

ORDINANCE NO. O-42-20

AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, adding to **Sections 27-609 through 27-614 and new Sections 27-217 to 27-220** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis - the pandemic and public health emergency of COVID – 19, resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

27-617 – Findings, Purpose, Applicability, and Enforcement

A. Finding and Purpose. It is found and declared that:

1. Farmers' markets, mobile markets, and mobile vending may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, and mobile vending in all zoning districts is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.
2. Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, and mobile vending is necessary to protect the public health, safety, and welfare.

B. Applicability and Enforcement

1. The amendments in Sections 27-608 – 27-614, and Sections 27-618 – 27-621 in totality, shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways. Farmers' markets, mobile markets, and mobile vending are allowed under this Ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this Ordinance shall supersede.
2. Businesses. Any persons or entity operating a farmers' market, mobile market, or other vending vehicle under this Ordinance must conduct such operation under a valid and current business license (occupation tax receipt).
3. Non-Profits. All non-profit organizations that operate a farmers' market, mobile market, or other vending vehicle must meet the following conditions:
 - a) Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; and
 - b) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also take donations on-site.
4. All Right-of-Way permits otherwise required for work or activities allowed in this Ordinance are waived.
 - a) Nothing in this Article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
 - b) No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.
5. Public Health
 - a) Power of Local Health Officer.
 - (1) The Local Health Officer, Deputy Local Health Officer, Health Department Director and/or their designee(s) have the ability to address and enforce

violations of public health ordinances, including violations of any portions of the provisions set forth in Section 16-2, Section 17-3, Sections 27-608 – 27-614, and Sections 27-617 – 27-220.

- (2) This Subsection may be construed to give the same power and authority to the Local Health Officer, Deputy Local Health Officer and/or their designee(s) than is granted to them under local and State law.
- (3) This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Health and Environment regarding licensure and inspection of restaurants, street vendors, or food trucks.

6. Zoning and Code Enforcement

- a) Any Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- b) This Subsection may be construed to give the same power and authority to a Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) than is granted to them under local and State law.

27-340 - Definitions.

Applicant - a person who applies for a permit as provided in this Section.

Farmers' Market - an outdoor market where fresh produce, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food Establishment – a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales, and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

Mobile Vendor Vehicle - means a self-propelled or motorized vehicle from which any non-food merchandise is sold, given away, displayed or offered for sale, at retail. Items for sale may include plant products that may be consumable but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Open-air Market – a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Prepared Food Vending Vehicle - means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck. For purposes of this ordinance, “food truck” shall be synonymous with “prepared food vending vehicle”.

Public Right-of-Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Surplus Off-Street Parking - any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending Vehicle - means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

27-608. - District AG

In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock, to carry out the farming business and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers’ market regulations.
- (5) Mobile markets.
 - a. See Section 27-619 for additional mobile market regulations.
- (6) Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.

27-609. – Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

- (1) *Home occupations.*
- (2) *Accessory buildings (garages, carports, tool sheds, etc.).*
- (3) *Animals.*
- (4) *Hobby activity.*

(5) *Additional uses.*

(6) Storage of equipment, material or vehicle.

(7) Mobile market vending for food access.

a. Mobile markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design use in this district.

1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the Planning Department.

2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, agreement may be revoked at any time without cause or notice.

3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:

(i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant(s) at that location.

(ii) Vehicle is not parked within 100 feet of a single-family home's property line.

(iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.

(iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.

(v) Vendor does not install any permanent improvement on the sidewalk.

(vi) Vehicle is not parked in a no-parking zone.

(vii) Does not occupy parking required for other businesses.

(viii) Proper trash and recycling receptacles are available and utilized.

The operator is responsible for removing and trash and recycling associated with the operation.

(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

(x) Mobile markets may operate from 9 a.m.—5 p.m. Sunday, 9 a.m.—7 p.m. Monday—Thursday, and 9 a.m.—8 p.m. Friday and Saturday.

(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).

(xii) Mobile markets may not park for more than four hours once a week at any one location.

b. See Section 27-619 for additional mobile market regulations.

(8) Farmers' markets.

a. See Section 27-618 for additional farmers' market regulations.

(9) Mobile vending.

a. See Section 27-620 for additional mobile vending regulations.

27-610. – Districts R-3, R-4, R-5, R-6, and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment(R-6), and mobile home park (R-M) districts, accessory uses are as follows:

- (1) Those accessory uses permitted in the R-1 district.
- (2) Parking areas.
- (3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
- (4) Trash collection centers.
- (5) Power generators.
- (6) Vending machines for tenant use.
- (7) Necessary offices and maintenance facilities and other similar uses.
- (8) Mobile market vending for food access.
 - a. Mobile markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district.
 1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the Planning Department.
 2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.
 3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - (ii) Vehicle is not parked within 100 feet of a single-family home.
 - (iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (iv) Vendor does not install any permanent improvement on the sidewalk.
 - (v) Vehicle is not parked in a no-parking zone.
 - (vi) Does not occupy parking required for other businesses.
 - (vii) If in a metered spot, meter is paid.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 - (x) Mobile markets may operate from 9 a.m.—7 p.m. Sunday—Thursday and 9 a.m.—8 p.m. Friday and Saturday.
 - (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
 - (xii) Mobile markets may not park for more than four hours at any one location.
 - b. Section 27-619 for additional mobile market regulations.
- (9) Farmers' markets.
 - a. See Section 27-618 for additional farmers' market regulations.
- (10) Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.

27-611. – District C-O.

- (a) In the C-O district, accessory uses are as follows:
 - 1. Parking areas.
 - 2. Food service and vending machines inside a building for tenants only.
 - 3. Private garages for motor vehicles.
 - 4. Apartment for maintenance personnel.
 - 5. Low-level exterior lighting.
 - 6. Radio, television or microwave antennae not exceeding 60 feet in height.
 - 7. Flagpoles.
 - 8. Cooling towers and other similar uses.
 - 9. A pharmacy wherein retail sale only of prescription medicines....
 - 10. Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers' market regulations.
 - 11. Mobile markets.
 - a. See Section 27-619 for additional mobile market regulations.
 - 12. Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.
- (b) In high-rise office structures in district 0-0....
- (c) In the central business district uses as permitted in district 0-1 are also permitted as accessory uses.
- (d) The accessory retail uses in district C-O shall be limited to no more than 20 percent of the gross building area.

27-612. – Districts C-0, C-1, C-D, C-2, and C-3.

In the nonretail business (C-0), limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

- (1) Those accessory uses permitted in district C-O.
- (2) Parking areas.
- (3) Storage buildings.
- (4) Signs as permitted by this article.
- (5) Floodlighting and other similar uses.
- (6) Exterior sales and vending on private property provided that:....
 - a. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 - 1. The exterior sales or vending machines do not block an interior sidewalk.
 - 2. The exterior sales or vending machines do not block any exterior windows.

3. The exterior sales or vending machines must be at least five feet away from all public doors.
 4. Exterior sales area and vending machines are only permitted on private property unless it complies with the street vending ordinance.
 5. The exterior sales or vending machines must leave adequate space for vending customers and those using the sidewalk.
 6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - i. The site does not have a drive-thru window or drive-up service.
 - ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - iii. The machine is located so as to not interfere with vehicular traffic.
 - iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - v. The area where the device is placed is monitored by a security camera.
 7. Any exterior sales area must remain neatly organized and free of litter.
 8. Any exterior sales or vending area must be flush with the facade of the building.
 9. No more than one exterior sales display or vending machine is permitted per property except as follows:
 - i. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - ii. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Planning and Urban Design Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
 - iii. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right-of-way then the number of allowable exterior sales displays or vending machines shall be increased by one.
 10. No additional signage that would require a permit is allowed.
 11. The area allowed for exterior sales or vending may not exceed 24 square feet.
 12. No more than one propane exchange locker may be allowed per property, unless:
 - i. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
 13. No signage is allowed beyond the surface of the vending machine.
 - b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:....
- (7) Collection facilities are permitted for clothing or recycling provided:....
- (8) Farmers' markets.

- a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers' market regulations.
- (9) Food truck and mobile vending.
- a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Food trucks or mobile food vendors that operate outside of the allowed zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 - 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - 3. Vendor does not install any permanent improvement on the sidewalk.
 - 4. Vehicle is not parked in a no-parking zone.
 - 5. Does not occupy parking required for other businesses.
 - 6. If in a metered spot, meter is paid.
 - 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.
 - 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
 - 9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
 - b. See Section 27-619 for additional mobile market regulations.
 - c. See Section 27-620 for additional mobile vending regulations.

27-613. – Districts M-1, M-2, and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

- (1) Parking and loading areas.
- (2) Storage facilities.
- (3) Security and screen fencing.
- (4) Radio and microwave towers to heights as set out in this division.
- (5) Gatehouse.
- (6) Loading equipment.
- (7) Employee recreation and other similar uses.
- (8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.
- (9) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design

in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.

b. See Section 27-618 for additional farmers' market regulations.

(10) Food truck and mobile vending.

a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.
5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing trash and recycling associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.

b. See Section 27-619 for additional mobile market regulations.

c. See Section 27-620 for additional mobile vending regulations.

27-614. – District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

(1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C- D, C-2, and C-3 districts.

(2) Farmers' markets.

a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.

b. See Section 27-618 for additional farmers' market regulations.

(3) Food truck and mobile vending.

a. Food trucks and mobile markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.

5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing trash and recycling associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
- b. See Section 27-619 for additional mobile market regulations.
- c. See Section 27-620 for additional mobile vending regulations.

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27-618 - Farmers' Markets

Farmers' markets are allowed accessory uses, subject to the following conditions:

- (1) Applicability. This Section supersedes all other ordinances specifically regulating farmers' markets through December 31, 2020.
 - a. Districts. Farmers' markets are allowed to operate in any district without a Special Use Permit, under the following conditions:
 1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.
 2. Hours of operation for the farmers' market begin no earlier than 8 a.m. and end no later than 5 p.m.
- (2) Administrative Review
 - a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license.
 - b. In conjunction with the business license application, the applicant must submit a site plan, including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the Department of Planning and Urban Design, demonstrating the location of the vending tents, parking spaces, and the use of physical space to encourage social distance where and when possible.
- (3) Allowed Arrangements: All sales must occur in a designated parking lot. Businesses may engage in outdoor sales, subject to the following conditions:
 - a. The outdoor sale must operate as an open-air market.
 - b. Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
 1. No item(s) for sale or on display obstructs the sidewalk to a degree that a four (4)-foot width cannot be maintained at all times; and
 2. No item(s) for sale or on display hang over the air space of said four (4)-foot width on the sidewalk.
 - c. Any retail that is allowed under another Section of the Code of Ordinances, subject to all regulations under this ordinance.
- (4) Allowed Areas
 - a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following conditions:
 1. Written permission of the parking and/or property owner(s).

2. All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity.
 3. Any additional regulations to improve traffic flow, as required by engineers in the Department of Planning and Urban Design or the Department of Public Works.
 - b. No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
 - c. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- (5) Social Distancing
- a. The farmers' market applicant is responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.
 - b. In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:
 1. Ensure that customers or parties of customers maintain at least six (6) feet from each other while shopping.
 2. Ensure that customers or parties of customers maintain at least six (6) feet from each other while queuing to check out.
 3. Consumption of purchased food on site should not be encouraged.
- (6) Temporary Structures
- a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.
 1. "Pop up" tents are allowed only in surplus off-street parking spaces.
 - b. No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
 - c. Temporary structures may be erected in the parking lot up to one (1) hour before the start of hour of operations as allowed in this Section (or the start of hours of operation as proposed in the farmers' market application, whichever is later). Temporary structures may be erected in the parking lot up to one (1) hour after the end of hour of operations as allowed in this Section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).
 - d. No temporary structures may be erected in the right-of-way or used in a manner that violates any other ordinance in the Code.
 - e. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 1. All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 2. Signs cannot be attached to public infrastructure.
 3. Sandwich boards allowed in all districts, subject to all other sign code regulations.

27-619 - Mobile Markets

Mobile markets are allowed accessory uses, subject to the following conditions:

- (1) Mobile markets are allowed upon in any district upon obtaining a business license.
- (2) Locations must invite the mobile market to park at their lot.
- (3) Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.
- (4) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - a. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - b. Vehicle is not parked within 100 feet of a single-family home.
 - c. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - d. Vendor does not install any permanent improvement on the sidewalk.
 - e. Vehicle is not parked in a no-parking zone.
 - f. Does not occupy parking required for other businesses.
 - g. If in a metered spot, meter is paid.
 - h. Mobile markets may not park for more than four hours at any one location.
 - i. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - j. No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.
 - k. Mobile markets may operate from 8 a.m.—7 p.m. Sunday—Thursday and 8 a.m.—8 p.m. Friday and Saturday.
 1. If a mobile market is invited to a permitted block party, hours of operation may be extended until 10 p.m., regardless of the day of the week.
 - l. Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).

27-620 - Mobile Vending

Mobile vending is allowed accessory uses, subject to the following conditions:

- (1) This Section does not govern mobile markets and mobile markets vehicles as defined by Sections 27-340 and 27-618.
- (2) Vending vehicles are allowed in this district upon obtaining a business license.
- (3) Parking
 - a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in this Subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this Subsection.
 - b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
 - c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;

- d. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- e. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five (5) feet from passing automobile traffic.
- f. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.
- (4) Allowable Zoning Districts
 - a. All Districts
 - 1. Vending vehicles are allowed to operate under this Subsection in any zoning district.
 - 2. Zoning districts allowed for Vending vehicles by UG ordinances outside this Ordinance will operate under both sets of ordinances. If there is a conflict in law, this Ordinance shall supersede.
 - b. Agriculture Zoned Districts and Residential Areas: vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9 a.m. to 8 p.m. and one of the following conditions are met:
 - (i) The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10 p.m. or the end of the event, whichever is earlier; or
 - (ii) The vending vehicle is operating in the parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or
 - (iii) On the right-of-way adjacent to a public park, subject to all other parking regulations in this Ordinance.
 - c. Commercial and Industrial Zoned Districts
 - (i) Parking. Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:
 - (a) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.
 - (iii) Hours of operation. Hours are from 9 a.m. to 10 p.m.
- (5) Signage
 - a. Sandwich boards are allowed in all commercial zoned districts, so long as they are placed within five (5) feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In not circumstance can a sandwich board be placed more than five (5) closer to the street than the mobile vending vehicle.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

27-621 - Review and Sunset

- a. The amendments to Section 27-340 and Sections 27-608 – 27-614 made effective by this Ordinance, and Sections 27-617 – 27-621 in totality, shall be reviewed by the Board of Commissioners on or before December 31, 2020 to determine whether they should be revised, repealed or whether additional studies are warranted.

- b. The amendments to Section 27-340 and Sections 27-608 – 27-614 made effective by this Ordinance, and Sections 27-617 – 27-621 in totality, shall be repealed and no longer in effect unless renewed by the Board of Commissioners on or before to December 31, 2020.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF JULY, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk