



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

Date: October 1, 2020

To: Planning Board

From: Kellie Walsh, Town Planner

Subject: Mobile Food Vendor Ordinance

The purpose of this memorandum is to discuss adding a mobile food vendor section to the zoning ordinance. Milford currently does not have a food truck 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.

ARTICLE XX – 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 appropriate locations.

Topical Description of Proposed Amendment

The proposed amendments revise the Milford Zoning Ordinance by inserting new Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in appropriate locations.

Ballot Title: Mobile Food Vendor Ordinance

**ARTICLE XX: 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 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. 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;
4. 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;
5. The Mobile Food Vendor shall not negatively impact traffic circulation within the property or on public ways;
6. If the business is seasonal, the vending unit will be removed from the property during the off season.
7. A sign of not more than four (4) square feet;
8. No temporary utilities (e.g. electricity) connections will be permitted;

7.15.6 Additional Information

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.

Vending from public parking spaces is not allowed.

Vendors who wish to operate from public property must receive approval from the Board of Selectmen.