



## **PLANNING DEPARTMENT STAFF REPORT – Draft Mobile Food Cart Ordinance**

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### **Background**

In recent years, likely due to the pandemic, the interest in operating food carts and the demand for them locally has grown. However, the Bandon Municipal Code does not currently define “Mobile Food Carts,” nor does it identify locations or criteria for development for any similar uses. To address this growing interest and demand for mobile food carts, the City Council and Planning Commission has determined that an ordinance should be drafted to address this potential use.

Mobile food carts are premised on two specific traits: (1) that they are mobile, and (2) that they are selling food. This ordinance will not cover establishments that would like to permanently set up (i.e. no wheels, permanent foundation), nor businesses that serve non-food items. Our code already addresses permanent structures and prohibits roadside vending. The proposed ordinance will focus on issues of siting and design, and zones in which this use may be permitted. Because food-related businesses are already regulated by state law and county health departments, language has not been included reiterating these requirements.

### **State and County Laws**

Mobile Food Units are regulated by the Oregon Health Authority, through Coos Health and Wellness. Each unit is required to receive a license in the county in which they operate and must be maintained as approved by that license. The State requires that a mobile food unit have wheels, be designed in one piece, have all operations contained within the unit, and have ample water and sewer capacity and pressure. Units are classified by Class I-IV, allowing different food preparation methods ranging from all pre-packaged to a full menu. Access to restrooms (within 500 feet) is required for all classes, however other requirements, such as dishwashing and handwashing systems, vary.

### **Next Steps**

The Planning Commission has met before to provide input in work sessions on this topic. The City Manager also created a poll, which received 642 responses. The information gleaned from both sources has been included in the draft ordinance before you tonight. Staff recommends that the Ordinance process be initiated to allow for public hearings on the matter. The following is a draft schedule of events for ordinance adoption:

February 17th: Final work session (submit PAPA notice to DLCD)  
March 24th: Hold a public hearing before planning commission  
April 11th: Hold a public hearing before the city council

These dates are tentative and may change based on the discussion at each meeting. Additional public hearings may be needed, and the timeframe will be adjusted accordingly.

### **Proposed Ordinance Language**

Add “Mobile Food Units” into allowable uses in the Old Town Commercial (C-1), General Commercial (C-2), and Marine Commercial (C-3) Zones.

Add the following definitions to Chapter 17.02:



*Mobile Food Cart:* 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 Cart Pod:* A designated site on which more than one Mobile Food Cart 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 Carts**

### **17.104.100 Mobile Food Carts**

- A. No Mobile Food Cart (MFC) shall operate in the City of Bandon unless proper permitting has been obtained from all local and state agencies.
- B. MFCs shall only be permitted in the C-1, C-2, and C-3 zones.
- C. Applicants for MFC(s) shall be required to obtain Zoning Compliance approval from the Planning Department, which will be processed as a Type I (single MFC) or Type II (MFC Pod) application. The application shall include a to-scale site plan showing property dimensions, setbacks, existing structures, size and placement of MFC(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 MFC, and the required review fee.
- D. MFCs shall comply with the following approval criteria:
  - a. No part of the MFC shall impede vehicular or pedestrian traffic.
  - b. MFCs shall not occupy more than 15 percent of a required off-street parking area.
  - c. MFCs shall be fully moveable. Wheels must remain inflated, the cart 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 MFC owner shall be responsible for disposal of trash and general site-clean-up daily.
  - e. Single MFCs must be self-contained. Water and sewer service are not available. Food Cart Pods may install water and sewer with the proper payment of System



Development Charges and approval from the Public Works Department. Extension cords for electricity may be permitted with approval from the Electric 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 MFC. 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 MFC shall be consistent with the host business or shall be set by the property owner as part of the application.
  - j. MFC 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. MFC 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, MFCs must submit for an operating permit, which is required to be renewed annually, starting on January 1<sup>st</sup> 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 Carts 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 MFC operations on private property.