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# Mobile Food Carts on Private Property

This information applies to mobile food carts located on private property. For information about locating a food cart in the public right-of-way, contact the Engineering Department at 503-786-7600.

If you are planning a mobile food cart, your first step should be to consider where the cart will be located. The location of the food cart will help determine which sections of the Milwaukie Municipal Code (MMC) apply and what permits may be required.

Mobile food carts meet the definition of "vehicle" per MMC Section 19.201 Definitions if they meet the following criteria:

- The cart will sit on an existing paved parking area on a site that is zoned to allow eating and drinking establishment uses.
- The cart has wheels, and the wheels will not be removed.
- Any canopies, awnings, or any other attachments will be attached to, and supported entirely by, the cart and will not touch the ground.
- The unit is self-contained and will not require any plumbing connections.

If your food cart does not meet the above criteria, it will be considered a building and will be subject to the appropriate land use approvals, permits, and design reviews. For more information about building requirements, contact the Planning Department at 503-786-7630.

Mobile food carts <u>may</u> require permits from other agencies and City departments.

## APPROVAL CRITERIA

Food carts are permitted in Milwaukie under the following conditions:

- Carts must be totally self-contained.
- Carts must remain mobile and have wheels attached at all times.
- Carts must meet the eating establishment definition and must be located on property that allows eating establishments as a permitted, limited, or accessory use.
- If the cart locates in a required parking space for another existing use, that space will be removed from the parking count and will need to be replaced per MMC Chapter 19.600 Off-Street Parking and Loading (shared or on-site)
- Carts with wheels are considered vehicles, not structures, and are, therefore, not subject to development standards and downtown design review.
- Carts without wheels are considered structures and are subject to development standards, and may be subject to downtown design review.

## APPLICATION PROCESS

1. First, identify a site for your cart. The location of the cart will determine which sign and development regulations will apply.

   Food cart eating establishments are **allowed outright** in the following zones:
   - Downtown Mixed Use (DMU)
   - Residential-Office-Commercial (R-O-C)
   - General Commercial (C-G)

   Food cart eating establishments are **allowed as accessory uses** in the following zones:
   - Business Industrial (BI)
   - Manufacturing (M)

   Food cart eating establishments are **allowed as conditional uses** in the following zones (this is a Type III process):
   - Neighborhood Commercial (C-N)

Food cart eating establishments are **prohibited** in the following zones:

- Open Space (OS)
- All Residential zones (R-10, R-7, R-5, R-3, R-2.5, R-2 and R-1)
- Residential-Office-Commercial (R-1-B)
- Limited Commercial (C-L)
- Community Shopping Commercial (C-CS)

2. Submit appropriate Clackamas County applications and licenses for mobile food units. The information can be found at http://clackamas.us/community_health/eh/restaurants.jsp.

3. Apply for a City of Milwaukie Business Registration. The form can be found at http://www.milwaukieoregon.gov/finance/business-registration-1.

4. Apply for any necessary permits. Mobile food carts are commercial businesses and all electrical work in or on the cart must be done by a licensed electrical contractor. Any electrical work in or on the cart will require a permit (including electrical service from a generator). Contact the Building Department at 503-786-7613 for more information.

   Vending carts are allowed one daily display sign (A-board) per cart. The sign must comply with MMC Chapter 14.16 Sign Districts. If the sign will be displayed on private property, you will also need a daily display sign owner authorization. The application for a daily display sign and sign owner authorization can be found at http://www.milwaukieoregon.gov/planning/daily-display-sign.

## DESIGN

Food carts located on private property in downtown Milwaukie are not subject to design review. However, we encourage the use of high-quality materials, attractive colors and designs, and other means of contributing to the overall vitality and appeal of the downtown area.

## APPLICABLE CODE SECTIONS

Food carts must comply with the applicable sections of the Milwaukie Municipal Code. The sections of the Code that apply to food carts are Title 14 and Title 19. Title 14 is the Sign Ordinance, which provides standards for signs in the city; Title 19 is the Zoning Ordinance, which provides guidelines for development standards and uses in the city. The full text of the Code can be found at http://www.qcode.us/codes/milwaukie/.

### MMC Chapter 14.16 Sign Districts

This section of the Code identifies prohibited signs, exempted signs, and standards for signs; standards vary depending on the sign district where the cart will be located.

### MMC Section 19.201 Definitions

"Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Eating establishment" means a restaurant or other similar business establishment with the primary function of serving food, prepared to order, to the public, and may serve alcoholic beverages at the dining table. This establishment may or may not have an attached drinking establishment.

### MMC Chapter 19.300 Base Zones

This section of the Code identifies which uses are allowed in each zone. Food cart eating establishments are allowed outright in the DS, DC, DO, R-O-C, and C-G Zones. They are allowed as accessory uses in the BI and M Zones, and as conditional uses in the C-N Zone.

### MMC Chapter 19.600 Off-Street Parking and Loading

This section of the Code determines the number of required parking spaces for each use in each zone. If your food cart is located in a required parking space for another business, that parking space will need to be replaced either on- or off-site in accordance with this section.