



Zoning for Food Trucks

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Introduction

Food trucks, in particular gourmet or specialty food trucks, have been growing in popularity in recent years. While some communities have encouraged them as a way to promote new businesses, others have identified concerns relating to competition with existing businesses, traffic, parking, waste disposal, and hours of operation. This session will focus on the different zoning strategies for promoting the good, controlling the bad, and enjoying all that food trucks have to offer.



Agenda

- Defining a “food truck”
- What’s the draw of a food truck?
- Regulating Food Trucks
 - Typical regulations
 - Conflicts with existing regulations
 - Drafting new regulations
 - Encouraging food trucks



Defining a food truck

- A motorized vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution. [City of Rochester, NY]
- A vehicle from which food for human consumption is sold or dispensed. Such vehicle may be self-propelled or towed by another vehicle. [Town of Southeast, NY]



It's not just an ice cream truck anymore!



Why are food trucks so popular?

- Lower start-up costs than brick & mortar restaurants
- Ability to bring fresh food to underserved areas (i.e. office parks)
- Growing popularity of fresh and local foods
- Foodie Events
- Symbiotic business opportunities (i.e. setting up at distillery or brewery tasting rooms)
- As seen on TV!



Food truck trends

- “Food trucks are perfectly positioned to tap the growing interest in unique or novel products and fun experiences.”
- “Food trucks can quickly and easily test new concepts, menus and recipes.”
- Have benefitted from social media boom, smartphones, & mobile payment technologies.
- Can represent the entrepreneurial spirit of a community.



*Intuit. 2012. Food Trucks
Motor Into the Mainstream.*

Food truck trends

- 2017 Revenue – **\$960 million**
- Annual Growth – **7.3%**
- Employment – **14,566**
- Businesses – **4,046**

*IBISWorld. December 2017. Food Trucks -
US Market Research Report*



Typical Regulations

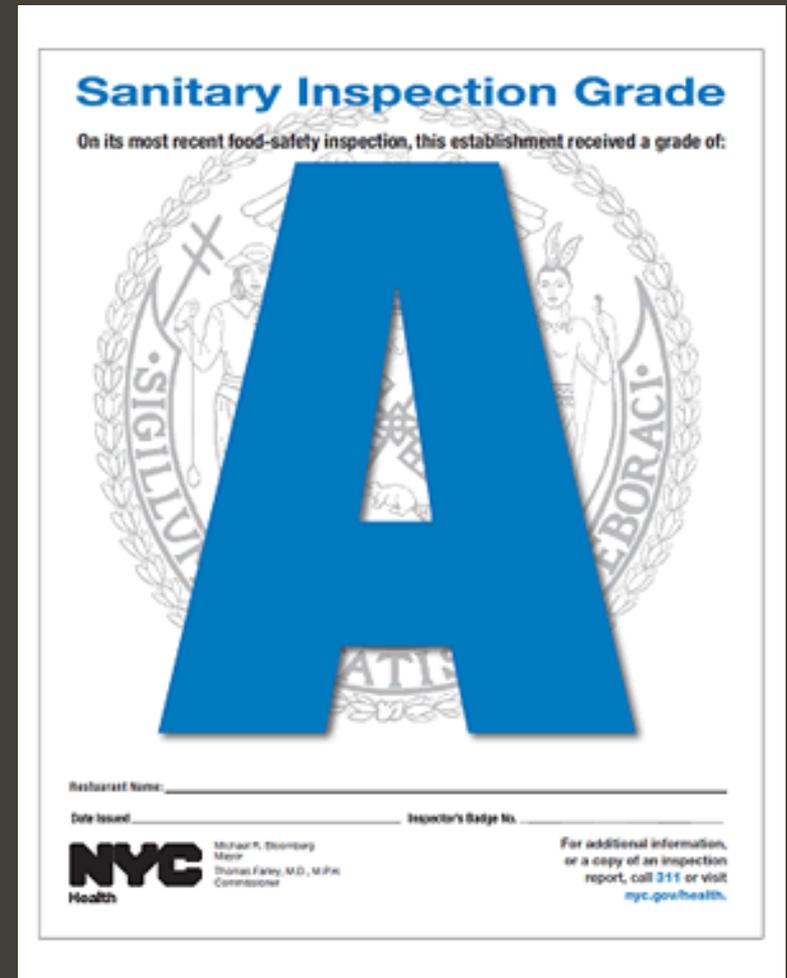
Municipal Permit that considers:

- Public Health
- Public Safety
- Use of Public Space
- Nuisance Concerns
- Competition



Public Health

- Follow NYS Sanitary Code (Subpart 14-4)
- Municipal permit/approval contingent on approval from the applicable health department
- Require inspections
- Food truck health grades
- Requirements for trash receptacles/pick-up
- Access to commercial kitchen/commissary
- Handwashing and bathroom access



Public Safety

- Safe parking and queuing:
 - Designate certain streets for vending
 - Adequate site distance from intersections
 - Sufficient sidewalk width for pedestrians
 - Maximum number of hours in a municipal parking space
- Require off-street parking (i.e. office park, shopping center, gas station)

EXAMPLE

No food truck shall operate from a parking space on a public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk and in accordance with regulations established by the Traffic Control Board. The Traffic Control Board may establish the hours that each parking space shall be available for vending, which hours shall not be greater than between the hours of 7:00 a.m. and 2:00 a.m. No vendor shall be parked in a specific parking space for more than four consecutive hours. [City of Rochester, NY]

Public Safety

- Fire safety:
 - Required fire safety class for food truck operators
 - Fire extinguishers and fire suppression systems on board
 - National Fire Protection Association 2018 edition addresses food truck operations (see Section 50.7)
- Liability insurance
- Background checks



Use of Private Property

- Things to consider:
 - Does the existing business have adequate parking?
 - Would parking the food truck violate the approved site plan?
 - Is there adequate space for patron safety?
 - Can a temporary outdoor seating area be established?
 - Is this a one-time or recurring event?



Use of Private Property



Use of Public Space

- May specifically allow or preclude a food truck to park on municipally owned property (typically a public park).
- May charge an additional fee for use of municipal property.
- Can enhance an existing destination.



Use of Public Space

- Create a “festival” atmosphere.
- Additional draw to an existing destination.
- Encourage visitors to stay on-site longer.



Use of Public Space

- Alternative to publicly owned and maintained concession stands in parks.
- Good option for locations where demand is high but a permanent structure is not sustainable.



Liam's Snack Shack at Nauset Beach, Cape Cod destroyed by Nor'easter in March 2018. Community replaced permanent concession with food trucks.



Photo Credit: Cape Cod Chronicle



Photo Credit: Alan Pollock, Cape Cod Chronicle

Complete street with a side of fries



Nuisance Concerns

- Address “quality of life” concerns that can arise from food trucks
 - Hours of operation
 - Waste disposal
 - Temporary signage
 - Prohibit operation on residential streets/zoning districts (with exception for private parties)
 - Noise (i.e. from generators)



Concerns of Brick & Mortar Establishments

- Can draw customers away from brick & mortar stores which have greater overhead
- Food truck use of on-street parking in front of brick and mortar stores can inhibit customer access
- Food truck patrons overwhelm street trash receptacles and litter
- Late night food truck crowds contribute to unruly behavior



Regulating Competition

- Proximity bans
 - Minimum distance requirements from existing brick and mortar delis, restaurants, and other food service establishments.
 - Being challenged in several municipalities across the country.
 - Early cases were decided in favor of the food trucks or settled—but recent higher court cases have favored the municipalities



Image Credit: Chicago Tribune



Chicago Proximity Ban



Source: Institute for Justice , Arlington, VA

Regulating Competition

- Require that food trucks be flagged down (like an ice cream truck)
- Limit permits to food trucks that are accessory to a brick and mortar restaurant [e.g. Southampton, NY]
- City-wide bans



Conflicts with Existing Regulations

- Zoning setup on premise that if not expressly permitted then it is prohibited
- Anti-peddling/soliciting regulations
- Restrictive on-site and overnight parking regulations
- Flag-down requirements
- Inconsistent regulations/process between municipalities



Key Take-Aways for Drafting New Regulations

- Municipal permit should:
 - Confirm food truck is in compliance with applicable public health regulations
 - Confirm food truck is properly insured
 - Establish hours of operation
 - Regulate safe parking and set-up locations
 - Establish clean-up requirements
 - Consider special exceptions (private parties, food truck events, farmer's markets, street festivals)



Steps to Encourage Food Trucks

- Streamline review process
- Utilize administrative approvals
- Consider County-Wide permit or reciprocal license agreements with adjacent municipalities
- Create a plain language guide for food truck operators
 - Example: “Street Food Vending Policy,” City of Ithaca Board of Public Works
- *“I wish the city had better information about codes for getting your truck up and running...Information is hard to get because the minute you get it, it’s out of date.”*

Samantha Mitchell, owner Farmtruk in Forbes



Planning for the next mobile business

- “Food trucks are also the leading edge of a broader trend toward mobile, truck-based commerce. Entrepreneurs in a wide range of other product and service categories, such as clothing, personal services and even business to business goods and services are recognizing the economic advantages of food trucks and applying this approach.” (Intuit)



Questions?



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