

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: October 3 rd , 2022
SUBJECT: ORDINANCE 1652 – AMENDING TITLE 17 OF THE BANDON MUNICIPAL CODE TO ALLOW MOBILE FOOD UNITS AND MOBILE FOOD UNIT PODS AND PROVIDING AN EFFECTIVE DATE	ITEM NO: 5.4.1

BACKGROUND:

This is an ordinance allowing Mobile Food Units and Mobile Food Unit Pods in the City of Bandon. The use will be considered part of “Retail Sales and Services,” and criteria for approval, including allowable locations, will be added into 17.104, Supplementary Provisions. The ordinance will also add definitions to Chapter 17.02.

FISCAL IMPACT: An annual license fee will be set to cover the cost of staff time to ensure ongoing compliance. A planning permit fee will also be assessed to cover the cost of staff time to process an application for a Mobile Food Unit or Mobile Food Unit Pod operation.

RECOMMENDATION:

Potential Motion: *“I move to approve the land use ordinance as proposed (and/or as amended here) for the text amendments to 17 of the Bandon Municipal Code allowing mobile food units and mobile food unit pods and providing an effective date.”*

If approved:

1. Request the City Attorney read Ordinance 1652 by title only.
2. Motion 1: Pass Ordinance to a second reading by roll call vote.
3. If a full Council is present and the motion to pass to a second reading was approved unanimously, request the City Attorney read Ordinance 1652 by Title only for the second time.
4. Motion 2: Adopt Ordinance 1652 by roll call vote.

SUBMITTED BY:

Dana Nichols

Dana Nichols, *Planning Manager*

ORDINANCE 1652

AN ORDINANCE AMENDING TITLE 17 OF THE BANDON MUNICIPAL CODE TO ALLOW MOBILE FOOD UNITS AND MOBILE FOOD UNIT PODS AND PROVIDING AN EFFECTIVE DATE

THE CITY OF BANDON ORDAINS AS FOLLOWS:

TITLE 17, ZONING

Section 1. 17.02, Definitions, is amended to provide the following definitions:

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.

Section 2. 17.104.100, Supplementary Provisions, is amended to include Mobile Food Units to provide as follows:

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.

Section 3. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference error contained herein or in other provisions of the Bandon Municipal Code, to the provisions added, amended, or repealed herein.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 5. This Ordinance shall take effect pursuant to Section 37 of the Bandon Charter, the thirtieth day after its enactment.

PASSED to a second reading this _____ day of _____ 2022 on a roll call vote, _____.

ADOPTED by the City Council this _____ day of _____ 2022 on a roll call vote, _____.

Mary Schamehorn, Mayor

Attest:

June Hinojosa, City Recorder