



City Council Staff Report

Subject: Municipal and Land Management Code
Amendments – Food Truck Locations and Operations

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Department: Planning, Economic Development, and Finance

Date: October 23, 2018

Type of Item: Legislative – LMC Amendment

Recommendation

The Planning Department requests the City Council open a public hearing, review the proposed Municipal and Land Management Code (LMC) amendments regarding Food Truck Locations and operational standards, and approve the amendments.

Description

Project Name: Municipal Code Amendments in Title 4 Licensing and LMC Amendments in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District, 15-2.6-2 Uses in Historic Commercial Business (HCB) District, 15-2.7-2 Uses in Recreation and Open Space (ROS) District, 15-2.13-2 Uses in Residential Development (RD) District, 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District, 15-2.16-2 Uses in Recreation Commercial (RC) District, 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District, 15-2.18-2 Uses in General Commercial (GC) District, 15-2.19-2 Uses in Light Industrial (LI) District, 15-2.22-2 Uses in Public Use Transition (PUT) District, 15-2.23-2 Uses in Community Transition (CT) District, and 15-15 Defined Terms.

Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Reason for Review

Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per Land Management Code (LMC) § 15-1-18.

Background

In this section is a brief overview of the background; however, a more detailed background can be found on page 1 of the [Planning Commission Staff Report](#). Recent State legislation resulted in changes to the State Code reducing local municipalities' ability to regulate Food Trucks. This legislation went into effect on May 8, 2018, and impacts every city or town in Utah. As a result, staff proposed Amendments to the LMC to align with the new changes regarding the location of Food Trucks. Below is a high level overview of the changes to the State Code:

- If a Restaurant is an Allowed/Conditional Use in a zone, Food Trucks cannot be prohibited in that zone.

- The use of public versus private property is a huge distinction, in that the City Council maintains full discretion on allowing an application to proceed on public property, even if underlying zoning allows Food Trucks. Licensed Food trucks on private property that do not serve the public may operate at the discretion of the property owner. Property owners who want to establish a Food Truck Location that serves the public will need to obtain a Food Truck Location Administrative Permit, issued by the Planning Director or his designee.
- Food Trucks at Special Events will continue to be regulated through the Special Event process.

Staff has conducted multiple outreach efforts with local stakeholders (Restaurant Association, Historic Park City Alliance, the resorts, etc.), the Utah League of Cities and Towns, and the Food Truck League. The following matrix identifies the previous public meetings and stakeholder outreach dates:

Date	Meeting Body	Type of Item	Description of Outcome
May 03, 2018	City Council	Staff Communication	N/A
May 23, 2018	Planning Commission	Pending Ordinance (page 29)	Continued to a date uncertain
May 29, 2018	Stakeholders - HPCA, the Chamber of Commerce, the Restaurant Association, members of the real estate community, and representatives from Park City Mountain (PCM) and Deer Valley (DV)	Stakeholder Outreach	Input received, see page 2 of the October 10, 2018 Planning Commission Staff Report
May 31, 2018	Stakeholder – Food Truck League CEO	Stakeholder Outreach	Input received via phone
June 07, 2018	City Council	Work Session (Staff Report, Draft Ordinance)	Policy direction given to staff, see page 2 of the October 10, 2018 Planning Commission Staff Report
September, 21, 2018	Utah League of Cities and Towns	Outreach	Input received regarding the City's approach
October 04, 2018	Stakeholder – Restaurant Association	Stakeholder Outreach	Information given to group during their monthly meeting. Follow-up meeting requested.
October 08, 2018	Stakeholders – Restaurant Association, HPCA, the Chamber of Commerce, members of the real estate community, and representatives from Park City Mountain (PCM) and Deer Valley (DV).	Stakeholder Outreach	Additional information and clarification given to the larger stakeholder group.
October 23, 2018	Planning Commission	Regular Agenda (Staff Report, Draft Ordinance)	Positive recommendation to City Council.

Analysis

The proposed Municipal Code and LMC Amendments align with the recent State Code changes. In an effort to align these Amendments with the Park City General Plan and

respond to feedback from all stakeholders, staff has continued to conduct additional research regarding Food Truck Location regulations since the City Council Work Session on June 6, 2018 ([Staff Report](#), [Minutes](#) page 2). Food Truck operations are not a new concept in the professional Land Use realm. In fact, many municipalities throughout the country have been regulating Food Truck operations for years.

The American Planning Association (APA), which is the national organization for planning and land use professionals, has issued a policy overview for "[Planning for Food Trucks](#)" which considers the strategies and challenges faced by jurisdictions. Below is an excerpt specifically addressing the challenges and competing interests when considering Food Truck regulations:

"Despite the economic and social opportunities, food trucks still pose challenges for communities as they try to balance competing interests. Restaurateurs often claim that food trucks have an unfair advantage in the marketplace due to perceptions that mobile vendors pay less in taxes and are subject to less scrutiny from local regulators. This conflict is intensified by the fact that food trucks often operate in multiple locations—including areas that are not zoned for commercial uses—and can occupy valuable parking in areas of short supply. Local officials frequently struggle with questions of which agency should be principally in charge of regulating food trucks, how to handle permitting, and what restrictions should be placed on the vending units themselves."

In addition, the National League of Cities published a [Report](#) which discusses the regulation and integration of Food Trucks into a community. The report speaks specifically to the stakeholder concerns of both the Food Truck community and the brick and mortar restaurant community, as well as those of the Municipality attempting to regulate all entities fairly. Below is an excerpt from the report about the economic drivers for each stakeholder group:

"For food trucks, one of the key objectives is to earn revenue. For brick and mortar restaurants, their goal is the same, and the level of competition food trucks create or are perceived to create can be of concern. For the community and city, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy, and creates a level of attractiveness for business and residents as well as for the city as a whole."

This excerpt is exactly the conversation that staff posed to the May 29, 2018, stakeholder group and at the June 7, 2018, City Council Work Session. The City Council discussed opportunities for Food Trucks to operate on City Property and at City facilities as a means to provide a central location(s) for Food Trucks. It is understood that any Food Truck Location (Serving the public on Private Property) would have to comply with the underlying Zoning regulations (setbacks, sign regulations, etc.).

The facilitation of use of City-owned property is not the role of the Planning Department; however, the Economic Development Manager has taken the lead on exploring the limited use of City-owned property and City facilities for Food Truck Locations. City Council will have a policy discussion related to a potential Request for Proposals (RFP),

which would seek proposals for Food Trucks to use specific public spaces (in this October 23, 2018 meeting packet).

A concern raised by staff early in the process has been finding fairness in the taxation and investments of the City's brick and mortar restaurants compared to Food Trucks, which often have origin outside of City limits (ex: a Food Truck originating in Salt Lake City). Currently, the Utah State Code states that if a jurisdiction within the State of Utah has provided an annual inspection for a Food Truck, staff cannot require an additional inspection. However, Park City can and will require a Food Truck licensed in another jurisdiction to obtain a Reciprocal Business License from Park City Municipal Corporation. Planning staff has worked closely with the Finance Department to determine that the City can also require a Temporary Tax Account which will allow Park City to collect sales tax for transactions that take place within City Limits. This Temporary Tax Account will be established at the time of Reciprocal Business License issuance.

Title 4 of the Municipal Code is dedicated to Licensing (including Business Licensing). Similar to Nightly Rental, as a part of the Title 4 Licensing Code, staff has proposed additional language regarding Food Truck Location standards and reference to compliance with the underlying Zoning regulations (setbacks, sign regulations, etc.). In this section of the Municipal Code, staff will be regulating the site and location details of a Food Truck in addition to operational standards. A Food Truck will obtain a Business License for operation in any of the Zones that allow Food Truck Locations. Under UCA 11-56-106(5), the City cannot require a site plan for Food Trucks on private property if the Food Truck operates in the same location for less than 10 hours per week. Exhibit M includes the proposed amendments to Title 4. Below is a high level overview of the standards applicable to the private property owner (not Food Trucks) that will be included in Title 4 of the Municipal Code:

- size and location of the Site
- emergency vehicle access
- pedestrian management plan
- signs and lighting
- Screening of trash and recycling pickup Areas and location of restroom facilities
- Access to the location for the truck

Planning staff is proposing to amend the LMC to regulate Food Truck Locations as Allowed Uses in Zones where Restaurants are an Allowed or Conditional Use. In addition, staff has added the Recreation Open Space (ROS) District which currently does not allow Restaurants; however, Planning staff finds that Food Truck Locations would be consistent with the intent and [Purpose](#) of the ROS Zone. The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with LMC Chapters 15-1-8 and 15-1-9, issue the property owner a Food Truck Location administrative approval letter. The following [zones](#) will be impacted by the proposed LMC Amendment:

- Historic Recreation Commercial (HRC)
- Residential Development (RD)
- Historic Commercial Business (HCB)
- Recreation Commercial (RC)

- Recreation Commercial Overlay (RCO)
- General Commercial (GC)
- Light Industrial (LI)
- Public Use Transition (PUT)
- Community Transition (CT)
- Recreation Open Space (ROS)

Staff has excluded the Historic Residential (HR-2) Zoning District where Restaurants are allowed only in Historic Structures because Food Trucks could not comply with this requirement (Food Trucks are not Historic Structures). Staff has also created a definition for Food Truck (Exhibit L).

The City is only proposing to regulate Food Truck Locations that are open to the general public, on private property, and in operation at that location for 10 hours a week or more. Food Trucks operating in the capacity of a “caterer”, meaning one (1) temporary point of sale for under 10 hours, would not be regulated; however, a Food Truck operating as a “caterer” would have to be located on private property. The following chart depicts the City’s proposed regulation by property type:

Food Trucks in ROW	Food Trucks at Special Events	Food Trucks on Private Property that Do Not Serve the Public	Food Trucks on Private Property that Serve the Public +10hrs/week	Food Trucks on Public Property that Serve the Public
Prohibited	Regulated through Special Events permitting	No land use permit required.	<p>Property Owner Must Obtain an Allowed Use Administrative Permit for the property.</p> <p>Food trucks will be regulated as an Allowed Use.</p> <p>Through the permitting process, the location and parking requirements, adequate access, and safety concerns regarding the food truck will be addressed.</p>	<p>The City Must Obtain an Allowed Use Administrative Permit for the City property.</p> <p>Food trucks will be regulated as an Allowed Use.</p> <p>Through the permitting process, the location and parking requirements, adequate access, and safety concerns regarding the food truck will be addressed.</p>
		Must have a business license; health department food truck permit; fire safety inspection certification—but these do not have to be from Park City. Food trucks can serve private guests on private property through their approvals granted by other jurisdictions. The City will not be able to capture tax from these private events.	Must have a business license; health department food truck permit; fire safety inspection certification. If the food truck has obtained these from another jurisdiction, they must also obtain one from Park City. This will ensure that they pay Park City taxes for sales that take place in the City.	<p>Must have a business license; health department food truck permit; fire safety inspection certification.</p> <p>Must have a contract with the City and obtain a higher standard of operation that complements local businesses.</p>

General Plan

Park City’s Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies, and protection and preservation of the historic Main Street downtown area as the heart of the region.

These proposed Land Management Code amendments were reviewed for consistency with the Park City General Plan. Park City General Plan Goal 11 states, “Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience,” and Objective 11A states, “The vibrancy of Park City’s resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City.”

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review

This report has been reviewed by Economic Development, Finance, Legal and Community Development Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on September 26, 2018 per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments.

Recommendation

The Planning Department requests the City Council open a public hearing, review the proposed Municipal and Land Management Code amendments regarding Food Truck Locations and operational standards, and approve the amendments.

Exhibits

Exhibit 1 LMC Draft Ordinance

- Exhibit A – LMC § 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District
- Exhibit B – LMC § 15-2.6-2 Uses in Historic Commercial Business (HCB) District
- Exhibit C – LMC § 15-2.7-2 Uses in Recreation and Open Space (ROS) District
- Exhibit D – LMC § 15-2.13-2 Uses in Residential Development (RD) District
- Exhibit E – LMC § 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District
- Exhibit F – LMC § 15-2.16-2 Uses in Recreation Commercial (RC) District
- Exhibit G – LMC § 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District
- Exhibit H – LMC § 15-2.18-2 Uses in General Commercial (GC) District
- Exhibit I – LMC § 15-2.19-2 Uses in Light Industrial (LI) District
- Exhibit J – LMC § 15-2.22-2 Uses in Public Use Transition (PUT) District
- Exhibit K – LMC § 15-2.23-2 Uses in Community Transition (CT) District

Exhibit L – LMC § 15-15 Defined Terms
Exhibit M – Title 4 Licensing Draft Ordinance