

## 10.010 Definitions

**Food Cart.** A small food booth, kiosk, or serving station, not mobile under its own power and not used as a trailer, from which food is served outdoors. Food carts are typically found on commercial lots, in public parks, or on large sidewalks in areas with heavy pedestrian traffic. Examples include hot dog carts, coffee kiosks, taco stands, ice cream vendors, and concession stands. Does not include Mobile Food Vendors or Retail Outdoor.

## 12.000 Uses permitted by zone.

USE	SF	MD	A	NC <sup>1</sup>	GC	DB <sup>3</sup>	MU	LI	I	PF	SR <sup>4</sup>
<b>Accessory</b>											
Food Cart <sup>31</sup>				P	P	P	P	P	P	P	

<sup>31</sup> See CDO Section 12.XXX for special standards related to food carts and operation within the right-of-way.

## Chapter 12, Article X – Food Carts

- A. *Purpose.* These regulations are intended to establish criteria for the allowance of outdoor Food Carts in the City of Klamath Falls. Food Carts are unique accessory and public facility/right-of-way uses that supplement existing businesses and public facilities or enhance the general atmosphere and pedestrian friendliness of a district by providing access to quick food and drink.
- B. *Review Type.* Permit - Ministerial Review. Additional non-land-use review is required for carts within the public right-of-way and on public property.
- C. *Agreements Required.* As part of the permitting process, additional agreements, review, and fees are required for certain vending locations.
  1. *Sidewalk/Right-of-Way.* To vend on a sidewalk in the City or in a public parking space within the Downtown Business Zone, a Right-of-Way Vending Agreement is required.
    - a. This type of vending is only permitted within City-owned rights-of-way.
  2. *Public Facility.* To vend on City-owned property, such in a park, in a parking lot, or at a City facility, a Concession Agreement is required.
  3. *Public Non-City Facility.* To vend at public facilities not owned by the City, such as a County-owned parking lot or at a school, approval by the controlling jurisdiction is required. It is the applicant's responsibility to confirm and receive all required additional agreements.
- D. *Application Requirements.*
  1. An application form provided by the Department must be completed.
  2. A site plan showing compliance with the applicable standards below must be provided.
- E. *Applicable Criteria.* The Director or their designee must review applications against the standards below.
  1. *Site and Design Standards.*
    - a. *Private Property.*
      - i. Food Carts must be located on or within 15 feet of pedestrian pathways and must be ADA accessible.
      - ii. Any pathway occupied by a Food Cart must be and remain ADA accessible.

- iii. Parking spots may be occupied by a Food Cart only if the use to which the Food Cart is accessory has sufficient parking to allow the reduction in spaces and the cart will not extend into any drive aisle.
  - iv. Food Carts must have adequate lighting to ensure pedestrian safety at all times.
  - v. Trash receptacles must be provided for customers and identified with signage.
  - vi. Signage for the Food Cart that is attached to the cart and no larger than 12 square feet, such as awning signs, menus, etc., does not require separate sign review. Signage that is not attached to the cart, such as portable, freestanding, or building signs must be reviewed as a separate sign permit and is subject to the primary use's overall property totals and limits.
  - vii. One accessory Food Cart is permitted per property with the exception of the Downtown Business Zone within publicly owned parks, parking lots, and similar facilities.
  - viii. In the General Commercial and Mixed Use Zones, if the use to which the Food Cart is accessory has more than 4,000 square feet of street-level gross floor area, one additional accessory Food Cart is permitted for each 4,000 square feet beyond the first. On lots with multiple primary uses, allowance is determined by the combined total of all street-level gross floor square footage divided by 4,000.
  - ix. Except in the Downtown Business Zone, operational hours are limited to the operational hours of the primary use.
- b. *Primary-Use Parking Lots.*
- i. Food Carts are not permitted in lots with spaces designated for overnight residential parking without additional City review.
  - ii. Food Carts are only permitted in Primary-Use Parking Lots during City sanctioned and permitted special events, during permitted concession agreement hours, or during hours in which the parking lot is not typically used or when parking time is unrestricted. For example, if a Primary-Use Parking Lot has 2-hour parking from 8AM to 6PM, Monday through Friday, the potential available usage time for Food Carts is limited to after 6PM Monday through Friday and all hours on Saturday and Sunday.
  - iii. Food carts may operate only in parking lots to which they are assigned.
  - iv. Pathways between Food Carts must meet ADA standards for accessibility and must not be obstructed.
  - v. Food Carts must have adequate lighting to ensure pedestrian safety at all times.
  - vi. Trash receptacles must be provided for customers and identified with signage, even if public trash receptacles are available nearby. Trash receptacles for Food Carts may not be dumped into public trash receptacles. Applicants should coordinate trash removal during a special event, if necessary, with the special event organizer.
  - vii. Signage for the Food Cart that is attached to the cart and no larger than 12 square feet, such as awning signs, menus, etc. does not require a separate sign review. One portable sign, as described in CDO Sections 14.337 and 14.338

is permitted, notwithstanding zone restrictions in CDO Table 14.348-1. No other signs are permitted. During a special event, sign placement should be coordinated with the special event organizer.

**viii.** One food cart is permitted for every 25 parking spaces.

**c.** *Right-of-Way Vending.*

- i.** Allowed only when the right-of-way is adjacent to a commercial zone or the Mixed-Use zone.
- ii.** Vending may not occur on sidewalks less than 6 feet in width and may not render a pathway ADA inaccessible.
- iii.** Vending may not occur closer than 15 feet of a street corner.
- iv.** Vending may not occur closer than 150 feet of a permanent business selling the same or similar fare. For example, a taco cart may not locate within 150 feet of a Mexican restaurant, and a hot dog cart may not locate within 150 feet of a business that primarily sells sandwiches.
- v.** The location of the vendor, any vendor activities, and customers accessing vendor services must not otherwise interfere with pedestrian or vehicle traffic.
- vi.** Only the self-contained unit and a single chair for the operator may be located in a sidewalk right-of-way.

**F.** *Permits and Fees.*

- 1.** Vendors must obtain and maintain a current City Business License.
  - a.** The name and contact information of the person in charge of the Food Cart must be provided to the Development Services Department with the associated business license in the event issues or questions arise.
  - b.** Proprietors of any Food Cart must maintain all required licenses/permits to operate by Klamath County Public Health, the appropriate Klamath County Fire District, any applicable State agency. Applicant must provide certification from such agencies upon submitting a business license application.
- 2.** *Other Code Provisions.* Proposals for Food Carts must satisfy all applicable provisions of Chapter 14 – Development Standards where not addressed by the above standards.

**G.** *Nonconforming Uses.*

- 1.** Food Carts must always adhere to the requirements of this code and may not be permitted or continued, nor may exceptions be granted, under Article 20 – Nonconforming Uses or Structures.
- 2.** All existing nonconforming Food Carts operating within City limits prior to the passage of this implementing ordinance must come into compliance no later than June 30, 2024.