



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5979

File Number: 2017-0192

ADM 17-5705 (UDC CHAPTER 178 OUTDOOR MOBILE VENDORS):

AN ORDINANCE TO AMEND CHAPTER 178 **OUTDOOR VENDORS** OF THE UNIFIED DEVELOPMENT CODE TO END THE PERMIT LOTTERY FOR MOBILE VENDORS UTILIZING PUBLIC PARKING AREAS, TO ALLOW ADMINISTRATIVE APPROVAL OF PERMITS FOR MOBILE VENDOR COURTS AND SIDEWALK CAFÉS, TO ALLOW MOBILE VENDORS TO ADMINISTRATIVELY RENEW PERMITS ANNUALLY, AND TO MAKE TECHNICAL REVISIONS

WHEREAS, the City has not experienced any problems since allowing mobile vendors to park in parallel spaces or public parking lots and ending the permit lottery will remove an unnecessary requirement for those businesses; and

WHEREAS, allowing staff to administratively approve mobile vendor courts, sidewalk cafés, and annual mobile vendor permits will streamline the process for applicants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.01 by replacing “retail” with “commercial.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.02(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit allowing a sidewalk café on part of a specified sidewalk after the applicant has notified adjoining property owners. The City Planning Division shall ensure that no permit is granted, unless:”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.03(B) by repealing the introductory paragraph and enacting a new introductory paragraph as follows:

“The City Planning Division may issue a permit for a sidewalk vendor to use a specific sidewalk or plaza location for specified hours to sell specified goods for up to a one year period. The City Planning Division shall ensure that no permit is granted, unless:”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 178.03(C)(1) and 178.03(I) by replacing “Zoning and Development Administrator” with “City Planning Division” and § 178.03(F)(1) by replacing “Planning Commission” with “City Planning Division.”

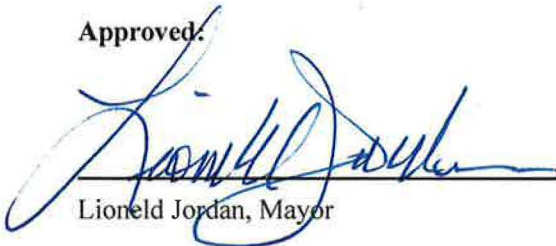
Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.04 **Outdoor Mobile Vendors Located on Private Property** by striking “Located on Private Property” from the title and by striking “on private property” from § 178.04(A) *Purpose*.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals §§ 178.04(B) through 178.04(E) and adopts new §§ 178.04(B) through 178.04(E) as shown in Exhibit A attached hereto and made a part hereof.

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 178.05 **Food Truck and Food Trailer Limited Time Permits**.

PASSED and APPROVED on 5/16/2017

Approved:


Lioneld Jordan, Mayor

Attest:



Sondra E. Smith, City Clerk Treasurer



Exhibit A

178.04 Outdoor Mobile Vendors

(B) Definitions.

- (1) Food trucks. A type of mobile vendor which is a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.
- (2) Food trailers. A type of mobile vendor which is designed to be towed on public roads and having an enclosed area for storage, handling or preparation of food.
- (3) Other vendors. Mobile vendors are not limited to operating out of a food truck or trailer.
- (4) Mobile Vendor Court. An outdoor commercial center with 5 or more mobile vendors in a shared location.

(C) Mobile Vendor Permit Requirements. All mobile vendors shall meet the following requirements and submittals prior to approval:

- (1) Each application for a permit to conduct a mobile vendor business shall be accompanied by a \$100.00 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle. This application will also serve as the vendor's business license that will be processed as such.
- (2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:
 - (a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) For each location other than those permitted as part of a Mobile Vendor Court, a detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.
 - (e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
- (4) The mobile vendor permit issued shall not be transferable in any manner.
- (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
- (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
- (7) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- (8) Mobile vendors shall be required to renew their permit on an annual basis following the same timeframe as a standards business license renewal. As part of the renewal process, vendors shall submit an updated copy of the health department permit, HMR tax forms, and a re-inspection by the City Fire Department where applicable. Failure to renew a permit will be cause for revocation by the City Planning Division.

(D) Mobile Vendor Courts. Mobile vendor courts may be permitted administratively in appropriate zoning districts. A property owner may request a permit from the Planning Division to develop a mobile court subject to the following standards:

- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendor locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) Site Improvement requirements.
 - (a) Site Design. Sites shall be improved with a barrier between vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements; gated fencing; changes in ground surface texture, material or color; or similar treatments. Sites which are not already paved with gravel or another hard surface shall improve their parking areas with gravel or other pavement designed in accordance with the Parking Lot Design Standards. With respect to landscaping requirements, the entire Mobile Vendor Court shall be considered a parking lot and perimeter landscaping will be required in accordance with Parking Lot Landscape Standards.
 - (b) Sanitation. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public.
 - (c) Utilities. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas.
 - (d) Mobile vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Division. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile vendor courts shall not reduce access for pedestrians with disabilities.
- (E) Limited Time Permits. Permitted food trucks and trailers may operate in the following locations for up to twelve hours each day, after which they must move to a new location which is out-of-view of the original location.
- (1) Marked parallel parking spaces, which are not reserved for residential use and provided the parking space is not in front of a business selling similar food. Service to customers shall be only on the sidewalk side of the vehicle to maintain public safety. Vendors are not exempt from paying the standard rate for the parking space.
 - (2) Marked parking spaces within parks pursuant to City Code §97.086.
 - (3) Private property zoned for food and beverage sales and with the owner's permission.