

10.823 Small Food Vendors

- (1) “Small Food Vendor” means any site-built or prefabricated structure that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service that is a maximum size of 128 square feet and is located on one site or tax lot for any period of 24 hours or more.
- (2) Small food vendors shall be permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts and subject to the following standards:
 - A The exterior length and width dimension of the small food vendor unit (“unit”), when multiplied, shall enclose no more than 128 square feet. If the unit exceeds 128 square feet, the application must be reviewed by the Site Plan and Architectural Commission as a standard restaurant under this chapter and is not subject to these provisions.
 - B All applications subject to this section shall be subject to administrative review by the Planning Director, or by a person designated by the Planning Director to make such review, and shall obtain a building permit upon approval of the administrative review.
 - C For the administrative review, the applicant shall submit a site plan drawn to scale, including the dimensions of the unit. The site plan may also be used as part of the building permit application. The site plan shall show the following items:
 - (a) Unit square footage;
 - (b) Paved vehicular access (i.e., asphalt or concrete) including driveway location, off-street parking, and drive-through window stacking;
 - (c) A minimum of three available (3) paved off-street parking spaces on the same lot as the unit, or on an abutting lot, and their location. Parking spaces are available if such spaces exceed the minimum parking requirements of any existing use pursuant to MLDC 10.741. Joint use of parking spaces shall be established pursuant to MLDC 10.744.
 - (d) Drive-through window stacking allowing for a minimum of 100 feet for each service window.
 - (i) Stacking means the location in which vehicles await service as measured from the back edge of the sidewalk along the arterial or collector street to the service window as measured from the most direct driving route. Where the site abuts an unimproved arterial or collector street, the stacking distance is to be measured from a point ten (10)

feet beyond the currently paved street. Where a unit is situated such that vehicles stack onto private property rather than directly from the public right-of-way, the 100 foot minimum does not apply.

- (ii) 100 feet stacking need not be in a straight line. The applicant may propose to reconfigure the location of the unit on the site or offer other design modifications to meet the minimum 100 foot stacking requirement. Such remedies may include, but are not limited to, closing one service window, painting lanes on the site for circulation, and posting directional signs.
- (e) For units located on unimproved lots with street frontage, the street frontage shall be landscaped with at least the minimum landscaping requirements pursuant to Article V of this Chapter 10. Any units on sites abutting a different zone shall be required to meet applicable bufferyard landscaping requirements pursuant to Article V of this Chapter 10. For units located on previously improved lots, no street frontage landscaping requirements shall be imposed;
- (f) A trash receptacle that is enclosed pursuant to Article V of this Chapter 10;
- (g) If a unit does not have its own toilet facilities displayed on the site plan, then a letter of agreement with the property owner must be filed establishing the use of such facilities for employees during business hours that are either located in the building or in a building adjacent thereto on the same property. The agreement must contain terms requiring that the restrooms be available for use by employees during all hours in which the vendor unit is in business.
- (h) The vendor units, whether site-built or prefabricated, shall be placed on a permanent foundation. The foundation shall be in compliance with the prescriptive requirements of the Oregon Structural Specialty Code, chapter 18. As an alternative, the foundation may be designed by an Oregon licensed architect or engineer in conformance with the Oregon Structural Specialty Code. The foundation shall include a stem wall of masonry or concrete or skirting matching the siding material, which extends from the building floor to the finished grade; and
 - (i) Outdoor seating shall be allowed subject to the following:
 - (i) Seating is limited to a maximum of six patrons.

- (ii) Seating shall be located such that it does not impede traffic, nor utilize any of the required parking spaces.
 - (iii) Where the unit abuts, or is adjacent to a residential zone, outdoor seating shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m.
 - (iv) At least one restroom shall be available for use by patrons. The restroom shall be in the same unit or conveniently located in a building adjacent thereto on the same tax lot. The restroom shall be available to patrons during all hours in which the Small Vendor Unit is open for business. The restroom shall meet all requirements of the Oregon Structural Specialty Code, the Oregon Plumbing Specialty Code, County and State Health requirements, Americans with Disabilities Act requirements, and any other Federal requirements. An agreement must be filed with the City establishing the use of the restroom if it is not owned by the applicant.
- D Before being moved to any site, a prefabricated unit must have a valid State of Oregon Prefabricated Structure “medallion” attached.
- E All units must have underground electrical service, except as otherwise permitted under MLDC 10.555.
- F All units must be connected to the sanitary sewer in a manner approved by the Building Safety Director. Permits will be required for the sewer connection and installation of any plumbing fixtures.
- G All units must have plumbing connections for fresh water and must comply with the State of Oregon Plumbing Specialty Code.
- H Applications for building permits submitted under this section shall include a drainage plan, described below, for review and approval by the Engineering and Development Division of Public Works prior to the issuance of a building permit.
 - (a) If the unit is to be constructed or placed on an existing paved site, the drainage plan shall show the entire tax lot with sufficient spot elevations to determine the direction of existing runoff and to ensure that the new structure will not inhibit or otherwise adversely affect the storm drainage for the parcel.
 - (b) If the unit is to be constructed or placed on a site which was previously unpaved, the drainage plan shall show the entire project site with sufficient

spot elevations to determine the direction of runoff to the storm drainage system, as well as elevations on the drainage system. All roof drains and foundation drains shall be connected directly to a storm drain system.

- (c) If the unit is to be constructed or placed on a site which was previously unpaved and the site lies within either the Elk Creek or Midway Drainage Basins, the drainage plan shall be designed for a controlled storm water release of no more than 0.25 C.F.S. per acre of development. An engineer registered in the State of Oregon shall prepare the design. This plan shall show the entire project site with sufficient spot elevations to determine the direction of runoff to the storm drainage system as well as elevations on the drainage system. All roof drains and foundation drains shall be connected directly to a storm drain system. Upon completion of the project, the applicant's design engineer shall certify that the construction of the controlled storm water release drainage system was constructed per plan. These requirements are per the Comprehensive Medford Area Drainage Master Plan as adopted by the Medford City Council in 1995.

I If the unit is located on or adjacent to a privately owned walkway, the minimum remaining unobstructed walkway width shall be six (6) feet.

J All food must be in a ready-to-eat condition when sold.

K The applicant shall obtain all state and county health and sanitary licenses.

(3) System Development Charges (SDCs). All applicants will be subject to all applicable SDCs.

(4) Utility Rates. All applicants will be required to pay all applicable water, sewer, storm drain, street utility or other applicable fees pursuant to the City of Medford Code.

(5) Signage. All signs must meet the requirements of MLDC 10.1000 et seq.

[Added Sec. 3, Ord. No. 2001-166, Sept. 6, 2001]