



**Food Cart Vendor and Conditional Use Permit Application**

191 E Main Street, Carlton OR 97111  
Phone: (503) 852-7575 Fax: (503) 852-7761

FOR OFFICE USE ONLY		
1)	<b>Food Cart Vendor Application and Conditional Use Permit Request</b>	\$1000.00 <input type="checkbox"/>
2)	<b>Business License Application and Fee</b>	\$100.00 <input type="checkbox"/>
DATE RECEIVED: _____		

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Home Address (street, city, state, zip code): \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address (street, city, state, zip code): \_\_\_\_\_

Tax Lot: \_\_\_\_\_ Zoning: \_\_\_\_\_

Nature of Business/Product/Merchandise: \_\_\_\_\_

Days and Hours of Operation: \_\_\_\_\_

Business Contact for Complaints: \_\_\_\_\_

Address (street, city, state, zip code): \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Is this an existing food cart that was established before September 14, 2015? \_\_\_\_\_

If so, see attached section 17.126.060 Legal Non-Conforming Food Cart.

Is this an Umbrella License Serving More Than One Business on the Same Site? \_\_\_\_\_

If so, identify one single individual or organization to serve as the primary contact agent. The primary contact agent shall be responsible for and shall act on behalf of those merchants on the site who are operating under the umbrella license during the license period. If "YES" then complete the following:

Primary Contact Agent: \_\_\_\_\_

Address (street, city, state, zip code): \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

**PLEASE ATTACH THE FOLLOWING INFORMATION TO THE PERMIT APPLICATION:**

- A site map, plans and information listed in the Carlton Development Code Section 17.126.030 and 17.126.050
- If a state or county permit/license is required to operate or conduct your proposed business/ activity, attach a copy of each permit that has been issued to you; and
- If located on private property, obtain a signed, written consent authorized by the property owner with authority to allow the merchant to conduct business from the publicly owned property. You can use the "Letter of Consent" form provided in this packet.

**YOU MAY ALSO BE REQUIRED TO OBTAIN AND/OR PROVIDE PROOF OF THE FOLLOWING:**

- An approved local building permit may be needed if you intend to have a water hook-up, freestanding awning, etc.;
- If food is sold, you need to check with Yamhill County Health Department to verify whether additional provisions such as tables, chairs, restrooms, etc. are required;
- If onsite electrical power is connected, a Yamhill County electrical permit will need to be obtained;
- For perpetual merchant, a site plan is needed showing where customers will park; and
- Additional items may also be required and are up to the merchant to discover.

Please initial:

\_\_\_ I hereby certify I have read and will comply with Section 17,126,040 Permit Terms and Conditions;

\_\_\_ I hereby certify I have read and will comply with Section 17.126.050 Operation and Maintenance;

\_\_\_ I hereby certify I have read and understand Section 17. 126.070 Revocation or Suspension of Permit

*I shall hold the City of Carlton, its officers, agents and employees, and the property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits there on, including any appeals therefrom, which may result from the granting of this permit.*

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

## **FOOD CART PERMIT APPLICATION INSTRUCTIONS**

### **Submit the following Site Plan and Information with the Application:**

- A detailed Site Plan with dimensions and information in response to the Application Submission Requirements of Section 17.126.030 and the Use Limitations and Development of Section 17.126.050 Use attached below.
- The names and addresses of all property owners within 100 feet of the conditional use site boundaries, as shown on the last preceding tax roll of the Yamhill County Assessor. Note: A list of property owner names and may be obtained from a title company or the Yamhill County Assessor Department located at: 535 NE 5<sup>th</sup> Street, Room 42, McMinnville, OR, phone: (503) 434-7521.
- Detailed isometric drawings and/or photos of the proposed food cart.
- Samples of materials and colors you plan to use in construction of your cart may also be submitted in accordance with the Carlton Downtown historic color palette.

### **Submit the Following upon Completion and Approval:**

- Certificate of insurance.
- Business license application. Contact Carlton City Hall for information at 503-852-7575.
- Copy of Health Inspection (if selling food items). Obtain necessary food handler permits and health inspection certificates for your cart from the Yamhill County Health Department at 503-434-7523.
- Fire Inspection documentation. Food carts with cooking or heating equipment need to obtain an annual propane permit from the City of Carlton Fire District at 503-852-6233 or contact Chief Lucich directly at e-mail: [station10@ci.lafayette.or.us](mailto:station10@ci.lafayette.or.us)

### **CONTACT US**

If you have any questions or need further information, please contact the planning clerk at 503-852-7575.

**Sidewalk Vending Cart Permit Letter of Consent**

Date \_\_\_\_\_

To Whom It May Concern:

This letter hereby authorizes: \_\_\_\_\_  
Owner of Vending Cart Name

To place a Food Cart on my property located at the address:

\_\_\_\_\_  
\_\_\_\_\_

This consent shall run concurrent with the permit. If at any time the permit expires or is revoked, this consent shall be void.

The owner and operator of the food cart is required to comply with all applicable sections of City and County Code. Failure to do so will cause the permit for said location to be revoked.

We understand this consent may be revoked in writing with the revocation to become final on December 31st of the same calendar year.

We understand that, pursuant to Section 17.126.040 of the City Code, no monetary compensation, either present or future is involved in the granting of this consent.

The vender agrees to hold harmless the property owner for any claims for damage to property or injury to persons, which may be occasioned by any activity in connection with the issuance of any Food Permit.

\_\_\_\_\_  
Name – Property Owner

\_\_\_\_\_  
Signature – Property Owner

\_\_\_\_\_  
Contact Address – Property Owner

\_\_\_\_\_  
Contact Telephone – Property Owner

\_\_\_\_\_  
Signature – Owner of Vending Cart

\_\_\_\_\_  
Address – Owner of Vending Cart

\_\_\_\_\_  
Telephone – Owner of Vending Cart

CARLTON MUNICIPAL CODE 17.126 – FOOD CART VENDOR PERMITS

**Chapter 17.126 - FOOD CART PERMITS**

Sections:

**17.126.010 - Applicability.**

The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A food cart that remains on one lot for more than four hours in any one day and for more than ninety (90) days in any 12-month period must be approved following the procedures identified in Section 17.126. (Ord. No. [711](#), 9-14-2015)

**17.126.020 - Approval required.**

Food carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the planning commission following a major conditional use permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a conditional use permit and the provisions of Section 17.126. Food carts must also obtain approval of a city business license and all relevant county and state permits and licenses for a mobile food unit. (Ord. No. [711](#), 9-14-2015)

**17.126.030 - Application Submission Requirements.**

An application for approval for the placement and operation of a food cart in the City of Carlton must include the following:

- A. A completed application form for a conditional use permit in addition to any other land use applications required by the underlying zoning district and an application fee. ???
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
  - 1. Site dimensions.
  - 2. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - 3. Number and location of food carts on the site.
  - 4. Individual square footage of all food carts.
  - 5. Accessible pedestrian routes.
  - 6. Size and location of customer seating areas.
  - 7. Vehicular circulation and ingress/egress points.
  - 8. Parking and loading areas.
  - 9. Location and design elevation of all proposed structures and landscaped areas.
  - 10. Location and specifications of food cart pads.
  - 11. Location and design of fences and walls.
  - 12. Number and location of trash and recycling areas.
  - 13. Location and type of auxiliary storage.
- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.

- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable county health regulations.
- I. Any additional information that may be required by the city manager to properly evaluate the proposed site plan. The city manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal. (Ord. No. [711](#), 9-14-2015)

**17.126.040 - Permit Terms and Conditions.**

Each food cart permit issued shall terminate December 31 of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food cart permits are valid for the calendar year in which they are issued and will be renewed through a minor conditional use permit application procedure, except if the use was the subject of a city code enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the major conditional use permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the city manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I—IV mobile food unit license issued by the Yamhill County Department of Health must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the mobile food unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the city manager if the food cart will be closed for more than thirty (30) days. (Ord. No. [711](#), 9-14-2015)

**17.126.050 - Use Limitations and Development Standards.**

The following limitations and standards shall apply to all food carts permitted after the effective date of this chapter.

- A. Use Limitations.
  - 1. Food carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.

2. Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

B. Size and Placement.

1. Carts shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
2. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
3. All seating areas shall be located on the subject property at least ten (10) feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
4. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
5. Food carts shall provide adequate driveway vision clearance as required by Section 17.92.070.
6. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
7. Carts shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
8. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
9. Carts shall not be located within twenty-five (25) feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.
10. Only one cart shall be allowed on any legal lot of record.

C. Operation and Maintenance.

1. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a storage shed not to exceed one hundred (100) square feet.
2. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
3. The exterior surface of all food carts proposed to be located in the Downtown district shall be a color that is consistent with the Carlton Downtown historic color palette.
4. Carts shall not have missing siding, skirting or roofing.
5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.

6. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
9. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
10. Signage shall comply with sign code regulations. Each cart is permitted one A-Frame sign.

D. Fire and Safety.

1. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
4. Carts shall meet fire code requirements regarding distances from other structures or combustible materials.
5. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the fire marshal. Appropriate fire extinguishers are required.
6. Propane tanks shall be stored and handled properly and be located at least ten (10) feet from combustible vegetation and trash receptacles and twenty (20) feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

E. Health and Sanitation.

1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.
2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
3. Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
4. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.



5. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the city manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and system development charge requirements. (Ord. No. [711](#), 9-14-2015)

**17.126.060 - Legal Non-Conforming Food Carts.**

- A. Food cart permits issued prior to September 14, 2015 may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior to September 14, 2015 and Section 17.126.020.
- B. Food carts shall not have any internal floor space available to customers.
- C. Food carts mobile units shall not exceed twenty-six (26) feet in length or exceed two hundred sixty (260) square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a food and/or beverage cart shall have a minimum of seven feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- F. Carts shall be located at least three feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right-of-way.
- G. Carts shall provide at least five feet between service windows or other customer service points and an active drive aisle.
- H. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
- I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least four feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
- J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- K. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
- L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.

- M. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
- N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
- O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
- P. Carts shall not have missing siding, skirting or roofing.
- Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.
- R. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located. (Ord. No. [711](#), 9-14-2015)

**17.126.070 - Revocation or Suspension of Permit.**

- A. A food cart permit shall be subject to revocation by the city if the application is found to include false information.
- B. A food cart permit shall be suspended if the food cart is closed for more than ninety (90) days without providing advance written notice to the city manager. (Ord. No. [711](#), 9-14-2015)

## LAND USE FEE SCHEDULE ACKNOWLEDGMENT

Land use planning fees ("fees") are an estimate of the costs necessary to process land use applications. Fees include, but are not limited to, preparation of required public notices, staff reports and decisions, and are inclusive of the time allocated by the City Planner, City Engineer, and City Attorney. Fees must be paid at the time of application.

If there are any funds remaining after the project is complete, the applicant will receive a refund for the balance. Alternatively, if the application fee is exhausted before the project is complete, the project will be billed monthly for any additional costs until all land use stages are finished.

Please note that contracted service provider fees are subject to change and may include the fees of their hired staff. For current contractor fees, please call the city at 503-852-7575.

By reading and understanding the above information, I acknowledge the terms of the land use fee agreement as outlined above. Failure to comply with the fee agreement will result in the rejection of the application.

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Applicant Signature

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Date