

Mobile Food Unit– Zoning Text Amendment

Staff Report: Andy Bauer
Application #:ZTA20-04

Planning Commission Meeting Date: June 23, 2020
Applicant: Ryan Shamburger

STAFF RECOMMENDATION: TABLE THE ZONING TEXT AMENDMENT

SUMMARY OF REQUEST

Mr. Ryan Shamburger seeks to amend the Zoning Ordinance to include Mobile Food Unit (MFU) as a permitted use and allow them to operate on private property within non-residential zoning districts, including non-residential areas of PUDs.

BACKGROUND

A Mobile Food Unit (MFU), also known as a food truck, as defined by the *Rules of Alabama State Board of Health Bureau of Environmental Services Chapter 420-3-22 for Food Establishment Sanitation* is “a unit mounted on or pulled by a self-propelled vehicle, self-contained with its own drinking water tank and waste water tank unless handling only prepackaged foods, designed to be readily movable, and is moved daily to its commissary.”

City Staff has experienced a growing interest over the last three years from Mobile Food Unit owners, local businesses and residents interested in bringing Mobile Food Units to our community. MFU’s are an established national trend that have been proven to provide economic benefit to a community by offering diverse, nutritional and convenient dining options to residents and visitors.

The following is a brief timeline of zoning for MFU’s in Gulf Shores.

2017 – In response to growing interest in permitting food trucks, City Staff developed draft standards for both a Food Truck Pilot Program and Mobile Vendor Courts. Stakeholder meetings were held with both brick and mortar restaurant owners and food truck advocates to discuss the proposals. The Pilot Program and Mobile Vendor Court standards were presented to the Planning Commission and City Council. Many brick and mortar restaurant owners and operators opposed food trucks due to what they believed to be unfair advantages inherent to mobile units versus brick and mortar restaurants. The Planning Commission and City Council chose to support the creation of Mobile Vendor Court regulations as opposed to the Food Truck Pilot Program.

December 2019 – As a result of growing interest from mobile food unit owners, local businesses and residents interested in bringing Mobile Food Units to our community, City staff again developed updated standards for a Food Truck Pilot Program. City Staff met with members of the food truck community and local restauranteurs, and achieved a compromise for the development of a Mobile Food Unit Pilot Program which was approved by the City Council. The Pilot Program allows a limited number of Mobile Food Units to operate within the City of Gulf Shores for one (1) year to provide the City with data to better determine if such uses are appropriate in Gulf Shores.

Prior to the adoption of the Mobile Food Unit Pilot Program, MFU’s could not legally operate in the City of Gulf Shores, unless they were associated with an approved Mobile Vendor Court or an approved Assembly Permit required for special events such as The Hangout Festival or Shrimp Festival.

Details of the Adopted Mobile Food Unit Pilot Program

The Pilot Program is a feasibility study to help the City of Gulf Shores determine if the allowance of food trucks on a small scale positively or negatively impacts the City. Specifics of the Pilot Program are as follows.

- The Pilot Program is for 365 days (December 2019 to December 2020).
- A maximum of 10 operating permits will be issued to MFU operators.
- MFU's area allowed within all non-residential zoning districts, including non-residential areas of PUD's.
- MFU's must operate on private parcels developed with an operating business.
- MFU's shall not locate on public City-owned property or within any public right-of-way unless approved in conjunction with an approved special event.
- MVU's shall not operate outside of the hours of operation of the principle business located on the same parcel.
- The maximum number of MFU's per parcel is one (1) per acre and two (2) MFU's for parcels greater than an acre.
- MVU's must have access to a bathroom facility that is located on the same property from which it is operating.
- MVU's shall not locate within 100 feet of the principal building entrance of an existing restaurant.

The trial period adopted by Council for the Pilot Program will end on December 9th of this year.

PROPOSAL

The applicant's request would essentially make the Pilot Program permanent by amending it into the Zoning Ordinance. The proposal would amend Article 4 *Definitions*, Article 11 *Specific Use Regulations*, and the table of "Use Regulations for Non-Residential Districts" to allow Mobile Food Units to operate by "Right" on private property within non-residential zoning districts, including non-residential areas of Planned Unit Developments. The details of the proposal are as follows.

ADD **Article 4. Use Definitions.** Add a definition for "Mobile Food Units".

ADD **Article 11. Specific Use Regulations.** Add language to the Zoning Ordinance that mirrors the language of the current Mobile Food Unit Pilot Program with the following exceptions:

- No expiration date to the permitted use of Mobile Food Units.
- No restriction on the maximum number of Mobile Food Unit permits issued by the City. The Pilot Program allows a maximum of 10 permits.
- Removal of the text "All permits shall be subject to additional limitations on hours and days of operation that the City determines are appropriate to prevent conflict with special events, festivals, community events, etc."

ADD **Use Regulations for Non-Residential Districts.** Add Mobile Food Units as a by "Right" use to the following non-residential zoning districts and non-residential areas of PUD's.

BN – Neighborhood Business District
BG – General Business District
BA – Arterial Business District
BT (1-5) – Tourist Business District

ICW-North & South – Intracoastal Waterway Districts
ATP – Amusement/Theme Park District
IND – Industrial District
ED – Education District

ANALYSIS

The Pilot Program was adopted by the City Council to analyze the positive and negative impacts these uses have on the community over the course of a year. The Mobile Food Unit Pilot Program has only been in existence for 6 months, with at least 2 months interrupted by the COVID-19 Virus.

While the Pilot Program allows up to ten permits to be issued, as of June, the City has only permitted seven Mobile Food Units for participation in the Program. Three locations have requested and received approval for Mobile Food Units.

After six months of the Pilot Program, additional time is needed to fully understand and analyze the impacts of Mobile Food Units on our community as well as the needs of MFU operators and patrons. Allowing the Pilot Program to develop over a 12-month period, as envisioned by City Council, will provide the data necessary to determine if it should be extended, modified or codified on a permanent basis.

City Staff will prepare a report evaluating the Pilot Program at or near the end of the year. The report will include data and analysis of permitted food trucks, locations, and violations. The report will also include the results of surveys and interviews with Pilot Program participants, brick and mortar restaurant owners/managers, and residents. Some of the questions we hope to answer at the end of the pilot period include the following.

- What elements of the permit process work or do not work for operators and property owners?
- Are nearby businesses, especially brick and mortar restaurants, positively or negatively affected by mobile food vendors?
- What are some incentives to encourage operators to locate in underutilized areas that did not seek site approval?

RECOMMENDATION

Staff recommends the Planning Commission table the proposed zoning text amendment until the January 2021 meeting, to allow the 12-month Mobile Food Unit Pilot Program to be completed and community impacts to be evaluated.