

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

**Town of Gorham
Planning Board Ordinance Committee Workshop
June 13, 2022**

ITEM 1 - Land Use and Development Code Amendment– Discussion: – 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.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	April 5, 2022
Planning Board - Meeting Discussion	The item was forwarded to the PLBD Ordinance Committee for review and recommendations.	May 2, 2022
PLBD Ordinance Committee	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.	May 16, 2022
PLBD Ordinance Committee		June 13, 2022

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.

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1. Overview

The proposal is to add one amendment 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. Below is language from the Comprehensive Plan regarding Future Land Use Zoning for the Little Falls Village Area.

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.

- **Little Falls Village Center Area**

- **Location** – The Little Falls Village Center designation applies to the lots along both sides of the Gray Road from the river to the intersection with Tow Path Road (see Figure 6.4).
- **Allowed Uses** – The allowed uses in the Little Falls Village Center Area should include a wide range of residential and non-residential uses that are similar to the current Village Center District.
- **Development Standards** - The development standards for the Little Falls Village Center Area should be similar to the current Village Center standards but should include some basic design requirements to assure that any new buildings or redevelopment occurs in a manner that is compatible with the current pattern of development. Residential development should conform to the density and development standards for the Village Residential designation including the provisions for development transfer and variable density for small units. Existing buildings should be allowed to be used for residential uses including residential units in a mixed-use building without density considerations as long as the property meets requirements for parking, landscaping, and buffering.

- **Village Commercial Area**

- **Location** – The Village Commercial Area designation includes the commercial core of Gorham Village from Elm Street east to the New Portland Road area as well as a small area adjacent to the roundabout in Little Falls (see Figures 6.3 and 6.4).
- **Allowed Uses** – The allowed uses in the Village Commercial Area should include a wide range of residential and non-residential uses similar to the uses currently allowed in the Urban Commercial zone. Consideration should be given to allowing gasoline service stations in the

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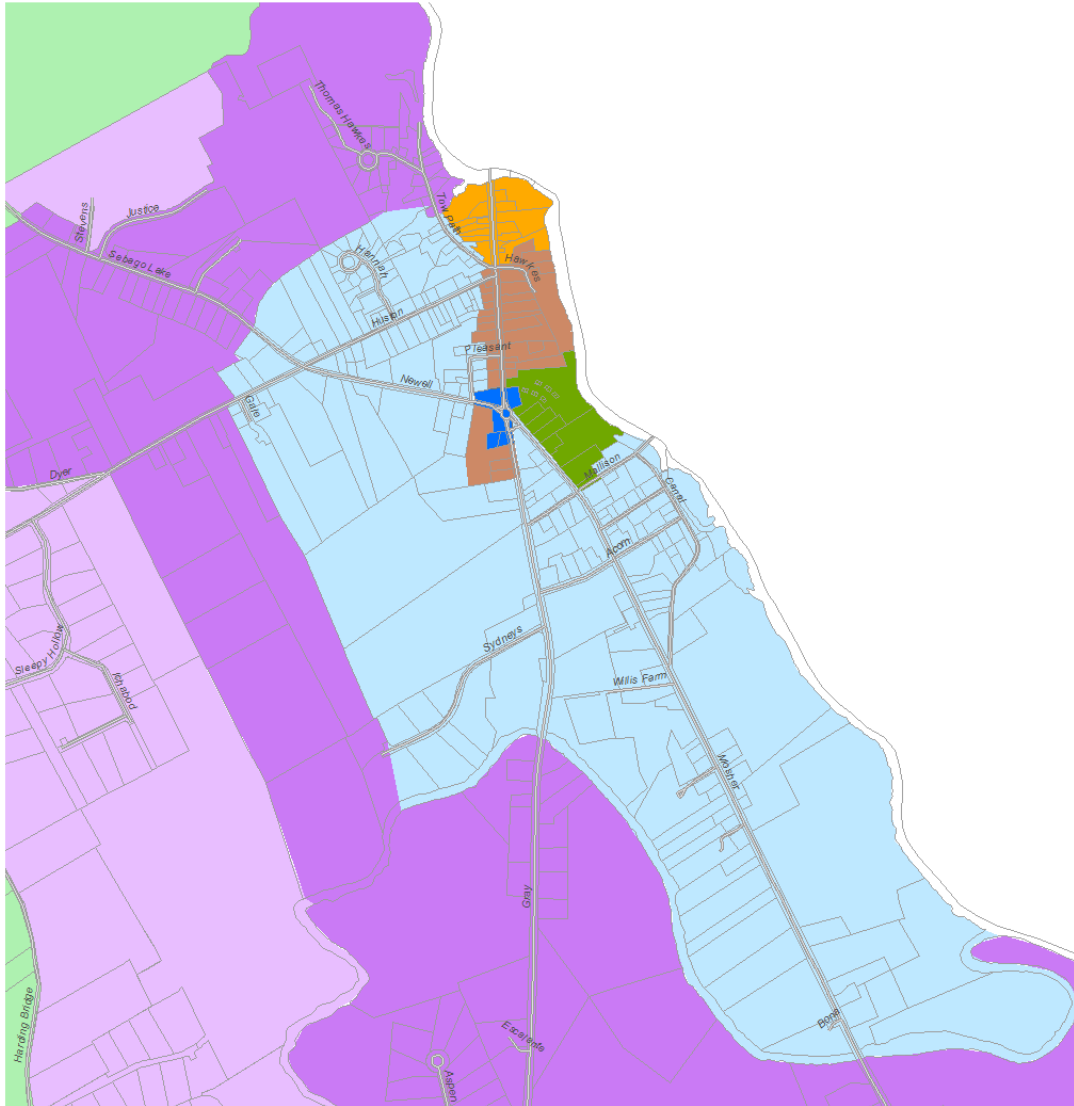
Little Falls Village Commercial Area.

- ***Development Standards*** – The development standards in the Village Commercial Area should be similar to the current Urban Commercial standards including the current design requirements. Higher intensity development should be allowed based on a case-by-case review. Residential development should conform to the density and development standards for the Village Residential designation including the provisions for development transfer and variable density for small units. Existing buildings should be allowed to be used for residential uses including residential units in a mixed-use building without density considerations as long as the property meets requirements for parking, landscaping, and buffering.

- **Village Approach Area**
 - ***Location*** – The Village Approach Area includes the portion of the Main Street corridor on either side of Libby Avenue extending from the Chick property eastward to the Gateway Commons area (see Figure 6.3).
 - ***Allowed Uses*** – The allowed uses in the Village Approach Area should include a wide range of residential uses together with a limited range of non-residential uses including small-scale retail uses, restaurants without drive-thru service, offices, personal and business services, and B&Bs. Larger, more-intensive commercial uses should not be allowed in this portion of the corridor.
 - ***Development Standards*** – The development standards should allow for both new development and the reuse of existing buildings in a manner which maintains this area as an attractive entrance to Gorham Village. The standards should require that buildings be located within reasonable proximity to the street with a landscaped buffer strip along the edge of the street and not more than one, double-row of parking between the building and the street. Off street parking should be encouraged to be located at the side and/or rear of the building for non-residential uses. New or expanded buildings should be required to conform to good site and building design standards that assure that the project has a “village character” and contributes to an attractive entrance to the Village. The creation of vehicular accesses should be carefully managed and the interconnection of uses encouraged. Residential development should conform to the density and development standards for the Village Residential designation including the provisions for development transfer and variable density for small units.

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**Figure 6.4: Little Falls Village
Gorham Comprehensive Plan Update**



- | | |
|--------------------------------|---|
| Residential Growth Area | Nonresidential Growth Areas |
| Suburban Residential | Corridor Commercial |
| Village Expansion | Industrial |
| Mixed-Use Growth Area | Mosher Corner Planned Dev |
| Gorham Village Center | University Institutional |
| Little Falls Village Center | Mixed-Use Limited Growth Areas |
| Mosher Corner Mixed Use | Village Office-Residential |
| Narragansett Mixed-Use Dev. | White Rock Mixed-Use |
| South Gorham Commercial Center | Residential Limited Growth Areas |
| South Gorham Crossroads | Village Residential |
| Village Approach | |
| Village Commercial | |
| Rural Areas | |
| Rural | |



Prepared by Gorham Planning Office 6/10/2016

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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:

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;

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- (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.
 - (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.

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- 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 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.

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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.

