



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

STAFF MEMO

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Date: January 8, 2021
To: Planning Board
From: Lincoln Daley, Community Development Director
Subject: Proposed Zoning Amendments (*Second Public Hearing*)

This agenda item represents the second of two public hearing to discuss and solicit public input on the following proposed zoning amendments. At the first public hearing, the Board recommended a number of revisions that have been incorporated into current amendments.

Mobile Food Vendor Ordinance

Proposed amendment would add a mobile food vendor section to the Milford Zoning Ordinance in order to properly regulate and accommodate mobile food vendors in appropriate locations in Milford. Milford currently does not have a mobile food vendor ordinance; the process for approving mobile food vendors has been handled through minor site plan amendment (i.e. 539 Elm Street/Odhner property). The proposed ordinance intends to provide guidance and an approval process for locating food trucks on private property. Attached please find the proposed zoning amendment language (updated and clean versions).

Dimensional Setbacks for Accessory Structures

Proposed amendments would further clarify and improve the review/approval/enforcement process relative to the side and rear setbacks for all accessory structures. The amendment would eliminate the current provision allowing a minimum 6 foot rear/side setback for accessory structures 120 square feet (or less) and re-establish the required minimum 15 foot side and rear dimensional setback for all structures. Attached please find the proposed zoning amendment language.

**ARTICLE VII: BALLOT VOTE 1 – ZONING ORDINANCE AMENDMENT
MOBILE FOOD VENDOR ORDINANCE**

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article VII, Supplementary Standards by inserting new Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in appropriate locations to read as follows:

Article VII Section 7.15 Mobile Food Vendors (2021)

7.15.0 Mobile Food Vendors

7.15.1 Purpose

This subsection provides regulations to appropriately site Mobile Food Vendors in Milford while maintaining the desired character of the community. This is differentiated from a mobile canteen truck that operates on a daily route.

7.15.2 District Regulations

Mobile Food Vendors are permitted in the Commercial, Integrated-Commercial-Industrial, Integrated-Commercial-Industrial 2, and Industrial Zoning Districts by the granting of an administrative approval or site plan approval by the Planning Board.

7.15.3 Definition

Mobile Food Vendor shall mean any vending unit, truck, trailer, temporary establishment or pushcart that is not permanently placed and or parked vehicle in which food is cooked and/or prepared to order and is served to walk-up customers.

7.15.4 Standard Applicable to All Mobile Food Vendors

1. All mobile food vendors are required to operate out of a licensed and inspected commissary;
2. Proof of compliance with all applicable federal, state, and/or local health and safety codes is required, as well as any other applicable local zoning regulations.
3. The request to locate a mobile food vendor shall be made in writing and signed by the property owner;

7.15.5 Administrative Review and Approval

The following criteria must be met for a Mobile Food Vendor approval to be issued by the Office of Community Development.

1. The Applicant shall make the request in writing (signed by the property owner) and submit two (2) copies of the most recent site plan or as-built plan marked up showing the proposed amendments, notes required by the Office of Community Development, and all other appropriate information for an informed decision, including a narrative of the operation.

2. The proposal shall not increase the amount of stormwater run-off accommodated by the most recent site plan approval, unless deemed insignificant by the Town's Engineering consultant;
3. Outdoor seating for the Mobile Food Vendor may occupy existing parking spaces or green areas, however the number of spaces remaining must comply with either these regulations or the most recently approved site plan for the primary use;
4. The Mobile Food Vendor shall not negatively impact traffic circulation within the property or on public ways;
5. If the business is seasonal, the vending unit will be removed from the property during the off season.
6. A single sign of not more than four (4) square feet is allowed;
7. No temporary utilities (e.g. water, electricity) connections will be permitted;
8. Mobile Food Vendor Administrative Approval must be renewed annually.
9. Parking:
 - a. The Mobile Food Vendor may occupy existing parking spaces, however the number of spaces remaining must comply with either these regulations or the most recently approved site plan;
 - b. Mobile food vendors and/or their seating may not occupy any required parking space for the primary use, as defined on the approved site plan, during primary use normal business hours. Mobile food vendors and the primary use may share parking spaces when having separate hours of operation. Parking spaces that are overflow or extra according to the regulations in the Zoning Ordinance may be used to park a mobile food vendor;
 - c. Mobile food vendors may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles.
 - d. The approved location for the parking mobile food vendors, as shown on the approval, must be physically marked. The mobile food vendor parking space can be marked with tape or any other easily identifiable material.
 - e. Vending from public parking spaces is not allowed.

7.15.6 Additional Information

1. Site plan approval by the Planning Board is required if the criteria in Section 7.15.5 are not met and/or the proposal is on vacant land.
2. Vendors who wish to operate from public property must receive approval from the Board of Selectmen or designee.

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7.15.2 District Regulations

Mobile Food Vendors are permitted in the Commercial, Integrated-Commercial-Industrial, ~~and~~ Integrated-Commercial-Industrial 2, and Industrial Zoning Districts by the granting of an administrative approval or site plan approval by the Planning Board.

7.15.3 Definition

Mobile Food Vendor shall mean any vending unit, truck, trailer, temporary establishment or pushcart that is not ~~a~~ permanently placed and or parked vehicle in which food is cooked and/or prepared to order and is served to walk-up customers.

7.15.4 Standard Applicable to All Mobile Food ~~Trucks~~ Vendors

1. All mobile food vendors are required to operate out of a licensed and inspected commissary;
2. Proof of compliance with all applicable federal, state, and/or local health and safety codes is required, as well as any other applicable local zoning regulations.
3. The request to locate a mobile food ~~truck~~ vendor shall be made in writing and signed by the property owner;

7.15.5 Administrative Review and Approval

The following criteria must be met for a Mobile Food Vendor ~~Truck~~ approval to be issued by the Office of Community Development.

1. The Applicant shall make the request in writing (signed by the property owner) and submit two (2) copies of the most recent site plan or as-built plan marked up showing the proposed amendments, notes required by the Office of Community Development, and all other appropriate information for an informed decision, including a narrative of the operation.

2. The proposal shall not increase the amount of stormwater run-off accommodated by the most recent site plan approval, unless deemed insignificant by the Town's Engineering consultant;
3. Outdoor seating for the Mobile Food Vendor may occupy existing parking spaces or green areas, however the number of spaces remaining must comply with either these regulations or the most recently approved site plan for the primary use;
4. The Mobile Food Vendor shall not negatively impact traffic circulation within the property or on public ways;
5. If the business is seasonal, the vending unit will be removed from the property during the off season.
6. A single sign of not more than four (4) square feet is allowed;
7. No temporary utilities (e.g. water, electricity) connections will be permitted;
8. Mobile Food Vendor Administrative Approval must be renewed annually.
9. Parking:
 - a. The Mobile Food Vendor may occupy existing parking spaces, however the number of spaces remaining must comply with either these regulations or the most recently approved site plan;
 - b. Mobile food vendors and/or their seating may not occupy any required parking space for the primary use, as defined on the approved site plan, during primary use normal business hours. Mobile food vendors and the primary use may share parking spaces when having separate hours of operation. Parking spaces that are overflow or extra according to the regulations in the Zoning Ordinance may be used to park a mobile food vendor;
 - c. Mobile food vendors may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles.
 - d. The approved location for the parking mobile food vendors, as shown on the approval, must be physically marked. The mobile food vendor parking space can be marked with tape or any other easily identifiable material.
 - e. Vending from public parking spaces is not allowed.

7.15.6 Additional Information

1. Site plan approval by the Planning Board is required if the criteria in Section 7.15.5 are not met and/or the proposal is on vacant land.
2. Vendors who wish to operate from public property must receive approval from the Board of Selectmen or designee.

**ARTICLE V: BALLOT VOTE 1 – ZONING ORDINANCE AMENDMENT
DIMENSIONAL SETBACKS FOR ACCESSORY STRUCTURE**

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article V, Sections 5.02.5 Yard Requirements, 5.03.6 Yard Requirements, and 5.04.5 Yard Requirements by deleting Subsection C in each to eliminate the provision allowing a minimum 6 foot rear/side setback for accessory structures 120 square feet (or less) and establish a consistent minimum 15 foot rear/side dimensional setback requirement for all structures in the Residential A, B, and R Zoning Districts to read as follows:

ARTICLE V., SECTION 5.02.5 YARD REQUIREMENTS (2021)

~~C. Accessory structures, one hundred twenty (120) square feet or less, shall have a minimum setback from the side and rear property lines of six (6) feet. (2011)~~

ARTICLE V., SECTION 5.03.6 YARD REQUIREMENTS (2021)

~~C. Accessory Structures, one hundred twenty (120) square feet or less shall have a minimum setback from the side and rear property lines of six (6) feet.~~

ARTICLE V., SECTION 5.04.5 YARD REQUIREMENTS (2021)

~~C. Accessory Structures, one hundred twenty (120) square feet or less shall have a minimum setback from the side and rear property lines of six (6) feet.~~