
M E M O R A N D U M

DATE: April 5, 2002
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Amendments to Ordinances Regulating Vending Carts
CC: Cindy Gust-Jenson, Rocky Fluhart, Margaret Hunt, Stephen Goldsmith,
David Dobbins, Gary Mumford, Doug Dansie, Janice Jardine

This memorandum is intended to address proposed amendments to ordinances regulating vending carts in Salt Lake City. Because the City Council will be briefed on the proposed amendments before calendaring them for action the memorandum contains no potential motions for the City Council to consider. According to the Administration transmittal, the purpose of the proposed amendments is to “make sidewalk vending easier ... and to clear up any existing ambiguities in the ordinance while ... balancing the needs of adjacent businesses and neighborhoods.” There appear to be about 45 vending carts in Salt Lake City. Of that number 17 operate on Salt Lake City sidewalks. (Please see attachments.)

The Administration has forwarded three versions of the proposed amendments in its transmittal to the City Council. Council Members may wish to focus on the third version, which is prefaced by a page that reads, “Administration endorsed Ordinance.” The version contains the proposed amendments from the other two versions except one. The exception in the third version would leave the number of vending carts allowed per block at existing levels – two carts per block on Main Street and one cart per block in other locations. Council Members also may wish to read the minutes of the three Planning Commission meetings contained in the transmittal to help flesh out the background section of this memorandum.

OPTIONS

- Retain the existing ordinance.
- Adopt the proposed ordinance endorsed by the Administration.
- Adopt the proposed ordinance recommended by the Planning Commission.
- Adopt one of the proposed ordinances but amend it to retain the \$175 fee for land use permits.
- Adopt one of the proposed ordinances but amend it to specify which City parks vending carts may locate.
- Adopt one of the proposed ordinances but retain the existing ordinance language in Section 5.65.040 that requires certified copies of all State and Health Department permits and detailed scale drawings and other items in a vendor’s application for a regulatory permit.

Item A-7

MATTERS AT ISSUE/QUESTIONS FOR CONSIDERATION

- Has the Administration developed a policy to address locating vending carts in parks?
- Are there any parks in the City where vending carts should not be located?
- Has the Administration determined policy criteria for setting fees for land use permits?
- Is there value in retaining a uniform fee for all vending cart sites?
- What would be an acceptable alternative to the current requirement to provide “detailed scale drawings” of a vending cart plus “material specifications, and in isometric drawing in color of at least two views showing all four sides of the vending device and any logos, printing or signs ... incorporated and utilized in the color schemes” in a vendor’s application for a regulatory permit?

BACKGROUND/DISCUSSION

CURRENT ORDINANCE

The DePaulis Administration first allowed vending carts in the downtown area in the late 1980s and early 1990s. According to Planning Commission meeting minutes, the current vending ordinance has been part of the City Code since 1993.

The current ordinance (Chapter 5.65) for the most part allows vending carts in the Expanded Central Business District, the Sugar House Business District and in Pioneer Park, Dinwoody Park and Washington Square.

Under the current ordinance the boundaries on the Expanded Central Business District are: North Temple from 400 West to 300 West; 300 West from North Temple to South Temple; South Temple from 300 West to 200 East; 200 East from South Temple to 600 South; 600 South from 200 East to State Street; State Street from 600 South to 900 South; 900 South from State Street to 400 West; and 400 West from 900 South to North Temple.

Under the current ordinance the boundaries of the Sugar House Business District are: 2100 South from 900 East to 1300 East; Highland Drive between Ramona Avenue and Interstate 80; and Wilmington Avenue from Highland Drive to 1300 East Street.

The current ordinance requires vendors to obtain a base business license fee and a revocable land use permit from the City. The base business license fee is \$70 and is collected by the Building Services and Licensing Division. The revocable land use permit fee is \$175 and is collected by the Property Management Division. According to the Administration, when vending carts first were initiated the \$175 fee was half the standard fee charged for any encroachments on the public right of way and sidewalks. Cart vendors also are required to obtain liability and property damage insurance if they locate on public property.

Cart vendors also are limited in where they can locate. According to Section 5.65.120:

- A. No more than one vending permit operating area shall be allowed for each three hundred thirty feet of block frontage on Main Street between South Temple and 400 South. On other blocks, one permit shall be allowed per block face except that if the block face exceeds six hundred sixty feet, one permit shall be allowed for each additional six hundred sixty feet of block frontage.

Item A-7

- B. There shall be two permit operating areas each allowed in Washington Square and Pioneer Park which shall include the adjacent sidewalk permit operating areas. There shall be one vending cart allowed in Dinwoody Park which shall include the adjacent sidewalk permit operating area.
- C. Vending carts may be located on private plazas and private open space within the expanded central business district. No more than one sidewalk vending cart shall be allowed per every forty thousand square feet of private plazas and private open space. At least one vending permit may be awarded for any private open space larger than twenty-four square feet.

In addition, vendors are limited to selling three things:

- Food for immediate consumption, including beverages.
- Inflated balloons.
- Fresh-cut flowers.

A vendor also can sell inflated balloons and fresh-cut flowers from the same cart.

PROPOSED AMENDMENTS

Perhaps the most significant change proposed involves where vendors can locate carts. All versions of the proposed ordinance would increase the size of the Expanded Central Business District's western border from 400 West Street to 600 West Street. All versions also would amend the City's zoning ordinance to allow vending on private property "only in zoning districts that permit vending carts as a permitted use, as defined by individual zoning district land use tables." All versions also would limit the temporary use of a vending cart on private property "only ... in zones where vending carts are allowed as a permitted use and only where the vending carts are associated with an Outdoor Sales Event or Special Event."

The zoning districts where vending carts would be allowed as a permitted use are M1 and M2 manufacturing zones, all Downtown zones, the Sugar House Business District, Research Park, Business Park and G-MU Gateway mixed-use zones.

According to the Administration, the reason for the proposed change involves clarifying ambiguities in the current ordinance.

According to an October 2, 2000, Planning Division memorandum:

The majority of Planning Commission and neighborhood concerns involve the use of vending carts within neighborhood commercial zones (either as a permitted or conditional use). The original ordinance (now in effect) was silent regarding vending carts on private property outside of Downtown and Sugar House. Carts on private property have been allowed in all commercial zones where outdoor sales are permitted, and allowed conditionally in zones where outdoor sales are listed as a conditional use, according to administrative interpretation.

Also, administrative interpretations of temporary uses on private property have led to some cases where vendors renew temporary use permits every 40 days instead of obtaining one-year licenses. It also has led in some instances to vendors locating in zoning districts where they otherwise would not be allowed. According to the Administration, the proposed ordinance

Item A-7

changes would codify where vending carts are allowed and end the need for administrative interpretation of the ordinances.

In addition, proposed amendments would:

- Allow vending only on sites 2 acres or larger and only as a secondary use to another primary commercial, office or industrial use.
- Prohibit vending carts on vacant or residentially used lots, regardless of zoning district.
- Prohibit vending carts from occupying required parking stalls on private property.
- Prohibit locating a vending cart from interfering with the internal circulation of a parking lot.
- Require that vending carts next to residential zones be subject to site review to insure compatibility.

An earlier section of the proposed ordinance (5.65.110) would require that permit operating areas be located in non-residentially zoned areas within the Expanded Central Business District, the Sugar House Business District, city parks or Washington Square.

The second-most significant change involves allowing vending carts in all City parks. Proposed amendments to Sections 5.65.110 and 5.65.120 would allow vending carts in “city parks,” and would allow the number of vendors in city parks and Washington Square to be determined by administrative policy.”

According to a Planning Commission staff report contained in the transmittal:

Vending carts are being proposed to be allowed in parks, consistent with an administrative approval process. The former ordinance had conflicts such as specifically allowing vending in Washington Square, yet the City had a prior contract with a food vendor in the building, which caused friction. Conversely, the City Parks Department wishes to occasionally allow vendors at ball games. This ordinance change will allow the latitude to determine policy for individual parks.

One question the City Council may wish to consider is whether any administrative policy has been developed to address vending carts in parks. Another question the City Council may wish to consider is whether there are any parks in the City where vending carts should not be located. It should be noted that Sugar House Park technically is not a City park. Activities in Sugar House Park are overseen by the Sugar House Park Authority.

A third proposed change (Section 5.65.030) involves eliminating the existing \$175 fee for an annual revocable land use permit and instead determining the fee by administrative policy. According to the September 27, 2000, Planning Commission meeting minutes, eliminating the \$175 fee was proposed, “so that the fee may be determined by administrative policy for each location. This gives the administration latitude to adjust fees according to sites.”

Two questions the City Council may wish to consider are: Has the Administration determined criteria for setting fees for the land use permit? Is there value in retaining a uniform fee for all sites?

Item A-7

A fourth proposed change involves Section 5.65.100. As noted earlier in this memorandum, the current ordinance limits items vendors can sell to three things: Food for immediate consumption, including beverages; inflated balloons; and fresh-cut flowers. A vendor also can sell inflated balloons and fresh-cut flowers from the same cart.

The proposed ordinance would allow vendors also to sell “daily or monthly news publications.” In addition, a vendor could sell any combination of the four items or all of them from one cart.

A fifth proposed change involves Section 5.65.040. The proposed amendments:

- Would eliminate a requirement that vendors provide “certified” copies of “all permits required by the State or local health authorities.” The proposed amendment would require only copies of the permit.
- Would appear to make optional “detailed scale drawings” of a vending cart plus “material specifications, and in isometric drawing in color of at least two views showing all four sides of the vending device and any logos, printing or signs ... incorporated and utilized in the color schemes” in a vendor’s application for a regulatory permit.

One question the City Council may wish to consider is: What would be an acceptable alternative to the current requirement?

A sixth proposed change actually involves retaining the existing ordinance’s language for the spacing of carts in Section 5.65.120. The “Administration endorsed Ordinance” proposes to keep the spacing of carts at two per block face on Main Street between South Temple and 400 South streets and one per block face on other blocks. The proposed ordinance recommended by the Planning Commission reads, “No more than five vending permit operating areas shall be allowed per block face ...”

The difference in the versions of the proposed ordinance appears to stem from an April 19, 2001, discussion among Planning Commission Members on how many vending carts might be ideal to make Main Street more vibrant, according to Planning Commission meeting minutes.

A seventh proposed change involves design requirements for vending carts in Section 5.65.140. The proposed changes would increase the area where a vending cart can locate from 24 square feet to 34 square feet; increase the length of a vending cart from six feet to eight feet; and allow vendors to have three coolers and one water container instead of only one cooler.