council may wish to decide whether the provisions are necessary or warrant further discussion prior to moving forward. In other words, if Council decides the provisions should not continue, the Mobile Food Vendor program can cease with no further action. If Council decides the program should continue, we recommend going further with this discussion to include the amendments in this memorandum.

Third, we recommend any updates, alterations, edits or amendments for this ordinance be well vetted. We feel it vitally important to include stakeholders in this discussion prior to making any official changes to the existing provisions. This will ensure we have input from those directly affected, by providing the opportunity for stakeholders to be heard. This would include the restaurant community, “foodies” and other end users, and mobile vending operators themselves. All recommendations are simply there for discussion and are not final recommendations.

Therefore, based on the above and to assist in clarifying language and remove some confusion in the ordinance, we suggest adding/amending definitions and ordinance provisions as follows. These recommendations are for discussion only, if it is the desire of Council not to terminate the program, but to update and refine the existing provisions:

DEFINITIONS: (Article 12): Add and revise existing definitions to include:

- Mobile Food Cart - Any non-motorized mobile food unit with limited infrastructure which serves food and/or beverages intended for immediate consumption. Mobile food carts may not exceed six (6) feet in length, three (3) in width (excluding wheels), or four (4) feet in height (excluding wheels and umbrellas). Mobile Food Carts include pushcarts and similar devices.
- Mobile Food Vehicle - A motorized mobile food unit which is self sufficient in terms of potable water, sanitary sewer and electric utilities, and generally consists of an enclosed truck. Trailer or similar vehicle, where food may be stored, prepared, cooked, and/or served. An open bed truck, van or converted automobile is NOT considered a mobile food vehicle and is NOT eligible for a mobile food vending permit.
- Mobile Food Vendor - Any person or business selling foods from a mobile food cart or mobile food vehicle, from a Mobile Food Vehicle or Cart, which is stationary for a period of time longer then that necessary to complete a sale or greater then fifteen (15) minutes. This definition **DOES NOT** apply to ice cream trucks, cafeteria trucks serving active construction sites, and the like.

PURPOSE AND INTENT: (Article 9-24.1): Amend existing ordinance language to include:

To provide regulations for Mobile Food Vendors that provide economic development and entrepreneurial opportunities for applicable businesses, while protecting the public health, safety, and welfare; minimizing visual impacts, and mitigating fiscal impacts to existing brick-and-mortar restaurants and related businesses.

ALLOWABLE ZONING DISTRICTS: (Article 9-24.2): It appears the limited permissible locations to operate a mobile food vendor may be the greatest contributing factor in the lack of successful permits. There is an opportunity to discuss increasing the permitted sites by changing this provision. We suggest changing the language to:

Mobile Food Vendors are allowable in any district which allows restaurant type uses; provided they meet ALL location and operational requirements outlined in this ordinance.

LOCATION REQUIREMENTS: Currently there is no one section outlining the operational requirements for Mobile Food vendors; therefore I suggest creating a section, perhaps 9-24.3 by combining and/or reworking the existing sections of 9-24.2.1 and 9-24.2.2: This section will outline the Operational Requirements as follows:

9-24.2.1- Mobile Food vendors may operate on private or public property from an existing, improved parking area with expressed written consent of the property owner;

Include the existing language from 9-24.2.2, items 1 through 5;

Require setbacks from rights of ways, access drives (drive aisles), and entrances to parking areas;

Require that required parking for the existing uses on the site be met and access to parking shall not be inhibited by the location of any Mobile Food Vendor;

Require a minimum three (3) foot clearance around the food vending vehicle for safety;

Require accessibility to restrooms;

Require minimum distances:

- 100 feet from any residential use;
- Fifty feet from any existing restaurant;
- At least 25 feet from any other permitted mobile food vendor

OPERATIONAL REQUIREMENTS: (sections 9-24.6 and 9-24.7 to remain): These sections work as written, for the most part. We would consider including language to the effect that Mobile Food Vendors shall post permit in a visible place so it can be seen by the public and inspectors, provide proper receptacles for trash and waste disposal during operation and remove all trash and dispose of all waste as part of site cleanup, and shall not:

- sell anything other than food and non-alcoholic beverages;
- place or utilize any signage not permanently affixed to the vehicle;
- display any balloons or windblown signs or attach any such items to the vending vehicle;
- display any advertisements for other businesses;
- cause any liquids to be discharged from the mobile food vehicle;
- be allowed to be in place for more than four (4) hours;
- receive any deliveries at point of sale site.

SUBMITTAL REQUIREMENTS: The requirements in the program policy appear to be adequate with minor adjustments based on our recommendations incorporated.