

**Chapter 16.45**

**Food Cart Pods**

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**16.45.010 Purpose.**

The purpose of these regulations is to establish criteria for the placement of food cart pods in the City of Canby. Food carts encourage local business and provide the community a wider choice of eating and drinking options. Food cart pods shall comply with all applicable City, County and State standards.

**16.45.015 Applicability.**

**A.** This chapter applies to:

1. New Food Cart Pods.
2. Renovation or redevelopment of an existing Food Cart Pod.

**B.** This chapter does not apply to:

1. Individual Food Carts that have obtained a Temporary Mobile Vendor Permit as regulated by Section 16.08.140 and Section 16.08.145
2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period.
3. Food Carts or other mobile vending units that are approved as part of a City reviewed event, such as a farmer's market or block party.

**16.45.020 Administration.**

- A. Permit Required. All Food Cart Pods erected after the effective date of this chapter shall require a permit. Applications shall be made on forms provided by the Planning Director with attached required information stated in the application form and in Section 16.45. Food Cart Pod applications are subject to the Type 2 land use process as described in Section 16.89.040.
- B. Business License. The owner of the Food Cart Pod must obtain a business license through the City of Canby before operations begin, and it must be kept current with yearly renewals.
- C. Fee. A fee established by resolution of the City Council shall be paid to the City of Canby upon filing of an application. Such fees will not be refundable.
- D. Construction and Maintenance. All structures, equipment and ancillaries (whether above or underground), shall meet all applicable requirements of building, structural, mechanical and electrical codes.
  - 1. All equipment shall be kept in good repair and maintained in a safe, neat, and clean condition.
  - 2. No structures or equipment shall be erected or maintained in such a manner that any portion of its surface will interfere with the free use of—or any access to—any fire escape, exit or standpipe.
  - 3. No aspect of the Food Cart Pod shall be deployed in a location that creates an immediate danger to the safety and welfare of the public by blocking vision for either pedestrians or motorists at public and/or private roadways, intersections, driveways, paths, sidewalks or railroad crossings.
- E. Appeal. Appeals are limited to procedures set forth in Chapter 16.89 for land use decisions pursuant to requirements in Chapter 16.89. Appeals of building permit decisions are decided by the Clackamas County Building Official.
- F. Permit Expiration. The approval shall be implemented for a Food Cart Pod within 365 days, beginning on the day a final decision is issued.
- G. Permit Suspension or Revocation. The Planning Director and City Engineer or their duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

#### **16.45.025 Site and Design Standards.**

- A. The purpose of this section is to provide clear and objective site and design standards for Food Cart Pods in the City of Canby.

**B. Site Design Standards for Food Cart Pods:**

1. Food carts and amenities shall be located on a paved or concrete surface.
2. Food cart pods shall not occupy pedestrian walkways.
3. Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.
4. Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas. .
5. Setbacks for food cart pods 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 following setbacks:
  - a. 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.
6. Carts shall not be located or oriented in a way that requires customers to queue in a driveway or right of way.
7. 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.
8. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.
9. Food carts shall not be located in the Vision Clearance Area as described in Section 16.46.020.
10. The Pod must have a perimeter with clear entrance and exit points. This can be achieved by using landscaping, fencing, existing buildings, or topography, or a mix of these elements. Fences shall not be chain link, with or without slats.
11. Landscaping for Pods is as required in the underlying zoning district. Plantings must be installed permanently, or located in planters not smaller than 20 gallons. Nursery pots are prohibited.
12. Lighting in accordance with the LZ2 lighting district is required as regulated in Section 16.43.

**C. Standards for Amenities within a Food Cart Pod.**

1. All food cart pods which provide seating for customers shall have restrooms with hand washing facilities available during operating hours. Restrooms must have handwashing facilities with hot and cold running water, soap and paper towels or air dryers in an interior space. Restrooms shall be screened from view of the public right of way and abutting residentially zoned properties.
2. All food carts and customer amenities within a food cart pod shall be served by a 5 foot minimum hard surface walkway.
3. Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right of way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.
4. Storage structures accessory to food carts shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way.
5. Structures used to provide shelter to customers may not be tensile structures such as tents or canopies unless they are fully framed with no movable parts. Tensile structures which require stake and rope support are prohibited.
6. Permanent structures must meet the dimensional standards of the underlying zone.
7. Weather protection elements must be immovable by patrons. If individual table umbrellas are utilized, they must be permanently affixed.
8. Screening elements may include landscaping, fencing, existing buildings, topography, or a mix of these elements. Fences shall not be chain link, with or without slats.
9. Lighting for the Pod shall follow Chapter 16.43 Outdoor Lighting Standards.

#### **16.45.030 Individual Cart Design Standards.**

A. All Food carts shall be subject to the design standards listed below:

1. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, or other accessory items.
2. The wheels and tongues must remain on the food cart. Wheels must remain inflated.

4. Food carts shall be kept in good repair and maintained in a safe and clean condition. Carts shall not have missing siding or roofing.
5. Food carts shall not be longer than 26 feet, as measured from wall to wall. Food Carts shall not exceed 15 feet in height.
6. Food carts shall obtain and keep current a City Business License.
7. Food carts shall maintain all required licenses by the local agencies, including Food Handler's Cards from Clackamas County Health, Housing and Human Services.
8. If provided, cart awnings shall have seven (7) feet of clearance between the ground and awning for safe pedestrian circulation.

**16.45.035 Vehicle and Bicycle Parking.**

- A. Vehicle and bicycle parking must conform to the dimensional standards found in Section 16.10.070.
- B. Required parking ratios for Pods are as listed in the following table.

<b>Required Parking for Food Cart Pods by Zoning District</b>	
Residential Commercial (C-R)	1.5 spaces per cart
Downtown Commercial (C-1)	None
Highway Commercial (C-2)	1.5 spaces per cart
Commercial Manufacturing (C-M)	1.5 spaces per cart
Light Industrial (M-1)	1 space per cart
Heavy Industrial (M-2)	1 space per cart

1. M-1 and M-2 zoned properties within the Pioneer Industrial Park are eligible for a 10% or 5 space reduction in required parking, whichever is less. To qualify, the applicant must quantitatively show there is existing unutilized parking on the parcel.

C. Bicycle parking is required at 0.5 parking spaces per food cart. If there is existing bicycle parking accessible to patrons and within 50 feet of the site, lower bicycle parking counts may be accepted on a case by case basis.

**16.45.040 Utilities.**

A. Food Cart Pods are subject to the utility regulations below.

1. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
2. 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 interceptor for the disposal of fats, oils and grease as described in Chapter 10 of the 2021 Oregon Plumbing Specialty Code. Indirect discharge or leakage draining into the storm water system is prohibited.
  - b. Food carts shall connect to individual or community wastewater holding tanks as allowed by Section 5-4 of the Oregon Health Authority's 2020 Food Sanitation Rules, or most recent version thereof. 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. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.
3. Potable water shall be addressed 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 2020 Food Sanitation Rules, or the most recent version thereof.
4. Food carts and amenities shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.

#### **16.45.045 Signage**

**A.** Regulations from Chapter 16.42 shall apply in cases where this Chapter is silent.

**B.** Signage for Food Cart Pods shall be allowed as follows:

1. One freestanding sign, not to exceed 15' in height and 50 square feet per face (up to two faces). If lit, lighting source shall not be seen directly from the right of way or abutting residentially zoned properties.

2. One A-Frame sign per street frontage with a maximum sign window of 24" x 36", unlit and outside of the public right of way.
3. One temporary banner not to exceed 32 square feet is allowed during the first 30 days after opening of the Pod. The banner must be fully secured and kept in good condition.

**16.45.050 Standards for M-1 and M-2 Zoning Districts.**

- A.** The purpose of this section is to recognize the Light Industrial (M-1) and Heavy Industrial (M-2) zoning districts require additional regulations for Food Cart Pods to ensure safety and compatibility. The following standards apply to Pods in the M-1 and M-2 zoning districts.
1. A 2' vegetated buffer is required around the Pod in addition to perimeter fencing. The buffer can be counted towards the overall percentage of landscaping required. Landscaping must be installed permanently, or in planters not smaller than 20 gallons. Nursery pots are prohibited.