

Issue Analysis Form

Date: August 11, 2020

Item: Mobile Food Units (Zoning Ordinance Amendment)

Lead Department: Community Development

Contact Person: Tim Graves, Planner



Description and Current Status

The purpose of this ordinance is to enhance site location options and therefore business opportunities for food truck operators in the County, while setting reasonable rules for the operation of the food trucks. The ordinance amendment incorporates input from food truck operators who attended a community meeting and/or reviewed a draft of the ordinance.

Staff and the Planning Commission recommend Approval of this ordinance as proposed.

Government Path

| | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | February 27, 2020 Recommended Approval 6-1 |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | August 11, 2020 |
| Does this require a Public Hearing? | <input checked="" type="checkbox"/> Yes | August 11, 2020 |
| If so, before what date? | N/A | |

Fiscal Impact Statement

The proposed ordinance changes would result in additional tax revenue for the County.

County Impact

The proposed ordinance changes would benefit business owners by allowing more options for sales locations which are better located to serve customers in the County, and in many cases would make the process to get a business license or zoning approval easier to understand. County residents and visitors would benefit from having additional options for restaurant-quality food within the County.

Notes

Attachments: Staff Report, Draft Ordinance.

Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 11th day of August, 2020:

Present:

Donald R. Hunter, Chairman
Alan R. Carmichael, Vice Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

Vote:

On motion of _____, seconded by _____, which carried a vote _____, the following Ordinance was adopted in order to further public necessity, convenience, general welfare and good zoning practice:

ORDINANCE TO AMEND THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA, BY AMENDING §§ 90-1, 90-392, 90-442, AND 90-492, AND TO AMEND ARTICLE XXIII – MISCELLANEOUS PROVISIONS, BY ADDING “REQUIREMENTS FOR MOBILE FOOD UNITS” TO CHAPTER 90, “ZONING,” § 90-1041 TO PROVIDE REQUIREMENTS FOR THE PERMITTING AND OPERATION OF MOBILE FOOD UNITS IN PERMITTED DISTRICTS OF THE COUNTY.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That §90-1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-1. - Definitions.

Food means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

“Mobile food unit” means a food establishment that is mounted on wheels, readily moveable from place to place at all times during operation, and shall include but not be limited to pushcarts, trailers, trucks, or vans. The unit, all operations, and all equipment must be integral to and be within or attached to the unit.

(2) That §90-392 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-392. - Uses and structures permitted by right.

In the B-1 general business district, structures may be erected or land may be used for one or more of the following uses:

(50) Mobile Food Units, subject to the provisions of Section 90-1041.

(3) That §90-442 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-442. - Permitted uses.

In the M-1 limited industrial district, any structure to be erected or land to be used shall be for one or more of the following uses:

~~(22) Prepared food and beverage vendors, provided that:~~

~~a. Only prepared food and beverage sales as licensed by county, state and/or federal government requirements shall be sold from self-contained food trucks with the owner or agent's written permission and county zoning approval for the food and beverage sales on the premises.~~

~~b. Sufficient area shall be set aside to provide a minimum of five temporary offstreet parking spaces. If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales.~~

(22) Mobile Food Units, subject to the provisions of Section 90-1041

(4) That §90-492 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-492. - Permitted uses.

In the M-2 general industrial district, buildings to be erected or land to be used shall be for one or more of the following uses:

~~(24) Prepared food and beverage vendors provided that:~~

~~a. Only prepared food and beverage sales as licensed by county, state and/or federal government requirements shall be sold from self-contained food trucks with the owner or agent's written permission and county zoning approval for the food and beverage sales on the premises.~~

~~b. Sufficient area shall be set aside to provide a minimum of five temporary offstreet parking spaces. If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales.~~

(24) Mobile Food Units, subject to the provisions of Section 90-1041

(5) That Chapter 90, ARTICLE XXIII Miscellaneous Provisions of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-1041 – Requirements for Mobile Food Units

The following requirements shall apply to the permitting and operation of Mobile Food Units in permitted zoning districts of the County.

1. **Exclusions.** The provisions of this section shall not apply to Mobile Food Units sales locations in conjunction with the following:
 - a) A Special Event, for which a special event permit is required per Chapter 58 of the county code.
 - b) A private catered event not serving the general public.

2. **Zoning Permits.**
 - a) **Base of Operations.** For Mobile Food Unit businesses based in Prince George County, in addition to zoning approval for the sales location(s), zoning approval must be obtained for the Base of Operations, where activities such as storage, loading and garaging (regular overnight parking) take place.
 - b) **Commissary.** For mobile food unit businesses which prepare food outside of the mobile food unit and inside a health department-approved commissary located

in Prince George County, zoning approval shall be required for the commissary location either separately or as part of the Base of Operations.

- c) *Sales Location(s)*. Applicants must seek zoning approval for sales operation on each individual lot, and may have multiple sales locations on a single lot.
 - d) *Renewal and Fees*. Operators must seek renewal of approval for sales location(s) each year, regardless of any business license exemption. A single fee shall cover the review of up to 5 different lots for sales locations during a calendar year.
 - e) *Amendment*. At any time during the permit period, the operator may modify approved location(s) on a lot by submitting an updated sketch, with property owner authorization.
 - f) *Display*. Copies of the zoning permit and all applicable permits or licenses shall be kept in the food unit at all times.
3. *Zoning Permit Application*. A zoning permit must be obtained for each sales location prior to beginning on-site operations. Applications shall be accompanied by the following:
- a) *Health Department License*. A copy of a valid license from Virginia Department of Health for the unit.
 - b) *Business License*. A copy of a valid business license for the business from a locality in the state of Virginia.
 - c) *Zoning Approval for Base of Operations and/or Commissary*. If applicable.
 - d) *Owner Permission*. Signed authorization from the property owner or agent of any lot or parcel proposed to accommodate a unit for a sales location.
 - e) *Site Sketch*. Applicants shall provide a scaled drawing or aerial imagery to show the proposed location(s) of the unit on the lot, and additional detail upon request to show compliance with the zoning ordinance.
4. *Fire Safety Compliance*. Exhaust systems and fire protection systems shall be inspected and cleaned in accordance with the Virginia Statewide Fire Prevention Code.
5. *Location of unit for operation shall adhere to the following requirements:*
- a) At least 15 feet from the edge of any driveway, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
 - b) At least 100 feet from any on-site residential dwelling or the main entrance of any existing off-site food establishment.
 - c) Not within any area of the lot or parcel that impedes, endangers, or interferes with access, passage or circulation of other lot users, or creates safety or visibility problems for vehicles and pedestrians.
 - d) Not in designated handicapped parking spaces.
 - e) Not in any right of way, nor obstructing any access easement nor fire lane.
6. *Equipment and furniture* used for the operation of the unit shall be considered physically part of the use of the unit for setback purposes, shall be located within twenty (20) feet of the unit, and shall be removed when the unit is removed.

7. *Parking provided.*

- a) Sufficient parking area shall be available to provide a minimum of ten (10) shared off-street spaces, or a minimum of 5 spaces when no other use is present, excluding any spaces occupied by the unit.
- b) Available parking shall be of sufficient quantity and location such that there is no obstruction of a public right of way used to access the lot.
- c) Parking construction standards shall be in accordance with Article XIX of this chapter.

8. *Signage.*

- a) No more than one (1) unattached A-frame or equivalent temporary sign may be used for advertising or attention-getting purposes, which may be positioned no more than fifty (50) feet from the unit and shall not exceed six (6) square feet in area for each face and four (4) feet in height, and shall not be placed within 10 feet of a public road right-of way.
- b) Signage for menu purposes located within three (3) feet of the unit shall be considered attached for the use.
- c) Attention-getting appurtenances such as flags and banners, whether attached or detached, shall not be allowed, unless by another section of this ordinance.
- d) All signage and appurtenances must be removed when the unit is removed.

9. *Lighting.* No flashing or moving lights are permitted as part of a unit's operation.

10. *Noise.* Operation of the units shall be in compliance with the County's Noise Ordinance.

11. *Trash and Waste.* Operators shall provide at least one trash receptacle within ten feet of the unit and are responsible for the proper disposal of waste and trash associated with the operation.

12. *Presence of operator.* When open for business, the operator of the unit or designee must be present at all times, except in cases of emergency.

13. *Hours of operation.* Operational hours for units shall be between the hours of 6am to 8pm, for a maximum of six (6) hours per individual lot during a single day, including packing and unpacking of supplies and equipment. The unit and all elements of the operation of the unit that are not structures shall be removed with the unit each day.

14. *Enforcement.* If at any time evidence is provided that a lot is being used other than in compliance with an approved permit or the zoning ordinance, the property owner may be cited for the violation in accordance with Section 90-17, and/or the permit may be revoked.

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

**BOARD OF SUPERVISORS
PUBLIC HEARING: August 11, 2020**

ORDINANCE AMENDMENT OA-20-01 Adoption of an Ordinance to amend “The Code of the County of Prince George, Virginia,” by amending §§ 90-1, 90-392, 90-442, and 90-492, and to amend Article XXIII – Miscellaneous Provisions, by adding “Requirements for Mobile Food Units” to Chapter 90, “Zoning,” § 90-1041 to provide requirements for the permitting and operation of Mobile Food Units in permitted districts of the County.

Sponsor: Prince George County

Ordinance Sections to be Amended:

- 90-1 - Definitions
- 90-392 – Uses and structures permitted by right (B-1 zoning)
- 90-442 – Permitted uses (M-1 zoning)
- 90-492 – Permitted uses (M-2 zoning)
- 90-1041 - Requirements for Mobile Food Units (new)

Meeting Information:

- Planning Commission (presentation of research): July 25, 2019
- Board of Supervisors Work Session (presentation of research): September 10, 2019
- Community Meeting (reviewed draft ordinance): November 19, 2019
- Planning Commission Public Hearing: February 27, 2020 – Recommended Approval 6-1
- Board of Supervisors Public Hearing: (Previously scheduled; Postponed during CV-19 Pandemic)
- Board of Supervisors Public Hearing: August 11, 2020

Summary:

The proposed ordinance amendment would:

1. Allow food trucks in County locations which are appropriate for this business use, and
2. Set reasonable requirements for the operation of food trucks within the County, in the interest of the health, safety and welfare of County residents and business customers.

Note: “Food truck” is the informal term used to casually speak about this type of land use. The codified term would be “Mobile food unit”.

Background:

In July 2014, the Board of Supervisors passed an ordinance amendment which established specific Zoning Ordinance requirements for Temporary Food and Beverage Sales and Seasonal Fireworks and Tree Sales. This ordinance amendment had the effect of allowing food trucks in M-1 and M-2 zoning districts with conditions for licensing, owner permission and minimum parking.

In the time since that ordinance amendment was implemented, food truck operators have repeatedly requested the opportunity to conduct sales in additional locations within the County,

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

such as in shopping centers or individual lots within business districts. Additionally, in 2019, Baymont Inn & Suites requested an amendment to its PUD case, in order to allow a food truck or trailer as part of its existing on-site restaurant use.

The Board of Supervisors asked the Planning Commission and Staff to research food truck regulations and provide recommendations for how to ensure consistent treatment of food trucks throughout the County and allow them to operate in appropriate areas and under appropriate conditions.

After completing research including a review of literature from the American Planning Association among other sources, as well as review of ordinances, practices and policies of peer counties and applicable regulatory agencies in Virginia, Staff presented the findings and resulting recommendations to the Commission and the Board. The Board asked Staff to bring forward an ordinance amendment to implement the recommendations.

Staff prepared a draft ordinance amendment (dated 11-5-19) and invited 38 food truck operators and restaurant owners to a Community Meeting held at the County Administration Building on November 11, 2019. At least 9 food truck operators attended and offered input to County Staff and members of the Planning Commission and the Board of Supervisors.

Based on input from the community meeting, Staff revised the draft ordinance to relax and clarify requirements related to the site sketch, location on the lot, parking, signage, noise, time limit on-site, and other factors.

On January 9, 2020, Staff sent the revision (dated 12-12-19) to food truck operators who had attended the community meeting. One comment was received from an operator, who proposed alternative language to allow the property owner to determine the time limit. Staff recommends against this option because it could effectively mean there would be no limit.

The revision dated 12-12-19 is proposed for adoption.

Summary of Ordinance Changes:

Current Ordinance (approved 7-22-14)

“Prepared food and beverage vendors”, allowed in M-1 and M-2 zoning districts, provided that:

- Licensed by the Health Department
- Self-contained
- With owner/agent written permission
- Five temporary off-street parking spaces required
- “If the sales are conducted on the same lot with an existing use, the required minimum and most accessible parking spaces for the existing use shall not be used for prepared food and beverage sales.”

Proposed Amendment (document dated 12-12-19)

Summary of proposed changes to the Current Ordinance:

- Permit the use in the B-1 zoning district (in addition to M-1 and M-2)
- Food trucks at private event, such as a lunchtime truck at the Rolls-Royce manufacturing facility serving only Rolls-Royce employees, no longer need to obtain zoning approval.

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

Note: Food trucks at an approved Special Event currently do not need to obtain zoning approval and this would not change with the proposed ordinance.

- Added definitions in the zoning ordinance for “Mobile food unit” and “Food”
- Clarifications about requirements for the physical location on the lot, i.e., signage, parking, access, permits, equipment, attachments, etc.
- Clarifications about requirements for the zoning permit applications
- Generally, only one fee for zoning review per year, for up to 5 locations
- Permits must be renewed annually. Note: Due to the temporary nature of food trucks.
- Sets locational requirements for the units and their equipment and signage
- Specifies parking requirements
- Sets a 6-hour time limit for food trucks to operate on one site during a day. Note: the intended purpose of having a time limit is to certify that food trucks are a temporary and not a permanent use.

Comprehensive Plan:

The following Goals, Objectives and Strategies of the Prince George County Comprehensive Plan support the intent of the proposed ordinance amendment:

Economic Development

Goal - To enhance the economic base and employment opportunities in Prince George County.

- **Objective #1** - Develop a strong and diversified tax base through guided office, commercial retail and industrial development.
- **Objective #3** - Promote the retention of existing businesses.
 - **Strategy** - Provide assistance to existing businesses and industries that wish to expand in the County.

Planning Commission:

February 27, 2020 Public Hearing

Three members of the public spoke during the public hearing at the February 27, 2020 Planning Commission Meeting:

- One food truck operator expressed a preference for an alternative 8-hour time limit on a site per day
- One county resident spoke in favor of food trucks in general
- One county business owner expressed concern with the time limit

After closing the public hearing, the Planning Commission discussed the proposed 6-hour time limit with Staff. Staff noted that the time limit on site was increased from 4 hours to 6 hours, including setup and cleanup, based on feedback from the Community Meeting.

The Planning Commission discussed additional clarifying details about the proposed amendment, and then made a motion to **recommend Approval of the Proposed Ordinance Amendment as written**, with an additional suggestion that the 6-hour per-day time limit be revisited in the future if in practice it did not meet what the operators find reasonable. The motion was approved by a 6-1 vote.

ORDINANCE AMENDMENT OA-20-01 STAFF REPORT

Public Notice:

A legal ad was run for the Planning Commission Public Hearing on 2/12/20 and 2/19/20.

A legal ad was run for the Board of Supervisors Public Hearing on 7/30/20 and 8/6/20.

Recommendation:

The Planning Commission recommended approval for the ordinance as written, 6-1.

Planning & Zoning Division Staff recommend Approval of the Ordinance Amendment as proposed, based on the following considerations:

- a) The ordinance amendment was initially drafted based on best practices and active ordinances and policies of peer counties and then updated based on feedback from food truck operators prior to the February 2020 Planning Commission Hearing.
- b) The ordinance amendment will expand business opportunities for food truck operators in the county, in comparison to what is permitted by the current ordinance.
- c) Details within the ordinance including time limit may be revisited after the ordinance has been implemented.
- d) The Planning Commission recommended approval of the ordinance amendments as written.

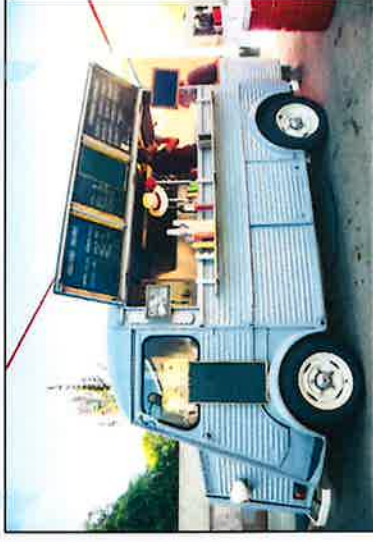


BOARD OF SUPERVISORS

PUBLIC HEARING

PRINCE GEORGE COUNTY

August 11, 2020



ORDINANCE AMENDMENT

OA-20-01

Mobile Food Units (Food Trucks)

August 11, 2020

PURPOSE

1. Allow food trucks in additional County locations which are appropriate for this business use, and
2. Set and clarify reasonable requirements for the operation of food trucks within the County

BACKGROUND / TIMELINE

2014 – Ordinance Amendment for “Temporary Food and Beverage Sales”. This allowed food trucks in M-1 and M-2 zoning districts only.

2019 – Drafting Ordinance Amendment

1. County received requests to allow more locations
2. BOS asked PC and Staff to bring forward an ordinance amendment
3. Staff created a Draft Amendment
4. County held a Community Meeting with operators and updated the Draft Amendment

2020 – Public Hearings:

1. Planning Commission – February 27, 2020
2. Board of Supervisors – August 11, 2020

CURRENT ORDINANCE

Approved 7-22-14

Prepared food and beverage vendors:

- M-1 and M-2 zoning districts
- Licensed
- Self-contained
- With owner/agent written permission
- Five temporary off-street parking spaces

Limitations:

- No definition of "Prepared food and beverage vendors"
- Use only permitted in industrial zoning districts
- Requires zoning approval for locations serving employees only (i.e. Rolls Royce employee parking lot)

PROPOSED ORDINANCE

- Definition of “Mobile Food Unit”
- To be allowed in M-1, M-2, and B-1 zoning districts
- If operating at a private event OR an approved Special Event, do not need to obtain zoning approval
- 6-hour time limit on site each day
- Different components of food truck business: Base of Operations, Commissary, Sales Location
- Specifies required attachments, i.e. VDH license, lot sketch
- Requirements for location on a lot, parking, signage, etc.
- Annual renewal, only one fee per year

IMPACT ON OPERATORS

- Better options for sales locations
- No zoning approval necessary if not open to general public
- Can have multiple locations with only one zoning fee
- Better understanding of expectations (because requirements are detailed in the ordinance)
- Can request additional locations remotely
- Staff review time for each application to decrease

COMPREHENSIVE PLAN

Economic Development

- **Goal** - To enhance the economic base and employment opportunities in Prince George County.
- **Objective #1** - Develop a strong and diversified tax base through guided office, commercial retail and industrial development.
- **Objective #3** - Promote the retention of existing businesses.
 - **Strategy** - Provide assistance to existing businesses and industries that wish to expand in the County.

PLANNING COMMISSION

Public Hearing February 27, 2020

Public Comments:

- 1 expressed preference for 8-hour daily time limit
- 1 general concern with time limit
- 1 in favor of food trucks in general

Planning Commission Recommendation:

Recommended Approval 6-1 of the Amendment as written; suggested that the time limit could be revisited in the future.

RECOMMENDATION

Staff and Planning Commission Recommend:

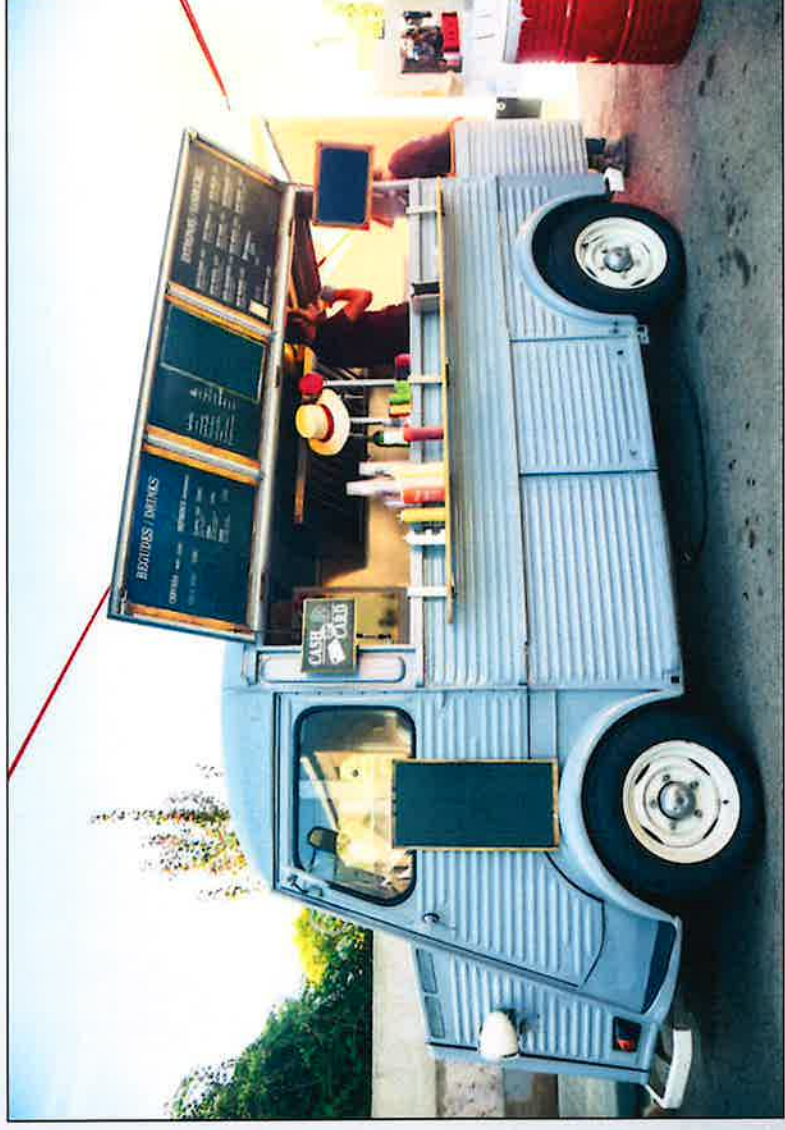
Approval of Amendment as Proposed*

Basis:

1. Initiated by County leadership
2. Incorporates community feedback
3. Supported by the Comprehensive Plan
4. Details can be revisited in a future update, based on experience

* Ordinance amendment has been reviewed by the County Attorney

Questions?



Thank you!