TO: Mayor and City Council

SUBJECT: Food Truck Ordinance (All Districts)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: New Business

Recommendation: Place the ordinance on first reading, authorize the necessary signatures and initiate an amendment of the zoning code.

Background: With the recent growth of the food truck industry, food truck operators approached the City about updating ordinances that regulate food trucks in order to address operational concerns. Current City ordinances require a food truck to get a location-specific license for each private property on which it operates. This is problematic as food trucks move to different locations frequently, and the process for getting a license for each location is time consuming. Other City ordinances allow food trucks to get a license to operate on the street. However, this license currently prohibits operating a food truck on downtown streets, and the food truck operators desire to operate on downtown streets. City staff worked with the Wichita Food Truck Coalition and the Wichita Downtown Development Corporation (WDDC) to prepare the attached proposed ordinance that addresses the concerns of food truck operators while also addressing safety concerns of City departments and concerns of restaurant owners regarding unfair competition.

Analysis: The proposed ordinance creates a new mobile vendor license that allows a food truck to operate at any permitted location during the license period. A license is not required for catering of private events, and different City ordinances address ice cream trucks, sidewalk stands, and door-to-door food sales. Permitted locations include properly-zoned private property and on-street when properly parked and located more than 150 feet from an operating restaurant from which permission to operate has not been granted. Food truck operators want to expand the number of private properties that are zoned for food truck operations, and the recommended action includes initiating the process to amend the Wichita-Sedgwick County Unified Zoning Code (UZC) regulations of food truck operations. The proposed ordinance addresses a number of safety concerns, including separation from other food trucks and buildings when using propane. Fire suppression systems for cooking apparatus using propane also are required after a one-year grace period from adoption of the proposed ordinance. The proposed ordinance also establishes operational standards for food trucks regarding lights, signs, trash, and wastewater. The proposed ordinance includes provisions for suspension or revocation of a license for non-compliance with the ability to appeal to the City Council.

The City Council discussed food truck ordinance updates at a workshop on September 27, 2016. Staff received direction to bring the proposed ordinance to the City Council for action along with a recommendation for the City Council to initiate the process to amend UZC regulations of food truck operations. City staff presented the ordinance considered at the workshop to the Wichita Food Truck Coalition at its monthly meeting on November 7, 2016. Two minor concerns regarding lights and signs were expressed by food truck operators, and the proposed ordinance includes minor changes from the ordinance presented at the workshop to address those concerns. The WDDC submitted the attached letter of support for the proposed ordinance. A restaurant owner submitted an attached letter expressing concerns regarding unfair competition from food trucks if the proposed ordinance were to be adopted.
**Financial Considerations:** The proposed ordinance establishes a license fee for operating a food truck of $50 for 30 days, $250 for six months, or $400 for one year.

**Legal Considerations:** The proposed ordinance has been reviewed by the Law Department and approved as to form.

**Recommendations/Actions:** It is recommended that the City Council place the ordinance on first reading; authorize the necessary signatures; instruct the City Clerk to publish the ordinance after approval on second reading; and direct the Wichita-Sedgwick County Metropolitan Area Planning Commission to initiate an amendment of UZC regulations of food truck operations with a statement specifying the nature of the amendments desired.

**Attachments:**
- Proposed Ordinance (Clean)
- Proposed Ordinance (Delineated)
- WDDC Letter of Support
- Restaurant Owner Letter of Concern