

SECTION 10.1600 FOOD AND BEVERAGE CARTS

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General

10.1601 General

This section applies to Food and Beverage Carts. The definition for Food and Beverage Carts is found in **Article 3**.

Permitted Uses

10.1620 Permitted Uses

Table 10.1620 identifies where Food and Beverage Carts are allowed. They are allowed in addition to the uses normally allowed in the underlying land-use district.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.

Table 10.1620: Where Food and Beverage Carts are Permitted

	Low-density residential districts ¹	Multi-family districts ²	Commercial and mixed-use districts ³	Industrial districts (GI, HI, RTI-SW, IND-SW)	Sites of approved institutional uses ⁴
Food and Beverage Carts, ^{5,6}	NP	NP	P	NP	L ⁷

Table 10.1620 Notes:

- 1 LDR-5, LDR-7, TLDR, TR, LDR-PV, VLDR-SW, LDR-SW, THR-SW.
- 2 MDR-12, MDR-24, CMF, DRL-1, CNRM, MDR-PV, HDR-PV.
- 3 Includes districts that allow commercial that are not listed in footnote 1 or 2 and that are not listed as industrial districts in **Table 10.1420**. These are CC, CMU, DCC, DMU, DRL-2, DTM, DEM, DCL, MC, CNRM, MUE-PV, NC-PV, OFR, RTC, SC, SC-RJ, TC-PV, CNTH, CNTM, VC-SW, EC-PV, GC, NC, NC-SW.
- 4 Permitted uses are allowed on approved institutional sites even if they fall under another category in this table where the Food and Beverage Cart use is not permitted.
- 5 Drive-through Food and Beverage Carts are permitted only where drive-through Business and Retail Services and Trade uses are permitted.
- 6 Food and Beverage service is permitted as an accessory use to some Temporary, Intermittent and Interim Uses, as described **Section 10.1400** and the definitions for those uses. When conducted in these situations, the food service activity is exempt from the standards in **Section 10.1600**.
- 7 Permitted for institutions with a minimum site size of 10 acres if consistent with commercial activity allowed as part of the Institutional Classifications in **Section 3.0270**. For example, "support commercial" is listed as an accessory use in **Section 3.0276** Schools.

Development Standards

10.1630 Standards and Review Processes

Table 10.1630 designates time limits and review processes for Food and Beverage Carts. Applications shall be reviewed as specified in **Article 11**.

- A. Food and Beverage Carts shall be required to acquire a development permit if they remain on one site more than four hours in any one day.

Table 10.1630: Permit Duration, Renewals, Review Processes and Additional Standards

	Maximum permit duration	Are renewals permitted?	Review process	Additional standards
Food and Beverage Carts	1 year	Yes ¹	Type II, new or expanding site ² Type I, replacement cart on previously approved site ³	Section 10.1640

Table 10.1630 Notes:

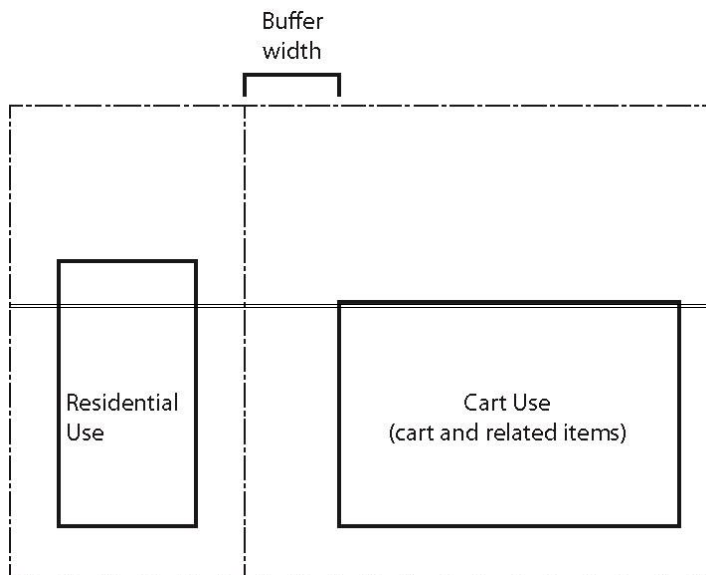
- 1 Food and Beverage Carts permits would renew automatically with the business license except when the use has been subject to a City Code Compliance enforcement action to address an uncorrected violation as provided for in Gresham Revised Code Article 7.50. Enforcement actions include but are not limited to civil penalties, citations and abatement. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II process in the same manner as an application for a new permit. In such a case, the enforcement action shall be considered during the renewal application review, such as when determining conditions of approval.
- 2 The initial review for Food and Beverage Carts on a site shall be a Type II review. This would apply the first time any Food and Beverage Cart application was filed for a site. In addition, a Type II process is required if additional uses occupy the site, such as a site adding additional Food and Beverage Carts beyond the number approved in the first application, such as a site adding a third Food and Beverage Cart on a site approved for two carts.

- 3 Food and Beverage Cart can replace a previously approved Food and Beverage Cart under a Type I process, as long as the permit obtained through a Type II review is active at the time of the Type I permit or was active within the last 12 months prior to the Type I permit. Applications from new owners shall comply with the latest Development Code standards.

10.1640 Standards for Food and Beverage Carts

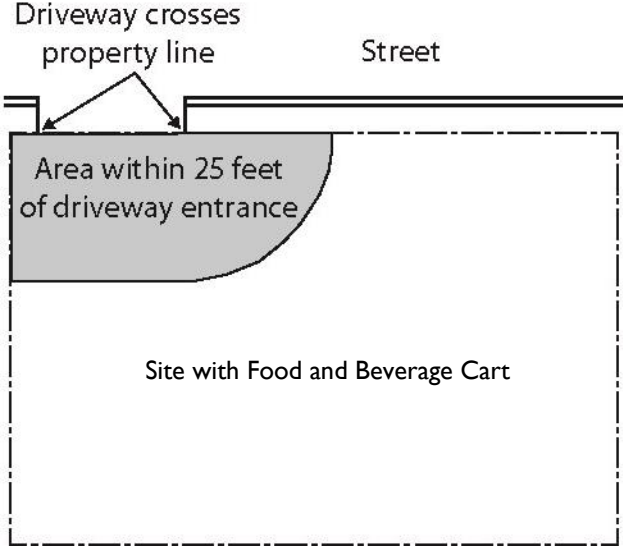
- A. Uses currently in operation with a valid Temporary Use permit as of Dec. 5, 2013, that are mobile units with at least 50 percent of sales coming from food and beverages can be approved under the standards in effect at the time their last permit prior to Dec. 5, 2013, was issued, except the following new standards apply and supersede the standards in effect before Dec. 5, 2013:
 1. Review processes as specified in **Section 10.1630**; and
 2. **Section 10.1640(G), (H), (J), (K), (L), (M), (V) and (Z).**
 Temporary Uses currently in operation also have the option of applying under the standards in effect at the time of application.
- B. Food and Beverage Carts shall be on a paved surface such as but not limited to concrete, asphalt, pavers and other surfaces as approved by the Manager. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking lot standards, including those in **Section 9.0800**.
- C. Carts shall not occupy pedestrian walkways or required landscape areas.
- D. Carts shall not occupy parking needed to meet the minimum bicycle or automobile parking requirement for another use under Section 9.0800. Blocking automobile access to parking spaces shall be considered occupying the spaces.
- E. If a site where a cart is located abuts a lot with a residential use, the cart use shall meet the narrowest minimum buffer width required in **Section 9.0100** for a proposed commercial use as shown in **Table 9.0111(B)**. The Option 2 buffer width, when available, shall satisfy this standard. Buffer trees, shrubs and screening from that table are not required. Buffer widths shall be allowed to overlap with setback requirements.

Figure 10.1640(E): Buffer Width



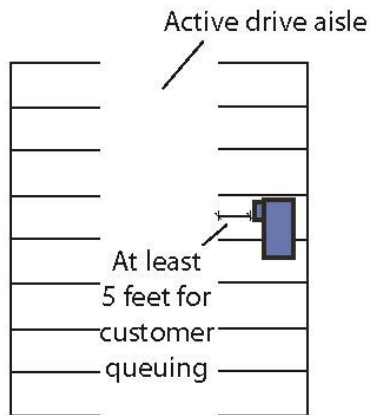
- F. The use shall provide adequate vision clearance as required by **Section 9.0200**. (Clear vision exceptions in land-use districts and Plan Districts still apply.)
- G. Ingress and egress shall be safe and adequate when combined with the other uses of the property as required by **Appendix 5**.
- H. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- I. Awnings attached to Food and Beverage Carts shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- J. Cart signage:
 1. Shall comply with applicable requirements of **Appendix 6**.
 2. Uses shall be required to post City Food and Beverage Cart permits; City business licenses; and Multnomah County Health Department food service licenses in a location visible to customers.
- K. Unless otherwise specified in this section, Food and Beverage Carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- L. The Manager may impose on any approval conditions intended to minimize adverse impacts created by the use on surrounding property and uses.
- M. Carts are exempt from land-use district density, floor-area ratio and Design District design guidelines and standards.
- N. Carts shall meet the following dimensional requirements:
 1. Land-use district minimum setbacks shall be met for the site perimeter.
 2. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way, as shown in **Figure 10.1640(N)(2)**.

Figure 10.1640(N)(2): Distance from Active Driveway Entrance



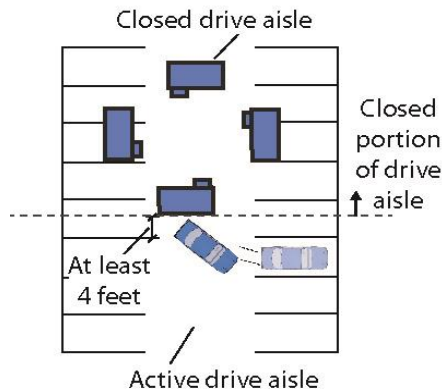
3. Carts shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
4. Carts shall provide at least 5 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point as shown in **Figure 10.1640(N)(4)**.

Figure 10.1640(N)(4): Space between customer service point and active drive aisles



5. Carts shall remain at least 10 feet away from other Food and Beverage Carts or Commercial Stands.
- O.** Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces, as shown in **Figure 10.1640(O)**.

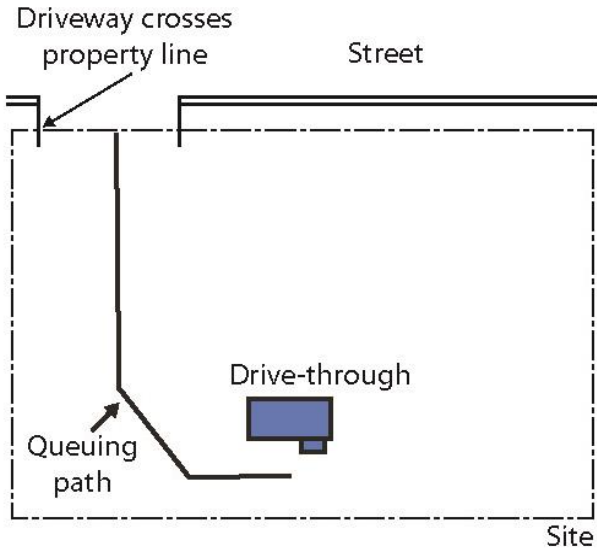
Figure 10.1640(O): Space Between Active Parking and Closed Parking



- P. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
 1. Significantly limit views of items within 3 feet of the ground; and
 2. Allow views through the site between 3 and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.

- Q. For drive-through carts, the following standards apply:
 1. To ensure adequate distance for at least three vehicles to line up behind the vehicle ordering at the drive-through, drive-through Food and Beverage Carts shall have at least 85 feet in queuing distance behind each drive-through window where sales occur. Required queuing distance may be increased as determined by the Manager if a change in distance will promote traffic and pedestrian safety. Queuing distance shall be measured from the rear of the service window or point of service, along the queuing path, to where the driveway from the street crosses from the right of way into the property, as shown in **Figure 10.1640(Q)**. The measurement method can be adjusted by the Manager for unusual circumstances or if needed to meet the intent of this standard.

Figure 10.1640(Q): Queuing Path

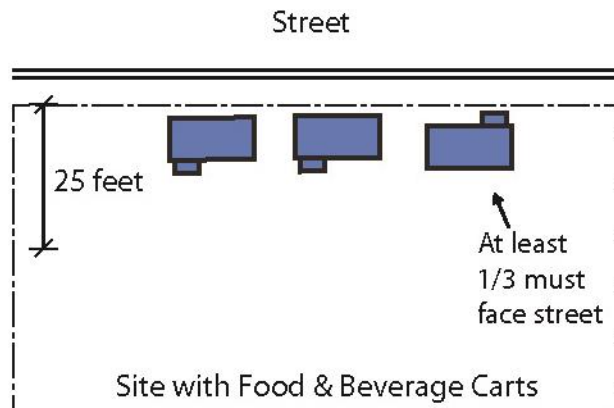


2. Drive-through stacking lanes and service areas shall not be located between the street and the Food and Beverage Cart along Design Streets, in Design Districts and other locations where those elements are not allowed between a building and the street.
- R. The following health and sanitation standards shall apply:
 1. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and

grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.

2. Carts shall ensure the availability of a restroom with hand washing facilities for employees. Carts that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customer. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the carts' hours of operation. Applicants shall provide the City with documentation that restrooms are available.
 3. If the applicant intends to contract with a third party for wastewater/graywater disposal, a copy of the contract must be provided to the City within 30 days of receiving a permit.
 4. The City may require the food or beverage service operator to provide proof of payment or other documentation that wastewater and graywater are being disposed of properly.
- S. For sites with more than one Food and Beverage Cart, at least one-third of the carts within 25 feet of each street right of way shall have a primary service window facing the street. If the cart is within 25 feet of more than one street, it shall face its primary service window to the primary street. The primary street shall be the street with the highest classification or as determined by the Manager. If the service window faces a landscape area between the cart and the sidewalk and no sidewalk entrance is located within 30 feet of the service window, a paved pedestrian path is required between the cart and the sidewalk. A grouping of carts can share one path.

Figure 10.1640(S): Street-Facing Service



- T. The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Manager if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Food and Beverage Cart has experienced parking or related traffic issues on the site or on adjacent blocks.
- U. Carts shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the Manager may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting) shall be added that complies with the following:

1. At a minimum, areas intended to be occupied by customers, such as areas near Food and Beverage Cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness; and
 2. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
 3. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and
 4. The Manager may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.
- V.** Carts and their accessory items visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:
1. Carts shall not have missing siding, skirting or roofing.
 2. Carts shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.
 3. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
 4. Tents and canopies associated with the carts shall not have:
 - a. Tears in the tent/canopy material that exceed 6 inches.
 - b. Mold on more than 10 percent of the material.
 - c. A lack of anchoring.
 - d. Broken or non-functioning supports.
- W.** Food and Beverage Carts that require a development permit shall only conduct business from a mobile unit that can be pulled or pushed down a street or highway, such as a trailer. Cart business cannot be conducted in a mobile unit that is self-propelled, such as trucks or recreational vehicles. Vehicles designed to be self-propelled that have had the engines removed shall still be considered self-propelled and shall not be used as Food and Beverage Carts that require a development permit.
- X.** Mobile units shall not have any internal floor space available to customers.
- Y.** Food and Beverage Carts mobile units shall not exceed 26 feet in length.
- Z.** Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on Food and Beverage Cart sites shall comply with Building Code anchoring and engineering standards and Fire Code standards.