

Section 1: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.80.15.1, Temporary Use, will be amended to read as follows:

1. Temporary Mobile Sales.

A. Threshold. An application for Temporary Mobile Sales shall be required when the following threshold applies:

1. The sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for a period that is greater than ~~one~~ **three (3) hours** and less than seven (7) hours per day. [ORD 4513; August 2009].

C. Approval Criteria. In order to approve a Temporary Mobile Sales application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

13. A **No more than two** other permits for Temporary Use – Mobile Sales **have** ~~has not been issued for another temporary use~~ on the same site during the same approval period or portion thereof. [ORD 4513; August 2009]

E. Conditions of Approval. All applications for Temporary Use - Mobile Sales shall comply with the following conditions identified below. The decision making authority may impose other conditions on the approval of a Temporary Mobile Sales application to ensure compliance with the approval criteria. [ORD 4513; August 2009]

8. **Products for sale shall be removed at the end of each business day. All products for sale, structures, and vehicles associated with the Temporary Mobile Use shall be removed daily at the end of the approved time period.**

Section 2: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.11.10., Food Cart Pod Regulations, will be amended to read as follows:

60.11.10. Site Design.

1. Site Design Standards for Food Cart Pods:

- A. Food carts and amenities shall be located on a paved or concrete surface.
- B. Food cart pods shall not occupy pedestrian walkways or required landscaping.
- C. Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.
- D. Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas.
- E. Front yard setbacks for food carts shall be a minimum of 6 feet.
- F. Rear and side yard setbacks for food carts and amenities shall be the same as the zone in which it is located, except when a side or rear yard abuts a residential zoning district. Any side or rear yard abutting a residential zoning district must meet the setbacks 60.11.10.1.G below.
- G. Rear and/or side yards abutting residentially zoned property shall have a minimum setback of 20 feet or the minimum setback for the zone in which it is located, whichever is greater. This setback may be reduced to 10 feet by meeting the buffering requirements for a B-3 buffer in section 60.05.25.13.D of the Development Code but may not be less than the minimum allowed in the zoning district of the food cart pod.
- H. Carts shall not be located or oriented in a way that requires customers to queue in a driveway.
- I. Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.
- J. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.
- K. Food carts shall not be located in the Vision Clearance Area as described in the *Engineering Design Manual*.
- L. Fences shall be constructed consistent with Section 60.05.25.9**

Section 3: The Development Code, Ordinance No. 2050, Chapter 60 - Special Requirements, Section 60.11.20., Food Cart Pod Regulations, will be amended to read as follows:

60.11.20. Utilities.

1. ~~Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, including provide for the disposal of fats, oils and grease with an approved grease separator. Indirect discharges or leakage draining into the storm water system is prohibited.~~ Wastewater shall be addressed in one of the following two ways:

A. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.

B. Food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.

2. ~~Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.~~ Potable water shall be provided in one of the following two ways:

A. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes.

B. Food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules.

3. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.

4. All utilities shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions. ~~pursuant to Section 60.65 of the Development Code.~~