



JAMES SORENSEN COMMUNITY DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI MAYOR

SHANE E. PACE CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

September 1, 2022

To: City Council via Planning Commission
From: Community Development Department
Subject: Amendments to Mobile Food and Street Vendor Businesses CA08112022-0006381
Amend Title 21, Chapter 11, Special Use Standards, Section 19, Mobile Food and Street Vendor Businesses, and Title 21, Chapter 37, Definitions, of the Sandy Municipal Code

HEARING NOTICE: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Table with 2 columns: Case Number, Case Summary. Rows include CODE-8-15-4596 and CODE-09-17-5306 with descriptions of code amendments.

REQUEST

The Community Development Department is proposing to amend Title 21, Chapter 11, Special Use Standards, Section 19, Mobile Food and Street Vendor Businesses, and Title 21, Chapter 37, Definitions, of the Sandy Municipal Code. The purpose of the code amendment is to implement new state legislation relating to food trucks, also known in Sandy City as mobile food businesses. Staff proposes several changes to the code to ensure consistency with current State Code.

BACKGROUND

During the 2022 Utah Legislative Session, House Bill 146 was passed, which made several amendments related to food truck business and licensing requirements. House Bill 146 modifies a municipality's and a county's regulation and business licensing authority over food truck businesses, as follows:

- A business license and fee are not required if the food truck owner has a current and valid business license from another political subdivision in the State.
- The business owner is not required to show compliance with land use regulations at the time of a business license application.
- A business owner is not required to disclose financial information, inventory amounts or proprietary business information as part of obtaining or maintaining a business license.
- The size of a food truck may not be restricted.
- Ice cream trucks and food carts is added to the definition of a “*food truck*.”

ANALYSIS

Mobile food businesses continue to be popular in the country and the state. In 2015, the City conducted a comprehensive update to the mobile food business regulations. In 2017, the State Legislature adopted Senate Bill 250, which caused the City to update the mobile food business regulations to align with the state legislation. During the 2022 Utah Legislative session, House Bill 146 was passed, which again made amendments to the State Code related to food truck business and licensing requirements.

Upon reviewing House Bill 146, staff proposes changes to the Sandy Land Development Code to align with the new State Code, as well as housekeeping changes for consistency and clarification. By bringing the city’s codes in line with recent state code amendments, existing regulations will be reduced, and the effect will make it easier for mobile food businesses to operate in Sandy City.

The following is a summary of the proposed changes to the text of Title 21 related to mobile food business regulations:

1. The business license requirement is amended to allow mobile food business owners to submit a copy of a current business license in good standing from another political subdivision in the State, in lieu of a Sandy business license.
2. The design standards for mobile food carts removes the restriction on the size of a cart that is allowed.
3. The reference to auditing sales records is removed because the Sate Code restricts the ability of the City to require disclosure of financial information.
4. The requirement to display a license, inspection and registration is amended by adding a health department food truck permit to the list of requirements, consistent with requirements of State Code.
5. A “Mobile Food Cart” is defined and added to the definitions section of the code.
6. The definition of a “Mobile Food Business” is amended to include mobile food carts, consistent with the State Code definition for a food truck; and the existing exclusion for ice cream trucks is clarified.
7. The section that allows the Community Development Director to allow mobile food businesses in parks and open space zones is amended by adding consultation with the Parks and Recreation Director prior to granting approval.
8. Various code amendments are included for housekeeping purposes, to provide consistency and clarification where appropriate.

A full detail of all proposed amendments to the text of the Land Development Code is shown in Exhibit “A” (redlined version) and Exhibit “B” (final clean version).

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.*
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes efficiency in development review and land use administration; and is consistent with the Sandy City General Plan.

GENERAL PLAN COMPLIANCE

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City, consistent with current State Code.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, Chapter 11, Special Use Standards, Section 19, Mobile Food and Street Vendor Businesses, and Chapter 37, Definitions, Section 14, "Mobile Food Business" of the Sandy Municipal Code, as shown in Exhibit "A", based on the following findings:

1. The proposal implements new state legislation relating to food trucks and mobile food businesses to ensure consistency with current State Code.
2. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
4. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by ensuring efficiency in development review and land use administration.
5. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Melissa Anderson
Zoning Administrator