

**Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village**

**Town of Gorham  
Planning Board Meeting  
July 11, 2022**

**ITEM 1 - Land Use and Development Code Amendment– Public Hearing: – Mobile Vending – a proposed amendment to the Land Use and Development Code to allow for mobile food vendors to operate in the Little Falls Village District and Urban Residential – Manufactured Housing District.**

<b>INDEX OF PACKET ENCLOSURES</b>	
<b>DESCRIPTION</b>	<b>PAGE NUMBER</b>
<b>1. Overview</b>	<b>2</b>

**AMENDMENT TRACKING**

<b>DESCRIPTION</b>	<b>COMMENTS</b>	<b>STATUS</b>
<b>Town Council Meeting</b>	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	<b>April 5, 2022</b>
<b>Planning Board - Meeting Discussion</b>	The item was forwarded to the PLBD Ordinance Committee for review and recommendations.	<b>May 2, 2022</b>
<b>PLBD Ordinance Committee</b>	Staff gave the committee and overview about the proposed change that staff will be drafting to address the Town Council’s request to allow food trucks in the Little Falls Area.	<b>May 16, 2022</b>
<b>PLBD Ordinance Committee</b>	The Committee reviewed the proposed language and moved the item to a public hearing with the proposed addition of a map showing the area in the Little Falls Area that food trucks could be located in.	<b>June 13, 2022</b>
<b>Planning Board - Meeting Public Hearing</b>		<b>July 11, 2022</b>

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

**Memo completed by Thomas Poirier, Director of Community Development.**

# Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village

## 1. Overview

The PLBD Ordinance Committee reviewed the item and recommended the item be forward for a Public Hearing at the next available Planning Board meeting.

The proposed amendment is to the mobile vending unit performance standards, identifying that mobile vending units are allowed in the Little Falls Area in the map shown. The proposed amendment language is shown underlined on page 8. No other changes are proposed to performance standards. The proposal allows for food trucks to locate in areas designated as Little Falls Village Center Area, Little Falls Village Commercial, Little Falls Village Approach, along with a few Town Parcels and 1 large parcel located in the Urban Residential District.

The Town Council is sending a request to the Planning Board to review adding Mobile Vending units as a permitted use in the Little Falls Village District and the Urban Residential – Manufactured Housing District. Currently Mobile Vending Units are only allowed in the Roadside Commercial, Industrial, and the Agricultural/Industrial Districts. Adding the use to the Urban Residential – Manufactured Housing District to this district opens allowing food trucks to an extensive area, not just the area adjacent to Little Falls.

## CHAPTER 2

### SECTION 2-2 - PARKING, LOADING AND TRAFFIC

#### A. OFF-STREET PARKING STANDARDS

##### Mobile Vending Units

The operator of the mobile vending unit shall have available, and under written agreement, at least three off-street parking spaces not including the space for the mobile vending unit. On-street parking spaces may be utilized to substitute two of the required off-street parking spaces if the on-street parking is located immediately in front of the lot. The operator must have at least one off-street parking space for any vehicle belonging to an employee working. Mobile vending units are prohibited from locating in parking spaces in the Town's roads rights-of-ways.

##### Mobile Vending Units With Exterior Seating

In addition to the parking spaces required under mobile vending units an additional parking space is required for each two seats available for dining.

### SECTION 2-16 – MOBILE VENDING UNIT

Mobile vending units shall conform to the following requirements:

## Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village

1. Mobile Vending Units shall be licensed by the Maine Department of Health and Human Services (DHHS) and operate in compliance with all applicable DHHS regulations relating to eating and lodging places, as may be amended from time to time.
2. Mobile Vending Units shall comply with all applicable provisions of the Town of Gorham Victualer's Ordinance, as may be amended from time to time.
3. The operator of a Mobile Vending Unit shall obtain from the Code Enforcement Officer a mobile vending unit food service permit, which shall be renewed annually, and pay the annual permit fee in such amount as the Town Council may from time to time establish by Council order. In order to issue a mobile vending unit food service permit, the Code Enforcement Officer shall ensure that the Mobile Vending Unit meets the following requirements:
  - a. The placement of the Mobile Vending Unit:
    - (1) Shall not hinder vehicular traffic or cause traffic congestion on or off the site;
    - (2) Shall not hinder, or interfere with, pedestrian traffic on or off the site;
    - (3) Shall not block or otherwise hinder access to or from any private property; and
    - (4) Shall not create a nuisance for abutting properties due to the generation of undue noise, odor, fumes, dust, smoke, lights or glare.
  - b. The hours of operation for the Mobile Vending Unit shall be limited to 7:00 a.m. to 10:00 p.m.
  - c. The operator of the Mobile Vending Unit shall provide written permission from the property owner to locate the Mobile Vending Unit on said property with expectations that bathroom facilities will be available.
  - d. The Mobile Vending Unit shall comply with Chapter 2, Section 2-2. A.2. (Off-street Parking Standards).
  - e. The Mobile Vending Unit shall be prohibited from locating in the rights-of-way for Town and State roads, including on-street parking spaces, or Town sidewalks.
  - f. The operator of the Mobile Vending Unit shall make adequate provisions for solid waste disposal including, at a minimum:
    - (1) At least one (1) covered trash receptacle, thirty gallons or larger in size, shall be available to hold waste and debris. No paper, food or other wastes shall be allowed to accumulate on site.

## Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village

- (2) The waste container shall be emptied at least once per day into an approved commercial dumpster (it being emptied by a licensed waste hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator of the Mobile Vending Unit to ensure that all wastes are handled and disposed of properly.
  - g. The operator of the Mobile Vending Unit shall ensure that there is an adequate supply of potable water for the cleaning of equipment and the preparation of foods.
  - h. The operator of the Mobile Vending Unit shall ensure that there is an adequate and safe source of electrical power meeting all applicable federal, state, and local codes.
  - i. The operator of the Mobile Vending Unit shall ensure that all food supplies and other business material shall be stored within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
  - j. Mobile vending units shall serve to the sidewalk or public right-of-way when parked adjacent and parallel to a Town sidewalk or public right-of-way.
  - k. No signs shall be placed on sidewalks or public rights-of-way. The placement of 1 sign with a maximum sign area of 8 sq.ft. is allowed when the mobile vending unit is open. The sign must be located within 25' of the mobile vending unit. The sign must be removed when the mobile vending unit is not in use and shall not be located to hinder safe vehicular or pedestrian traffic on or off the site.
  - l. The Mobile Vending Unit, and any vehicles or trailers used in conjunction therewith, shall be in good upkeep and provide a neat and tidy appearance.
  - m. If the Mobile Vending Unit will provide exterior seating, it shall meet the requirements of Chapter 2, Section 2-2.A.2. (Off-Street Parking Standards)
  - n. Temporary bathroom facilities, such as portable toilets, are not permitted on site for use by the operator of the Mobile Vending Unit and/or patrons of the Mobile Vending Unit.
4. Unless permanently connected to public utilities and approved by the Planning Board under the site plan provisions under Chapter 4, Mobile Vending Units shall not be left on site or displayed, or left in public view, in the location of the business during non-business hours.
  5. A mobile vending unit food service permit may, after seven (7) days' written notice and public hearing, be suspended or revoked by the Code Enforcement Officer for violation

## Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village

of any provision of this Section. The victualer's license may be revoked or suspended by the municipal officers in accordance with the relevant provisions of the Victualer's Ordinance, as may be amended from time to time.

6. Exemptions:
  - a. Mobile Vending Units at Town sponsored events are not subjected to the requirements under this ordinance but are required to have a victualer's license.
  - b. Any property may have mobile vending units subject to the following requirements:
    - (1) The mobile vending units must meet the requirements of this section.
    - (2) The use of the mobile vending units is limited to an event for which a mass gathering permit has been issued by the Town.
    - (3) Each property is limited to a one day exemption per calendar year.
7. Drive through service are prohibited from mobile vending units.
8. In addition to the zoning districts that identify mobile vending units as a permitted use mobile vending units are also permitted in the Little Falls area identified as a Mobile Vending Unit Overlay District shown in the map below.

# Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village



**Land Use and Development Code Amendment: Mobile Vending Units in Little Falls Village**

**PROPOSED MOTION:**

Move to recommended Town Council adoption of the Zoning Amendment to allow for mobile vending units to the Little Falls area as drafted by the Planning Board.