



Date of Council Meeting: April 27, 2015

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** Food Trucks/Carts

**Staff Contact:** Christopher Murphy, Zoning Administrator

**Council Action Requested:** Further direction to staff, EDC and PC on whether Council wishes to allow food trucks/carts and if so, more direction on the means by which the Town should get opinions from existing restaurants on the issue (e.g. input sessions, surveys, etc.).

**Staff Recommendation:** None.

**Commission Recommendation:** The Planning Commission and Economic Development Commission discussed whether it would be desirable for the Town to allow food truck/carts throughout town. There were opinions on both sides of issue. Some supported allowing food trucks/carts because they could be the initial step to starting a restaurant business (e.g. Doner and Windy City Red Hots). Others viewed food trucks/carts as a potential threat to existing brick and mortar restaurants. No consensus was reached but the group did recommend that if Council wished to pursue discussion on the idea of allowing food trucks/carts that restaurants in Leesburg should be part of the conversation.

**Fiscal Impact:** None at this time.

**Executive Summary:** Council members have been exploring the idea of allowing food trucks/carts in Town. The last time this issue was, Council directed the EDC and PC to discuss it (See comments above). Council members have again raised the issue to see

**Background:** This is a continuation of the discussion on food trucks/carts that originally began at the Town Council meeting on June 24, 2013. In preparation for that meeting, staff presented a memorandum dated June 24, 2013 that outlined information pertaining to the use of food trucks/carts in Town. This memorandum is attached to this memorandum as Attachment 1.

In short, the 6/24/13 memorandum provided that the use of Food Trucks/Carts is not a listed use in any zoning district. Thus, they are not a permitted use anywhere within Town Limits. The only exceptions to this being food trucks or carts that are part of a Town-sponsored event such as the Flower & Garden Show, Fourth of July Celebration,

etc; food trucks/carts that are part of private event under certain Temporary Use or Business Special Event Permits; mobile ice cream trucks with a Peddler's License; and, lunch trucks that move about selling pre-packaged lunch items at construction sites (Town Code Chapter 20).

After discussion on June 24, 2013, the consensus of the Council was to have the Economic Development Commission, along with the Planning Commission, discuss the idea and study the proposal of allowing food trucks/carts in town.

At the EDC meeting on July 3, 2013 the EDC (4 members present) with representatives of the Planning Commission (2 members) along with staff from Economic Development and Planning and Zoning met on this question. Opinions were divided on the subject with some EDC and PC members generally in favor and others not in favor of food trucks/carts. General consensus was that restaurant owners and owners/operators of food trucks and/or carts need to be included in any discussion on whether or not to allow food trucks/carts, and if so, how and where it should be done.

No further discussion of this question had been pursued until a Council request for an update. This was provided via an Information Item from Scott Parker dated January 26, 2015 which was included in the Town Council Work Session agenda packet for that date. (Attachment 2)

Council has again requested that discussion on this issue be resumed. Staff will be available at the work session on April 27 to introduce the topic by reviewing current regulatory restrictions and to answer questions that pertain to the Zoning Ordinance and the Town Code which may arise during the Council's discussion of the topic. Staff has provided some discussion-starter questions below should the Council want them. As a part of exploration of the topic and as recommended by the EDC and PC, the Council could consider directing staff to survey local restaurants to see if there is a desire to allow food trucks/carts and/or to schedule an input session on the topic.

- Should food trucks and/or carts be permitted in town? Could food trucks/carts provide a competitive disadvantage to "brick-and-mortar" restaurants? Could food trucks/carts provide for greater economic development benefit to the Town?
- If the use is allowed, is it allowed just on work sites?
- Allowed just downtown?
- Allowed anywhere, but in the downtown?
- If allowed, will there be a limited number of permits available for food trucks/carts?

**Attachments:** (1) June 24, 2013 Information Memorandum from Chris Murphy  
(2) January 26, 2015 Information Memorandum from Scott Parker



Date of Council Meeting: June 24, 2013

TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION

**SUBJECT:** Food Trucks/Carts Information Memorandum

**STAFF CONTACT:** Christopher Murphy, AICP, Zoning Administrator

**RECOMMENDATION:** None. For information only.

**ISSUES:** Does the Leesburg Zoning Ordinance or Town Code permit food trucks/carts?

**BACKGROUND:** Neither the Zoning Ordinance or the Town Code currently provides permissions for mobile food trucks or carts. This exclusion most certainly results from the long-standing policy to not issue permits for such uses since they have been viewed as putting the Town's "brick and mortar" restaurants at a competitive disadvantage.

Town Code Chapter 20, Section 20-254 Peddlers and Iterant Vendors provides for licensing and taxation of such uses where permitted. This Section also defines *Iterant Vendor* and *Peddler*. If a food truck/cart were to be permitted and issued a Zoning Permit, the use would fall under one of these two definitions, depending on how the food truck/cart operated, i.e., whether it moved throughout the Town daily, or if it stayed in one place throughout the day for a certain period of time.

Zoning Ordinance Section 9.2 Use Table provides a master list of all permissible permanent uses permissible within each of the Town's zoning districts. No food trucks/carts are listed anywhere in this use table.

Zoning Ordinance Section 9.5 Temporary Uses provides a listing of permissible temporary uses and whether such uses are permitted in residential or commercial zoning districts. Nowhere under Section 9.2 is food truck/cart listed as a stand-alone temporary use. However, it is not out of the ordinary for food vendors to be included as part of some permissible temporary uses, e.g.:

- Fair, in the R-1;
- Carnival, circus, festival, fair, dog show, horse show, fireworks show, tent revival or similar meetings; or,
- Farmers market

In those instances when a food vendor is part of a permitted temporary use event the Town does not issue any type of separate business license for those vendors. Any vendors simply fall under the overall Special Events Permit or Temporary Use Permit as applicable.

The popularity of food trucks/carts appears to be heightening nation-wide, especially in those places with a vibrant, well-established restaurant market. In such a market-place, one can argue food trucks/carts can add to the vibrancy of that place by providing a different type of food venue and serving a different food service niche. Food cart/trucks can also serve as a way to start-up a restaurant business without incurring the costs generally associated with establishing a brick-and-mortar restaurant. A successful example of this in Leesburg is the Doner Bistro.

Some established brick-and-mortar restaurants may argue that food carts/trucks bring a competitive disadvantage to the market place since they do not have the same overhead costs brick-and-mortar restaurant must pay. Also, since the carts/trucks are mobile, they can go to where the customers are instead of having to rely on being found in a stationary location. Thus, brick-and-mortar establishments must rely more on advertising than a competing food cart/truck might.

From an administration standpoint, food trucks/carts can present challenges to permitting and collection of required taxes by the temporary/mobile nature of the use. By being mobile the uses can avoid inspection by not staying in any one place for long. Avoidance could also happen by opening up on weekends or after business hours when enforcement staff are not working. In any instance when this might occur a food truck/cart is not paying for a Business License and is thus avoiding payment of Meals Taxes and BPOL that brick and mortar restaurants must pay.

Staff recommends that Town Council seeks a careful balance between the brick and mortar restaurants and food trucks/carts if the Town is to begin permitting the latter. Some things to consider include:

- The Town has previously issued Zoning Permits and Peddler's & Itinerant Vendor's Licenses to mobile lunch trucks that travelled to the various construction sites then active throughout town. These trucks typically served pre-packaged sandwiches and drinks. Normally, they were not selling made to order items and were not testing grounds for start-up restaurants.
- Will food carts/trucks be permitted on public streets, or, will they be restricted to private property (e.g., parking lots) only?
- In what zoning districts will food carts/trucks be permitted in? Can they be anywhere within those zoning districts? Should a specified area of town be designated for food carts/trucks? Creating a specific location could address any concerns by brick-and-mortar restaurants that a competitive disadvantage is created by the mobility of food vendor's carts/trucks. Such location requirements would also help to minimize administrative efforts required by staff.
- Should additional use standards be applied for certain public health matters, e.g., trash disposal, food storage, etc. Or, would the Town rely on state and/or county health code requirements?

Planning and Zoning staff and Economic Development staff have discussed the food carts/trucks matter and recommend that if Council wishes to explore this topic further, that it be referred to the EDC for discussion and recommendations.



Date of Council Meeting: January 26, 2015

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** Food Trucks and Mobile vending

**Staff Contact:** Scott E. Parker, Assistant Town Manager

This item was requested by Council member Hammler. The last time this item was discussed by Town Council was the June 23, 2013 work session. See the attached staff memo that was provided at that meeting (Attachment 1).

The current policy of the Town, as enumerated in Sections 9.2 and 9.5 of the Zoning Ordinance is that food trucks are not permitted, and a code change would be required. The only exceptions are food trucks/carts that are allowed as part of a Special Event Permit or Temporary Use Permit, as enumerated in Section 9.5 of the Zoning Ordinance. In addition, trucks are licensed for construction sites.

**Attachment:** 1) Council memo of June 24, 2013