

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #18-09

AGENDA ITEM: 4.1

FROM & Kim Espinosa,
PREPARED BY: Planning Manager

PLANNING COMMISSION
MEETING DATE: March 21, 2018

SUBJECT: Information on Food Trucks

ACTION: Discussion/Questions/Direction to Staff

SUMMARY

At the last Planning Commission meeting on March 7, 2018, the Planning Commission asked for information about mobile vendors/food trucks in the Zoning Ordinance. Food trucks that are parked in a fixed location on private property are addressed in Section 20.44.020 of the Zoning Ordinance (Attachment A) and in the individual land use tables for commercial and industrial zones (Attachments B and C). Food trucks are not allowed in residential zones.

Per the Zoning Ordinance, food trucks are allowed with a Conditional Use Permit (CUP) in the Commercial Office (C-O), Neighborhood Commercial (C-N), Business Park (B-P), Light Industrial (I-L), and Heavy Industrial (I-H) zones. Food trucks are also allowed with a CUP in the Regional/Community Commercial (C-C) zone but are prohibited within the City Center area (generally 19th to 16th Streets, Martin Luther King Jr Way to O Street). Food trucks are allowed with a Site Plan Review Permit in the Thoroughfare Commercial (C-T) and General Commercial (C-G) zones. In Planned Development (P-D) zones, food trucks would require either a CUP or Site Plan Permit depending on the General Plan designation. For example if the General Plan designation is “Neighborhood Commercial,” then a CUP would be required; if “Thoroughfare Commercial,” then a Site Plan Permit is required, etc.

When the land use tables were developed and reviewed by the Zoning Ordinance Focus Group, Planning Commission, and City Council in 2015-16, a number of factors were considered. One such factor was that Conditional Use Permits require public hearings before the Planning Commission and notification to all property owners within 300 feet of a project while Site Plan Review applications are handled at staff level and only involve notification to a limited number of adjacent residents. Another factor was that food trucks should require at least the same level (or higher) of review as a “brick and mortar” restaurant in the same zone. As an example, restaurants require CUP’s in the industrial zones so food trucks also require a CUP.

In 2018, the application fee for a Minor Conditional Use Permit (generally for walls and signs that go to the Planning Commission) is \$614 and a Regular CUP is \$3,069. The application fee for a Minor Site Plan Review Permit (generally minor design/land use changes to an existing site) is \$737 and a Major Site Plan Review Permit (generally involving a major redesign of an existing site or development of a vacant site) is \$1,228. The City’s application fees are adjusted annually

based on the CPI, and by law can only cover the cost of staff time, mailing costs, publication costs, etc., involved in the process.

If the Planning Commission believes that there should be amendments to the Zoning Ordinance regarding food trucks, then the Commission should give direction to staff to consider specific changes. Staff can then schedule a public hearing to consider making a recommendation to the City Council regarding such amendments at a future Planning Commission meeting. A public hearing before the City Council would also be required.

Attachments:

- A) Section 20.44.020 (“Food Trucks in Fixed Locations”)
- B) Zoning Ordinance Land Use Table for Commercial Zones
- C) Zoning Ordinance Land Use Table for Industrial Zones

20.44.020**Food Trucks in Fixed Locations**

A. Location. Food trucks (or “mobile food vendors”) that park in fixed locations, instead of being “street and sidewalk vendors” as defined in Chapter 5.54 (Street and Sidewalk Vendors), are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts) and Planned Developments with those same designations. A “fixed location” is considered to be parked on any one parcel for more than 1 hour a day.



B. Permits Required. A Site Plan Review Permit or Conditional Use Permit is required for all food trucks that park in a fixed location as shown in the land use regulation tables in Part 2 (Zoning Districts) or in Planned Developments with a Conditional Use Permit. Such permits are required for each location if there are multiple locations.

C. Operational Standards.

1. **Number per Parcel.** Only one food truck shall be allowed per developed site and shall not be allowed on vacant parcels without another permitted use operating on the site, unless otherwise approved by Conditional Use Permit as part of a food truck parking area as defined in Subsection 7 below.
2. **Hours of Operation.** Food trucks shall be operated only between 7:00 a.m. and 9:00 p.m. daily, unless otherwise approved by Site Plan or Conditional Use Permit.
3. **Parking and Access.** Food trucks shall only be allowed in parking lots which are paved and striped to City Standards. Each food truck shall provide parking as required in Chapter 20.38 (Parking and Loading) and shall not utilize parking spaces required for another permitted use on the site. Food trucks shall not block driveways or parking aisles.
4. **Maintenance.** The site shall be maintained free of trash and debris at all times and provision shall be made for refuse collection containers for patrons.
5. **Advertising.** All signage shall be contained on the catering vehicle. No A-frame signs, banners, flags, or moving or portable signs shall be permitted for the use anywhere on or off the site.
6. **Licenses.** Food trucks shall comply with all City business license requirements as well as all requirements of the Merced County Health Department, including provisions for food safety, approved commissary, and employee restrooms (no portable toilets allowed).
7. **Establishment of Multiple Food Truck Parking Areas.** With a Conditional Use Permit in any zoning district which permits food trucks, parking areas for multiple food trucks may be established. The City may require permanent seating, shelters, refuse containers, and other amenities with the Conditional Use Permit.

20.10.020 Land Use Regulations for Commercial Zoning Districts

A. Permitted Uses. Table 20.10-1 identifies land uses permitted in commercial zoning districts.

TABLE 20.10-1 PERMITTED LAND USES IN THE COMMERCIAL ZONING DISTRICTS

Key	Zoning District ^[1]							Additional Regulations
	C-O	C-N	C-C	C-SC	C-T	C-G	B-P	
P Permitted Use								
M Minor Use Permit Required								
SP Site Plan Review Permit Required								
C Conditional Use Permit Required								
X Use Not Allowed								
RESIDENTIAL USES								
Group/Transitional/Supportive Housing	X	X	P [3]	X	X	X	X	
Live/Work Units	C	C	P [2]	X	X	X	X	Sec. 20.44.080
Multiple-Family Dwellings	C	C	P	X	X	X	X	
Residential Care Facilities, Small (<i>6 or Less</i>)	X	X	P [3]	X	X	X	X	
Residential Care Facilities, Large (<i>More than 6 residents</i>)	X	X	P [3]	X	X	X	X	
Single-Room Occupancy	X	X	P [3]	X	X	X	X	Sec. 20.44.120
COMMUNITY USES								
Community Assembly	C	C	C	X	C	C	C	
Community Garden	SP	SP	SP	SP	X	SP	X	Sec. 20.44.050
Colleges and Trade Schools	C	C	C	SP[9]	X	C	C	
Convalescent or Nursing Homes	C	C	C	X	X	X	X	
Cultural Institutions	C	C	C	X	C	C	C	
Day Care Centers (Children & Adults)	M	M	M	X	X	X	SP	
Emergency Shelters	X	X	C	X	C	P	X	Sec.20.44.150
Government Offices	P	P	P	X	C	C	C	
Hospitals and Surgery Centers	C	C	C	X	X	X	C	
Instructional Services	P	P	P	X	X	X	SP	
Medical Offices and Clinics	P	P	P	X	X	X	C	
Parks and Recreational Facilities	C	C	C	X	X	X	C	
Public Safety Facilities	SP	SP	P	C	SP	SP	SP	
Rehabilitation Centers	P	P [6]	P[10]	X	X	C	C	
Social Assistance Services	C	C	C	X	SP	P	X	

Key	Zoning District ^[1]							Additional Regulations
	C-O	C-N	C-C	C-SC	C-T	C-G	B-P	
P Permitted Use								
M Minor Use Permit Required								
SP Site Plan Review Permit Required								
C Conditional Use Permit Required								
X Use Not Allowed								
COMMERCIAL USES								
Alcoholic Beverage Sales [7]	X	P [7][8]	P [7]	C [7][8]	P [7]	P [7]	SP [7]	Sec.20.44.010
Bail Bond Businesses	C	X	C [10]	X	C	C	C	
Bars and Nightclubs	X	C	C	X	C	C	C	
Banks, Retail	P	P	P	P [9]	SP	SP	SP	
Bed and Breakfast	X	X	C	X	C	C	X	Sec.20.44.030
Building Supplies/Home Improvement	X	X	C	X	SP	P	SP	
Business Support Services	X	C	M	X	P	P	SP	
Cardrooms [5]	X	X	C [5]	X	C [5]	C [5]	X	Chapter 9.08
Cemeteries and Mausoleums	X	X	C	X	C	P	X	
Check Cashing/Payday Loan Establishments	C	X	C [10]	X	C	C	C	Sec.20.44.040
Commercial Cannabis Businesses	Refer to Table 20.44-1 in Section 20.44.170							
Commercial Recreation, Indoor (Except Below)	X	SP	SP	SP[9]	P	SP	C	
Multi-Screen (6 or More) Movie Theaters	X	C	P	X	C	X	C	
Commercial Recreation, Outdoor	X	X	X	SP [9]	P	C	C	
Drive-Through and Drive-Up Sales	C	C	SP	SP [9]	P	P	SP	
Equipment Sales and Rental	X	X	X	X	P	P	SP	
Farmer’s Market	C	SP	SP	SP	SP	SP	SP	Sec.20.50.030B
Flea Market	X	X	X	X	C	C	C	
Funeral Parlors and Mortuaries	C	C	C	X	C	P	C	
Gas and Service Stations/Car Washes	X	C	SP	SP [9]	P	P	SP	Sec.20.44.070
Hotels and Motels	X	X	P	X	P	C	C	
Hookah Lounges	X	C	C	X	C	C	C	
Kennels	X	X	X	X	C	P	C	
Maintenance and Repair Services	X	X	X	X	P	P	SP	
Massage Establishments	C [16]	C [16]	C [16]	X	C [16]	C [16]	X	Chapter 5.44
Massage Therapy—Sole Practitioner	P[17]	P[17]	P[17]	X	C [16]	C [16]	X	Chapter 5.44
Mobile Food Vendors	C	C	C [10]	X	SP [11]	SP	C	Sec. 5.54 & 20.44.020
Mobile Home Sales	X	X	X	X	P	P	SP	
Office, Professional	P	P	P	SP [9]	SP	SP	SP	

Key	Zoning District ^[1]							Additional Regulations
P Permitted Use M Minor Use Permit Required SP Site Plan Review Permit Required C Conditional Use Permit Required X Use Not Allowed	C-O	C-N	C-C	C-SC	C-T	C-G	B-P	
COMMERCIAL USES (Continued)								
Pawn Shops	X	X	C [10]	X	X	P	X	
Personal Services	SP	P	P	P [9]	SP	SP	SP [12]	
Retail, General	SP[12]	P	P	P [9]	P	SP	SP	
Restaurants	C [13]	P [8]	P	SP [9]	P	M	SP [12] [13]	
Tattoo Parlors	X	SP	M	X	M	M	SP	
Tobacco Retailers [18]	X	P [18]	P [18]	P [18]	P [18]	P [18]	SP[18]	Sec.20.44.160
Vehicle Parts and Accessories Sales	X	P	P	X	P	P	SP	
Vehicle Rentals	X	X	M	X	P	P	SP	
Vehicle Repair and Maintenance, Major	X	X	X	X	C	P	C	
Vehicle Repair and Maintenance, Minor	X	SP	P	X	P	P	C	
Vehicle Sales	X	X	P [10] [14]	X	P	P	C	
INDUSTRIAL USES								
Manufacturing and Processing, General	X	X	X	X	X	M	C	
Manufacturing and Processing, Light	X	X	X	X	X	P	SP	
Research and Development	C	X	C	X	SP	SP	P	
Warehousing, Wholesaling, and Distribution	X	X	SP[15]	X	P	P	SP	
Wrecking & Salvage Establishments	X	X	X	X	C	C	X	Sec.20.44.140
TRANSPORTATION, COMMUNICATION, AND UTILITY USES								
Airports	X	X	X	X	C	C	C	
Freight Terminals	X	X	X	X	C	C	C	
Heliports	C	X	C	X	C	C	C	
Parking Facilities	P	P	P	P[9]	P	P	P	
Public/Mini Storage	X	X	X	X	M	M	SP	
Recycling Collection Facilities								Sec.20.44.090
Reverse Vending Machines	P	P	P	M[9]	P	P	P	
Small Collection Facilities	SP	SP	SP	SP[9]	SP	SP	SP	
Large Collection Facilities	X	X	X	X	C	C	C	
Utilities, Major	C	C	C	X	C	C	C	
Utilities, Minor	P	P	P	P[9]	P	P	P	
Wireless Communications Facilities	See Chapter 20.58							

Notes:

- [1] A Site Plan Review Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.10-1.
- [2] Residential use on the ground floor is prohibited unless it is located on the back of the property where it is not visible or approved with a Conditional Use Permit.
- [3] Prohibited as a single use. Permitted as part of a residential mixed-use project.
- [4] Use shall not exceed 20,000 square feet.
- [5] 24 hour operations limited to C-T and C-C zones per Chapter 9.08 (Gaming).
- [6] Rehabilitation centers for drug, methadone, and alcohol are prohibited.
- [7] A Conditional Use Permit is required for establishments smaller than 20,000 square feet.
- [8] A Conditional Use Permit is required for alcoholic beverage sales for on-site consumption.
- [9] Permitted only as part of a shopping center or other retail establishment with a minimum of 20,000 square feet of floor area devoted to the sale of groceries.
- [10] Prohibited in the City Center area between 19th and 16th Streets and O Street and Martin Luther King, Jr. Way, including properties fronting on either side of each of the above streets, except vehicle sales showrooms can be allowed.
- [11] Includes refreshment stands.
- [12] Permitted only as an ancillary use to serve employees, not to occupy more than 5,000 square feet.
- [13] Conditional Use Permit required unless the use is ancillary to a principal permitted use. For restaurants, Conditional Use Permit is required unless the uses are conducted in and entered from within the building with no outside advertising.
- [14] A Site Plan Review Permit is required for used vehicle sales.
- [15] Temporary warehousing and storage only is allowed per the requirements of Section 20.10.030(D).
- [16] Provided that a massage establishment permit has not been revoked at that location within 12 months of the application for a conditional use permit and a massage establishment permit is obtained pursuant to Chapter 5.44.
- [17] Must have valid certificate from State of California as a massage therapist or massage practitioner pursuant to the Massage Therapy Act (Business and Professions Code Section 4600 *et seq.*).
- [18] Prohibited within 1,000 feet of schools and other uses per Sec. 20.44.160, unless building over 20,000 square feet.



20.12.020 Land Use Regulations for Industrial Zoning Districts

A. Permitted Uses. Table 20.12-1 identifies land uses permitted in industrial zoning districts.

TABLE 20.12-1 PERMITTED LAND USES IN THE INDUSTRIAL ZONING DISTRICTS

Key	Zoning District ^[1]		Additional Regulations
	I-L	I-H	
P Permitted Use			
M Minor Use Permit Required			
SP Site Plan Review Permit Required			
C Conditional Use Permit Required			
X Use Not Allowed			
RESIDENTIAL USES			
Caretaker's Home	SP	X	
COMMUNITY USES			
Colleges and Trade Schools	C	X	
Instructional Services	C [2]	X	
Public Safety Facilities	SP	C	
COMMERCIAL USES			
Adult Entertainment Businesses	SP	SP	Chapters 5.58 and 20.60
Building Supplies/Home Improvement Stores	SP	X	
Business Support Services	SP	X	
Commercial Cannabis Businesses	Refer to Table 20.44-1 in Section 20.44.170		
Equipment Sales and Rental	SP	X	
Gas and Service Stations/Car Washes	SP [5]	SP [5]	Section 20.44.070
Horticultural Nurseries, Retail	C	X	
Horticultural Nurseries, Wholesale	SP	X	
Mobile Food Vendors	C	C	Chapter 5.54 & 20.44.020
Restaurants	C [4]	C [4]	
Retail (Products Manufactured On-site Only)	SP [3]	SP [3]	
Vehicle Repair and Maintenance	SP [5]	SP [5]	
INDUSTRIAL USES			
Construction and Material Yards	SP	SP	
Manufacturing and Processing, Light	SP	SP	
Manufacturing and Processing, General	SP	SP	
Manufacturing and Processing, Heavy	X	SP [6]	Section 20.12.020.B
Research and Development	SP	SP	
Wrecking and Salvage Establishments	X	C	Section 20.44.140

Key	Zoning District ^[1]		Additional Regulations
P Permitted Use	I-L	I-H	
M Minor Use Permit Required			
SP Site Plan Review Permit Required			
C Conditional Use Permit Required			
X Use Not Allowed			
TRANSPORTATION, COMMUNICATION, AND UTILITY USES			
Freight Terminals	X	SP	
Public/Mini Storage	SP	X	
Recycling Collection Facilities, Small	SP	X	Section 20.44.090
Recycling Collection Facilities, Large	SP	SP	Section 20.44.090
Recycling Processing Facilities	SP	SP	Section 20.44.090
Utilities, Major	C	SP	
Utilities, Minor	SP	SP	
Warehousing, Wholesaling and Distribution	SP	SP	
Wireless Communications Facilities	See Chapter 20.58		

Notes:

- [1] A Site Plan Review Permit may be required per Chapter 20.32 (Interface Regulations) regardless of the uses shown in Table 20.12-1.
- [2] Limited to fitness, gymnastics, and other similar recreational sports and health facilities.
- [3] Permitted only as an ancillary showroom use for goods manufactured onsite, not to occupy more than 10 percent of the total building floor area unless a Site Plan Review Permit is obtained for additional floor area.
- [4] May be permitted only as an ancillary use to serve employees, not to occupy more than 2,500 square feet with no outside advertising, unless a Conditional Use Permit is obtained.
- [5] Limited to fleet operations only.
- [6] All manufacturing of materials listed in the Section 20.12.020.B is prohibited unless the Planning Commission determines otherwise through a Conditional Use Permit.