

memorandum

DATE: August 16, 2023

TO: Mayor Kelly Garrett and Lathrup Village City Council

FROM: Jill Bahm & Eric Pietsch, Giffels Webster

SUBJECT: Zoning Amendment – Mobile Food Vending (Food Trucks)

Previous Discussion

At the August 15, 2023 meeting, the Planning Commission held a public hearing to consider public comment regarding the proposed ordinance text amendment to allow food trucks to be located in both the VC -Village Center zoning district and the MX -Mixed Use zoning district. No members of the public were present to add comments to the record and the Planning Commission moved to recommend approval of the proposed text amendment and forward to City Council for adoption. The draft text amendment document is attached to this memo.

The remainder of this memo is provided as background.

Introduction

What prompted this amendment?

Over the past several months, the Community & Economic Development Department (CEDD) had received requests from business/property owners to host food trucks on-site. In all instances, the prospective food truck locations were outside of the VC District, which is the only district where they are permitted. It was found that most instances requested a location in the Mixed Use or Commercial Vehicular Districts. The mobile vending units were also typically part of a larger event organized for a specific business, similar to having an event catered. There have been instances, however, when mobile food vendors were told to relocate to a permitted district.

Current Ordinance

The administrative site plan review standards of Article 6 include mobile food vending as a temporary land use in the Village Center District only and outlines a number of conditions under Section 6.1.B.xii.

Considerations

What are the appropriate options for expanding the permitting of mobile food vending beyond solely the Village Center District?

At the July 18th meeting, the Community and Economic Development Department asked the Planning Commission to discuss amending the zoning ordinance to expand the permitted districts in which mobile

food vendors may locate, and to provide a mechanism for businesses wishing to incorporate mobile food vendors into their events.

After discussion and consideration, the Planning Commission supports amending the ordinance to permit mobile food vendors to be located in the MX (Mixed Use) District in addition to the Village Center District. All standards of Section 6.1.B.xii, a through m, will remain the same except standard a. Location, will read,

*Mobile food vending is permitted in the Village Center **and Mixed Use** Districts on private property that is vacant or used for non-residential purposes. The vendor must provide approval of the property owners. Mobile food vending units shall be located and maintained on a dust-free surface and shall not be placed on existing landscaped areas.*

Allowing mobile food vending in the CV, Commercial Vehicular District was considered but determined to not provide the adequate space and functionality as properties in the MX District would. There are no changes to the general code with this proposed zoning ordinance amendment.

Amend Article 6.1, Administrative Site Plan Review, to revise Section 6.1.B.xii., – Mobile Food Vending

Amend Article 6, Development Procedures, to amend the language of Section 6.1.B.xii. to allow food trucks in the MX district as follows:

Section 6.1.B.xii. Mobile Food Vending as a Temporary Land Use, subject to the following conditions:

- a. Location. Mobile food vending is permitted in the Village Center **and Mixed Use** Districts on private property that is vacant or used for non-residential purposes. The vendor must provide approval of the property owners. Mobile food vending units shall be located and maintained on a dust-free surface and shall not be placed on existing landscaped areas.
- b. Number of Vendors. There is no limit on the number of mobile food vendors allowed on a site, provided that all of the requirements of this section are met. However, if there are more than two mobile food vending units on a parcel at any one time, the following shall apply: 1) a designated on-site manager is required to direct traffic flow and maintain the site as described in this section, and 2) a restroom shall be provided within 200 ft of the vending area.
- c. Duration. A mobile food vending unit may be allowed to park at an approved location for up to 3 days per year. The Zoning Administrator may grant two additional 3-day periods if the applicant has satisfied all of the requirements of this section. A vendor may seek a new approval for a location on a different property in the City within the same calendar year.
- d. Goods available. Mobile food vending units may only sell food and non-alcoholic beverages. Sales of alcoholic beverages are prohibited. No other goods or services may be sold from a mobile food vending unit.
- e. Trash and upkeep. Mobile food vending units and the area upon which they are temporarily located shall be kept in good repair and free of refuse and debris. A trash receptacle shall be provided and emptied daily, or more frequently to meet demand.
- f. Hours of operation. Mobile food vending units shall not be in operation between the hours of 10 p.m. and 7 a.m. The Zoning Board of Appeals may extend operating hours upon finding that such extension will not negatively impact adjacent uses.
- g. Parking. Mobile food vending units shall not occupy any parking spaces required for the existing use of the property. The City may take into consideration seasonal variation in parking demand and building occupancy when making this determination. There shall be at least three parking spaces for the mobile food vending unit provided and maintained on a dust-free surface.
- h. Site amenities permitted. Mobile food vending units may provide seating for up to twelve customers within 30 ft of the mobile food vending unit. Such seating shall not occupy any required parking spaces and shall be kept in good repair. One additional parking space shall be provided for every two seats.
- i. Signage. Mobile food vending units may be painted with signage but shall not have any signs or otherwise objects that otherwise attract attention projecting from the unit. No additional site signage is permitted.
- j. Sound. Sound amplifying equipment is prohibited. The decibel level of any equipment used in association with the mobile food vending unit, including generators, shall not exceed 70 decibels (dbA) as measured at the property lines.
- k. Lighting. Mobile food vending units shall be lit with available site lighting. No additional exterior lighting is permitted unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line.

- l. Temporary restroom facilities. Temporary restroom facilities, if provided, shall only be placed on the subject property from one day before until one day after the approved mobile vending dates. Any temporary restroom facility shall be placed a minimum of 100 ft from a single-family residential use, as measured from the property line.
- m. Permits. Administrative approval is valid for the duration of the mobile food vending in the approved location, but in no case greater than 3 days, unless granted an extension of the site plan for two additional 3-day periods in one calendar year. The mobile food vendor shall comply with all additional required permits and licenses as applicable.