

# Section 10.1600 Food Carts

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## GENERAL

### 10.1601 PURPOSE

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Food Carts can provide opportunities to invigorate under-utilized non-residential sites, allow low-barrier, small-scale entrepreneurship, and provide unique eating establishments for the public. The purpose of this section is to provide development standards for food carts that are in the interest of public health and safety. The standards minimize barriers to Food Cart development and minimize costly site improvements, in recognition that substantial investment in underutilized sites could excessively postpone site redevelopment.

### 10.1602 APPLICABILITY

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- A. This section shall apply when food carts are proposed in districts designated OFR, GI, RTC, SC, SC-RJ, CMU, CC, MC, DCC, DMU, DTM, DEM, DRL-2, DCL, CNTH, CNTM, TC-PV, MUE-PV, NC-PV, EC-PV, VC-SW, RTI-SW, IND-SW, NC-SW, and
- B. In all other districts, these standards shall apply on the sites of approved Civic, Medical, and School uses which are at least 10 acres in size.

### **10.1603 COORDINATION WITH OTHER REGULATIONS**

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- A. All Food Carts shall meet the requirements of the Fire Code (as described in GRC 10.25).
- B. All structures erected on Food Cart sites shall comply with the City of Gresham Building Code (as described in GRC 10.05) and the Fire Code.
- C. Food Carts, Food Cart Pods, and structures approved in conjunction with them are exempt from:
  - 1. District requirements regarding density and floor area ratio;
  - 2. Design District guidelines and standards;
  - 3. Other design standards in Article 7;
  - 4. Section 9.0100 Buffering and Screening Requirements; and
  - 5. Section 9.0800 Parking Standards.
- D. Except as provided in Sections 10.1613 and 10.1614, Food Carts are exempt from the requirements of Appendix 5.
- E. Covered outdoor seating, accessory structures, and new impervious paving associated with Food Carts shall meet the grading, drainage and stormwater management standards of 9.0500.
- F. Signage for Food Carts and Food Cart Pods is regulated by **Appendix 6.120**.
- G. Food Carts and Pods shall meet all Multnomah County Health Department regulations (including those regarding utilities, sanitation, restroom access) and maintain a valid Mobile Food Unit Operating License (and Mobile Food Pod License where appropriate).
- H. Food Carts and Pods are subject to the standards of GRC 7.25.400(4) and (7) regarding business recycling and food scrap collection.
- I. Applicants who choose not to comply with these standards may apply for Design Review in accordance with **Section 7.0000**.

## **STANDARDS**

### **10.1611 STANDARDS FOR ALL CARTS**

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- A. Carts and uncovered seating areas shall only be located on existing hard surfaces or newly constructed pervious temporary hard surfaces such as pavers, cellular confinement systems (CCS)/geocells, or grasscrete. Additional paving required for vehicular travel may be impervious.
- B. Except as provided in **Sections 10.1613 and 10.1614** for drive-through carts and carts in pods, no new vehicle access shall be granted for food cart development and all vehicular traffic shall be restricted to existing paving. New ADA accessible pedestrian and bicycle access may be permitted provided that the pathways are permeable or no more than 8 feet wide.
- C. Any on-site utility work for utility service shall terminate in temporary connection assemblies, such as those used in recreational vehicles parks. No new permanent water and sewer connections shall be allowed. Any connection to underground water, wastewater, gas, or electricity shall be temporary in nature.
- D. Food Carts shall be located:

1. Outside district setbacks, pedestrian walkways, clear vision areas, required landscaping areas, required parking and access to required parking spaces, required bicycle parking, and fire lanes.
  2. A minimum of 3 feet from the right-of-way or the back of sidewalk, whichever is further from the street centerline.
  3. A minimum of 25 feet from any driveway approach.
  4. A minimum of 15 feet from the property line of an abutting residential use. No minimum separation is required where carts are adjacent to sites in the Downtown Plan District, Civic Plan District, or Rockwood Design District.
- E. Except in the case of drive-through carts and carts in a pod, if any part of a cart is within 25 feet of a right-of-way, an active service window oriented toward the street shall be provided. If it is within 25 feet of more than one right-of-way, an active service window facing the street with the higher classification shall be provided. If the streets have equal classifications, the window may be oriented to either street.
- F. Food Carts are limited to no more than 26 feet in length and 8.5 feet in width.

### **10.1612 ADDITIONAL STANDARDS FOR ACCESSORY STRUCTURES AND COVERED OUTDOOR SEATING**

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- A. Each cart is allowed no more than one accessory structure (such as a storage shed). The structure shall be no more than 80 square feet in footprint and 10 feet in height. Structures cannot be used by the public.
- B. Each cart shall be allowed a covered outdoor seating of up to 200 square feet in footprint except as limited by **Section 10.1614(C)**. Covers may be combined on a site. All covered seating areas shall require building permits.
- C. Food carts (including awnings) shall be separated from covered outdoor seating per the Fire Code.
- D. Outdoor seating covers for carts:
1. Shall not have more than 2 walls unless they are part of a Food Cart Pod.
  2. May have more than 2 walls if the cart is part of a Food Cart Pod. When more than 2 walls are provided, walls shall be limited to 4 feet in height.
- E. Temporary membrane structures or walls may be used only pursuant to the Fire Code limitations.

### **10.1613 ADDITIONAL STANDARDS FOR DRIVE-THROUGH CARTS**

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- A. Drive-through Food Carts are permitted only where drive-through business and retail service and trade uses are allowed.
- B. Drive-through stacking lanes and service areas shall not be located between the street and the Food Cart along Design Streets, in Design Districts, and other locations where those elements are not allowed between a building and the street.
- C. To ensure adequate distance for at least 3 vehicles to line up behind the vehicle ordering at the drive-through, drive-through Food Carts shall have at least 85 feet in queuing distance behind each drive-through window where sales occur. Queuing distance shall be measured from the center of the service window or point of service, along the queuing path, to the sidewalk, or if no sidewalk to the driveway approach in the right-of-way. The distance is measured along the centerline of the queuing lane.

- D.** A separate window shall be provided for walk-up customers. A waiting area a minimum of 8 feet by 5 feet shall be provided directly adjacent to the window. Such areas shall be outside driveways, queuing aisles, and other vehicular paths. The area shall be:
1. Oriented to the street along Design Streets, in Design Districts and other locations where those elements are not allowed between a building and the street unless there is a building between the Food Cart and the street; and
  2. Connected to the sidewalk by a paved pedestrian path at least 5 feet in width.
- E.** Food Carts and Pods requiring vehicle access on a site without existing approved access:
1. Are subject to a finding of adequate public facilities regarding streets and access; and
  2. Shall provide safe and adequate ingress and egress when combined with the other uses of the property as required by **Appendix 5**.

### **10.1614 STANDARDS FOR FOOD CART PODS**

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- A.** A paved pedestrian path at least 5 feet in width is required between the cart and the public sidewalk of at least one adjacent street. A grouping of carts may share one path. Pathways shall comply with the standards of **Section 10.1611(A) and (B)**.
- B.** Solid Waste and Recycling receptacles shall be provided for customer and business waste. Solid waste, recycling and food scraps shall be collected for disposal at regular intervals, not to exceed seven calendar days.
- C.** Covered outdoor seating shall be limited to a total area of 150 square feet per cart up to a combined total of 2,500 square feet per site and meet the standards of **Section 10.1612(C)-(E)**. Covered outdoor seating may be combined on a site. All covered seating areas shall require building permits.
- D.** Sites in the Downtown, Civic, or Rockwood design districts which provide covered outdoor seating over 1,000 square feet in size shall provide at least one site amenity. Amenities shall support vibrant active sites and/or active transportation. Amenities are structural seating (such as seating incorporated into landscaping planters), children's play areas, stages, screen walls for projection of movies, bicycle parking facilities, and seating adjacent to the right-of-way that is oriented to the street.
- E.** A business license must be maintained for the site and designate a responsible party.
- F.** Applicants who choose not to comply with these standards may apply for Design Review in accordance with **Section 7.0000**.

## **PROCESS**

### **10.1621 PERMIT TYPE**

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

**Table 10.1621-1 Permit Procedure for Food Cart and Pods**

Proposed Activity or Request	Permit Procedure
New Food Cart Pod (including one created by the addition of a cart or carts to a site with an existing cart)	Type II
Food Carts and Food Cart Pods requiring vehicle access on a site without existing approved access	Type II
New stand-alone Food Cart or adding a Food Cart to an existing pod	Type I
Adding a Food Cart to a site with a single existing cart	Type I
Adding a structure or drive-through to a Food Cart or expanding covered outdoor seating by more than 400 square feet	Type I
Expansion of covered outdoor seating by no more than 400 square feet	Type I
Replacing an approved Food Cart in a pod	Type I <sup>1</sup>
Adding a new Food Cart to a previously approved Food Cart Pod spot	Type I <sup>1</sup>
Replacing an approved Food Cart on a site within 12 months of a previous cart being removed.	Type I <sup>1</sup>

**Table Notes:**

<sup>1</sup> Processed as part of the Business License application.

**10.1622 DURATION**

- A. A development permit for a Food Cart and/or Pod expires one year from the date of issuance of the permit.
- B. Food Cart permits shall 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 or when a Multnomah County license has been revoked. 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 same process and 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.

**10.1623 REMOVAL**

Food Carts, covered outdoor seating, temporary utility connections, and additional related site improvements (such as hard surfaces and amenities) must be removed from the site when the Food Cart or Pod ceases operation unless an application for design review showing the site meets the applicable standards and guidelines of **Article 7** are met is submitted.