

•Community Development Department•
Bill Wright • Director
Telephone (801) 336-3780
Fax (801) 336-3789

Mayor • Steve Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason



APPLICATION FOR “MOBILE STORE” (Chapter 19.21)

To receive an authorized application, the applicant must meet the following regulations
19.21.020 (pg.3) and 19.21.040 (pg.4)

Updated 9/14/07

Fees: \$50 for Site Plan Review **Receipt #** _____
\$47 for Temporary Power (if applicable) **Date** _____

- A site plan drawn to scale (1/4" = 1') must be submitted w/application
 - Property owner must sign the affidavits on reverse side of this form
-

_____ Phone # _____
Petitioner's Name Fax # _____ Email _____

Address City State Zip

=====

_____ Phone # _____
Property Owner's Name Fax # _____ Email _____

Address City State Zip

Name for Mobile Store Operation _____
Approximate Address of Site _____
Property Identification Number _____
Dates and hours of operation _____
Planning Commission Approval Date _____

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH)
) ss.
COUNTY OF _____)

I (we) _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified on the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I (we) have received written instructions regarding the process for which I (we) am (are) applying and the Layton City Planning Staff have indicated they are available to assist me in making this application.

PIN # _____
_____ Please Print Name Under Signature

PIN# _____
_____ Please Print Name Under Signature

Subscribed and sworn to me this _____ day of _____, 20_____.

Notary

Residing in: _____
My Commission Expires _____

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in Layton City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

PIN # _____
_____ Please Print Name Under Signature

PIN # _____
_____ Please Print Name Under Signature

Date this _____ day of _____, 20_____, the owner(s) _____ personally appeared before me and are the signers of the Above Authorization who duly acknowledge to me that they executed the same.

19.21.020 General regulations

The Planning Commission shall review all applications for uses described in this chapter in accordance with 19.13. Site plan and Architectural Review, and where applicable, 19.14. Conditional Uses. In addition, the Planning Commission shall not authorize a kiosk, mobile store, resource recycling or reverse vending machine use permit unless all of the following conditions are met:

Conditions to be met:

- The use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the use;
- The use is compatible with the purpose and intent of this Code and the specific Land Use District in which it will be located;
- The use is compatible in intensity and appearance with existing land uses in the immediate vicinity of the use;
- Structures proposed for the use comply with setback and clear view requirements of the zoning ordinance and with applicable Building and Fire Code standards;
- Access is provided such that on-street parking is not required. The use shall be placed so as not to disrupt the traffic flow into or on the site;
- Adequate parking is provided to serve the use, and if applicable, the use does not create a parking shortage for other existing uses on the site;
- Hours of operation of the use are specified and are noted on any structure, trailer, bin or vehicle on the site where the operation is conducted;
- The use will not cause noise, light, or glare which adversely impacts surrounding uses;
- The applicant has obtained written permission from the property owner to locate the proposed use;
- No other kiosk, mobile store or resource recycling collection point is found within two hundred fifty feet of another such use;
- The use complies with all sign requirements as described in Chapter 19.20 "Sign Regulations";
- The use shall be located on improved property including a main building, paved parking, curb and gutter, sidewalk, landscaping and fire protection systems as required by the City; and
- Each kiosk, mobile store, shall have a current Layton City business license except when said use is a part of the main use found on the site. Each company or individual operating one or more resource recycling collection points and/or reverse vending machines shall have a single current business license.

19.21.040. Mobile store regulations

In addition to the regulations listed in 19.21.020, mobile stores shall also meet the following requirements:

Requirements

- The structure shall have a maximum outside display area of one hundred square feet located a minimum of ten feet from all property lines, not in landscaped areas and not obstructing access to the property; except that Christmas tree sales lots may be located as approved by the Planning Commission.
- The structure shall be secured to or placed on the ground so as to be stable in a seventy-five mph wind.
- The structure shall have appropriate utility connections, inspected for compliance to City codes.
When applicable, a mobile store shall have written acceptance of the operation from the Davis County Health Department.
- No mobile store shall be located closer than one hundred (100) feet to any residentially zoned property.
- Signs for all uses shall comply with the regulations in Title 20, except that mobile stores shall have a maximum of two (2) directional signs with a maximum square footage of six (6) square feet each. Signs shall not be in any public rights-of-way or landscaped areas. Additional banners may be attached to tables or stands, but are not allowed in landscaped areas. Maximum sign area for the entire use shall not exceed fifty (50) square feet.

19.21.065. Off-site sales regulations

Off-site sales shall comply with all of the following requirements:

Purpose and Intent: It is the purpose and intent of this section to facilitate the mutually beneficial activity of off-site sales while protecting the public's health, safety, and welfare. The City desires that businesses within the City be able to use their property to enhance the business and that creative marketing strategies not be encumbered. The City also desires the integrity of traffic flows, fire lanes, pedestrian traffic, and aesthetic objectives not be compromised.

(1) **Property owner responsibilities.** An application for a conditional use for conducting off-site sales shall be submitted by the property owner to the Community Development Department at least four (4) Mondays prior to the Planning Commission meeting the applicant requests to be scheduled for. A conditional use application for an off-site sale shall contain:

- (a) A site plan which shall contain the following information:
 - (i) The area which will be utilized by the off-site sale in detail, including the existing parking, landscaping, fire access lanes, drive accesses, etc.
 - (ii) The location of any signs to be placed for the off-site sale.
 - (iii) The location of any temporary structure including, but not limited to, fences, tents, canopies, food sales equipment, etc.

(b) Completed conditional use application with the required fee.

(2) **Vendor responsibilities.** The vendor shall be responsible for submitting the application for the temporary business license/off-site sales permit to the Community Development Department no later than seven (7) days prior to the sale. The applicant shall comply with all of the following requirements:

- (a) Proof that the Utah State Tax Commission has been notified of the off-site sale or proof of exemption.
- (b) Each individual off-site sale shall require a separate temporary business license.
- (c) No off-site sale shall be conducted for more than five (5) consecutive days.
- (d) No portion of any off-site sale may be conducted within the landscaped areas on the site including the placement of signs.
- (e) The off-site sale shall not utilize more than fifty percent (50%) of the required off-street parking for the on-site merchant. In no situation shall public streets be used for parking.
- (f) There may be multiple vendors using one off-site sale site if they are within the approved site plan area and each have obtained a temporary business license.
- (g) The on-site merchant or property owner may also utilize designated parking area as long as it is in compliance with the approved site plan.
- (h) The off-site sale shall not cause any designated fire lane to become blocked at any time.
- (i) No merchandise shall be placed in a manner that constitutes a hazard to the walking or driving public, i.e., the blocking of clear view areas.
- (j) Any applicant that is denied a temporary business license by the Community Development Department may appeal such decision to the Planning Commission at the next practical, regularly scheduled meeting which is at least fourteen (14) days in advance of the first day of the off-site sale.