



# Town of Simsbury

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Office of Planning & Community Development

TO: Zoning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: July 17, 2023

SUBJECT: **ZC 23-27 Mobile Food Vendors Draft Text Amendment Framework**

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At the March 20, 2023 regular meeting, the Zoning Commission directed Staff to draft a zoning text amendment framework for Mobile Food Vendors in Simsbury.

The Commission held a work session on the issue on May 1, 2023, attended by a dozen or more stakeholders, including members of the Chamber of Commerce and the Main Street Partnership.

The draft developed from this interaction introduces a definition for Mobile Food Vendors and proposes a permitting process in all commercial zoning districts under the Town Zoning Regulations. In summary:

- Permitted by Staff review of a Zoning Permit Application/Site Plan
- Site must contain an existing, active, food and beverage related use
- Conditions include detailed application submission requirements
- No additional signage
- Requirement for professional grade trucks, trailers, units.

Staff has attached the draft framework and text amendment. Please note this draft addresses Town Wide Zoning Regulations; it neither addresses the Center Zone nor the Hartford Simsbury Code.

The Planning Commission is expected to review this amendment at its July 11, 2023 meeting.

GKM

## DRAFT Text Amendment Framework

### Mobile Food Vendors

July 17, 2023

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Summary Approach-To permit Mobile Vendors as Temporary Accessory Uses in All Commercial and Industrial Zoning Districts of the Town Zoning Regulations via Administrative Staff Approval (Minor Site Plan Amendment).

#### Add the following new definitions alphabetically to Section 17.4, Definitions:

**MOBILE FOOD VENDOR** – Any vehicle, unit, trailer used to store, prepare display or serve food and/or beverages and other merchandise or service intended primarily for immediate use, consumption on site or in close proximity, sited on private property for a limited duration exceeding thirty minutes.

#### 8.7 Mobile Food Vendors

##### A. PURPOSE:

1. The purpose of this section is to recognize mobile food vendors as a permitted accessory use and establish appropriate standards in order to protect the public health, safety and welfare.

##### B. GENERAL REQUIRMENTS FOR MOBILE FOOD VENDORS

1. Mobile food vendor uses shall be accessory and customarily incidental and subordinate to a permitted principal use for food/beverage service establishments (such as restaurants, bars, or other similar uses) within the following districts: B-1, B-2, B-3, PO, I-1, I-2, and PAD Zoning Districts.
2. Mobile food vendors shall be located on a site, lot or parcel that contains a minimum of one active, permitted, primary use. No activity on a vacant parcel shall be permitted.
3. Written permission must be obtained by the property owner.
4. Such vehicle and/or trailer shall be registered with the Department of Motor Vehicles.
5. All mobile vending units shall be commercially manufactured (not homemade).
6. The unit shall not be located where the mobile food vendor will interfere with vehicular or pedestrian traffic.
7. The unit shall not be located where the mobile food vendor will obstruct sight lines at driveway or street intersections.
8. The unit shall obtain all permits required by the Health District and Fire Marshal

9. A mobile food vendor shall not be permitted if the site location of the unit reduces parking spaces on site below the minimum required for the existing permitted use(s).
10. The operator shall provide a trash receptacle for public use. All trash shall be removed from the site daily.
11. No signage is permitted (words and decorations painted or permanently affixed to a mobile unit shall not be considered signage).
12. If the mobile unit is not immediately mobile, it shall be considered a structure and may be permitted upon a site plan amendment application.

#### C. APPROVAL PROCESS

1. An administrative zoning permit application shall be submitted to, and approved by, the Planning Department.
2. One mobile food vending unit per food service establishment shall be allowed provided the mobile food vendor and establishment share an address. Multiple mobile food vendors on any site requires a site plan submission and approval by the Zoning Commission.
3. The Application submission shall include:
  - a) Written permission from the property owner
  - b) A picture and description of the Food Truck and/or Mobile Vending unit, including make, model, license plate and registration.
  - c) A site plan of the proposed unit location.
  - d) A narrative explanation detailing location, hours of operation, and availability

#### D. EXCEPTIONS

1. Community events for which a public gathering permit has been obtained.
2. Events held in accordance with §8.5 Agri-tourism in which the permits have been obtained.
3. Mobile Food Vendors treated as an accessory structure (semi-permanent) and approved by site plan amendment.
4. Private events in any Zoning District, not open to the general public and/or private events with a single payer.
5. Mobile Food Vendors on Town of Simsbury Property, with permission of the Town.

#### 4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

<b>Business Permitted Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PO</b>
Mobile Food Vendor (Accessory to food/beverage service establishments)	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>	<b>ZP</b>

#### 5.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

<b>Industrial Permitted Uses</b>	<b>I-1</b>	<b>I-2</b>
Mobile Food Vendors (Accessory to food/beverage service establishments)	<b>ZP</b>	<b>ZP</b>

I am writing in regards to the "Mobile Food Vendor Regulations".

When we opened Antonio's in 1964, we were only the fourth restaurant in Simsbury. (The others were The Rosewood, Mama Fazzino's and the Old Well). Today we are one of 52 restaurants in our small hamlet. While I have always embraced newcomers and welcomed diversity and choices within our town; there is a point that the market is saturated. At this point in time, two restaurants are no longer open for business already. (Joe Pizza and McLadden's).

I do acknowledge that there is a time and place for mobile food vendors, but I am strong in my belief that this time and place always be temporary. A specific mobile food vendor that repeatedly comes to town, yet pays no property taxes nor supports our many wonderful charitable opportunities is a drain on those of us that do.

This being said, I do support mobile food vendors that maintain a "brick-and-mortar" presence in our town; but, maintaining a rotating assortment of out-of-town mobile food vendors is literally exploiting a loop hole in the fair and equitable support our town needs.

I also understand that many in my industry are not able to maintain and staff remote operations to support the Simsbury Performing Arts Center, the Simsbury Fly-in and other events; however, my perspective is still that it is taking business away from those of us that struggle to do business here every day.

If we stretch this concept to all businesses, is it fair that I purchase my items or services from a truck that sells almost the same exact business product as you provide simply because it's being sold from a truck? Especially when I add that the truck doesn't have to support the town in any way. It quickly becomes apparent that this is an unfair advantage to the long-term support of our town and it's economy. When that truck drives away, it is also leaving town with all of those economic dollars both in the supplies it buys as well as the profits.

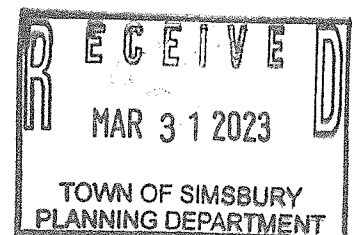
My father once explained doing business in the restaurant industry as being a spoke on a wheel. Each additional eating establishment is another spoke, and while you will not necessarily lose business directly due to an increase in eating establishments; it will take longer for your spoke to come around to its turn again.

Please keep the playing field even and restrict mobile food vending opportunities to only those maintaining a brick-and-mortar presence in our town.

Thank you for your consideration,



Steven Antonio



Please see comments and questions submitted by Talcott Mountain Collective. The proposed language for the zoning requirement seems to take a very broad stroke and unduly impact the business model of TMC. Provisioning food has always been integral and essential to our permitted use, going back to the 50's. We have always been open about the need for food trucks to support current and future operations. We hope that our comments and questions, in response to the proposed language, prove helpful as the town works to finalize the guidelines and procedures. As we have been working with food trucks for 16+ months, we welcome any response/comments/questions back to us based on our experience and familiarity working with trucks.

- a. An administrative zoning permit application shall be submitted and approved by the Planning Department.

Is this an annual process that trucks must navigate? Will the permit be valid for 12 months from the date of approval or do they need a new one for each new calendar year? Assuming the truck submits a complete application, with all required supporting documentation, how long will it take for a permit to be issued? We raise this because there are times when a truck breaks down or an owner gets sick and we seek to invite a last minute replacement – a reality that we hope can be taken into consideration when considering the process behind getting approval.

b. The Application submission shall include:

- i. Written permission from the property owner - Does this mean that a truck will need separate applications for every location in town where it might park? So if a truck parks with Tower Ridge Apartments, they will need an entirely new application to park with Talcott Mountain Collective? If so – can we consider just making the application valid for the entire town and then each unique site can acknowledge permission with the town?

- ii. A picture and description of the Food Truck and/or Mobile Vending unit, including make, model, license plate and registration.

- iii. A site plan of the proposed unit location.

- iv. A narrative explanation detailing location, purpose, hours of operation, and availability – Requiring a truck to list hours of operation and (assuming availability means menu?) listing what's available – that could be more than they are able to address within the application – days/hours/menu can vary from week to week. Menus rotate, hours can shift...these things aren't always static.

- v. Proof of Town of Simsbury Peddlers & Hawkers license

h. Mobile vending units shall be limited to a maximum of two hours at any individual location.

Limiting a truck presence to 2 hours is very problematic. Some trucks require 1-2 hours of prep time once onsite just to be ready to sell product. What if a truck intends to “park” at a site for multiple days over a weekend – are they not allowed to leave the truck overnight? If the intention is to limit the vending window, we suggest aligning the hours of truck operation to that of the host business. This will preclude the truck from vending outside of the operating hours of the host location, but also allow the truck to remain onsite when not vending product.

Furthermore, as applies specifically to TMC, our business model has always reflected the need to have food trucks onsite. We operate a very small and modest kitchen. Food trucks augment our ability to scale-up making food available for our customers. Establishing arbitrary durations that they can be present, that don’t align with our own service hours, is going to be very disruptive to our business model and ultimately our customers – a majority of which are Simsbury residents.

i. Sites shall be limited to one mobile unit at a time.

This limit on the number of units feels a bit arbitrary and capricious. What is the basis for limiting the number of trucks at any given time? If the host site meets the site requirements within the permit, the trucks/units are not disruptive to traffic flows, the trucks/units are on private property, and the trucks/units are adhering to operating windows of the host site – why does it matter how many trucks are providing services at once?

Specific to TMC – we have observed days when multiple trucks have been required to meet the wants and needs of our customers. Again, many of these customers are Simsbury residents/families. Limiting the number of trucks that can be available at any given time is to the detriment of these customers. TMC does not on its own have the capacity to service all customers and the number of trucks we invite to serve food generally reflects the expected volume of customers.

l. If the mobile unit is not immediately mobile, it shall be considered a structure and may only be permitted upon a site plan amendment application.

Are trailers considered to “immediately mobile”? Some of our food trucks use trailers instead of driven food trucks.