

## Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years. According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next few years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude restaurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food-as-entertainment” that are enhanced by programs such as *the Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in unique fare.

### What Is Mobile Food Vending?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested, and even then for a few short minutes. Many of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to service breakfast, lunch, or dinner. In fact, when located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a distinction between the food vendors that are more transient in nature, like an ice cream truck, and those who seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may be secured for outside use. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The City of New York encourages “green carts” that offer fresh produce in certain areas of the city ([www.nyc.gov/greencarts](http://www.nyc.gov/greencarts)).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, whether intentionally or unintentionally, is a prohibition on mobile food vending.

### The Pros and Cons of Mobile Food Vending

Over the past few years, most of the economy has been struggling, and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- ***It provides an opportunity to increase jobs and businesses.*** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-mortar establishment may start at \$300,000.
- ***It offers opportunities to provide food choices where zoning precludes restaurants.***

Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those



districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to make vehicular trips to retail and restaurant areas. In addition, some communities may not enjoy a variety of healthy, fresh foods, and may encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods.

- ***It can increase activity in struggling business districts by creating a dynamic environment where people gather around the availability of new and fresh food.*** The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The rising trend of “cart-pods” and “food truck rallies” brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.
- ***They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.*** Mobile food trucks are a new way of doing business. In these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.
- ***They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.*** Mobile food trucks offer opportunities to interact with a potential market, to test recipes, pricing, and see if the restaurant is a fit with the community. The Lunch Room in Ann Arbor, Michigan recently opened its bricks-and-mortar location, using social media to solicit fans of its existing “Mark’s Carts” location to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some existing bricks and mortar restaurateurs may be threatened by this new competition and may try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather, inconsistent foot traffic, and maintaining an appropriate inventory, given limited storage.

### **Addressing Areas of Concern Through Zoning**

Many communities are updating their codes to accommodate or regulate mobile vending. While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted in one location?
- Are these mobile units just for food, or can other goods be sold as well?
- Does the community want to increase activity in a district?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are customer parking and circulation accommodated? Accessibility?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

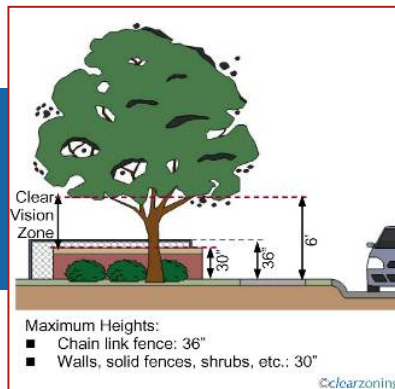
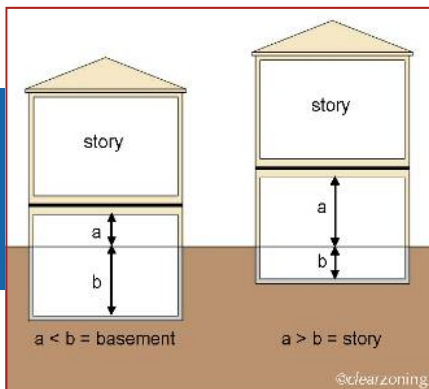


If food trucks are a desirable use in a community and regulations are adopted to regulate and permit mobile vending, it is important that restrictions and regulations be narrowly tailored so that they do not have the unintended consequence of excluding the use. For example, if a food truck is required to be no closer than 300 feet from a bricks and mortar restaurant, it may effectively exclude the use in most of the downtown core.

For more information, Rod Arroyo and Jill Bahm authored a *Zoning Practice* issue for the American Planning Association (Sept. 2013 – V 30, No.9).

Advances in technology and widespread accessibility of the Internet call for a change in the traditional text-based zoning ordinance format of yesterday. Many communities are choosing to make their zoning ordinance and other codes available online for easier access for the public as well as staff and officials. A **Clearzoning®** ordinance format is designed to effectively portray zoning regulations with fewer words and more illustrations. Our ordinances are user-friendly and easy to navigate in both printed and digital formats.

**Clearzoning®** will partner with you to transform your conventional zoning code into an easy-to-read, better organized, digital document that will revolutionize the way your code functions, saving staff time at the counter, and making it easier for officials and citizens to use. A **Clearzoning®** ordinance can guide the development community in a more effective way.



Our graphics clearly illustrate code standards and present regulations in a simple and straightforward manner.

**“Excellent product...very easy to use...a positive marketing tool.”**

—Dan Gellings  
Planning Commission Chair

## Tools & Techniques to Improve Code Function & Clarity

**Organizational Structure.** Traditional zoning codes are often divided into twenty or more articles, with each article further divided into divisions and sections. Users often find themselves lost in the maze of sections and subsections. **Simplifying the organizational structure by logically grouping sections into fewer articles can result in an ordinance that is more intuitive and easier to navigate.**

**Visual Presentation.** When adding color to graphics, it's important to choose a palette that will make sense to the reader and improve legibility. **High quality, color illustrations can visually portray ordinance standards and present regulations in a simple and straightforward manner.**

**User Tools.** Every community's ordinance is different. **By adding basic features, such as a user's guide, use matrix, and flowcharts, a community can create an ordinance that is friendly to both the most experienced professional and the first-time applicant.**

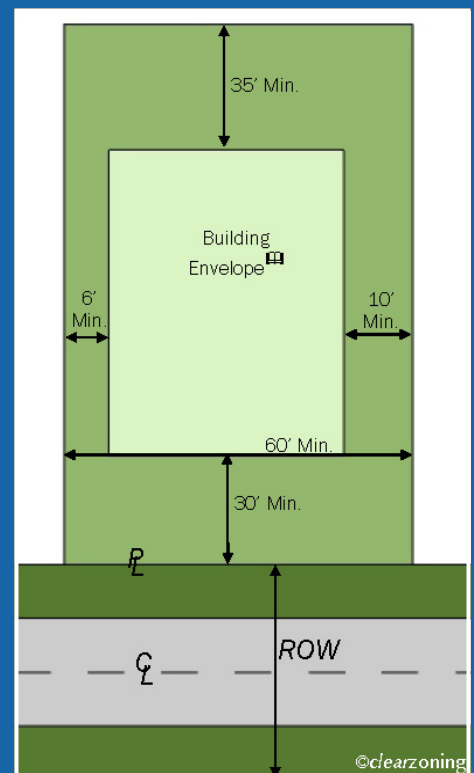
**Internet and Computer Interface.** Many communities have successfully increased public access to their codes by making them available on the Internet, however, most are no easier to access and navigate than when in printed form. **A well-designed digital ordinance should add features that improve its usability and understanding.** While digital ordinances may reduce the demand for hardcopies, the format should still make sense in printed form.

**Relationship to Other Development Codes.** Zoning ordinances do not typically contain all of a community's regulations that pertain to land use and development. **Zoning codes should clearly cross-reference and link to other applicable codes, such as subdivision regulations, tree protection ordinances, private road standards, etc.**

### User Tools

A user's guide can provide a quick overview of document layout and important features, as well as tips on how to effectively use the ordinance. **Tools such as use matrices and flowcharts can help translate detailed ordinance language into graphics that users understand.**

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## How to Use This Ordinance

### 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult Section 42-3.1 as certain conditions and standards may apply. Refer to Section 42-4.41 for uses not otherwise included within a specific use district. If there are any conflicts between this table and the uses listed in Section 42-3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

\* = Special Approval Process

Click on a district heading below to go directly to the corresponding district regulations page.

	R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	MX	O-1	OR-1	RP	ML
Amusement device arcade									S				P
Assembly/concert hall (fully enclosed)									S				P
Auto laundry (completely enclosed)									P				P
Automobile service station									S				P
Bank/credit union									P		P		
Banquet hall									S				
Bus passenger station									P				P
Child care centers/preschools				S					S				

We will work with your current staff, planning consultant, and other municipal officials to transform your zoning code.