



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

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**STAFF MEMO**

**Date:** November 10, 2020

**To:** Planning Board

**From:** Kellie Walsh, Town Planner

**Subject: Mobile Food Vendor Ordinance**

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The purpose of this memorandum is to consider adding 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. To assist in the discussion attached please find the proposed draft mobile food vendor ordinance.

The Board should be prepared to discuss the revisions (shown in red) made since the last meeting and to discuss/determine if a formal parking calculation is necessary for mobile food vendors. Below is the current off-street parking table for reference.

05.4 TABLE OF OFF-STREET PARKING

Use	Parking Spaces Required
Appliance, Carpet, Furniture, Electrical, Heating & Plumbing Retail Sales	1.5 per 1,000 SF <sup>1</sup>
Adult daycare facilities	1 per employee <sup>2</sup> , plus 1 per 5 clients and if necessary 1 per facility vehicle
Automotive Services: gas stations, auto dealers, auto repair & body shops	1 per employee <sup>2</sup> plus 1 per 1,000 SF or 4 per bay
Banks	3 per 1,000 SF
College, Universities, Trade School and Vocational Institutions	1 per 2 seats, plus 1 per every 2 employees <sup>2</sup>
Government Offices (including municipal and school)	1 per 200 SF
Hair Salon, Spa & Barber Shop	2 per employee
Bowling Alley, Skating Rinks and other places of assembly where capacity cannot be measured in terms of seats	1 per 200 SF or 1 per every 4 people at capacity, plus 1 per every 2 employees
Childcare Facilities	1 per employee <sup>2</sup> plus 2 per 1,000 SF
Car Wash	1 per employee
Dwellings:	
Single Family	2 per dwelling unit
Multi-family	2 per dwelling unit
Elderly	1.5 per dwelling unit
Hotels and Motels	1 per room, plus 1 per 400 SF of public meeting area
Laundromats	1 per every 2 washing machines
Medical, Dental, Veterinary and other Healthcare Providers Offices	4 per practitioner, plus one per every 2 employees
Manufacturing and Light Industrial	1 per 600 SF
Mixed Use	2 per dwelling unit
Nursing Home, Assisted Living and Congregate Care Facilities	1 per employee <sup>2</sup> , plus 1 per bed and if necessary 1 per facility vehicle
Office for Professionals, Businesses, Legal, Financial and Real Estate	3 per 1,000 SF
Outdoor Recreational Centers	20 per athletic field or 1 per 600 SF of outdoor recreation area
Restaurants:	
No Lounge	1 per 3 seats
Lounge	1 per 2 seats
Function Halls	1 per 3 seats
Fast Food	0.6 per seat, plus 1 per employee
Retail Shopping Centers	
0-49,999 SF	4 per 1,000 SF
+ 50,000 SF	3.5 per 1,000 SF
Theaters, Auditoriums, Churches & Places of Assembly with fixed seats	1 per 3 seats, plus 1 per 2 employees
Wholesale, Storage and Warehouse	1 per 1,000 SF
Other	As determined by Planning Board

**ARTICLE VII – BALLOT VOTE – ZONING CHANGES**

**To vote on Planning Board proposed zoning changes and amendments.**

**The Planning Board SUPPORTS all Amendments:  
Ballot Vote No.1**

- 1. Are you in favor of the adoption of Amendment #1 as proposed by the Milford Planning Board for the Town of Milford Zoning Ordinance as follows:**

**AMENDMENT #1:** Amend Article VII, Supplementary Standards by inserting new Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in the Commercial, Integrated-Commercial-Industrial, and Integrated-Commercial-Industrial 2 zoning districts.

**Topical Description of Proposed Amendment**

The proposed amendments revise the Milford Zoning Ordinance by inserting new Article VII, Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in the Commercial, Integrated-Commercial-Industrial, and Integrated-Commercial-Industrial 2 zoning districts.

**Ballot Title:** Mobile Food Vendor Ordinance

**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 (2020)**

**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.

**7.15.2 District Regulations**

Mobile Food Vendors are permitted in the Commercial, Integrated-Commercial-Industrial, and Integrated-Commercial-Industrial 2 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 permanent ~~restaurant 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**

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 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 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;
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 may not occupy any required parking space for the primary use while the primary use is open to the public. 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.