





# South Weber City

## Planning Commission Agenda Application

1600 East South Weber Drive • South Weber, Utah 84405 • Phone: (801) 479-3177 • Fax: (801) 479-0066

Planning Commission meetings are held the second and fourth Thursday of each month beginning at 6:30 p.m. This application must be submitted by 5:00 p.m. fourteen (14) days prior to the meeting.

NAME: Tim Grubb

ADDRESS: 6926 S. 475 East

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E-MAIL: tgrubb@firstam.com

PROPERTY ADDRESS OF CONCERN/QUESTION: North East corner of 475 E

PARCEL ID#: 13-023-0163 pt CURRENT ZONE: RH

South Weber  
DR.

Date of Planning Commission Meeting you request to be placed on: 7-28-16

### PURPOSE/REASON TO BE ON PLANNING COMMISSION AGENDA:

- Allowance for a 30-60 bed Assisted Living Center

### CITY DEPARTMENT INPUT:

SIGNATURE: [Signature] DATE: 7/6/16

This application allows you to be placed on the Planning Commission agenda for items of discussion only, no official action will be taken.

### 3.09 Mobile Businesses

#### 3.09.010 Purpose and Intent:

The City Council expressly finds that mobile businesses within public streets pose special dangers to the public health, safety and welfare of residents in South Weber City. It is the purpose and intent of the City Council, in enacting this chapter, to provide responsible businesses and individuals who engage in the operation of mobile businesses with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety and welfare of the community.

#### 3.09.020 Definitions:

*Mobile Business(es):* Term used collectively to refer to mobile food vendors, mobile street vendors, mobile vendors, ~~mobile markets~~, and mobile ~~business~~ courts.

*Mobile Food Vendor:* A business that serves food or beverages from a self-contained unit either in a motorized or non-motorized vehicle, trailer, or a cart on wheels, and is readily movable.

*Mobile ~~Business~~ Food Court:* Where three or more mobile food vendors or mobile street vendors congregate to ~~sell product to the public~~ ~~solely serve food or beverages to the public~~. Any cluster of more than two mobile food vendors or mobile street vendors located within 300 feet shall be considered a mobile ~~business~~ court.

~~*Mobile Market:* Where three or more mobile food vendors, mobile street vendors, or mobile vendors congregate to sell products or merchandise that consists of more than solely the sale of food or beverages. Any cluster of more than two mobile food vendors or mobile street vendors located within 300 feet shall be considered a mobile market.~~

*Mobile Street Vendors:* A business that sets up temporary sales from a tent, table or other portable structure which is doing business on behalf of a licensed business with a permanent structure. These vendors are only allowed to sell merchandise that is part of the regular inventory of the licensed business.

*Mobile Vendor:* A business that sells products or services from a self-contained unit either in a motorized or non-motorized vehicle, trailer, or a cart on wheels and is readily movable.

*Vendor:* A person ~~18~~6 years of age or older who is ~~the~~ ~~permitter~~ authorized to operate the business and holds the necessary credentials to operate the business, such as a driver license or food handlers permit.

#### 3.09.030 Location:

- a. Mobile Businesses may only set up business at City Parks, church properties, schools, or other properties intended for the use of the public as approved by the Planning Commission and with the permission of the property owner.
- b. No business shall be conducted in the public road right-of-way unless permitted by the Land Use Authority.
- c. Mobile businesses shall be parked so neither the vehicle nor the customers interfere with public access to adjacent driveways or entrances to existing buildings or uses.
- ~~d. Mobile businesses shall not occupy more than 20% of parking stalls on the lot where it has been approved.~~

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- ~~e. Mobile vehicles, trailers and carts shall be placed on a hard surface.~~
- ~~f.d.~~ The mobile business shall not operate as a drive-thru.
- ~~g.e.~~ All mobile businesses utilizing City parks must reserve the park space so as not to inadvertently create a ~~mobile business market or food~~ court. Reservations shall be made on a first-come-first-served basis.
- ~~h.f.~~ The storage of mobile businesses for any period of time on property in residential or agricultural zones shall follow the home occupation guidelines as set forth in 10.11.110.

3.09.040 Use Rules:

- a. Business Activity - All business activity related to mobile businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve hours within a 24 hour period at any one location or for more than three consecutive days within a 7 day period on either public or private property.
- b. Hours of Operation – Permitted hours of operation shall be between 7:00 a.m. and 10:00 p.m. at approved sites ~~except schools. Mobile businesses located on school property may not operate from one hour before classes begin until one hour after classes end, exclusive of extracurricular activities, unless granted permission by the school administration.~~
- c. Canopy – Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right of way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface.
- d. Signage – All signage must be permanently attached to the mobile vehicle, trailer, cart or moveable structure except ~~each business may have~~ for one additional sign that shall not exceed three feet in width or four feet in height and shall be placed no more than ten feet from the mobile business.
- e. Trash Receptacles - Vendors shall provide trash receptacles which shall be removed from the site and all trash, refuse and debris shall be properly removed from the location each day. It is illegal to discharge or dispose of any substance, material, food, grease, culinary oils used for food preparation, or waste onto a public right-of-way or into the storm drain system.
- f. Utilities – Any auxiliary power or water required for the operation of the mobile business shall be self-contained unless connection to the utility is expressly permitted by the property owner or the owner’s authorized designee.
- ~~g. Soliciting – There shall be no verbal or physical solicitation allowed on site other than the permitted signage.~~
- ~~h.g.~~ Noise – Excessive noise, to be determined a nuisance, shall not be permitted.

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**Comment [EG1]:** No longer defined in Chapter 4 of City Code. Still include?

3.09.050 Application Requirements:

- a. Submit a completed application requesting to operate a mobile business in the City to the Building License Official. All requirements and attachments set forth on the application including fees, according to the current fee schedule, shall be submitted with the application before the application shall be deemed complete. No application

shall be considered by the Building Official and/or the Planning Commission until it is complete.

- b. The following information shall be provided on each application:
- i. Business and contact information;
  - ii. Description of all products to be sold;
  - iii. Sign plans;
  - iv. Site plan showing exact location of intended operations and letter of approval from private property owner if applicable;
  - v. Proof of all applicable health permits, business licenses, business and tax registrations, and any other terms required by the City, County, or State to operate the business;
  - vi. A photograph of the vehicle, trailer, cart, or structure to be used;
  - vii. The number of vehicles or trailers to be used in the business, its license plate number, vehicle identification number (VIN), proof of insurance coverage and registration;
  - viii. The number of carts, stands, or structures to be used in the business, market, or court; and
  - ix. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license;  
~~x. Annual City fire inspection report; and~~  
~~xi. Number of, contact information for, and a background check conducted within the last 180 days on all employees working at the site.~~  
~~c. An application shall not be approved and no license/permit shall be issued or renewed to an applicant if a criminal background check uncovers information showing either the applicant or any employee has a record for any of the following:~~  
~~1. A conviction within the past three years for driving under the influence of drugs or alcohol, alcohol or drug related reckless driving, impaired driving, driving with any measurable amount of a controlled substance or automobile homicide; or~~  
~~2.1. Any criminal conviction within the past three years for an offense involving violence, theft, possession or use of a deadly weapon, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude.~~
- d. If any of the application information changes, the applicant or licensee, as the case may be, shall deliver current information to the City Business License Official within ten-business days following the change.
- e. Separate applications shall be required for each mobile business. Separate business license fees shall be required for each mobile business vehicle operating under one business license.
- f. All applications for operating a mobile business shall be reviewed and approved by the Business Licensing Official. Appeals~~Final approval~~ shall be determined by the Planning Commission.

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3.09.060 Licenses/Permits Required:

- a. Business License: Mobile businesses based in South Weber City shall require a City business license.
- b. Special Event Permit: Mobile businesses that come to the City for a special event, such as but not limited to Country Fair Days, carnivals, festivals, fundraisers, or circuses shall first obtain a Special Event Permit and shall be limited to a maximum operating period of 2 weeks.
- c. Recurring Operation Permit: Mobile businesses that come to the City on a regular basis with a fixed schedule shall obtain a Recurring Operating Permit and shall be limited to a maximum operating period of 6 months beginning on the day the permit is approved.
- d. Single Use Permit: Mobile businesses that come to the City at irregular intervals shall obtain a new permit with each visit.

3.09.070 License/Permit Restrictions:

A license/permit restriction shall not apply in the following circumstances:

- a. The mobile food vendor is catering an event on private property or public property reserved for private purposes, meaning the mobile business has been invited by the event sponsor to serve or sell food at an event that is not open to the public.
- b. The mobile business is a 501(c)(3) organization; in which case proof of the designation shall be required.

3.090.080 Penalty:

- a. Failure to comply with the requirements of this Chapter shall be grounds for denial, suspension or revocation of a business license or permit.
- b. Conflicting Provisions: Nothing in this chapter shall be construed to prevent or in any manner interfere with the enforcement of any penalty provisions contained in any other ordinance of the city.
- c. Violation: Any person who violates any provisions of this chapter shall be guilty of a class B misdemeanor, and upon conviction, shall be punished as provided in SWMC 1.04.010. Each day that person shall violate or continue to violate this chapter after notice of such violation by the City or its officers or agents, shall be considered to be a separate violation, and shall be punished as such.