



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Stacy Millgate
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MEETING DATE: October 14, 2014

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1409-0005** Zoning Text Amendment to Title 11 Chapter 13 Supplementary Regulations, to create standards and location requirements for mobile food vendors. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

RECOMMENDATION

1. Hold Public Hearing as noticed.
2. Consider amended language presented by staff.
3. Move to Approve Ordinance No. 2014-22 approving **ZTA 1409-0005**, an amendment to Title 11, Chapter 13 to create standards and location requirements for mobile food vendors, based on the findings and discussion in the Staff Report.

ANALYSIS

Clearfield City Planning Commission discussed the Zoning Text Amendment on August 6, 2014 and September 10, 2014. A public hearing was held on October 1, 2014, where the Planning Commission took action making a **recommendation for approval of ZTA 1409-0005 based on discussion and findings in the staff report.**

Background

On June 10, 2014 the city council passed an ordinance to amend the license period for a temporary or seasonal merchant from 60 days to 180 days. As part of this process, staff was directed to investigate a zoning text amendment that would allow for temporary food vendors, while limiting the negative impacts associated with these types of businesses. During the August 6, 2014 and September 10, 2014 meetings, staff presented documents comparing Clearfield City's zoning ordinance for Temporary, Seasonal Merchant or Mobile Food Vendor License with other jurisdictions. From the discussions that took place during these meetings, new language was presented to and approved by the Planning Commission on October 1, 2014. The new language does not allow for "Street Vendors" however, staff does not feel there is a demand for this type of license at the present time.

In addition, a map has been created to show where the mobile food vendors will be allowed. A copy of the map will be held in the Community Development Department.

In a work session held with City Council on October 7, 2014 there were a series of changes discussed and requested. The language as it is proposed in the ordinance has been amended to include those requests. The following amendments have been made to the proposed ordinance:

- 200 South is included as an allowable location;
- Licenses shall be permitted only to properties with the following zoning: C-1, C-2, M-U, C-R, D-R, M-1;
- Definition of "professional appearance" has been further clarified to include vendor structures and display areas not allowed to appear "tattered, torn, frayed, faded, have chipped or peeling paint, or otherwise be in disrepair."

Proposed Ordinance Changes/Additions: (Please see Ordinance 2014-22)

In order to satisfy the request of the City Council and to limit the negative impacts associated with these types of businesses, the following are the proposed ordinance changes:

1. Add the following language on Location Restrictions:

Location Specified; Location Restrictions:

1. *Each license shall specify the location where the business is approved to operate. No operation shall occur at locations other than the approved site. Please refer to the official Mobile Food Vendors Map filed in the Community Development Department.*
2. *Licenses issued under this section shall be limited to the following street corridors:*
 - a. *Main Street, State Street, 1700 South, 700 South, 200 South and 300 North, if located outside of Freeport Center or Freeport West. All firework stands, temporary or seasonal merchants, and mobile food vendors shall not occupy more than twenty (20%) of the parking stalls on the lot where the business has been approved.*
 - b. *No location restrictions are imposed by the City if locating inside Freeport Center or Freeport West.*
 - c. *No location restrictions are imposed by the City if locating on future developed property at SR-193 and 2000 East and Legend Hills.*
 - d. *Firework stands are not allowed on property at SR-193 and 2000 East nor at Legend Hills (refer to map held in the Community Development Department).*
 - e. *Licenses may only be issued to properties with the following zoning: C-1, C-2, M-U, C-R, D-R, M-1.*

2. Add the following regulations on Appearance:

Appearance: *All fireworks stands, temporary or seasonal merchants, and mobile food vendor structures and display areas shall have a professional appearance, and may not appear tattered, torn, frayed, faded, have chipped or peeling paint or otherwise be in disrepair. All equipment associated with the use shall be maintained in a new or near-new condition. All retail items shall be displayed in a neat and orderly fashion, and all display, merchandise, and debris associated with the use shall be contained within the confines of the use and be cleaned at the end of each business day. A business license will not be issued or may be revoked if structures, display areas and/or equipment are not properly kept and maintained.*

Public Comment

No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City's General Plan. It will create restrictions that will limit what type of temporary businesses can locate in the City, the appearance of the stand, as well as where they can operate.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	Staff requests these changes to help tighten up the requirements and restrictions for these types of businesses.