

ITEM A-8

M E M O R A N D U M

DATE: August 2, 2002
TO: City Council Members
FROM: Russell Weeks
RE: Sidewalk Vending Ordinance Amendments
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Margaret Hunt, Stephen Goldsmith, Lynn Pace, Doug Dansie, David Dobbins, Alison McFarlane, Gary Mumford, Janice Jardine

This memorandum accompanies the Administration's transmittal regarding amendments to City Code Chapter 5.65. The chapter regulates sidewalk vending carts and their operation. The Administration is scheduled to brief the City Council about the amendments on August 7. The City Council tentatively is scheduled on August 13 to set a date for a public hearing on the proposed amendments.

The proposed ordinance transmitted by the Administration contains the two changes suggested by the City Council on June 13 when it adopted a motion to reconsider Ordinance No. 23 of 2002. That ordinance also amended Chapter 5.65.

The two changes are:

1. The proposed ordinance restores the original southern boundary of the "Expanded Central Business District" to 900 South Street between 200 East and West Temple streets in the definitions section of the ordinance. Between West Temple Street and 600 West Street the southern boundary would be 600 South Street under the proposed ordinance.
2. Language "to promote economic development in the City's expanded Central Business District" has been added to the proposed ordinance's prolog so that the second paragraph now reads: "WHEREAS, it is proposed that the regulations regarding such vending carts be modified *to promote economic development in the City's expanded Central Business District*, and to better reflect the needs of the City and of such vendors ..."

The remaining issues appear to be:

1. If the City Council decides to move forward with the proposed ordinance and sets a date for a public hearing when the Council meets August 13, should the Administration notify all businesses, including vending cart operators, that the ordinance would affect within the defined Expanded Central Business District, or should notification be limited only to businesses, including vending cart operators, between 600 South, 200 East, 900 South, and West Temple streets?

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2. Has the Administration developed a policy or guidelines for the location of vending carts in City parks?

BACKGROUND

The City Council adopted Ordinance No. 23 of 2002 on May 14. The Council adopted the ordinance with an amendment that changed the definition of “Expanded Central Business District” from having a southern boundary at 900 South between State Street and 400 West streets to having a southern border on 600 South Street between 200 East and 600 West streets.

The City Council then adopted a motion on June 13 to reconsider Ordinance No. 23 with the two amendments that now appear in the proposed ordinance.

To recap, the proposed ordinance would regulate vending carts in the Expanded Central Business District, the Sugar House Business District, all City parks, and private property.

The proposed 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.

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.
- B. 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.

The proposed ordinance 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.” It 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.

In addition, the proposed ordinance would:

- Allow vending only on sites two acres or larger and only as a secondary use to another primary commercial, office or industrial use.

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- 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.

The proposed ordinance would allow vendors also to sell “daily or monthly news publications” as well as food, flowers, or balloons or any combination of the four from one cart.