

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: 08/15/2022
SUBJECT: Mobile Food Units – Work Session	ITEM NO:

BACKGROUND:

After multiple work sessions and public hearings, the Planning Commission has passed a draft ordinance for the allowance of Mobile Food Units to the City Council. The attached staff report describes the history, public comment, and proposed ordinance language for your review and discussion.

FISCAL IMPACT:

None.

RECOMMENDATION:

Hold a work session to discuss the draft Mobile Food Unit Ordinance.

SUBMITTED BY:

Dana Nichols
Dana Nichols, *Planning Manager*

**WORK SESSION STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 22-028, Mobile Food Unit Ordinance

REQUEST: Adopt regulations regarding the siting of Mobile Food Units. Adopt definitions in Chapter 17.02, add to permitted uses in 17.44 (General Commercial, C-2) and 17.52 (Light Industrial, LI), and add criteria for approval to Chapter 17.104, Supplementary Provisions.

LEAD CITY STAFF: Dana Nichols, Planning Manager

NOTICING INFORMATION: PAPA Notice Submitted to DLCD on February 17th, 2022
Notice of Public Hearing mailed to affected parties on March 2nd, 2022
Notice published in The World on March 4th, 2022
First Evidentiary Hearing on March 24th, 2022
Second Evidentiary Hearing on April 28th, 2022

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapter 16.32, Zone Changes and Amendments

Purpose of Staff Report:

Staff reports provide the reviewing body and community members with information regarding current land use requests and staff's analysis of the application. The staff report provides preliminary information and recommendations. The reviewing body will consider the staff report as well as public testimony and other materials submitted to the City in writing, when making decisions on the application.

I. Background

The Planning Commission held an initial hearing on Mobile Food Units at the March 24th, 2022 regular meeting. At that meeting, they allowed time for public comment and voted to continue the hearing for deliberation only to the April 28th, 2022 at 7:00 pm. The Commission requested that staff modify the language to use “mobile food unit” instead of “mobile food cart” to align with the state’s definition, and to clarify that the use is only allowed on private property. The modified language has been underlined below.

At the April 28th public hearing, the Commission discussed these changes, as well as the zone locations in which this use may be appropriate. The Commission heard testimony from local business owners, primarily in the C-1 Old Town Commercial and C-3 Marine Commercial zones that did not want to see MFUs located near their existing brick and mortar businesses. During the Commission’s deliberation, they could not come to consensus on whether or not MFUs should be allowed in the C-1 and C-3 zones, in addition to the C-2 and LI zones, so they passed the Ordinance to the Council without a recommendation. The proposed ordinance language below reflects an allowance for MFUs only in the C-2 and LI zones. If, at a later date, there is demand or desire to locate MFUs in Old Town, or along the waterfront, the Commission and Council can revisit the Ordinance for amendment.

II Proposed Ordinance Language

Add “Mobile Food Units” into allowable uses in the General Commercial (C-2) and Light Industrial (LI) zones.

Add the following definitions to Chapter 17.02:

Mobile Food Unit: A vehicle that is self-propelled or that can be pushed down a sidewalk, street, or highway, on which food is prepared or processed and is used in selling and dispensing food to the consumer.

Mobile Food Unit Pod: A designated site on which more than one Mobile Food Unit is located, with shared facilities for restrooms, seating, trash, and other accessory features.

Chapter 17.104 Supplementary Provisions

Sections:

- 17.104.010 Zone boundaries.**
- 17.104.020 General provisions regarding accessory uses.**
- 17.104.030 Projections from buildings.**
- 17.104.040 Maintenance of minimum requirements.**
- 17.104.050 General exception to lot size requirements.**
- 17.104.060 General exception to yard requirements.**
- 17.104.080 Access.**
- 17.104.090 Vision clearance area.**
- 17.104.100 Mobile Food Units**

17.104.100 Mobile Food Units

- A. No Mobile Food Unit (MFU) shall operate in the City of Bandon unless proper permitting has been obtained from all local and state agencies.
- B. MFUs shall only be permitted on private property in the C-2 and LI zones, subject to property owner approval.
- C. Applicants for MFU(s) shall be required to obtain Zoning Compliance approval from the Planning Department, which will be processed as a Type I (single MFU) or Type II (MFU Pod) application. The application shall include a to-scale site plan showing property dimensions, setbacks, existing structures, size and placement of MFU(S), accessory structures including trash receptacles and seating areas, surfacing materials, parking, and all permanent and non-permanent utility connections. The application shall also include signed permission from the property owner, elevation drawings or photos of the MFU, and the required review fee.
- D. MFUs shall comply with the following approval criteria:
 - a. No part of the MFU shall impede vehicular or pedestrian traffic.
 - b. MFUs shall not occupy more than 15 percent of a required off-street parking area.
 - c. MFUs shall be fully moveable. Wheels must remain inflated, the Unit must be attached to an engine or a trailer tongue that attaches to a vehicle that moves, and no permanent connections to any utilities are allowed.
 - d. At least one trash receptacle shall be provided. The MFU owner shall be responsible for disposal of trash and general site-clean-up daily.
 - e. Single MFUs must be self-contained. Water and sewer service are not available. Food Unit Pods may install water and sewer with the proper payment of System Development Charges and approval from the Public Works Department.
 - f. Accessory and/or temporary structures shall meet all requirements of the underlying zone, vision clearance requirements, and Chapter 15.28 Floodplain Development.
 - g. Signage must be permanently affixed to MFU. No sandwich boards or portable signs are permitted.
 - h. Outdoor lighting shall be provided if not already adequately provided by an existing use. Lighting shall be subject to the Commercial Design Standards listed in 17.94.070.
 - i. Permitted hours of operation of an MFU shall be consistent with the host business or shall be set by the property owner as part of the application.
 - j. MFU pods may include restrooms, storage buildings, outdoor seating areas, and trash enclosures, provided they meet the requirements of the underlying zone. These structures shall be subject to the Commercial Design Standards listed in 17.94.060(B) Screening.
 - k. MFU pods shall meet the parking requirements for a commercial eating or drinking establishment and standards for parking lot construction, as described in 17.96.
- E. Once approved, MFUs must submit for an operating permit, which is required to be renewed annually, starting on January 1st of each year. This permit shall include the appropriate fee (set by Council), Certificate of Insurance, copy of Health Inspection, and Fire Inspection documentation.

- F. The permit issued shall be personal to the permittee only and is nontransferable. The permittee is responsible for compliance with all conditions of approval and will be subject to revocation if violations occur.
- G. Exemptions: Mobile Food Units that are operated as part of an approved farmers market or allowed under a special event permit are exempt from the provisions of this section.
- H. Failure to comply with any of the criteria above will result in revocation of the permit and compliance with Chapter 1.16 of the Bandon Municipal Code.
- I. The City Council has the right to repeal or amend this Chapter and thereby terminate or modify all MFU operations on private property.

Map of Possible Locations for MFUs

