

1 WEST VALLEY CITY

2  
3 ORDINANCE NO. \_\_\_\_\_

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5 Draft Date: 02/03/2015, 02/18/2015

6 Date Adopted: \_\_\_\_\_

7 Date Effective: \_\_\_\_\_

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10 AN ORDINANCE ENACTING SECTION 7-6-1612 AND  
11 AMENDING SECTIONS 7-2-116, 7-30-102, 17-22A-101 AND 17-  
12 22A-104 OF THE WEST VALLEY CITY MUNICIPAL CODE TO  
13 AMEND CITY ORDINANCES GOVERNINIG MOBILE FOOD  
14 VENDING VEHICLES.

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16 WHEREAS, the City Center Zone is intended to serve as a vibrant, mixed use downtown  
17 area for the City; and

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19 WHEREAS, the City desires to create a festive atmosphere and create a sense of place  
20 for residents and visitors of the City; and

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22 WHEREAS, the City desires to create a balance between mobile vending vehicles and  
23 surrounding uses; and

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25 WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is  
26 in the best interest of the health, safety, and welfare of the citizens of West Valley City to enact  
27 Section 7-6-1612 and amend Sections 7-2-116, 7-30-102, 17-22A-101 and 17-22A-104 of the  
28 West Valley City Municipal Code.

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30 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,  
31 Utah, as follows:

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33 Section 1. Repealer. Any provision of the West Valley City Code found to be in  
34 conflict with this Ordinance is hereby repealed.

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36 Section 2. Enactment. Section 7-6-1612 of the West Valley City Municipal Code is  
37 hereby enacted as follows:

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39 **7-6-1612. FOOD VENDING VEHICLES ON LEHMAN AVENUE.**

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41 (1) This section shall govern the operation of food vending vehicles on Lehman Avenue as  
42 set forth more particularly herein. Unless explicitly incorporated, the requirements of  
43 Chapter 17-22A do not apply to food vending vehicles operating pursuant to this Section.

44 (2) Food vending vehicles may park and operate on the south side of Lehman Avenue  
45 between Market Street and 3000 West, subject to the following limitations:

- 46 a. Food vending vehicles are permitted to operate one day per week. That day shall  
47 be designated by the Zoning Administrator.  
48 b. Food vending vehicles may only operate between 11 AM and 9 PM on the day  
49 established by the Zoning Administrator.  
50 c. All food vending vehicles must be in compliance with the provisions of Title 17  
51 pertaining to business licensing.  
52 d. Food vending vehicles may not obstruct vehicular or pedestrian traffic.  
53 e. Food vending vehicles must comply with all applicable Salt Lake County Health  
54 Department requirements.  
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56 **Section 3. Amendment.** Sections 7-2-116, 7-30-102, 17-22A-101 and 17-22A-104  
57 of the West Valley City Municipal Code are hereby amended as follows:  
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59 **7-2-116. TEMPORARY LAND USES**  
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- 61 (1) Subject to the provisions of this Section, the Zoning Administrator may issue a  
62 Temporary Use Permit provided that the use does not conflict with the uses in the  
63 neighborhood of the subject property and that the uses are located in commercial,  
64 manufacturing, MXD, RB or B/RP zones, or will be accessory to a community use in a  
65 residential or agricultural zone. Request for permit shall be submitted in writing on the  
66 appropriate form within the appropriate time frame indicated on the application. A  
67 separate permit is required for each use and is allowed for the duration of time as  
68 indicated below. The number of permits allowed annually is based off of the entire  
69 commercial complex, site, parcel or subject property.  
70 (2) Temporary uses may be allowed only after review and evaluation of the following  
71 information:  
72 a. A site plan must be submitted indicating location of any existing structures on the  
73 lot; existing improvements, including but not limited to, parking areas, curb,  
74 gutter, sidewalk and curb cuts, and the location of any outside storage. Parking  
75 areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other  
76 surface acceptable to the Zoning Administrator;  
77 b. The temporary use must conform to all area and setback requirements for the zone  
78 which it is located in; Storage containers may not be used in conjunction with a  
79 temporary use, except for fireworks sales. Fireworks sales shall have no more  
80 than one storage container that is equal to or less than 120 square feet. Storage  
81 containers used for fireworks sales must be made of a non-flammable material  
82 approved by the Fire Department. Storage containers for fireworks sales are  
83 permitted from three weeks prior to the actual fireworks sale, to three weeks after  
84 the sale has passed. Fireworks sales shall only occur during Utah State mandated  
85 durations.  
86 c. Written approval from the property owner to place temporary buildings on the lot  
87 and/or allow the use on the lot;  
88 d. Hours of operation of the proposed use; and  
89 e. The minimum required parking shall be two (2) spaces except that a reasonable  
90 number of additional parking spaces may be required depending on the type of  
91 temporary use. Such parking, including those space occupied by the use itself,

92 shall be in addition to the minimum number of spaces required for any other use  
93 on the site.

94 f. The Zoning Administrator, or designee, may apply other conditions necessary to  
95 ensure that the temporary use does not have a detrimental impact upon the subject  
96 or neighboring properties.

97 g. Other items shall be included on the site plan, if requested by the Zoning  
98 Administrator.

99 (3) Temporary uses are limited to the following:

100 a. Seasonal Uses, which include: flower sales, Christmas tree sales, shaved ice,  
101 fireworks sales, and produce sales. A seasonal use permit shall be required.  
102 Seasonal use permits shall be limited to one (1) permit annually with a term of six  
103 (6) consecutive months. Hours of operation for seasonal uses shall be 8:00 a.m.  
104 to 9:00 p.m.

105 b. Event Uses, which include:

106 i. Circus, Community Fairs, Carnivals, Festivals, or other amusement  
107 enterprises.

108 1. A four (4) day permit shall be required for each of these types of  
109 events. These events shall be limited to 4 permits annually.

110 ii. Sale of Motor Vehicles.

111 1. A four (4) day permit shall be required for each of these types of  
112 events. These events shall be limited to 4 permits annually.

113 2. Sale of motorized vehicles are subject to the following  
114 requirements:

115 a. The temporary sale must be located in a commercial zone.

116 b. The temporary sale must be located on a property that has  
117 at least 2,000 existing parking stalls meeting the standards  
118 of Chapter 7-9 of this Title.

119 c. The location of the sale must have adequate parking stalls  
120 to accommodate both the temporary sale and the regular  
121 use of the property. Parking for the temporary use shall  
122 require one on-site parking stall for each motorized vehicle  
123 being offered for sale. Stalls needed to meet the minimum  
124 parking requirements of the regular use of the property  
125 shall not be counted toward the number of stalls necessary  
126 to accommodate the temporary sale.

127 d. The location of the sale must have hard surfacing for both  
128 the sales and parking areas.

129 iii. Outdoor Dances, Concerts and Promotional Activities

130 1. A twenty four (24) hour permit shall be required for each of these  
131 types of events. These events shall be limited to 2 permits  
132 annually.

133 iv. Haunted Houses

134 1. A thirty (30) day permit shall be required for each of these types of  
135 events. These events shall be limited to 1 permit annually.

136 v. Case Lot, Parking Lot or Tent Sales in conjunction with an existing  
137 business

- 138 1. A four (4) day permit shall be required for each of these types of  
 139 events. These events shall be limited to 4 permits annually.  
 140 2. Independent sales from outside vendors are not allowed.  
 141 vi. Special Events, Community Events, Parades, Fund-Raising Events,  
 142 Marathons, Bicycle Events, or Tournaments.  
 143 1. A twenty four (24) hour permit shall be required for each of these  
 144 types of events. These events shall be limited to 4 permits  
 145 annually.  
 146 vii. Food vending vehicles  
 147 1. A 24 hour Temporary Use Permit shall be required for food  
 148 vending vehicle events. These events shall be limited to two  
 149 permits per site per year.  
 150 c. Temporary Structures, which include:  
 151 i. Mobile Medical Units.  
 152 1. A thirty (30) day permit shall be required for each unit. This use  
 153 shall be limited to two (2) permits annually.  
 154 ii. Modular or Mobile Structures that are not permanently affixed and used  
 155 in conjunction with a construction or excavation site.  
 156 1. A permit shall be required for each modular or mobile structure,  
 157 which shall be active for a term of up to one (1) year. The permit  
 158 shall be renewable annually upon approval of the Zoning  
 159 Administrator.  
 160 iii. Trailers or temporary buildings to serve as a construction, sales,  
 161 employment, leasing office or construction storage while a permanent  
 162 building is under construction.  
 163 1. A permit shall be required for each trailer or temporary building,  
 164 which shall be active for a term of up to one (1) year. The permit  
 165 shall be renewable annually upon approval of the Zoning  
 166 Administrator.  
 167 (4) The site must be restored to its original condition upon expiration of the temporary use  
 168 permit. The site may not be used for storage of any temporary use structures.  
 169 (5) Any decision of the Zoning Administrator made pursuant to this section may be appealed  
 170 to the Board of Adjustment by filing a written appeal with the Board of Adjustment  
 171 within 10 days of the decision, setting forth the reasons why the Zoning Administrator's  
 172 decision should be overturned or modified. Decisions of the Board of Adjustment may  
 173 be appealed as outlined in Section 7-18-105 of this Title.

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 176 **7-30-102. LOCATION.**

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 178 (1) Food vending units and vehicles are allowed only in the BRP, C-2, C-3 and M zones or  
 179 will be accessory to a community use in a residential or agricultural zone. Food vending  
 180 vehicles are permitted in the City Center Zone in accordance with the standards set forth  
 181 in Section 7-6-1612.  
 182 (2) Permitted only in a designated area on private property with a licensed and operational  
 183 business on site.

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**17-22A-101. GENERAL VENDING RESTRICTIONS**

No vendor shall be permitted to operate in the following areas of public space:

- (1) Within 150 feet of any street intersection or pedestrian crosswalk.
- (2) Within 50 feet of any driveway, loading zone, or bus stop.
- (3) Within 50 feet of another vending location assigned to another vendor on a public sidewalk.
- (4) Within a minimum of 25 feet of unobstructed pedestrian space.
- (5) On the median strip of a divided roadway, unless the strip is intended for use as a public way, pedestrian mall, or plaza.
- (6) Against display windows of fixed location businesses.
- (7) Any area within two blocks of a hospital, college, university, elementary school, middle school, or high school, unless that institution gives written consent.
- (8) Within any parking area, unless a portion of the parking area is blocked off by the property owner expressly for the use of vending, and the vending location otherwise complies with the distance limitations imposed by this Section.
- (9) Within two hundred feet (200') from any existing or proposed residential use.
- (10) Within fifteen feet (15') from a building
- (11) Within thirty feet (30') from a building entrance
- (12) Within ten feet (10') from a fire hydrant
- (13) Within twenty feet (20') from a public street right-of-way and an adjacent property
- (14) Within five feet (5') of any handicapped parking space, or access ramp.

In addition, vendors:

- (15) Shall not reduce sidewalks to a clear width of less than five feet (5')
- (16) Shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic or access to businesses.
- (17) Shall not operate within five hundred feet (500') of another vending unit/vehicle.
- (18) Must be at least 50' from any storm drain inlet of catch basin and shall not dispose of any materials, or allow any materials to drain into the street, storm drain or catch basin including any water or solution used to clean the site.
- (19) Must be placed on concrete or asphalt and not in a landscaped area. Damaged vegetation due to the vending unit, vehicle, vendor or patrons shall be immediately replaced by the vending permit holder.
- (20) All trash, litter, spills, grease, oil and food residue within a twenty-foot (20') radius on site must be maintained in a cleanly manner and cleaned on a regular basis

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- (21) The site must have adequate parking to accommodate the primary use on site as well as 5 additional parking spaces (1 for employee, 2 for the vending unit and 2 for customers) for the vending use.
- (22) Restroom facilities for the vendor must be available within 500' of the vending unit during all hours of operation.

**17-22A-104. MOBILE FOOD VENDING VEHICLE RESTRICTIONS.**

- (1) A mobile food vending vehicle shall not remain at any one location for more than ~~one~~ four hours per day.
- (2) For the purposes of this section, any location within five hundred (500) linear feet is considered the same location.
- (3) All items related to the operation of a food vending vehicles shall be kept either on or in the truck.

**Section 4. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 5. Effective Date.** This Ordinance shall take effect ninety days after the date of passage and approval by the City Council, which date is indicated below.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

WEST VALLEY CITY

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY RECORDER