

# AGENDA ITEM SUMMARY

December 16, 2014

City Council

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## STAFF

Jessica Ping-Small, Revenue and Project Manager

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## SUBJECT

Second Reading of Ordinance No. 174, 2014, Amending Chapter 15, Article XIV of the Code of the City of Fort Collins Regarding Outdoor Vendors.

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 2, 2014, amends Chapter 15 of the City Code regarding Outdoor Vendors with amendments to further support the outdoor vending community. In 2012, City Council adopted new outdoor vendor regulations based on a comprehensive study completed by staff. Since the inception of the new regulations, staff has been monitoring the activity and working with the mobile vending community to address opportunities for improvement to the Code. In May 2014, City Council adopted two minor amendments as part of a phased approach. Staff is recommending an additional amendment to further support the outdoor vending community's request to hold larger gatherings on a more frequent basis. A corresponding amendment is being recommended to the City's Land Use Code.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## ATTACHMENTS

1. First Reading Agenda Item Summary, December 2, 2014 (w/o attachments) (PDF)
2. Ordinance No. 174, 2014 (PDF)

# AGENDA ITEM SUMMARY

City Council

December 2, 2014

## STAFF

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Jessica Ping-Small, Revenue and Project Manager

## SUBJECT

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First Reading of Ordinance No. 174, 2014, Amending Chapter 15, Article XIV of the Code of the City of Fort Collins Regarding Outdoor Vendors.

## EXECUTIVE SUMMARY

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The purpose of this item is to amend Chapter 15 of the City Code regarding Outdoor Vendors with amendments to further support the outdoor vending community. In 2012, City Council adopted new outdoor vendor regulations based on a comprehensive study completed by staff. Since the inception of the new regulations, staff has been monitoring the activity and working with the mobile vending community to address opportunities for improvement to the Code. In May 2014, City Council adopted two minor amendments as part of a phased approach. Staff is recommending an additional amendment to further support the outdoor vending community's request to hold larger gatherings on a more frequent basis. A corresponding amendment is being recommended to the City's Land Use Code.

## STAFF RECOMMENDATION

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Staff recommends the adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

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In 2012, staff completed a comprehensive study of the existing Outdoor Vendor regulations including extensive public outreach and review of peer city regulations. The outcome of the study was the adoption of new regulations by City Council in July of 2012. The changes that were adopted addressed the following primary themes in Chapter 15 of the Municipal Code and Article 3-5 of the Land Use Code:

### City Code

- Ability for vendors to operate in multiple locations and within public streets
- More efficient licensing time frames - semi-annual and annual license options
- Operating requirements
- Clear definition of outdoor vendor types.

### Land Use Code

- Location, type, signage and operation regulations
- Accessory use added to all non-neighborhood zoning districts
- New general definition for outdoor vendors.

Since the inception of the new regulations, staff has worked closely with the outdoor vending community to ensure compliance and ongoing success. Overall the new regulations have been received very positively. Staff has received fewer than 5 complaints over the course of two years and there are currently over 25 outdoor vendors licensed to do business in the City of Fort Collins.

During the course of the past two years, staff has received feedback from the vendor community regarding possible adjustments to the regulations to further improve the opportunities to vend citywide.

In May 2014, staff recommended minor changes to the code as part of Phase 1 of the staff review. City Council adopted the recommended changes as Ordinance No. 065, 2014. The amendments allowed for 2 vendors on private commercial property at a time and allowed for 8 outdoor vendors of any type on private commercial property during a special vending event.

Throughout the past 2 years, vendors have continued to communicate a desire to hold large round-up or rally type of events on a regular basis. The two options that currently exist to accommodate these events are a Special Event Permit issued by Police Services and a Park Permit issued by the Parks Department.

As part of Phase 2 of the 2014 review, staff committed to analyze the following:

- Consider amending the Land Use Code to include "Food Truck Rally" as a land use type similar to Farmers' Markets.
- Continue to research possible opportunities for vendors to hold large events on a regular basis.

During the course of the summer, the mobile vendors organized several large events at City Park. The events were very successful. An estimated 1,500 meals were served on average and the overall consensus of the events was positive.

In October, staff released a survey to the public to solicit additional feedback on the specific concept of large ongoing food truck events on private commercial property. Staff received 378 responses and the feedback was overwhelmingly in support. In response to the specific question regarding support of food truck rallies, 95.2% of the respondents answered yes in support.

Based on the outreach completed in 2014, the survey data and the recent history of successful food truck events, staff is recommending City Council amend Chapter 15 of the Municipal code and the corresponding Land Use Code to allow for larger ongoing food truck rallies on private commercial property. A separate ordinance is being presented to amend the Land Use Code.

### Summary of Code Changes

Staff is recommending City Council adopt the ordinance to amend Chapter 15 of the Municipal Code to:

- Add the following definition: *Food Truck Rally* shall mean a temporary or periodic special event, operating under a Special Vending License, of more than two outdoor vendors (such as food trucks and carts), held on an improved private lot with permission of the owner thereof, and serving customers on foot.
- Amend the Special Vending License regulations to remove the cap of 8 Outdoor Vendors at an event
- Amend the Special Vending License regulations to remove the limit of four events per year

Per Chapter 15 of the City Code, the Financial Officer reserves the right to review the Special Vending License applications to hold a Food Truck Rally on a case by case basis. Consideration will be given to size of event, location, types of surrounding land uses, etc.

Based on the number and size of improved commercial lots within the City, staff believes there is limited application of the presented Code amendments. If City Council approves the amendments, staff will continue to monitor the applications and events for potential issues or disruptions to adjacent land uses.

**PUBLIC OUTREACH**

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Staff held stakeholder meetings in Q1 as part of Phase 1 of the 2014 Code amendments which were attended by mobile vendors, members of the Downtown Development Authority and representatives from private industry including local breweries.

As part of Phase 2 outreach, staff issued a press release and survey to solicit feedback specific to the concept of Food Truck Rallies. The survey was released to the general public and sent directly to the Downtown Development Authority, Downtown Business Association, Chamber of Commerce and various other business organizations. The feedback from the survey was overwhelmingly in support of allowing food truck rallies in Fort Collins.

**ATTACHMENTS**

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1. Food Truck Rally Survey Results (PDF)

COPY

ORDINANCE NO. 174, 2014  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 15, ARTICLE XIV OF THE CODE OF THE  
CITY OF FORT COLLINS REGARDING OUTDOOR VENDORS

WHEREAS, in 2012, City staff completed a comprehensive study of the City's existing outdoor vendor regulations, which included extensive public outreach and a review of peer city regulations; and

WHEREAS, the outcome of that study was the adoption of new regulations by City Council in July 2012 for the City's outdoor vendor Code provisions in Article XIV of Code Chapter 15 ("Outdoor Vendors Code"); and

WHEREAS, since the addition of these regulations to the Outdoor Vendors Code in 2012, staff has worked closely with the outdoor vending community to ensure compliance and ongoing success; and

WHEREAS, over the past two years, outdoor vendors have expressed the desire to hold large round-up or rally type of events on a regular basis; and

WHEREAS, as part of staff's analysis of this request from outdoor vendors, staff conducted a survey asking the public for feedback on the concept of large, ongoing food-truck events on private property and received a response overwhelming in support of this concept; and

WHEREAS, staff has recommended to City Council that it adopt an ordinance to amend the Outdoor Vendors Code to allow food truck rallies and other large events for outdoor vendors operating under a special vending license and, in doing so, to eliminate the limit of four licensed events on a specified property each year and the cap of eight outdoor vendors per event; and

WHEREAS, City Council has determined that the adoption of these proposed amendments to the Outdoor Vendors Code is in the best interests of the City and will be beneficial to the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 15-381 of the Code of the City of Fort Collins is hereby amended by the addition of "*Food truck rally*" as a new defined term, the definition for which reads in its entirety as follows:

*Food truck rally* shall mean a temporary or periodic special event, operating under a special vending license, of more than two (2) outdoor vendors (such as food trucks and carts), held on an improved private lot with permission of the owner thereof, and only serving pedestrians.

Section 2. That the defined term “*Special vending license*” in Section 15-381 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Special vending license* shall mean a temporary outdoor vendor license issued pursuant to Subsection 15-382(c) below for outdoor vending at an occasional, temporary event located solely on a single private lot when the event does not require the issuance of a special events permit under Chapter 23.5 of this Code, which event may include, without limitation, a food truck rally.

Section 3. That Section 15-382(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-382. License required.**

...

(c) The Financial Officer may issue a special vending license to a person responsible for an occasional, temporary event located solely on a single private lot when the event does not require the issuance of a special events permit under Chapter 23.5 of this Code. Notwithstanding the provisions of § 15-386 and § 15-387 of this Article, the requirements applicable to outdoor vendors operating as part of a special vending license event shall be determined by the Financial Officer on a case-by-case basis, taking into consideration the location, nature and scope of the special vending event and any related circumstances. The number and type of outdoor vendors to be allowed as part of a licensed event shall be determined by the Financial Officer based on the specific circumstances of the proposed event, including, but not limited to, the location of the event, the size of the lot where the event is held, the types of surrounding land uses and their proximity to the event, such as restaurant buildings and residences, and any other potential impacts on public health, safety or welfare that the proposed event may have. Upon the issuance of such special vending license, an outdoor vendor operating within the terms of and as part of a special vending license shall not be required to obtain a separate outdoor vendor license for that operation.

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Introduced, considered favorably on first reading, and ordered published this 2nd day of December, A.D. 2014, and to be presented for final passage on the 16th day of December, A.D. 2014.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 16th day of December, A.D. 2014.

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Mayor

ATTEST:

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City Clerk