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Sidewalk Vending Carts

This information applies to **vending carts located on sidewalks**. For information about locating a mobile food cart on private property, contact the Planning Department at 503-786-7630.

Sidewalk vending carts require right-of-way use permits from the Engineering Department, and may require permits from other agencies and City departments.

APPROVAL CRITERIA

Sidewalk vending carts are permitted in Milwaukie under the following conditions:

- The cart will be located within the furnishing zone of a sidewalk that is zoned to allow eating and drinking establishment or retail trade uses.
- Carts must be totally self-contained.
- Any canopies, awnings, or any other attachments will be attached to, and supported entirely by, the cart and will not touch the ground.
- Carts must remain mobile and have wheels attached at all times.
- Carts must contain a use that meets the eating establishment or retail trade definition and be located in an appropriate zone as listed below.
- Carts must meet sidewalk vending cart design standards.
- No outside seating allowed.

APPLICATION PROCESS

1. First, identify a site for your cart. The location of the cart will determine which sign and development regulations will apply. Sidewalk vending carts are allowed only on those streets with a furnishing zone. Contact the Engineering Department at 503-786-7600 to determine if a particular street has a furnishing zone.

   Sidewalk vending cart *eating establishments* are **allowed outright** in the following zones:
   - Downtown Storefront (DS)
   - Downtown Commercial (DC)
   - Downtown Office (DO)
   - Residential-Office-Commercial (R-O-C)
   - General Commercial (C-G)

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

   In addition to the above zones, sidewalk vending cart *retail trade establishments* are **allowed outright** in the following zones:
   - Downtown Residential (DR)
   - Limited Commercial (CL)

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. Submit a letter of consent from abutting property owners indicating that they are aware of your intent to locate adjacent to their property.

4. Submit photos and isometric drawings of your sidewalk vending cart for Planning Department design review.

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

6. Apply for any necessary permits. Sidewalk vending carts require right-of-way use permits from the Engineering Department. Contact them at 503-786-7600 for the permit application and information about fees.

7. Sidewalk vending carts are allowed one daily display sign (A-board) per cart. The sign must comply with MMC Chapter 14.16 Sign Districts. The application for a daily display sign can be found at http://www.milwaukieoregon.gov/planning/daily-display-sign.

DESIGN

Sidewalk vending carts in downtown Milwaukie are subject to design review by the Planning Department. 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 12, Title 14, and Title 19. Title 12 is the Streets, Sidewalks, and Public Spaces Ordinance, which outlines permitted activities in and uses of the City's public right-of-way; 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 12.08.010 Jurisdiction and Management of the Public Rights-Of-Way

This section of the Code identifies what the public rights-of-way in the City are, and states that no person may occupy or encroach on a public right-of-way without the permission of the City.

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.

"Retail trade" means the sale, lease, or rental of new or used products to the general public. Typical uses include, but are not limited to, grocery stores, specialty stores, drugstores, bookstores, jewelry stores, and video stores.

MMC Chapter 19.300 Base Zones

This section of the Code identifies which uses are allowed in each zone. Sidewalk vending carts selling food and drink 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. Sidewalk vending carts selling retail items are allowed in the above zones as well as the DR and CL zones.