



Administration and Human Services **Standing Committee Meeting Agenda**

Monday, June 27, 2022

**Immediately upon adjournment of the earlier committee
or 5:00 p.m. if no earlier committee meeting.**

Location: Hybrid

We invite you to view the meeting in person in the 5th-floor conference room, Suite 512, Municipal Office Building, 701 N. 7th Street, Kansas City, Kansas, or virtually via a Zoom webinar.

You are invited to a Zoom webinar.

When: Jun 27, 2022 05:00 PM Central Time (US and Canada)

Topic: Standing Committee

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87168067604?pwd=amdNa1Nzenl3TjFWZ0xNT256TkJPZz09>

Passcode: 318561

Or One tap mobile :

US: +13462487799,,87168067604# or +16699009128,,87168067604#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or
+1 646 558 8656 or +1 301 715 8592 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll
Free)

Webinar ID: 871 6806 7604

International numbers available: <https://us02web.zoom.us/j/kwca7dpwJ>

Name

Absent

Commissioner Angela Markley, Chair

☐

Commissioner Melissa Bynum

☐

Commissioner Christian Ramirez

☐

Commissioner Harold Johnson

☐

Commissioner Mike Kane

☐

I. Call to Order/Roll Call

II. Revisions to June 27, 2022 Agenda

III. Approval of standing minutes (APRIL 25, 2022 MEETING CANCELED)

IV. Committee Agenda

Item No. 1 - RESOLUTION: SISTER CITY WITH CITY OF CARMAGO, MEXICO

Synopsis: A Resolution establishing a Sister City relationship with the City of Carmago, Mexico” submitted by Dr. Mildred Edwards, Chief of Staff in the Mayor’s Office.

Tracking #: 211740

Item No. 2 - ORDINANCE: AMENDING SECTIONS OF CHAPTER 32 OF THE 2008 CODE OF ORDINANCE AND RESOLUTIONS

Synopsis: Expanding the ability of businesses and individuals to sell food, drinks, and merchandise on sidewalks, streets, and parklets, making permanent many of the COVID-19 Emergency Ordinances and Resolutions previously approved and due to sunset on June 30, 2022, and adding new language, submitted by Gunnar Hand, Director of Planning and Urban Design.

It is requested that this item be fast-tracked to the 6/30/2022 full commission meeting.

Tracking #: 211742

Item No. 3 - ORDINANCE: AMENDING SECTIONS OF CHAPTER 27 OF THE 2008 CODE OF ORDINANCE AND RESOLUTIONS

Synopsis: At the onset of the COVID-19 pandemic, the Unified Government adopted multiple emergency ordinances relating to outdoor service and retail sales, farmer’s markets, mobile vending, mobile markets, and open streets on a temporary basis that will sunset on June 30, 2022. These ordinances are now being proposed to be made permanent. Chapter 27 amendments pertain to all “Streets for People” changes on private property, submitted by Gunnar Hand, Director of Planning and Urban Design.

It is requested that this item be fast-tracked to the 6/30/2022 full commission meeting.

Tracking #: 211586

Item No. 4 - MUNICIPAL COURT

Synopsis: Departmental update on Municipal Court, submitted by Dominic Geniuk, Court Manager of Municipal Court.

For information only.

Tracking #: 211579

**Item No. 5 - PRESENTATION: REVISED 2022 AND PROPOSED 2023
COMMUNITY DEVELOPMENT BUDGETS**

Synopsis: Presentation of the Revised 2022 and Proposed 2023 Community Development budgets, submitted by Wilba Miller, Community Development Director.

For information only.

Tracking #: 211738

Item No. 6 - DEPARTMENT UPDATE: COMMUNITY DEVELOPMENT

Synopsis: A department update from Community Development, submitted by Wilba Miller, Community Development Director.

For information only.

Tracking #: 211739

V. Public Agenda

VI. Adjourn



Staff Request for Commission Action

Tracking No. 211740

Full Commission Meeting Date: 7/14/22

Committee: Administration & Human Services

Date of Standing Committee Action: 6/27/22
(If none, please explain):

Publication Required: No

<u>Date:</u> 06/14/2022	<u>Contact Name:</u> Dr. Mildred Edwards	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> medwards@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> A Resolution establishing a Sister City relationship with the City of Carmago, Mexico”				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Sister City Resolution - final				

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING A SISTER CITY (TWINNING) RELATIONSHIP
BETWEEN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS AND THE CITY OF CARMAGO, CHIHUAHUA, MEXICO**

WHEREAS, international cooperation is one of the factors that favorably influences resolution of disputes that affect communities and nations; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, and the City of Camargo intend to establish a collaborative relationship; and

WHEREAS, it is in the mutual interest of both entities to deepen the friendship between Unified Government of Wyandotte County/Kansas City, Kansas and Camargo; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas and the City of Camargo would like to cooperate in culture, commerce, tourism, municipal development and recreation; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas and the City of Camargo seek to enter into a mutually beneficial agreement formalizing these goals.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That the Mayor/CEO is authorized to sign a Proclamation, in substantially the form attached hereto, to establish and recognize the sister city relationship between the Unified Government of Wyandotte County/Kansas City, Kansas and the City of Camargo, Mexico.

Section 2. This Resolution shall take effect and be in full force after its adoption by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS
_____ DAY OF _____ 2022.**

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** WYANDOTTE COUNTY WAS ESTABLISHED IN 1859 AND ITS DEVELOPMENT AND GROWTH CAN BE ATTRIBUTED TO MANY PERSONS, BOTH INDIGENOUS AND IMMIGRANT, WHO TOILED AND ENDURED THE CHALLENGING AREA BY AND AROUND THE CONFLUENCE OF THE KANSAS AND MISSOURI RIVERS; AND
- WHEREAS,** SPECIAL RECOGNITION MUST BE GIVEN TO THE MEXICAN IMMIGRANTS WHO PROVIDED COUNTLESS POLITICAL, FAITH, COMMUNITY, BUSINESS, LABOR AND EDUCATIONAL LEADERS; AND
- WHEREAS,** WYANDOTTE COUNTY/KANSAS CITY, KANSAS HAS ENCOURAGED AND CONTINUES TO DEVELOP CONNECTIONS WITH OUR ANCESTORS THROUGH A FORMAL “SISTER CITY” RELATIONSHIP WITH CULTURAL, EDUCATIONAL AND BUSINESS TIES WITH LINZ, AUSTRIA; URAPAN, MEXICO; LIMERICK, IRELAND AND KARLOVAC, CROATIA; AND
- WHEREAS,** A FORMAL SISTER CITY RELATIONSHIP BETWEEN THE CITY OF CAMARGO AND WYANDOTTE COUNTY/KANSAS CITY, KANSAS HAS BEEN REQUESTED TO EXCHANGE COOPERATION IN PROGRAMS AND PROJECTS OF MACHINERY AND EQUIPMENT, MEDICAL SUPPORT, INITIATE AND OPEN LINES OF TRADE IN MANUFACTURING, AGRONOMICS, AND TOURISM THROUGH RESPONSIBLE USE OF THE ENVIRONMENT AND CULTURE, AS WELL AS TO PROVIDE ANY SUPPORT AND/OR MANAGEMENT THAT IS DEEMED CONVENIENT FOR THE DEVELOPMENT OF EACH MUNICIPALITY.
- NOW THEREFORE,** I, TYRONE A. GARNER, MAYOR/CEO OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,

KANSAS, DO HEREBY PROCLAIM THAT THERE EXISTS
BETWEEN THE CITY OF CAMARGO, CHIHUAHUA, MEXICO
AND WYANDOTTE COUNTY/KANSAS CITY, KANSAS A
FORMAL “TWINNING” AND THAT WE WILL NOW AND
FOREVER BE IN A SPECIAL RELATIONSHIP. IN WITNESS
WHEREOF, I HAVE HEREUNTO SET MY HAND AND THE
SEAL OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, ON THIS ____ DAY OF
_____ 2022.

TYRONE A. GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 211742

Full Commission Meeting Date: 6/30/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 6/27/2022

(If none, please explain): It is requested that this item be *fast-tracked* to the 6/30/2022 full commission meeting.

Publication Required: No

<u>Date:</u> 06/15/2022	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
<u>Item Description:</u> An ordinance expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets and parklets, making permanent COVID-19 Emergency Ordinances, changes previously approved, and adding new language, amending Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, to 32-103, 32-127, 32-180, 32-182, 32-183, 32-185, 32-186, 32-187, 32-188, 32-380 and 32-381 to Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.				
<u>Action Requested:</u> Request to fast-track to 6/30/2022 Board of Commissioners Agenda				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Chapter 32_June 2022 Amendments_AH&S				

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets and parklets, making permanent many of the “Streets for People” changes previously approved and adding new language, amending **Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, to 32-103, 32-127, 32-180, 32-182, 32-183, 32-185, 32-186, 32-187, 32-188, 32-380 and 32-381** to Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 32, Article III – Streets and Sidewalks, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 32-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means that property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, or waterway.

Food means and includes any articles sold for human consumption, the sale of which is not prohibited by law.

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator: must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Ice cream truck means any motor vehicle required by state statutes to be licensed and which is used for vending ice cream, or nonalcoholic beverages.

Ice cream truck vendor means any person who owns or operates an ice cream truck.

License administrator means the director of the license division or his designated representative.

Licensee means an applicant who has obtained a license pursuant to this article to own and operate a vending vehicle.

Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale must be a food item found on the WIC package. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Operator means any person who operates a vending vehicle or vending stand for the purpose of vending food, beverage or product therefrom.

Owner means any person who owns or controls one or more vending vehicles and:

- (1) Conducts, permits or causes the operation of such vending food, beverage or product;
- (2) Owns, operates, controls or manages such vending vehicle; or
- (3) Contracts with persons to vend food, beverage or product from such vending vehicle.

Owner's license means a license issued by the unified government authorizing the holder to engage in the business of vending food, beverage or product from a pushcart or vending vehicle or vending stand. This includes an owner's ice cream license, as defined herein.

Prepared food vending vehicle means a self-propelled, *hitched trailer*, or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, ~~at retail~~, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or *an* ice cream product truck.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Residential area means any street where over 50 percent of the front footage of either side of the block is devoted to single-family and multiple-family dwellings, dormitories, or mobile homes, or is otherwise zoned with a residential classification.

Sidewalk vending means the peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value upon a sidewalk of the city.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
 - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
 - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
 - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
 - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
 - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for sections 32-380 and 32-381.

Uniform means, at a minimum, a shirt containing the logo, insignia, name or other identifying characteristic of the owner or a badge prominently displayed on the person operating the pushcart or vending vehicle identifying the operator with a photograph and name and telephone number to contact the owner.

Vend means offering food, beverage or product of any kind for sale from a vending vehicle on any sidewalk, street, alley, park, highway, or unenclosed place open to the public, whether publicly or privately owned, including the movement or standing of a vending vehicle for the purpose of searching for, obtaining or soliciting retail sales of products.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a pushcart or a prepared food vending vehicle.

Sec. 32-93. – Fees.

Each application shall be accompanied by a nonrefundable fee, as follows:

- (1) The fee for a license shall be \$100.00, valid for one year from January 1 through December 31, or any part thereof.

- (2) The fee for a special event license shall be \$30.00 for a permit valid for *three days*. ~~one month.~~

Sec. 32-96. – General prohibitions.

- (a) No person shall sell or offer for sale any food, beverage or prepared food product from any portable box, stand, bag or similar container other than a vending vehicle or on any street, park, parkway or sidewalk, or in any unenclosed area open to the public.
- (b) No licensee shall allow, direct or otherwise cause any other person to vend or offer to vend any food, beverage or product in violation of any provision of this article or regulations promulgated pursuant to section 32-153.
- (c) No person shall operate or allow to be operated in the city a vending vehicle that is not licensed pursuant to the provisions of this article or without any other business tax, license or permit required elsewhere by this Code for each and every pushcart, prepared food vending vehicle or vending stand.
- (d) No person shall operate or vend from a pushcart, vending vehicle or vending stand in violation of any license restriction placed upon such pushcart owner's license.
- (e) No person shall employ or retain any person to operate a vending vehicle for the purpose of vending unless the person so employed or retained has been listed as an operator on the owner's license application pursuant to the provisions of this article.
- ~~(f) No person shall operate or vend from a vending vehicle that is located within 200 feet of any other pushcart or prepared food vending vehicle.~~
- ~~(g) No person shall operate or vend from a vending vehicle within 200 feet of any property utilized for school uses or church uses.~~
- ~~(h)~~(f) No person shall operate or vend from a vending vehicle within 15 feet of any intersection, driveway, building entrance, or in any space designated for vehicular parking.
- ~~(i) No vending vehicle that is licensed to vend in a specific area or location shall vend in any location other than that area specified on the license, unless operating at a special event.~~
- ~~(j) No person shall operate or vend from a pushcart or prepared food vending vehicle before 8:00 a.m. or later than 8:00 p.m. during periods of standard time.~~
- ~~(k) No person shall operate or vend from a pushcart or prepared food vending vehicle before 8:00 a.m. or later than 9:00 p.m. during periods of daylight savings time.~~
- ~~(h)~~(g) No person shall store, park or leave any stand on any public property after the authorized hours of operation.

Sec. 32-97. - Vending vehicle standards and conditions.

- (a) Each pushcart or prepared food vending vehicle shall have affixed to it in plain view the owner's license and other licenses or permits required by this article.
- (b) The maximum dimensions of any pushcart shall be eight feet in length and five feet in width.
- ~~(c) The only signs used in conjunction with a pushcart shall be signs affixed to or painted on the pushcart or its canopy.~~
- ~~(d)~~(c) The operator of a vending vehicle, if such a person is an employee, contractee, or lessee of an owner, shall be required to wear a uniform badge or clearly visible identification.
- ~~(e)~~(d) No artificial lighting on any pushcart is permitted.
- ~~(f) A refuse bin of at least one cubic foot shall be provided in or on the vending vehicle.~~

- ~~(g)~~(e) No noise-making devices shall be used in conjunction with pushcart vending except one bell with a maximum diameter of two inches.
- ~~(h)~~(f) The licensee shall maintain the unit in good repair and keep it from defects that may present a hazard to life or property.
- ~~(i)~~(g) The licensee shall make the unit available for inspection by the license administrator, the health officer, fire marshal or their representatives at any time while the unit is in operation. No notice prior to such an inspection shall be required.
- ~~(j)~~(h) The licensee shall thoroughly clean the unit and drain and flush the liquid waste tanks each day that the unit is operated.
- ~~(k)~~(i) The licensee shall provide a current description or list of all foods to be sold and the proposed hours of operation.
- ~~(l)~~(j) The licensee must comply with all other applicable state and unified government rules and regulations specifically including all food or health-related ordinances of the unified government and all state and federal food labeling laws. The unit itself and licensee must meet all applicable requirements for the operation of mobile food units and food establishments as set out in this Code at all times.
- ~~(m)~~(k) Each unit shall be clearly marked with the name and phone number of the licensee and the phone number of the license administrator.
- ~~(n)~~(l) The licensee shall serve, store, and display food on or in the unit itself and shall not use, set up, or attach any crate, carton, rack, table, or other device to increase the selling or display capacity of his unit. The licensee shall be allowed the use of two coolers for the purpose of selling nonalcoholic beverages.
- ~~(o)~~(m) The licensee shall not use the unit or allow anyone else to use the unit to sell, distribute, or give away any foods other than those stated in the application for the permit. The licensee is not authorized to and shall not sell any nonfood items.
- ~~(p)~~ The licensee or operator shall keep the area within 25 feet of the unit clean and free of litter at all times. The litter receptacle on the unit shall be emptied regularly in other than a public receptacle. The litter receptacle shall be kept covered with a tightfitting lid when not in continuous use.
- ~~(q)~~ The licensee shall not make any structural alteration of the unit without giving 30 days' advance written notice to the license administrator.
- ~~(r)~~ The licensee shall not install, erect, or maintain any signs on any public property, except those permitted on the unit itself.
- ~~(s)~~(n) The size and location of sites must be such that they will not pose a hazard to vehicular or pedestrian traffic.
- ~~(t)~~ The licensee shall not install any permanent improvement on the sidewalk.
- ~~(u)~~(o) In the event that activities at any site should cause undue vehicular and pedestrian traffic congestion or any other unsafe condition, the license administrator or any law enforcement officer of the unified government may direct the licensee to temporarily vacate the site until the situation has abated, and the licensee shall comply.
- ~~(v)~~(p) The licensee shall not allow the unit to remain unattended. All equipment and materials shall be removed from the site at any time that the licensee or operator is not physically present upon the site. If equipment and materials are left unattended, they may be removed. The licensee shall then be liable for all reasonable removal and storage charges.
- ~~(w)~~(q) Sales of food or merchandise shall be made only to pedestrians. No food or merchandise shall be offered or sold to any occupant of any vehicle.

Sec. 32-100. - Findings and purpose.

It is found and declared that:

- (1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, *sidewalk dining, food trucks, vending stands, and newspaper dispensers*, vendor persons ~~and sidewalk dining in pedestrian-oriented commercial areas~~ is to provide additional space for sales of goods ~~to allow for sound social distancing requirements through an open-air extension~~ while contributing to activity, attracting ~~patrons~~ pedestrians, extending their visits, and enhancing overall community quality of life.
- (2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

Sec. 32-101. Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this section are defined by state law, such definitions shall apply to the use of such words and phrases in this section and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Alcohol means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

Applicant means a person who applies for a permit as provided in this section.

Building means any building or permanent structure in which the business in question regularly and primarily operates.

Farmers' market means ~~an~~ *seasonal* outdoor market where fresh produce, *animal food products*, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, *and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client.* Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, ~~and salsa, and honey~~. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food establishment means a business where *prepared* food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales and cannot be exceeded in annual dollar volume by alcohol. ~~The most common~~ Examples of a food establishment *may include, but are not limited to*, sit-down restaurants, fast-food restaurants, delis, smoothie bars, *coffee and tea shops*, and ice cream parlors. *Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.*

Mobile market means the selling of food products, including, but not limited to: fresh produce and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale will be WIC-approved food types. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

NACTO standards means the construction and design standards set forth in "Urban Street Design Guide," published by the National Association of City Transportation Officials.

Non-profit organization means an entity that is registered as a 501(c)(3) organization with the State of Kansas.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material.

Distinct from a flea market, only one business can display and sell goods per open-air market.

Outdoor tavern means an *area associated with an establishment which sells* cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates. ~~resides; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.~~

Parklet means an on-street public parking space converted to be used for public dining or sales purposes. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, *between the parklet and* additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

Parklet elements means all tables, chairs, fencing and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

Prepared food vending vehicle means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck.

Public right-of-way means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

~~Sidewalk~~-Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed ~~sidewalk-outdoor~~ cafes must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

~~Sidewalk-café~~-Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the ~~sidewalk-outdoor~~ café or outdoor tavern from the right-of-way;; planters and plants;; and any other privately-owned property comprising the ~~sidewalk-outdoor~~ café or outdoor tavern, ~~which is approved for use in a sidewalk café or outdoor tavern by this article.~~

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending vehicle means a pushcart or a prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Sec. 32-102. Applicability and enforcement.

- (a) ~~The provisions set forth in sections 32-100 to 32-186 shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways. Outdoor sales are allowed under this division, the ordinance from which these sections derive, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation these sections shall supersede.~~
- (b) Businesses. Only businesses that have successfully received an occupation tax number with the business license department and which remain current and in good standing with all occupation tax payments may operate *an sidewalk outdoor café, walk-up market, outdoor tavern* or outdoor retail space under the ordinance from which sections derive. Vending, soliciting, or giving away goods or items without a business license as required is prohibited. ~~Any persons or entity operating a sidewalk café, walk-up market, open tavern, or sidewalk vending under these sections must conduct such operation in one of the following manners, subject to further regulations from applicable sections of the article:~~
- ~~(1) On the sidewalk, right-of-way, or parklet immediately adjacent to the building from which the pre-established business, operated by the same persons or entity, is addressed located and consistently operates; or~~ *All persons and entities are prohibited from operating an outdoor café, walk-up market, outdoor tavern, and/or sidewalk vending under this division in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.*
 - ~~(2) In the front and/or side yard of the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or~~ *Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.*
 - ~~(3) In the designated off-street parking lot or shared off-street parking lot for the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates.~~

~~All persons and entities are prohibited from operating an sidewalk café, walk-up market, open tavern, and/or sidewalk vending under this division the ordinance from which these~~

~~sections derive in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.~~

- (c) Non-profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in ~~this division the ordinance from which these sections derive~~ under the following conditions:
- (1) The entity be a registered with the state and whose status as a 501(c)(3) organization remains current and in good standing; and
 - (2) Has permission from the property owner adjacent to the on-street parking, right-of-way clearance, ~~or parking lot~~; and
 - (3) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food *or other merchandise or otherwise fundraise*, subject to all regulations regarding food establishments in this article, or take donations on-site; and
 - (4) Does not violate any other requirements in this article, including, but not limited to, spacing, ~~social distancing~~, hours of operation, and parking spaces.
 - (5) *Any person or entity operating a farmers' market must also comply with the business license requirements in section 32-186.*
- (d) Rights-of-way.
- (1) Right-of-way permits.
 - a. Right-of-way permits otherwise required for work or activities allowed in this section are waived, except for the permits needed to construct a permanent or semi-permanent parklet, *obtain a special events permit, or a street closure permit.*
 - b. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in chapter 6 of the Unified Government Code of Ordinances.
 - c. No open flames shall be allowed under any use in the article, except for any open flame on a vending vehicle allowed by another ordinance.
 - (2) ~~Damage to the right-of-way. Any damage to the right-of-way as a result of uses under this section, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.~~
 - a. ~~Any damage to the right of way as a result of uses under this section, including, but not limited to, the erecting or securing of temporary or semi permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.~~
- (e) ~~Fire safety.~~ Enforcement.
- (1) Power of local health officer. ~~fire department.~~
 - a. ~~The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD). The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3 and sections 32-100 to 32-185.~~

- b. ~~Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.~~
 - c. ~~This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.~~
- (2) ~~Inspection of mobile vending. Power of zoning and code enforcement.~~
 - a. ~~Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council. Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.~~
 - b. ~~This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.~~
- (3) ~~Fire safety~~
 - a. ~~Power of fire department.~~
 - 1. ~~The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).~~
 - 2. ~~Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.~~
 - b. ~~Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.~~
- (f) ~~Public health.~~
 - (1) ~~Power of local health officer.~~
 - a. ~~The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3 and sections 32-100 to 32-185.~~
 - b. ~~This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.~~
 - c. ~~This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.~~
- (g) ~~Zoning and code enforcement.~~
 - (1) ~~Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.~~

~~(2) This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.~~

~~(h)(f)~~ Food establishments, food service, and outdoor taverns.

(1) Applicability.

a. ~~Sidewalk-Outdoor~~ *cafés*. For ~~entities~~ *any food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments, that fulfill the following conditions*, no permit is required to operate an ~~sidewalk-outdoor~~ *cafe*. ~~The ordinance from which these sections derive only applies to any business that:~~

1. ~~Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and~~

2. ~~Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.~~

b. Walk-up markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market. ~~The ordinance from which these sections derive only applies to entities which fulfill one of the following:~~

1. ~~A business food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments; or:~~

~~(i) Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and~~

~~(ii) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments; or~~

2. An entity that *which* is registered as a 501(c)(3) organization with the state whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.

c. Outdoor taverns. For businesses that fulfill the following conditions, a permit is *not* required to serve cereal malt and/or alcoholic beverages *in the public right-of-way, subject to this section*. ~~outside the building of the designated place of business~~. This section applies to all businesses that:

1. *Has received a license from the state department of revenue for the sale of* ~~Sells~~ cereal malt and/or alcoholic beverages for consumption on the premises; and

2. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.

(i) For the purposes of this section, sales on the premises may include allowable outdoor sales, which are defined in the section 32-102(h)(2) and section 32-102(h)(7).

(2) Allowed areas.

a. One or more of the following areas may be utilized for a food establishment or tavern as an ~~sidewalk-outdoor~~ *café* or walk-up market and/or outdoor tavern:

1. ~~Building-Property~~ line-to-curb area. From the building to the curb of the street, (~~"building-to-curb area"~~), subject to the following conditions:
 - (i) A clearance—~~either a sidewalk or designated path if there is no sidewalk~~—parallel to the street and at least four feet in width must be maintained for use under the ADA;
 - A. A sidewalk, or
 - B. A designated path, if there is no sidewalk.
 - (ii) All ~~sidewalk-outdoor~~ café elements must be at least four feet from street furniture and designated fire lanes; and
 - (iii) ~~No yard abutting an adjacent residentially zoned property may be used as a sidewalk café, walk-up market and/or outdoor tavern without a special use permit.~~
 2. A parklet, subject to the following conditions:
 - (i) One of the following is allowed to be used as a parklet ~~by a food establishment~~:
 - A. One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
 - B. If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
 - (ii) Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 - (iii) No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by *an outdoor sidewalk-café*.
 - (iv) Only one parklet is allowed per building. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this parklet.
 - (v) No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 - (vi) All seating within the parklet must be at least three feet from passing automobile traffic.
 - (vii) No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
 3. ~~Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.~~
 - (i) ~~If a business does not have any surplus parking spaces, then the business must first look to use a parklet.~~
 - (ii) ~~If a parklet cannot be achieved because there is no adjacent on-street parking allowed by this article or other local regulations, then off-street parking can be used regardless if business has surplus parking or not. The business may still only use one parking space of non-surplus off-street parking, in the same manner as if it were a parklet.~~
- b. All *outdoor sidewalk-cafes* or outdoor taverns must:

1. Provide designated seating for all customers; and
 2. Waitstaff or other employees for the food establishment or tavern must serve all food and drink to the customers at their designated seating.
- c. All ~~outdoor sidewalk~~ cafés, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
 - d. The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
 - e. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
 - f. No ~~outdoor sidewalk~~ café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
 - g. No ~~outdoor sidewalk~~ café or other area designated for customer dining shall be located within 30 feet of a dumpster, ~~nor within ten feet of a trash receptacle. This restriction shall apply whether the dumpster or trash receptacle is on the property of the food establishment hosting the sidewalk café, on a neighboring property, or in the public right-of-way.~~
- (3) ~~Social distancing and~~ Public health.
- a. All food establishments and outdoor taverns are responsible for ensuring compliance with any and all ~~guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and any other local, state or federal restrictions.~~
 - b. ~~In order to baseline level of safety for both employees and customers alike, all food establishments and outdoor taverns must maintain social distancing in the following ways:~~
 1. ~~Ensure that customers or parties of customers maintain at least six feet from each other while queuing to order food.~~
 2. ~~Ensure that customers or parties of customers maintain at least six feet from each other while eating food or consuming cereal malt and/or alcoholic beverages. This would involve keeping the closest point of one seating arrangement (table and chairs) at least six feet from the closest point of the next seat arrangement.~~
 3. ~~Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this section, whether hosted by the same food establishment/outdoor tavern or not.~~
 4. ~~Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right-of-way.~~
 - eb. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating an ~~outdoor sidewalk~~ café, walk-up market, *vending stand* or outdoor tavern.

1. The business property, or any public or private area utilized by the business for the purposes of an *outdoor sidewalk*-café, walk-up market, *vending stand* and/or outdoor tavern, including but not limited to, the ~~building property~~ *line-to-curb* area, parklets, or on-street parking, ~~or off-street parking~~, shall be kept free of trash and debris at all times. ~~Confirmed~~ *Confirmed* reports of ~~trash blowing off the property into other properties or the public right-of-way~~ shall be prima facie evidence of the business's failure to comply with this section.
 2. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any *outdoor sidewalk*-café, walk-up market, *vending stand*, and/or outdoor tavern operated by the business.
- (4) Structures.
- a. Permanent/semi-permanent structures may be used for parklets that fulfill the requirements for an *outdoor sidewalk*-café, *outdoor tavern*, *vending stand*, and/or walk-up market.
 1. A business may erect a permanent or semi-permanent parklet and designate it as such.
 2. Any parklet structure must be built to be level with the sidewalk adjacent to it.
 3. Any parklet structure must be built to fit within the dimensions of one parking space.
 4. All parklets must comply with NACTO standards.
 - b. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. ~~Semi-permanent structures may remain in allowed surplus off-street parking at all times.~~ Temporary structures may be used for ~~building property~~ *line-to-curb* areas, and parklets. ~~and/or parking lots.~~
 1. Temporary or semi-permanent structures that provide shade for retailers and customers ~~made~~ may be erected. Use of umbrellas are encouraged.
 - (i) "Pop up" tents are allowed only in ~~surplus off-street parking spaces or in an areas between the building property line and the curb. in which the tent is~~ *The tent must be* at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
 2. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. ~~Weights~~ are encouraged to be used to secure temporary or semi-permanent structures.
 3. Outside the *defined* hours of operation, ~~as defined in this section~~, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code. Permanent/semi-permanent structures, including parklet structures, may remain in an *parklet allowed parking space* at all times.
 4. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.

- (i) All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - (ii) Signs cannot be attached to public infrastructure.
 - (iii) Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- 5. Any permanent/semi-permanent structure constructed or erected in the ~~building-property~~ *line-to-curb* area is subject to an administrative review by the ~~department of planning director and urban design~~.
 - (i) For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
 - A. A foundation is installed; or
 - B. Poles are installed ~~for more~~ than four inches in the ground, whether for structural support or to hold up a sign; or
 - C. A hard-sided roof is installed; or
 - D. Construction of the structure would require a building permit outside of this section.
 - (ii) For an administrative review, applicant must provide the following:
 - A. Site plan of the property, including the permanent/semi-permanent structure; and
 - i. Setbacks and ADA-compliant paths must be marked and measurements provided.
 - ii. For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.
 - B. Elevations of the structure, drawn to scale.
- (5) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.
- (6) Hours of operation.
 - a. Food establishments shall not operate an ~~outdoor sidewalk~~ *café* or walk-up market outside of the ~~business's-food establishment's~~ published hours of operation.
 - b. Taverns shall not operate an outdoor tavern outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations by no later than 10:00 p.m.
- (7) Alcohol sales. Establishments may serve alcohol under the following conditions:
 - a. ~~Sidewalk-Outdoor cafes~~.
 - 1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
 - 2. All alcohol must be served to the customer in an open container.
 - 3. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in

- compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
4. Under this section, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the subsection regulating outdoor taverns applies.
- b. Outdoor tavern.
 1. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
 2. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
 - c. No portion of this subsection may be construed to supersede ABC regulations. If any portion of this section is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.
- (8) Lighting. Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.
- a. Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings or adjacent traffic.
 - b. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the outdoor sidewalk-café, parklet, or parking lot being used for outdoor sales.
- (9) Noise levels and noise disturbance.
- a. No music shall be played or produced through external *amplified* speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10:00 p.m., whichever time is earlier.
 - b. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as an outdoor sidewalk-café, walk-up market, vending stand, and/or outdoor tavern.
- (10) Mobile vending.
- a. ~~No permit shall be required for any mobile vending. However, mobile vending by a person, person(s), or location may be restricted at the discretion of the department of urban planning and land use staff. See section 32-187 for additional mobile market regulations.~~
 - b. ~~A mobile vendor or one otherwise engaged in mobile vending must fulfill the following conditions: See section 32-188 for additional mobile vending regulations.~~
 1. ~~The sale of alcohol total less in annual dollar volume than the sale of food; and~~
 2. ~~Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.~~

(11) Parking.

- a. ~~A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter will occupying the parking space or parklet. However, the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection.~~
- b. ~~No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;~~
- c. ~~No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;~~
- d. ~~No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;~~
- e. ~~No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;~~
- f. ~~All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.~~

Sec. 32-103. — Review and sunset.

- (a) ~~The amendments set forth in sections 32-100 through 32-102 of this shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted. All sidewalk sales must be removed and cleared at the close of each business day. No vending signs, structures, or elements may be left in the right-of-way overnight, except for those elements specifically allowed by this division.~~
- (b) ~~The amendments set forth in sections 32-100 through 32-102 of this shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~

Sec. 32-127. - License.

- (a) An application for a license to vend from a vending vehicle at a special event for a period of time no less than two days, not to exceed ten days shall be filed with the license administrator not less than 14 nor more than 60 days in advance of the scheduled events.
- (b) The license issued shall be subject to the same requirements for issuance and standards of operation as prescribed in section 32-97 for the issuance of vending vehicle license.
- (c) The license fee shall be \$10.00 per day but in no event more than \$30.00.
- (d) Licenses to vend from a vending vehicle in a park may upon approval of the park board for designated special events be issued by the license administrator.

Sec. 32-180. — Duration.

~~No person shall conduct any vending of nonfood merchandise on a sidewalk or public right-of-way more than three times per calendar year and for a period not to exceed seven consecutive days on any such occasion.~~

Sec. 32-182. - Pedestrian traffic set aside.

Any sale of nonfood merchandise under this section shall reserve a minimum of ~~72~~48 inches for the passage of pedestrian traffic. The ~~72~~48-inch distance shall be measured from the curb to the front of the merchandise offered for sale.

Sec. 32-183. - Fee.

The county administrator shall establish a reasonable administrative fee based on the cost of regulation for each sale.

Sec. 32-185. Retail.

- (a) Applicability. For entities that fulfill the following conditions, no permit is required to operate outdoor retail. This section only applies to any business that:
 - (1) Sells items and/or services typically and regularly sold at the establishment; and
 - (2) Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.
 - (3) *Unless otherwise provided by this chapter, operation of outdoor retail or outdoor sales on the private property of the business shall be subject to section 27-622.*
- (b) Allowed arrangements. Businesses may engage in outdoor sales, subject to the following conditions:
 - (1) The outdoor sale must operate as an open-air market.
 - (2) Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
 - a. No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and
 - b. No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.
 - (3) Any retail that is allowed under another section of the Code of Ordinances, subject to all regulations under this section.
- (c) Types of retail allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
 - (1) Food and beverages;
 - a. All food and beverages must be prepackaged before being shipped to the business to be sold. If food and/or beverages are fresh or pre-packaged after being shipped to the business's physical location, then the subsection of the ordinance regulating food establishments applies.
 - (2) Books and other paper goods;
 - (3) Potted plants, cut or arranged flowers, or gardening seeds;
 - (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
 - (5) Jewelry and other wearable accessories;
 - (6) Homemade goods and crafts;
 - (7) Clothing;
 - a. Changing rooms in an open-market are prohibited.
 - (8) Office services;
 - (9) No repair work of any kind is allowed in an open-air market.
- (d) Allowed areas.

- (1) One or more of the following areas may be utilized for an allowed business as an open-air market:
 - a. ~~From the building property line~~ to the curb of the street, subject to the following conditions:
 1. A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four feet in width must be maintained for use under the ADA; and
 2. All open-air market elements must be at least four feet from street furniture and designated fire lanes.
 - b. A parklet, subject to the following conditions:
 1. One of the following is allowed to be used as a parklet by a food establishment:
 - (i) One on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
 - (ii) If there is no such described on-street parking space, one on-street parking space contiguous to the sidewalk contiguous to the building.
 2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by an open-air market.
 4. Only one parklet is allowed per building. *If there is more than one business per building, then the property owner or the property owner's designee may decide which business may use the parklet.*
 5. No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 6. All seating within the parklet must be at least three feet from passing automobile traffic.
 7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
 - c. ~~Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.~~
 1. ~~If a business does not have any surplus parking spaces, then the business must first look to use a parklet.~~
 2. ~~If a parklet cannot be achieved because there is no adjacent on-street parking allowed due to other local regulations, then off-street parking can be used regardless if business has surplus parking or not.~~
- (2) The business or non-profit organization operating under this section shall be responsible for maintaining the required four-foot pedestrian walkway, and keeping the walkway free of trash and debris.
- (3) No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
- (4) No outdoor retail space as allowed under this section shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants,

fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

~~(e) Social distancing.~~

~~(1) All businesses are responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.~~

~~(2) In order to baseline level of safety for both employees and customers alike, all businesses must maintain social distancing in the following ways:~~

~~a. Ensure that customers or parties of customers maintain at least six feet from each other while shopping.~~

~~b. Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.~~

~~c. Ensure that customers or parties of customers maintain at least six feet from another outdoor use in this section, whether hosted by the same business or not.~~

~~d. Ensure that customers or parties of customers maintain at least six feet from pedestrians using the public right of way.~~

~~(f)(e) Temporary Structures may be used for outdoor retail in the right-of-way, sidewalk cafes, parklets and/or parking lots.~~

~~(1) Temporary structures that provide shade for retailers and customers made be erected. Use of umbrellas is encouraged.~~

~~a. "Pop up" tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light.~~

~~(2) No temporary structure may be secured in any manner that damages the right-of-way or private property. Weights are encouraged to be used to secure temporary structures.~~

~~(3) Outside the hours of operation, as defined in this section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.~~

~~(4) Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.~~

~~a. All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.~~

~~b. Signs cannot be attached to public infrastructure.~~

~~c. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.~~

~~(g)(f) Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this section.~~

~~(h)(g) Hours of operation shall be the business's regular published hours.~~

~~(i)(h) Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.~~

Sec. 32-186. - Review and sunset. ~~Farmers' markets.~~

~~(a) The provisions set forth in section 32-185 shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted. Administrative review.~~

- (1) Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. All other persons or entities vending, distributing, or otherwise operating within a farmers' market must conduct such operation under one of the following:
 - a. A valid and current business license specific to the person(s) or entity; or,
 - b. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas.
- (2) A farmers' market may operate for no more than three consecutive days, and no more than four days per week at one location.
- (3) Hours of operation for the farmers' market begin no earlier than 6:00 a.m. and end no later than 8:00 p.m.
- (4) The applicant must submit a special event permit for all proposed farmers' market locations within the public right-of-way. The special event permit may place restrictions on the farmers' market greater than that of this section.
- (6) The farmers' market must receive a right-of-way permit from the public works department.
- (7) The applicant must make the approved special event permit and the right-of-way permit available to any enforcement officer upon request. The administrative review of the special event permit can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted and substantiated.
- (8) The operator of the farmers' market is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event and the site returned to a public right-of-way.
- (b) ~~Section 32-185 shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~ Allowed areas. The entirety of the farmers' market must take place within the public right-of-way.
 - (1) Any portion of public right-of-way used for a farmers' market must be approved by a right-of-way permit and special event permit.
 - (2) No item(s) for sale or on display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.
 - (3) Unless otherwise provided by this chapter, operation of a farmers' market on private property shall be subject to section 27-618.
- (c) Temporary structures.
 - (1) Only temporary structures may be erected in the public right-of-way.
 - (2) No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
 - (3) Temporary structures may not be erected within the public right-of-way outside of the hours of operation designated by the right-of-way permit. At no time may a temporary structure may be placed outside of the boundaries designated by the public right-of-way.
 - (4) Unless otherwise provided by this chapter, operation of a temporary structure in on private property shall be subject to section 27-618.
- (d) Signage.

- (1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
 - b. Signs cannot be attached to public infrastructure.
- (2) Sandwich boards are allowed in connection with the farmers' market activity.
 - a. Sandwich boards must be placed within five feet of the farmers' market stand and do not interfere with the flow of pedestrian and/or automobile traffic.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

Sec. 32-187. - Mobile markets.

This section is for mobile markets within the public right-of-way. For mobile markets on private property, see section 27-619.

(a) Administrative review.

- (1) Any persons or entity operating a mobile market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
- (2) Mobile markets must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.
- (3) Mobile markets may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.

(b) Allowed areas.

- (1) Mobile markets are allowed upon any public right-of-way upon being granted a right-of-way permit by the public works department, subject to the following exceptions:
 - a. Any portion of right-of-way where the speed limit is greater than 40 miles per hour;
 - b. Any portion of the right-of-way that has been designated as "no parking";
 - c. Within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law; and,
 - d. Within 20 feet of an intersection or street corner;

(2) Parking.

- a. A mobile market vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a mobile market vehicle to operate outside of the hours of operation in this subsection.
- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;
- c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
- d. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
- e. No mobile market vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;

- f. *All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.*

Sec. 32-188. - Mobile vending.

This section is for mobile vending within the public right-of-way. For mobile vending on private property, see section 27-620.

(a) Administrative review.

- (1) Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.*
- (2) Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.*
- (3) Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.*

(b) Allowed areas.

- (1) Mobile vending is allowed adjacent to any non-residential zoning district upon obtaining a business license or non-profit status as addressed in subsection (1).*
- (2) If a street is designated by the Major Street Plan a local or neighborhood street, or is otherwise unidentified, and one or more residential properties abut said street, then the mobile vending vehicle is prohibited from parking, operating, or otherwise vending at that location. A mobile vending vehicle or prepared food vending vehicle may only park and operate on said street if the vehicle operator is invited for a block party. The mobile vending vehicle may only stay for the duration of the block party.*
- (3) All mobile vending vehicles and prepared food vending vehicles must comply with the following standards:*
 - a. The vehicle may only park on paved surfaces.*
 - b. The vehicle is not parked in a designated ADA parking space or in an access aisle.*
 - c. The vehicle is not parked in a no-parking zone.*
 - d. No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
 - e. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.*
 - f. Any portion of right-of-way where the speed limit is greater than 40 miles per hour.*
 - g. Mobile vending vehicles may not park for more than four hours at any one site.*
- (4) Mobile vending activity includes the use of the mobile vendor vehicles or prepared food vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following:*
 - a. A mobile vending vehicle that uses a parking space served by a parking meter is exempt from paying for said meter while occupying the parking space, and the time limit on parking meters when used in the manner described in this subsection*

is waived. This waiver of a time limit does not allow a mobile vending vehicle to operate outside of the hours of operation in this subsection.

- b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law;
 - c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;
 - d. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian walkway remains ADA-compliant.
 - e. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
 - f. All fire lanes must remain clear and unencumbered.
 - g. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
 - h. No mobile market vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone;
 - i. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.
 - j. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile vendor vehicle or prepared food vending vehicle. Any and all signage, temporary or other structures, and other elements of the mobile vending must be removed at the end of each mobile vending event.
- (c) Temporary structures.
- (1) No permanent structure or improvement shall be installed.
 - (2) No temporary structure may be secured in any manner that damages the right-of-way. Weights are encouraged to be used to secure temporary structures.
 - (3) No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- (d) Signage.
- (1) Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - a. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
 - b. Signs cannot be attached to public infrastructure.
 - (2) Sandwich boards are allowed in connection with the mobile vendor vehicle or prepared food vending vehicle.
 - a. Sandwich boards must be placed within five feet of the mobile vendor vehicle or prepared food vending vehicle and do not interfere with the flow of pedestrian or automobile traffic.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

Sec. 32-380. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Where words and phrases used in this article are defined by state law, such definitions shall apply to the use of such words and phrases in this article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.

Open street means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open street block captain means the individual serving as the applicant, point of contact, and responsible party for an open street.

Special event means:

- ~~(1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level of use, or ability to use such property; or~~
- ~~(2) The temporary use of private property for the purpose of any of the following activities:~~
 - ~~a. *Animal shows*. Exhibitions of domestic or large animals for a maximum of seven days.~~
 - ~~b. *Circuses and carnivals*. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.~~
 - ~~c. *Religious assembly*. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.~~
 - ~~d. *Open air fairs*. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.~~
 - ~~e. *Other activities interrupting traffic*. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of a right-of-way as an open street.~~

Sec. 32-381. Open streets.

(a) Applicability.

- (1)** Any block that qualifies as an open street is allowed to be applicant for an open street permit.
 - a.** The street must be designated a residential, local, or neighborhood street that has at least one occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.
 - b.** Any street or right-of-way that is not designated by section 27-763 or the major streets plan as a highway, freeway, expressway, Class A thoroughfare, Class B thoroughfare, Class C thoroughfare, or collector street.
 - c.** An alley cannot be an open street.
- (2)** The purpose of an open street is to provide a temporary space for recreational use by the residents, business owners, and the public.

- (3) No language in this section should be construed to waive enforceability of public nuisances.
- (b) Application process.
 - (1) Parties allowed to be an open street block captain.
 - a. A property owner of a non-vacant property that ~~has an entrance facing~~ *abuts* the affected block; or
 - b. With written permission by the property owner, a residential or commercial tenant in a property that ~~has an entrance facing~~ *abuts* the affected block.
 - (2) The open street block captain must completely and accurately fill out the entire open street permit application.
 - (3) The open street block captain must sign the waiver of responsibility for the street barricades.
 - (4) Proper notice. *Proper notice is defined as providing sufficient notice and information. Proper notice must be given in the following manners* ~~must be given to 100 percent of the owners of non-vacant property on the open street permit application before the application is turned in to the county engineer: public works department.~~
 - a. *At least one property owner of all non-vacant properties. If the property is tenant-occupied, at least one adult member of a tenant family must be given proper notice;*
 - ab. ~~Proper notice includes providing sufficient notice and information to any and a~~All local neighborhood groups, including *homeowners' associations (HOAs)* and neighborhood business and revitalization organizations (NBRs), that serve the affected block; and
 - bc. ~~Proper notice includes providing sufficient notice and information to t~~The county engineer. ~~department of public works' right of way manager.~~
- (c) Duties of the open street block captain.
 - (1) The open street block captain must maintain the barricades as follows:
 - a. Remove or arrange for and ensure the removal of barricades *no more than 30 minutes before* ~~by sunset~~ every day;
 - b. Ensure the integrity of the barricades before being reposition on the right-of-way after 8:00 a.m. and maintain a reasonable watch on the barricades throughout the day;
 - c. Address qualifying damage to the barricades as follows:
 1. Qualifying damage to a barricade includes:
 - (i) Inability to stand properly;
 - (ii) Inability to stay upright under reasonable circumstances, including a moderate wind;
 - (iii) Defacement of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (iv) Defacement to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
 - (v) Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.

2. If a barricade suffers qualifying damage, the open street block captain may first attempt to repair the damage. If the damage cannot be repaired quickly, all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.
- (2) Removal of litter and debris.
 - a. The open street block captain is responsible for removal of any litter, debris and other materials from the street around the barricades.
 - b. If the open street block captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the open street block captain.
- (3) The open street block captain will be subject to all responsibilities enumerated in Section 32-181(c) through December 31, 2020.
- (4) The open street block captain will serve as the point of contact during the open street application process and for the open street permit so long as the permit is in effect.
 - a. The open street block captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the open street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block.
- (d) Open street barriers.
 - (1) Proper barriers for an open street must meet the following requirements:
 - a. The barriers must be painted orange; and
 - b. Measure at least 48 inches in height; and
 - c. Of each set of two barriers at an intersection, the barrier closer to the intersection shall carry a sign.
 1. The sign must be made of durable material.
 2. Markings on the sign should be legible, easy to see, and resistant to sunlight, precipitation, and wind.
 3. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.
 - (2) Arrangement.
 - a. Four barriers must be used to signify a street block as an open street.
 - b. Barrier must be arranged in the following manner:
 1. The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24 inches by 36 inches that reads "Local Traffic and Deliveries Only" and faces the intersection.
 2. The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.

3. The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.
- c. Barricades shall be placed at contiguous intersections (either three-way or four-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.
- d. Maintaining vehicular access.
 1. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the open street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.
 2. Access to residences and businesses on an open street block.
 - (i) Access must be granted to businesses and residences on the open street block as needed; and
 - (ii) The open street block captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the open street block.
- (e) Term of permit.
 - (1) Barricades may not be erected on the right-of-way before 8:00 a.m. and after sunset or 10:00 p.m., whichever is earlier.
 - (2) ~~Barricades may be erected under the conditions enumerated in section 32-181(d) every day through December 31, 2020 unless otherwise prohibited by this ordinance or another allowed action taken by the board of commissioners or any allowed department.~~

~~Sec. 32-382. Review and sunset.~~

- (a) ~~The amendments set forth in sections 32-380 and 32-381 of this article shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revise, repealed or whether additional studies are warranted.~~
- (b) ~~The amendments set forth in sections 32-380 and 32-381 of this article shall be repealed effective December 31, 2021 unless renewed by the board of commissioners.~~

Secs. 32-383—32-399. Reserved.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Chief Counsel

DRAFT



Staff Request for Commission Action

Tracking No. 211586

Full Commission Meeting Date: 6/30/2022

Committee: Administration & Human Services

Date of Standing Committee Action: 6/27/2022

(If none, please explain): *It is requested that this item be fast-tracked to the 6/30/2022 full commission meeting.*

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/11/2022	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, and making permanent many of the “**Streets for People**” changes previously approved and adding new language, amending Sections 27-340, 27-608, 27-609, 27-610, 27-611, 27-612, 27-613, 27-614, 27-615, 27-617, 27-618, 27-619, 27-620 and 27-621 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Action Requested:

Request to fast-track to 6/30/2022 Board of Commissioners Agenda

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Chapter 27_June 2022 Amendments_AH&S, 2022.06.13_Streets for People Planning Commission Presentation_FINAL

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on private property, and making permanent many of the “Streets for People” changes previously approved and adding new language, amending **Sections 27-340, 27-608, 27-609, 27-610, 27-611, 27-612, 27-613, 27-614, 27-615, 27-617, 27-618, 27-619, 27-620 and 27-621** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

Sec. 27-340. Definitions.

For the purpose of this article, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The term "building" includes the term "structure." The term "shall" is mandatory and not directory. Definitions relating specifically to floodplain zoning, signs, and landscaping and screening are included elsewhere.

Accessory building means a detached building or an attached portion of the main building, the use of which is incidental and subordinate to that of the main building.

Accessory use, accessory structure means a use of land or structure which involves all of the following characteristics:

- (1) Subordinate to and serves a principal use or structure.
- (2) Subordinate in area, extent and purpose to the principal use or structure served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served.
- (4) Located on the same lot or lots, under the same ownership and in the same zoning district as the principal use or structure.

Adult book store or adult video store means an establishment having as a predominant part of its stock in trade or predominant portion of its revenues, books, magazines, photographs, pictures, periodicals, recordings or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and limited in sale of such sexual material to adults.

Adult nightclub or cabaret means any place serving food or drink, regardless of whether alcoholic beverages are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers, waitresses or waiters, or features material relating to specified sexual activities or specified anatomical areas.

Adult theater means a facility with a capacity of two or more persons used predominantly for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Agricultural use refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including, but not limited to, forages, grains and feed crops, dairy animals and dairy products, poultry and poultry products, beef cattle, sheep, swine and horses, bees and apiary products, trees and forest products, fruits, nuts and berries, vegetables, or nursery, floral, ornamental and greenhouse products. The term "agricultural use" shall not include use of land for recreational purposes, suburban residential acreage, rural home sites or farm homes sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alley means a public right-of-way no wider than 24 feet that affords only a secondary means of access to abutting property.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a building.

Antenna means any structure or device used to receive or transmit electromagnetic waves.

Apartment house means any building or portion thereof that contains three or more dwelling units.

Applicant means a person who applies for a permit as provided in this section.

Building means a permanently erected structure having a roof supported by columns or walls.

Building, completely enclosed, means a building separated on all sides from the adjacent open spaces or from other buildings or structures by a permanent roof, and by exterior walls having only windows and normal entrance or exit doors, or by party walls.

Bulk means a composite characteristic of a given building as located upon a given lot, not definable as a single quantity, but involving all of the following characteristics:

- (1) Size and height of building.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- (3) Gross floor area of the building in relation to lot area (floor area ratio).
- (4) All open spaces allocated to the building.
- (5) Amount of lot area provided per dwelling unit.

Campground means an area of land, including supporting sanitary and other facilities, for the overnight or temporary parking of recreational vehicles and other modes of camping while traveling by auto.

Children's day care and nursery centers means facilities where part-time lodging and meals are provided, excluding permanent or overnight lodging, for six or more children in return for compensation. For the purpose of this article, family day care homes under state regulations will not be included in this definition.

Collection facility means a designated, semi-permanent container intended for public use or public drop-off of recyclable materials such as glass or metal and periodically emptied by a

recycling or waste management company or other designated organization. Collection facilities should be constructed of a durable material, such as metal or hard plastic, and are intended for materials undergoing further processing or refining.

Court means an open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building or by exterior walls of a building and lot lines on which walls are allowable.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the high point of the crown of the street in front of the building shall be used.

Decibel means a unit of measurement of the intensity (loudness) of sound. In this article, decibel levels shall be measured on the A scale and referred to as dB(A).

Detached means a building that does not have a wall, roof or other structural member in common with or in contact with another building.

Dismantled means that a number of useful parts, including but not limited to, tires, batteries, doors, hoods, or windows, have been removed from the automobile as to render the automobile unsafe to operate.

Dog kennel means any premises where four or more dogs are boarded, bred and/or offered for sale.

Donation bin means a designated, semi-permanent container in which previously owned items, such as clothing, shoes, and books can be placed by the public and periodically emptied by a non-profit organization for resale or donation. A donation bin is distinct and separate from a collection facility.

Drive means an improvement which affords a means of vehicular access to or through an area and which is owned and maintained by the owner of the property it serves.

Drive-in or drive-through establishment means a place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles. A restaurant that does not provide at least 15 seats within the enclosed interior of the building shall be considered a drive-in establishment.

Dwelling means a building or portion thereof intended for occupancy for residential purposes but not including hotels, motels, rooming houses, nursing homes, temporary shelters, tourist homes, or trailers.

Dwelling house, condominium, means a building containing dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Dwelling, multiple-family, means a dwelling, or portion thereof, containing three or more dwelling units.

Dwelling, single-family, means a dwelling containing one dwelling unit.

Dwelling, two-family means a dwelling containing two dwelling units, a duplex.

Dwelling unit means one or more rooms constituting all or part of a dwelling and which are arranged, designed, used or intended for use exclusively as a single housekeeping unit for one family, and which includes cooking, living, sanitation and sleeping facilities.

Exterior sales means the sale of goods outdoors on private property that is zoned for commercial retail. Examples include ice chests, propane, firewood, and other that are similar.

Family means one or more persons who are related by blood or marriage, including any foster children, a group of not more than five persons living together by joint agreement on a

nonprofit cost sharing basis, or a combination of persons related by blood or marriage along with no more than two unrelated adults to a maximum number of five persons living together and occupying a single housekeeping unit with single kitchen facilities. In addition, up to ten persons, including eight or fewer persons with a disability or handicap and not to exceed two staff residents residing in a dwelling shall be considered to be a family. Handicapped persons are defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Farmers' market means a *seasonal* outdoor market where fresh produce, *animal food products*, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client, *and must consist of the majority of the sales in both scope and dollars. Animal food products include meat, milk, eggs, and honey produced from the livestock, fowl, bees, or other animals kept on the property of the seller or seller's client.* Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, ~~and honey~~. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Flea market means a market, indoors or out of doors, where new or used items are sold from individual sellers, where each seller operates independently from other sellers. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines. The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet," or other similar terms regardless of whether these events are held inside a building. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Floor area means the total floor area designed for tenant or owner occupancy measured from the exterior surfaces of outside walls and including mezzanines, unfinished floors and basements, but excluding loading docks and service corridors or any common areas not leasable to individual tenants.

Floor area, habitable, means the area of all floor space on all levels measured from the exterior surface of outside walls, but excluding garages, porches and nonhabitable basements as determined by the International Building Code, as adopted and amended by the unified government.

Food establishment means a business where *prepared* food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales; and cannot be exceeded in annual dollar volume by alcohol. ~~The most common~~ Examples of a food establishment *may include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, coffee and tea shops, and ice cream parlors. Food establishments shall not include vendor vehicles or prepared food vending vehicles such as food trucks, food trailer, and pushcarts.*

Food trailer means an accessory trailer hitched to a car or truck, which, when parked, serves as a *prepared food vending vehicle. A food trailer and operator of the car or truck to which the food trailer is attached must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.*

Food truck means a self-contained, motorized prepared food vending vehicle. A food truck and food truck operator must meet all local, State, and federal requirements for vehicle safety and licensing; and must meet all State requirements for food safety and handling.

Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:

- (1) Ducks.
- (2) Female chickens.

Garage, private, means a building or a portion of a building, not more than 1,000 square feet in area, in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept.

Gross vehicle weight rating or GVWR means the manufacturer's rating of the combined weight of the vehicle and the maximum load it is designed to carry. Where such information is not available, the following shall be used to make the determination:

- (1) Vehicles of no greater than 10,000 pounds GVWR: Pickup trucks and passenger vans, trucks considered one-ton rated capacity or less.
- (2) Vehicles of no greater than 30,000 pounds GVWR: Commercial-type trucks of wide variety, but excluding dump trucks, semitrailer trucks, trucks with tandem axles, and other similar heavy-duty trucks.

Group dwelling means a residential dwelling occupied as a residence by persons who do not constitute a family.

Halfway house means a facility, such as a community corrections center, serving temporary residents who have been released or diverted from an institution. A nonfamily residential dwelling that houses persons protected by the Fair Housing Act, such as the mentally ill or the mentally retarded, is a group dwelling, not a halfway house, so long as it is clearly the domicile of the residents and the typical length of stay is long enough to differentiate it from a motel or hotel.

Heavy automotive/truck service, repair, and mechanics means major mechanical repair shops including any of the following:

- (1) Body work and painting.
- (2) Tire recapping.
- (3) Engine and transmission repair.

Height of building or structure means the vertical distance from the average elevation of the ground abutting a building or structure to the highest point of a building or structure. Height, when not regulated in feet, shall be regulated by stories and a story shall be equal to 12 feet for purposes of measuring structures other than buildings.

Home occupation means an activity for gain customarily carried on in a dwelling or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. In general, a home occupation is an accessory use so located and conducted that the average neighbor under normal circumstances would not be aware of its existence. Such activity may employ only members of the immediate family residing on the premises.

Inoperable means that an automobile or truck which cannot be driven away in a safe condition.

Inoperable vehicles means vehicles missing major body, chassis, or engine components or not fit for street travel.

Light automotive service and maintenance means any of the following:

- (1) Tire and battery sales and installation.
- (2) Brakes and other similar diagnostic and repair services.
- (3) Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services.

Livestock means horses, mules, cattle, sheep, and goats.

Lot means a parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this article, and having its principal frontage upon a public street. A lot may consist of one or more platted lots, or tracts as conveyed, or parts thereof.

Lot or site area means the land area within the tract or lot lines and excluding street right-of-way.

Lot, corner means a lot abutting upon two or more streets at their intersection. A corner lot may be deemed to front on either street frontage.

Lot, depth means the horizontal distance from the front street line to the rear line.

Lot, interior means a lot whose side lines do not abut upon any street.

Lot line, front means the street line, which is the boundary between a lot and the street on which it fronts.

Lot line, rear means the boundary line that is opposite the most distant from the front street line, except that in the case of uncertainty, the building official shall determine the rear line.

Lot line, side means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot, through means an interior lot having frontage on two streets.

Lot width means the horizontal distance between side lines, measured at the front building line.

Mobile home means a structure, transportable in one or more sections, which has a body width of eight feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein and which was designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture. This term shall not include a recreational vehicle. A structure which otherwise falls within this definition shall be considered a mobile home even if it does not have the required dimensions so long as it is in place as of May 1, 1995, and has a model year of no later than 1969.

Mobile home park means a tract of land meeting the requirements of this article containing suitable drives, utilities and other supporting elements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile home space means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this article.

Mobile market means the selling of food products, including, but not limited to: fresh produce, *animal food products*, and dry goods out of a bus, truck, trailer, or other mobile unit. At least 50 percent of the foods for sale ~~will must be a food item found on the WIC package approved food types~~. Mobile market vehicles must fall between grades 2—7 on the Federal Highway Administration trailer size guideline and must not be longer than 45 feet.

Mobile vendor vehicle means a self-propelled or motorized vehicle from which any non-food merchandise or service is sold, given away, performed, displayed, or offered for sale, at retail. Items for sale may include clothing, jewelry, souvenirs. Non-food merchandise also includes plant products that may be consumable, but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Nonvehicular open space means uncovered areas such as lawns, planting space, walks, terraces, sitting areas and balconies, one-half of covered nonvehicular open space, and clubhouses and indoor recreational areas. No paved areas for vehicular traffic or parking may be included as nonvehicular open spaces.

Open-air market means a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Operator means any person who operates a vending vehicle or farmers' market stand for the purpose of vending food, beverage, product or service therefrom.

Outdoor cafe means an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed outdoor cafes must abide by the requirements and limitations as determined by the unified government and the state department of revenue alcoholic beverage control.

Outdoor dining elements means all tables, chairs, fencing and other materials used for demarcating the outdoor café or outdoor tavern from the right-of-way; planters and plants; and any other privately-owned property comprising the-outdoor café or outdoor tavern.

Outdoor retail means advertising, displaying, distributing, giving away, promoting, selling, or vending, in a space outside but within the boundaries of the property, items normally advertised, displayed, distributed, given away, promoted, sold, or vended.

Outdoor tavern means an area associated with an establishment selling cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment operates.

Overlay district means a zoning district that acts in conjunction with the underlying zoning district or districts.

Parking lot, commercial means a paved area or structure intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Performance standards means criteria to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare, heat or other effects generated by or inherent in uses of land or buildings.

Planned zoning district means the zoning of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract.

Prepared food vending vehicle means a self-propelled, hitched trailer, or motorized vehicle from which any prepared food, beverage, merchandise, or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or an ice cream product truck. For purposes of this chapter, "food truck" shall be synonymous with "prepared food vending vehicle."

Private club means an organization licensed hereunder to which the club members shall be permitted to resort for the purpose of consuming alcoholic liquor.

Public right-of-way means any public street, alley, *pathway*, roadway, sidewalk, walkway, highway, bicycle lane ~~right-of-way~~, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Pushcart means any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

Recreational vehicle ~~means is~~ a vehicle that is:

- (1) Built on a single chassis.
- (2) Four hundred square feet or less when measured at the exterior.
- (3) Self-propelled or permanently towable by a light duty truck.
- (4) Designed not as a dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Residentially zoned area means an area zoned A-G, R, R-1, R-1(B), R-2, R-2(B), R-3, R-4, R-5, R-6, R-M, or these districts' planned equivalents.

Ruined means that an automobile which is substantially damaged to the extent that it is valueless or useless as an operable automobile or truck or parts thereof are only useful as materials for reprocessing, melting, remanufacturing, or disposal for salvage or scrap material.

Seating area means open space within any enclosed structure used for purposes of seating numbers of people for any purpose, including all aisles necessary for circulation.

Self-contained recreational vehicle is a recreational vehicle that includes all of the following:

- (1) Heating and/or air conditioning.
- (2) A sink and shower.
- (3) Self-contained toilet.
- (4) Cooking facilities.
- (5) Refrigerator.

Site area means the land area within the tract or lot lines and excluding street right-of-way.

Specified anatomical area means any of the following:

- (1) Any less than completely or opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttocks.
 - c. Portion of the areola of the female breast.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable, riding means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

Storm protection areas means any new residential use, for multifamily residential development or single-family residential development for which a preliminary plan/plat application is approved by the planning commission, shall contain an area of storm protection. Such area may be a room or space, such as a basement, a structure complying with Federal

Emergency Management Agency Publication 320 ("Taking Shelter From the Storm") or Publication 361 ("Design and Construction Guidance for Community Shelters"), or subsequent updates thereto shall comply with this requirement. For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof.

Story means that part of a building included between the surface of one floor and the surface of the floor above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top-story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between 50 and 75 percent of the area of its exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street means a right-of-way that affords principal means of vehicular access to property abutting thereon.

Street line means the dividing line between the street right-of-way and the abutting property.

Street, private means a street which provides principal access to abutting property, but which is not maintained by the unified government. A private street may exist within dedicated public right-of-way.

Structural alteration means any change other than incidental repairs in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to a permanent location on the ground, including, but not limited to, signs, and excepting customary utility poles, retaining walls and boundary fences.

Surplus off-street parking means any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Tavern means an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

Telecommunications tower means a tower constructed as a freestanding structure or in association with a building, other permanent structures or equipment, containing one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation.

Trailer means a vehicle, other than a mobile home, equipped with wheels and normally towed over the road behind a motor vehicle.

Trailer advertising means a trailer that carries or has attached thereto a sign, billboard or other media for advertising as the prime purpose and use of the trailer.

Trailer hauling means a trailer, as defined in this section, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trash container means a durable, rust-resistant, non-absorbent, leak-proof container of no more than 50 gallons that is made of metal or hard plastic and which is mounted on a stand attached to the ground and which typically has a cover with openings on the side for where trash can be disposed.

Used car/truck lot means the use of a parcel of land, either with or without structures, for the purpose of offering for sale, rent, or lease, automobiles, light duty trucks or heavy duty trucks.

Variance means a variation from a specific requirement in this article, as applied to a specific piece of property, as distinct from rezoning.

Vending machine means a machine, stand, or dispenser that distributes, dispenses, or sells a physical product or good directly to a consumer using an automated payment system. Examples include but are not limited to soda machines, candy machines, video rental vending machines, snack machines, newspaper machines, and others that are similar. This definition does not include ATMs, gas pumps, air dispensers, or payphones.

Vending stand means a moveable temporary structure, tent, stand, or assembled contrivance located adjacent and contiguous to a duly licensed restaurant, vending food, beverage, or any product or merchandise; that can neither be pushed, wheeled, self-propelled or driven by use of a mechanical device but can be manually moved, stored and relocated from time to time and from which prepared food can be sold at retail.

Vending vehicle means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor means any person engaged in selling, or offering for sale, ~~of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendor's person, on private property. the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.~~

Walk-up market means an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the unified government and the Kansas Department of Revenue Alcoholic Beverage Control.

Wrecked means those automobiles or trucks that have more than 25 percent of the vehicle in damaged condition externally as to render it unsafe to operate.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street that is designated a major street on the major street plan, all yards abutting the street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback. On multibuilding projects where access is derived from private drives, the orientation of individual buildings shall be used to determine the type of yard along the project boundary.

Yard, front, means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear, means a yard across the full width of the lot extending from the rear lot line to the rear line of the main building.

Yard, side, means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard.

Sec. 27-608. District AG.

In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock, to carry out the farming business, and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) Farmers' markets.
 - a. ~~Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~
 - ba. See section 27-618 for additional farmers' market regulations.
- (5) Mobile markets.
 - a. *A mobile market may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances. See section 27-619 for additional mobile market regulations.*
 - b. *See section 27-619 for additional mobile market regulations.*
- (6) Mobile vending: food trucks, pushcarts, and retail.
 - a. *A vending vehicle may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances. See section 27-620 for additional mobile vending regulations.*
 - b. *See section 27-620 for additional mobile vending regulations.*

Sec. 27-609. Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

- (1) Home occupations. Customary home occupations may be allowed subject to the issuance of a home occupation permit by the planning division. The following conditions and restrictions shall apply to such customary home occupations:
 - a. No exterior advertising or signs will be erected and no outside display or activity that depicts other than residential activity will be allowed. Advertising shall not include any address, but only a telephone number.
 - b. Only members of the immediate family residing on the premises will participate in the home occupation on the premises.
 - c. No machinery or equipment will be used that will interfere with radio or television reception on nearby property.
 - d. No heavy equipment, trucks of greater than 10,000 pounds GVWR or other objects that are not typically residential in character will be stored on the premises.
 - e. No sales of merchandise will be conducted on the premises, and no service will be rendered that will require customer presence except on an irregular and incidental basis, but babysitting is excluded from the standard.

- f. No inventory or storage, other than samples, is maintained on the premises. Home occupations that do not meet the criteria of this subsection shall be permitted only by special use permit but must meet accessory use requirements regarding storage of equipment, material, or vehicles.
- (2) Accessory buildings (garages, carports, tool sheds, etc.). For any dwelling unit there may be permitted a detached accessory building. Such building shall not be located, in front of the house, less than two feet from any alley, nor closer than three feet to any side or rear property line. In the case of corner lots, a detached accessory building shall not be within 20 feet of the side street. The total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. In any residential district on lots or tracts of less than three acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:
- a. The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure.
 - b. The exterior roofing materials for roofs sloped more than two in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color.
 - c. Up to two accessory structures existing in a side or rear yard and not in the front yard of a single property prior to April of 2008 are exempt from these regulations. Kansas City, Kansas 2008 Aerial photography will be used to make this determination.
 - d. Accessory structures constructed after April of 2008 may be granted a variance upon written notarized approval from abutting neighbors impacted by the setback.
 - e. Any accessory structure located in a front yard must obtain a variance from the board of zoning appeals.
 - f. Any parcel with more than one accessory structure where the structures do not conform to subsection (c) of this section must obtain a variance from the board of zoning appeals.
- (3) Animals. Horses, ponies, cows, chickens, or other customary animals may be kept in accordance with the requirements of the public health department, except that on a lot or tract of less than five acres in size, a special use permit shall be required. If so approved, accessory barns or stables are permitted under the standards for accessory buildings.

- (4) Hobby activity. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold either on or off the premises.
- (5) Additional uses. Such additional accessory uses as private swimming pools, television and radio antennae or dishes, wind power generators, solar collectors, flagpoles, play equipment, and tool sheds are permitted under the following conditions:
- Swimming pools, television and radio antennae or dishes greater than two feet in diameter, wind power generators, and tool sheds are not permitted in the front yard or in required side yards.
 - Solar collectors shall not extend more than three feet above the highest point of the roof.
 - Television dishes shall not exceed 12 feet in diameter or more than 15 feet above grade.
 - No accessory use shall exceed 60 feet in height.
 - Any accessory use which exceeds ten feet in height shall be located a distance inside the property line at least equal to one-third its height, except that any wind power generator shall be set back a distance no less than its height.
- (6) Storage of equipment, material or vehicle. Only motor passenger cars, other operable domestic equipment, material or vehicles, or a truck of 10,000 pounds GVWR or less shall be kept, parked or stored for more than 48 hours in any 30-day period in a residential area. Only a single one of each of the following may be stored: truck other than customary vans or pickup trucks, camping trailer, hauling trailer, boat, or recreational vehicle. The parking of vehicles or equipment shall not occur on lawn areas, or other locations that tend to visually downgrade the property and neighborhood. Parking shall be limited to areas that have an improved surface and such areas shall generally be located in close relationship to the garage or an otherwise vehicle-oriented section of the premises or be located in the rear yard, so that the lawn areas upon which the living section of the dwelling faces can be attractively maintained with grass, trees and shrubs. Use of any yard area for commercial or any non-residential or ongoing non-resident parking purposes is prohibited.
- (7) *Farmers' markets.*
- See section 27-618 for additional farmers' market regulations.*
- ~~(7)(8) Mobile markets vending for food access.~~
- A mobile market may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances. Mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design use in this district.*
 - ~~Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning office.~~
 - ~~Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, agreement may be revoked at any time without cause or notice.~~
 - ~~Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:~~

- ~~(i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant(s) at that location.~~
- ~~(ii) Vehicle is not parked within 100 feet of a single-family home's property line.~~
- ~~(iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.~~
- ~~(iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
- ~~(v) Vendor does not install any permanent improvement on the sidewalk.~~
- ~~(vi) Vehicle is not parked in a no-parking zone.~~
- ~~(vii) Does not occupy parking required for other businesses.~~
- ~~(viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
- ~~(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
- ~~(x) Mobile markets may operate from 9:00 a.m. — 5:00 p.m. Sunday, 9:00 a.m. — 7:00 p.m. Monday through Thursday, and 9:00 a.m. — 8:00 p.m. Friday and Saturday.~~
- ~~(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).~~
- ~~(xii) Mobile markets may not park for more than four hours once a week at any one location.~~
- b. See section 27-619 for additional mobile market regulations.
- ~~(8) Farmers' markets.~~
 - ~~a. See section 27-618 for additional farmers' market regulations.~~
- (9) Mobile vending: *food trucks, pushcarts, and retail.*
 - a. *A mobile vendor vehicle may only operate within the parking lot of a place of worship, a senior center, a senior living facility, a community center, a school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances. See section 27-620 for additional mobile vending regulations.*
 - b. See section 27-620 for additional mobile vending regulations.

Sec. 27-610. Districts R-3, R-4, R-5, R-6 and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment (R-6), and mobile home park (R-M) districts, accessory uses are as follows:

- (1) Those accessory uses permitted in the R-1 district.
- (2) Parking areas.
- (3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
- (4) Trash collection centers.
- (5) Power generators.

- (6) Vending machines for tenant use.
- (7) Necessary offices and maintenance facilities and other similar uses.
- (8) *Farmers' markets.*
 - a. *See section 27-618 for additional farmers' market regulations.*
- ~~(8)~~(9) Mobile market vending for food access.
 - a. ~~Mobile markets are allowed upon submitting an annual agreement with the department of urban planning and land use in this district.~~
 - 1. ~~Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the planning office.~~
 - 2. ~~Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.~~
 - 3. ~~Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:~~
 - ~~(i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
 - ~~(ii) Vehicle is not parked within 100 feet of a single-family home.~~
 - ~~(iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
 - ~~(iv) Vendor does not install any permanent improvement on the sidewalk.~~
 - ~~(v) Vehicle is not parked in a no-parking zone.~~
 - ~~(vi) Does not occupy parking required for other businesses.~~
 - ~~(vii) If in a metered spot, meter is paid.~~
 - ~~(viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
 - ~~(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
 - ~~(x) Mobile markets may operate from 9:00 a.m. — 7:00 p.m. Sunday — Thursday and 9:00 a.m. — 8:00 p.m. Friday and Saturday.~~
 - ~~(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).~~
 - ~~(xii) Mobile markets may not park for more than four hours at any one location.~~
 - ba. *See Ssection 27-619 for additional mobile market regulations.*
- ~~(9)~~ *Farmers' markets.*
 - a. ~~See section 27-618 for additional farmers' market regulations.~~
- (10) Mobile vending: *food trucks, pushcarts, and retail.*
 - a. *A vending vehicle may only operate within the parking lot of a church, senior center, community center, school, or other like facility with public access, subject to all additional parking lot regulations in the Code of Ordinances. See section 27-620 for additional mobile vending regulations.*
 - b. *See section 27-620 for additional mobile vending regulations.*

Sec. 27-611. District C-00.

- (a) In the C-00 district, accessory uses are as follows:
- (1) Parking areas.
 - (2) Food service and vending machines inside a building for tenants only.
 - (3) Private garages for motor vehicles.
 - ~~(4) Apartment for maintenance personnel.~~
 - ~~(5)~~(4) Low-level exterior lighting.
 - ~~(6)~~(5) Radio, television or microwave antennae not exceeding 60 feet in height.
 - ~~(7)~~(6) Flagpoles.
 - ~~(8)~~(7) Cooling towers and other similar uses.
 - ~~(9)~~(8) A pharmacy wherein retail sale only of prescription medicines, drugs, and pharmaceutical and orthopedic devices customarily incident to the practice of medicine occurs, shall be allowed as an accessory use in an office building provided that no less than five physicians occupy offices within the building. No direct exterior entrance to the pharmacy and no exterior sign or advertising relative to the pharmacy shall be permitted.
 - ~~(10)~~(9) Farmers' markets.
 - ~~a. Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~
 - ba. See section 27-618 for additional farmers' market regulations.
 - ~~(11)~~(10) Mobile markets.
 - a. See section 27-619 for additional mobile market regulations.
 - ~~(12)~~(11) Mobile vending: *food trucks, pushcarts, and retail.*
 - a. See section 27-620 for additional mobile vending regulations.
- ~~(b) In high-rise office structures in district 0-0, uses as permitted in district 0-1 are permitted as accessory to a high-rise structure at least six stories in height and at least 100,000 square feet gross building area.~~
- ~~(c) In the central business district uses as permitted in district 0-1 are also permitted as accessory uses.~~
- ~~(d)~~(b) The accessory retail uses in district C-00 shall be limited to no more than 20 percent of the gross building area.

Sec. 27-612. Districts ~~C-0~~, C-1, C-D, C-2, and C-3

In the ~~nonretail business (C-0)~~, limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

- (1) Those accessory uses permitted in district C-00.
- (2) Parking areas.
- (3) Storage buildings.
- (4) Signs as permitted by this article.
- (5) ~~Floodlighting and other similar uses.~~ *Low-level exterior lighting.*
- (6) ~~Exterior sales and~~ vending machines on private property provided that:
 - a. Commercial uses with a *continuous* business license (occupation tax receipt) before December 31, 2008.
 1. The ~~exterior sales or~~ vending machines do not block an interior sidewalk.
 2. The ~~exterior sales or~~ vending machines do not block any exterior windows.

3. The ~~exterior sales or~~ vending machines must be at least five feet away from all public doors.
4. ~~Exterior sales area and v~~Vending machines are only permitted on private property unless it complies with *chapter 32. the street vending ordinance*.
5. The ~~exterior sales or~~ vending machines must leave adequate, *ADA-compliant* space for vending customers and those using the sidewalk.
6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - i. The site does not have a drive-thru window or drive-up service.
 - ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - iii. The machine is located so as to not interfere with vehicular traffic.
 - iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - v. The area where the device is placed is monitored by a security camera.
7. Any exterior sales area must remain neatly organized and free of litter.
8. Any ~~exterior sales or~~ vending area must be flush with the facade of the building.
9. No more than one ~~exterior sales display or~~ vending machine is permitted per property except as follows:
 - i. If the ~~exterior sales displays and~~ vending machines *area is* are located on a side of the building not facing a road or street then the number of allowed ~~exterior sales displays or~~ vending machines shall be increased to three.
 - ii. If the ~~exterior sales display and~~ vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the ~~urban director of planning department~~ then the number of allowed ~~exterior sales displays and~~ vending machines shall be increased to three.
 - iii. For every 200 feet that the façade on which the ~~exterior sales display or~~ vending machine is located is set back from the nearest road or street right-of-way then the number of allowable ~~exterior sales displays or~~ vending machines shall be increased by one.
 - iv. *In addition to the vending machine(s), one donation bin per property is allowed.*
10. No additional signage that would require a permit is allowed.
- ~~11. The area allowed for exterior sales or vending may not exceed 24 square feet.~~
- ~~4211.~~ No more than one propane exchange locker may be allowed per property, unless:
 - i. The site for the propane exchange lockers ~~are~~ is located at least 200 feet from the nearest street; and
 - ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
- ~~4312.~~ No signage is allowed beyond the surface of the vending machine.

- ~~b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:~~
 - ~~1. Products that cannot be sold indoors for safety and regulatory reasons (e.g., propane exchange lockers).~~
 - ~~2. If the facility is a grocery store over 15,000 square feet.~~
- (7) ~~Collection facilities~~ *Donation bins are permitted, for clothing or recycling provided that:*
 - a. Bins must be located on an improved, paved surface.*
 - ab. The bins facilities are located at within 20 feet of the rear property line, or as far from a public street as the site design will allow.*
 - bc. Does not create a significant lack of parking. The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.*
 - ~~c. Dumpster style recycling facilities must be screened on three sides.~~
 - d. Overflow dumping around the facility donation bin(s) is not allowed.*
 - e. Bins Facilities must remain neatly painted. Bins Facilities that are damaged, rusty or significantly faded paint are not permitted.*
 - f. The donation bin(s) must remain neatly organized and free of litter, broken glass, and other debris.*
 - g. No more than two donation bins are allowed on the property.*
- (8) *Collection facilities are permitted, provided:*
 - a. Facilities must be located on an improved, paved surface.*
 - b. The facilities are located at within the side yard or rear yard of the property.*
 - c. The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.*
 - d. Facilities are screened from view of residences and/or residentially zoned properties.*
 - e. Overflow dumping around the facility is not allowed.*
 - f. Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.*
 - g. The collection facility must remain neatly organized and free of litter, broken glass, and other debris.*
 - h. No more than one collection facility is allowed on the property.*
- ~~(8)(9)~~ *Farmers' markets.*
 - ~~a. Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit. See section 27-618 for additional farmers' market regulations.~~
 - ~~b. See section 27-618 for additional farmers' market regulations.~~
- ~~(9)(10)~~ *Mobile markets. Food truck and mobile vending.*
 - a. See section 27-619 for additional mobile market regulations. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Food trucks or mobile food vendors that operate outside of the allowed*

~~zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~

- ~~1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
 - ~~2. There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
 - ~~3. Vendor does not install any permanent improvement on the sidewalk.~~
 - ~~4. Vehicle is not parked in a no-parking zone.~~
 - ~~5. Does not occupy parking required for other businesses.~~
 - ~~6. If in a metered spot, meter is paid.~~
 - ~~7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.~~
 - ~~8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
 - ~~9. Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~
 - ~~b. See section 27-619 for additional mobile market regulations.~~
 - ~~c. See section 27-620 for additional mobile vending regulations.~~
- (11) *Mobile vending: food trucks, pushcarts, and retail.*
- a. *See section 27-620 for additional mobile vending regulations.*

Sec. 27-613. Districts M-1; M-2 and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

- (1) Parking and loading areas.
- (2) Storage facilities.
- (3) Security and screen fencing.
- (4) Radio and microwave towers to heights as set out in this division.
- (5) Gatehouse.
- (6) Loading equipment.
- (7) Employee recreation and other similar uses.
- (8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.
- (9) *Donation bins are permitted, provided that:*
 - a. *Bins must be located on an improved, paved surface.*
 - b. *The placement of the bins does not reduce parking under the quantity required by this chapter or by approved entitlements associated with the property.*
 - c. *Overflow dumping around the donation bin(s) is not allowed.*
 - d. *Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.*
 - e. *The donation bin(s) must remain neatly organized and free of litter, broken glass, and other debris.*
- (10) *Collection facilities are permitted, provided:*
 - a. *Facilities must be located on an improved, paved surface.*

- b. *The placement of the bins does not reduce parking under the number required by this chapter or by approved entitlements associated with the property.*
 - c. *Facilities are screened from view of residences and/or residentially zoned properties.*
 - d. *Overflow dumping around the collection facilities is not allowed.*
 - e. *Facilities must remain neatly painted. Facilities that are damaged, rusty or significantly faded paint are not permitted.*
 - f. *The collection facilities must remain neatly organized and free of litter, broken glass, and other debris.*
- (9)(11) *Farmers' markets.*
- a. ~~Farmers' markets are allowed upon submitting an annual agreement with the department of planning and urban design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.~~
 - ba. *See section 27-618 for additional farmers' market regulations.*
- (10)(12) ~~Food truck and mobile vending. Mobile markets.~~
- a. ~~Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~
 - 1. ~~The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
 - 2. ~~There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
 - 3. ~~Vendor does not install any permanent improvement on the sidewalk.~~
 - 4. ~~Vehicle is not parked in a no parking zone.~~
 - 5. ~~Does not occupy parking required for other businesses.~~
 - 6. ~~If in a metered spot, meter is paid.~~
 - 7. ~~Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
 - 8. ~~May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
 - 9. ~~Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~
 - ba. *See section 27-619 for additional mobile market regulations.*
 - c. ~~See section 27-620 for additional mobile vending regulations.~~
- (13) *Mobile vending: food trucks, pushcarts, and retail.*
- a. *See section 27-620 for additional mobile vending regulations.*

Sec. 27-614. District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

- (1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C-D, C-2, and C-3 districts.
- (2) Farmers' markets.

- a. ~~Farmers' markets are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit. See section 27-618 for additional farmers' market regulations.~~
- b. ~~See section 27-618 for additional farmers' market regulations.~~
- (3) ~~Food truck and mobile vending: Mobile markets.~~
 - a. ~~Food trucks and mobile markets are allowed upon submitting an annual agreement with the department of planning and urban design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:~~
 - 1. ~~The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.~~
 - 2. ~~There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
 - 3. ~~Vendor does not install any permanent improvement on the sidewalk.~~
 - 4. ~~Vehicle is not parked in a no parking zone.~~
 - 5. ~~Does not occupy parking required for other businesses.~~
 - 6. ~~If in a metered spot, meter is paid.~~
 - 7. ~~Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
 - 8. ~~May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.~~
 - 9. ~~Hours of operation do not exceed 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.~~
 - ba. ~~See section 27-619 for additional mobile market regulations.~~
 - c. ~~See section 27-620 for additional mobile vending regulations.~~
- (4) ~~Mobile vending: food trucks, pushcarts, and retail.~~
 - a. ~~See section 27-620 for additional mobile vending regulations.~~

Sec. 27-615. Particular Uses.

- (a) Motor homes. The following are permitted accessory uses within a motor hotel, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel:
 - (1) Restaurants.
 - (2) Banquet rooms.
 - (3) Liquor sales.
 - (4) Notions and magazine counters.
 - (5) Vending machines.
 - (6) Beauty shops and barbershops.
 - (7) Flower and gift shops.
 - (8) Games and arcades.
- (b) Hospitals. The following are permitted accessory uses within a hospital:
 - (1) Residential quarters for staff and employees.
 - (2) Nursing or convalescent quarters.
 - (3) Storage and utility buildings.

- (4) Food service and vending machines.
- (5) Laundry and other similar services for hospital personnel, visitors and patients.
- (c) Utility buildings. Outside storage of materials and equipment is accessory to utility buildings provided all outside storage is screened from view off the premises.
- (d) Telecommunications towers and antennas.
 - (1) Antennas and support structures may be installed on any legally existing structure, including any tower, building, light pole, water tower, or sign, that is 50 feet in height or greater, so long as said antennas and support structures add no more than 20 feet to the height of the existing structure. Such antennas and support structures are permitted even when they may be considered secondary as opposed to accessory.
 - (2) A legally existing structure may not be replaced or reconstructed to support antennas unless it meets the requirement for the specific use in the specific zoning district. This may require special use permit approval or development plan approval.
 - (3) Equipment, buildings, and site improvements that must be placed on the ground may require development plan approval as required for the specific use in the specific zoning district.
 - (4) Telecommunication towers and antennas shall be permitted as an accessory use to public and semipublic uses subject to a maximum height of 75 feet, preliminary development plan approval and to the six criteria set out under section 27-579(a)(30).
 - (5) This section does not alter permitted accessory antennas set out in sections 27-609—27-613.

Sec. 27-617. Findings, purpose, applicability, and enforcement of outdoor sales.

- (a) Finding and purpose. It is found and declared that:
 - (1) Farmers' markets, mobile markets, ~~and mobile vending, vending stands, outdoor service, and outdoor retail~~ may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, ~~and mobile vending, outdoor service, and outdoor retail~~ in all zoning districts is to provide additional space for sales of goods ~~in an open-air environment to allow for sound social distancing requirements~~ while contributing to activity, attracting patrons pedestrians, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.
 - (2) Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, ~~and mobile vending, outdoor service and outdoor retail~~ is necessary to protect the public health, safety, and welfare.
- (b) *Applicability and enforcement.*
 - (1) ~~The amendments in sections 27-608—27-614, and sections 27-618—27-621 in totality, shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways.~~

~~Farmers' markets, mobile markets, and mobile vending are allowed under the ordinance from which these sections derive, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right of way shall continue to apply, unless there is a conflict in law, in which situation the ordinance from which these sections derive shall supersede.~~

~~(2)(1)~~ Businesses. Any persons or entity operating a farmers' market, mobile market, ~~or other mobile vending vehicle, outdoor service or outdoor retail~~ under this article must conduct such operation under a valid and current ~~occupation tax number, business license (occupation tax receipt)~~ unless such entity is a non-profit as defined in this section.

~~(3)(2)~~ Non-profits. All non-profit organizations that operate a farmers' market, mobile market, ~~or other mobile vending vehicle, outdoor dining or outdoor retail~~ must meet the following conditions:

- a. Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; and
- b. May set up a temporary structure for the purposes of distributing information *in addition to operating the farmers' market, mobile market, mobile vendor vehicle, outdoor service, or outdoor retail*. A non-profit organization may also take donations on-site.

~~(4)(3)~~ All right-of-way permits otherwise required for work or activities allowed by sections 27-617 to 27-622 ~~in the ordinance from which these sections derive~~ are waived.

- a. Nothing in this article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in chapter 6 of the Unified Government Code of Ordinances.
- b. No open flames shall be allowed under any use in the article, except for any open flame on a vending vehicle allowed by another ordinance.

~~(5)(4)~~ ~~Public health enforcement.~~

a. ~~Power of local health officer.~~

1. The local health officer, deputy local health officer, health department director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in section 16-2, section 17-3, sections 27-608—27-614, and sections 27-617—27-220.
2. This subsection may be construed to give the same power and authority to the local health officer, deputy local health officer and/or their designee(s) than is granted to them under local and state law.
3. This subsection shall not be construed to affect the policies and procedures of the ~~Kansas state Department of Health and Environment~~ regarding licensure and inspection of restaurants, street vendors, or food trucks.

b. ~~Zoning and code enforcement.~~

1. *Any zoning enforcement officer, code enforcement officer, director of planning and/or their designee(s) has the ability to address and enforce*

zoning and other code violations, including violations of any portions of this article.

2. *This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, director of planning, and/or their designee(s) than is granted to them under local and state law.*

c. *Fire safety.*

1. *Power of fire department.*

- i. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).
- ii. Any deviation from the state's adopted International Fire Code requirements for these inspections must remain unless the state fire marshal specifically waives these requirements.

2. *Inspection of mobile vending.*

- i. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

~~(6) Zoning and code enforcement.~~

- ~~a. Any zoning enforcement officer, code enforcement officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this article.~~
- ~~b. This subsection may be construed to give the same power and authority to a zoning enforcement officer, code enforcement officer, and/or their designee(s) than is granted to them under local and state law.~~

Sec. 27-618. Farmers' markets.

This section is for farmers' markets on private property. For farmers' markets in the public right-of-way, see chapter 32-186. Farmers' markets are allowed on private property accessory uses, subject to the following conditions:

~~(1) Applicability.~~ *This section supersedes all other ordinances specifically regulating farmers' markets through December 31, 2020. All farmers' markets must operate subject to the following conditions:*

- ~~a. Districts.~~ *Farmers' markets are allowed to operate in any district without a special use permit, under the following conditions:*
 - ~~1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.~~
 - ~~2. Hours of operation for the farmers' market begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.~~

~~(2)(1)~~ *Administrative review.*

- a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. *All other persons or entities vending, distributing, or otherwise operating within a farmers' market must conduct such operation under one of the following standards:*
 1. *A valid and current business license specific to the person(s) or entity; or,*

2. *Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas.*
 - b. *Written permission from the property owner(s) or their designee(s).*
 - c. *A farmers' market may operate for no more than three consecutive days, and no more than four days per week at one location.*
 - d. *Hours of operation for the farmers' market begin no earlier than 6:00 a.m. and end no later than 8:00 p.m.*
 - e. *Farmers' market events may not occur for more than six hours per day, run consecutively, at any one site. This time limit does not include the allowed time to set up and take down temporary structures.*
 - f. ~~In conjunction with the business license application,~~ *The applicant must submit a site plan for approval by the director of planning for all proposed farmers' market locations. The site plan must contain the following for each proposed location;*
 - ~~including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the department of planning and urban design,~~
 - ~~demonstrating the location of the vending tents, parking spaces, and the use of physical space to encourage social distance where and when possible.~~
 1. *The address of the property on which the farmers' market is located;*
 2. *Proposed hours of operation of the farmers' market;*
 3. *The location of vendors' stalls, other temporary structures, and the ADA-compliant pedestrian pathways;*
 4. *The location of proper trash and recycling receptacles;*
 5. *Location of parking spaces for vendors and customers;*
 6. *Any and all maintenance of traffic plans and signage;*
 7. *Nearby rights-of-way with pedestrian and vehicular access points; and,*
 8. *North arrow or other method of orientation.*
 - f. *The applicant must make the approved site plan(s) and written permission from the property owner(s) or their designee(s) available to any enforcement officer upon request. The administrative review of the site plan can be reviewed for revocation at any time during the year if evidence and/or complaints of non-compliance are submitted.*
 - g. *The operator of the farmers' market is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event and the site returned to a UG-standard parking lot.*
- (3) ~~Allowed arrangements. All sales must occur in a designated parking lot. Businesses may engage in outdoor sales, subject to the following conditions:~~
- a. ~~The outdoor sale must operate as an open-air market.~~
 - b. ~~Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:~~
 1. ~~No item(s) for sale or on display obstructs the sidewalk to a degree that a four-foot width cannot be maintained at all times; and~~
 2. ~~No item(s) for sale or on display hang over the air space of said four-foot width on the sidewalk.~~

- c. ~~Any retail that is allowed under another section of the Code of Ordinances, subject to all regulations under this article.~~
- (4)(2) Allowed areas. *The entirety of the farmers' market must take place within the boundaries of a paved parking lot built to UG standards or other paved public space with an improved surface.*
- a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following ~~conditions~~ standards:
- ~~1. Written permission of the parking and/or property owner(s).~~
 21. All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity.
 32. Any additional regulations to improve traffic flow, as required by ~~engineers in the department director of planning and urban design and county engineer or the department of public works.~~
 3. *No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
 4. *Subject to any additional zoning district standards in sections 27-608 to 27-614.*
- b. ~~No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law.~~
- c. ~~No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.~~
- b. *Farmers' market activity includes the use of the farmers' market stalls, structures, related infrastructure, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All farmers' market activity must comply with the following conditions:*
- i. *All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.*
 - ii. *Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.*
 - iii. *All fire lanes must remain clear and unencumbered.*
 - iv. *There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.*
 - v. *Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the farmers' market. Any and all signage, temporary or other structures, and other elements of the farmers' market must be removed at the end of each farmers' market event.*
- c. *No item(s) for sale or on display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk or pathway.*
- d. *All pedestrian pathways that connect the farmers' market stalls must remain clear and unencumbered, and ADA-compliant.*

- e. *Unless otherwise provided by this chapter, operation of a farmers' market in the public right-of-way shall be subject to section 32-186.*
- (5) ~~Social distancing.~~
 - a. ~~The farmers' market applicant is responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.~~
 - b. ~~In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:~~
 - 1. ~~Ensure that customers or parties of customers maintain at least six feet from each other while shopping.~~
 - 2. ~~Ensure that customers or parties of customers maintain at least six feet from each other while queuing to check out.~~
 - 3. ~~Consumption of purchased food on site should not be encouraged.~~
- (6)(3) *Temporary structures.*
 - a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.
 - 1. ~~"Pop up" tents are allowed only in surplus off-street parking spaces.~~
 - b. No temporary structure may be secured in any manner that damages the public parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
 - c. Temporary structures may be erected in the parking lot up to one hour before the start of hour of operations as ~~allowed in this section and must be taken down within one hour after the end of hours of operation. (or the start of hours of operation as proposed in the farmers' market application, whichever is later).~~ Temporary structures may be erected in the parking lot up to one hour after the end of hour of operations as allowed in this section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).
 - d. ~~No temporary structures may be in erected in the right-of-way or used in a manner that violates any other ordinance in the Code.~~
 - e. ~~Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.~~
 - 1. ~~All signs allowed under this subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.~~
 - 2. ~~Signs cannot be attached to public infrastructure.~~
 - 3. ~~Sandwich boards allowed in all districts, subject to all other sign code regulations.~~
- (4) *Signage.*
 - a. *Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.*
 - 1. *All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.*
 - 2. *Signs cannot be attached to public infrastructure or facilities.*
 - b. *Exceptions. The following exceptions from the sign code are allowed:*
 - 1. *One sandwich board is allowed for each farmers' market stall. The sandwich board must be placed adjacent to the farmers' market stall which it is serving.*

2. *There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the farmers' market stand or associated temporary structure. No temporary sign may extend taller than eight feet or the top of the associated temporary structure, whichever is shorter.*
3. *One temporary sign may be maintained at the property where the farmers' market is held during the farmers' market season. This sign must be posted in the ground, and shall be held to the standards of a temporary sign except for the time limit allowed.*

Sec. 27-619. Mobile markets.

This section is for mobile markets on private property. For mobile markets in the public right-of-way, see section 32-187. Mobile markets are allowed accessory uses, subject to the following conditions:

- (1) *Administrative review. Mobile markets are allowed upon in any district upon obtaining a business license.*
 - a. *Any persons or entity operating a mobile market must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if evidence and/or complaints of non-compliance are submitted.*
 - b. *Mobile market operators must have written permission from the property owner(s) or their designee(s) to operate on site. The operator must make said written permission available to any enforcement officer upon request.*
 - c. *Mobile markets must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license and contact information for appeals/complaints.*
 - d. *Mobile markets may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.*
- (2) *Allowed areas. Locations must invite the mobile market to park at their lot.*
 - a. *Mobile markets are allowed within the boundaries of a designated property of any zoning district upon obtaining a business license or non-profit status as addressed in section 27-617.*
 - b. *All mobile market vehicles must comply with the following conditions:*
 1. *The vehicle must be parked on a paved surface.*
 2. *The vehicle is not parked in a designated ADA parking space or in an access aisle.*
 3. *The vehicle is not parked in a no-parking zone.*
 4. *No mobile market vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
 5. *Mobile markets may not park for more than four hours per day, run consecutively, at any one site.*
 - c. *Mobile market activity includes the use of the mobile market vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following conditions:*
 1. *All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.*

2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
3. All fire lanes must remain clear and unencumbered.
4. There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.
5. Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile market. Any and all signage, temporary or other structures, and other elements of the mobile market must be removed at the end of each mobile market event.
- d. Unless otherwise provided by this section, operation of a mobile market in the public right-of-way shall be subject to section 32-187.
- (3) Temporary structures. ~~Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.~~
 - a. No permanent structure or improvement shall be installed.
 - b. No temporary structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary structures.
 - c. No mobile market vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- (4) ~~Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager, if permissible). All vending vehicles must comply with the following stipulations:~~
 - a. ~~The sales or vending does not block an interior sidewalk and sidewalk remains ADA compliant.~~
 - b. ~~Vehicle is not parked within 100 feet of a single-family home.~~
 - c. ~~There is sufficient stacking area for pedestrians to wait on a sidewalk.~~
 - d. ~~Vendor does not install any permanent improvement on the sidewalk.~~
 - e. ~~Vehicle is not parked in a no-parking zone.~~
 - f. ~~Does not occupy parking required for other businesses.~~
 - g. ~~If in a metered spot, meter is paid.~~
 - h. ~~Mobile markets may not park for more than four hours at any one location.~~
 - i. ~~Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.~~
 - j. ~~No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.~~
 - k. ~~Mobile markets may operate from 8:00 a.m. — 7:00 p.m. Sunday through Thursday and 8:00 a.m. — 8:00 p.m. Friday and Saturday.~~
 1. ~~If a mobile market is invited to a permitted block party, hours of operation may be extended until 10:00 p.m., regardless of the day of the week.~~
 - l. ~~Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).~~
- (4) Signage.

- a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - 1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.
 - 2. Signs cannot be attached to public infrastructure or facilities.
- b. Exceptions. The following exceptions from the sign code are allowed:
 - 1. One sandwich board in connection with the mobile vendor activity is allowed within five feet of the mobile vendor vehicle. The sign shall not interfere with the flow of pedestrian or automobile traffic.
 - 2. There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the mobile market vehicle.
 - i. All signage must be attached flush to the side of the vehicle.
 - ii. No temporary sign may extend beyond the top of the vehicle.
 - iii. All attached signage must be removed before the vehicle is driven off the property.

Sec. 27-620. Mobile vending.

This section is for mobile vending on private property. For mobile vending in the public right-of-way, see section 32-188. ~~Mobile vending is allowed accessory uses, subject to the following conditions:~~

- (1) ~~Administrative review. This section does not govern mobile markets and mobile markets vehicles as defined by sections 27-340 and 27-618.~~
 - a. Any persons or entity operating a mobile vendor vehicle or prepared food vending vehicle must conduct such operation under a valid and current business license or be a non-profit as defined in section 27-617. The business license can be reviewed for revocation at any time during the year if complaints of non-compliance are submitted.
 - b. Operators must have written permission from the property owner(s) or their designee(s) to operate on site. The operator must make said written permission available to any enforcement officer upon request.
 - c. Mobile vendors must display either a temporary sign (as defined by section 27-729(b)(1)) or signage attached to the vehicle indicating proof of business license.
 - d. Mobile vendor vehicles or prepared food vending vehicles may operate from 8:00 a.m.—7:00 p.m. Sunday through Thursday and 8:00 a.m.—8:00 p.m. Friday and Saturday.
- (2) ~~Vending vehicles are allowed in this district upon obtaining a business license.~~
- (3)(2) ~~Parking. Allowed areas.~~
 - a. ~~A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in this subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this subsection. Mobile vending is allowed within the boundaries of a designated property of any zoning district upon obtaining a business license or non-profit status as addressed in section 27-617.~~

- b. ~~No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. All mobile vendor vehicles and prepared food vending vehicles must comply with the following conditions:~~
 - 1. *The vehicle must be parked on a paved surface.*
 - 2. *The vehicle is not parked in a designated ADA parking space or in an access aisle.*
 - 3. *The vehicle is not parked in a no-parking zone.*
 - 4. *No mobile vendor vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
 - 5. *Mobile vendor vehicles may not park for more than four hours per day, run consecutively, at any one site.*
 - c. ~~No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner; Mobile vending activity includes the use of the mobile vending vehicles, areas for queueing, vending, and eating, signage, and trash and recycling receptacles. All mobile market activity must comply with the following conditions:~~
 - 1. *All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.*
 - 2. *Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.*
 - 3. *All fire lanes must remain clear and unencumbered.*
 - 4. *There is sufficient stacking area for pedestrians to queue on a sidewalk or on site.*
 - 5. *Proper trash and recycling receptacles must be made available and utilized. The operator is responsible for removing the trash and recycling associated with the operation of the mobile market. Any and all signage, temporary or other structures, and other elements of the mobile market must be removed at the end of each mobile market event.*
 - d. ~~No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone. Unless otherwise provided by this section, operation of a mobile market in the public right-of-way shall be subject to section 32-188.~~
 - e. ~~All areas designated for or reasonably designated for queueing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five feet from passing automobile traffic.~~
 - f. ~~No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.~~
- (3) *Temporary structures*
- a. *No permanent structure or improvement shall be installed.*
 - b. *No temporary structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary structures.*
 - c. *No mobile vendor vehicle or prepared food vending vehicle, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*

~~(4) Allowable zoning districts~~

~~a. All districts.~~

- ~~1. Vending vehicles are allowed to operate under this subsection in any zoning district.~~
- ~~2. Zoning districts allowed for vending vehicles by UG ordinances outside the ordinance from which these sections derive will operate under both sets of ordinances. If there is a conflict in law, this article shall supersede.~~

~~b. Agriculture zoned districts and residential areas. Vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9:00 a.m. to 8:00 p.m. and one of the following conditions are met:~~

- ~~1. The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10:00 p.m. or the end of the event, whichever is earlier; or~~
- ~~2. The vending vehicle is operating in the parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or~~
- ~~3. On the right of way adjacent to a public park, subject to all other parking regulations in this article.~~

~~c. Commercial and industrial zoned districts.~~

- ~~1. Parking. Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:~~
 - ~~(i) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.~~
- ~~2. Hours of operation. Hours are from 9:00 a.m. to 10:00 p.m.~~

~~(5)(4) Signage.~~

~~a. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.~~

- ~~1. All signs allowed under this subsection may not be used outside of the hours of operation or used in a manner that violates any other ordinance.~~
- ~~2. Signs cannot be attached to public infrastructure or facilities.~~

~~ab. Sandwich boards are allowed in all commercial-zoned districts, so long as they are placed within five feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In not circumstance can a sandwich board be placed more than five closer to the street than the mobile vending vehicle. Exceptions. The following exceptions from the sign code are allowed:~~

- ~~1. One sandwich board in connection with the mobile vendor activity is allowed within five feet of the mobile vendor vehicle. The sign shall not interfere with the flow of pedestrian or automobile traffic.~~
- ~~2. There is no limit on the number of temporary signs nor the total square feet of sign face allowed on the mobile vendor vehicle.~~
 - ~~i. All signage must be attached flush to the side of the vehicle.~~
 - ~~ii. No temporary sign may extend beyond the top of the vehicle.~~
 - ~~iii. All attached signage must be removed before the vehicle is driven off the property.~~

b. ~~Sandwich boards are otherwise subject to all other sign code regulations.~~

Sec. 27-621. ~~Review and sunset. Outdoor service.~~

(a) ~~The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be reviewed by the board of commissioners on or before December 31, 2021 to determine whether they should be revised, repealed or whether additional studies are warranted.~~

Applicability.

(1) *The following designated areas may be used for outdoor, on-site dining and drinking, and walk-up food sales:*

- a. *Outdoor cafés. For any food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments, no permit is required to operate an outdoor café.*
- b. *Walk-up markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market:*
 1. *A food establishment which has successfully received an occupation tax number with the business license division and which remains current and in good standing with all occupation tax payments; or*
 2. *An entity which is registered as a 501(c)(3) organization with the state and whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.*
- c. *Outdoor taverns. For businesses that fulfill the following conditions, a permit is not required to serve cereal malt and/or alcoholic beverages outside the building of the designated place of business. This section applies to all businesses that:*
 1. *Has received a license from the Kansas Department of Revenue Alcoholic Beverage Control (ABC) for the sale of cereal malt and/or alcoholic beverages for consumption on the premises, including consumption within the outdoor tavern;*
 2. *Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served; and,*
 3. *Has received a special use permit for a drinking establishment, if a special use permit has been applied for after 1988.*

(2) *Additional standards.*

- a. *All outdoor cafés, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue ABC regulations.*
- b. *Unless otherwise provided by this chapter, operation of an outdoor café, walk-up market, or outdoor tavern in the public right-of-way shall be subject to section 32-102.*

(b) ~~The amendments to section 27-340 and sections 27-608—27-614 made effective by the ordinance from which these sections derive, and sections 27-617—27-621 in totality, shall be repealed and no longer in effect unless renewed by the board of commissioners on or before to December 31, 2021. Allowed areas.~~

(1) *One or more of the following areas may be utilized for a food establishment or tavern as an outdoor café or walk-up market and/or outdoor tavern:*

- a. *Building-to-boundary area. From the building to the property boundary line, subject to the following conditions:*
 - 1. *All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.*
 - 2. *Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.*
 - 3. *All outdoor dining elements must be at least four feet from street furniture and designated fire lanes.*
 - b. *Any surplus parking spaces in an off-street parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining service or its supporting structures or activities.*
 - c. *Unless otherwise provided by this chapter, outdoor service in the public right-of-way shall be subject to section 32-102.*
- (2) *The food establishment or tavern operating under this section shall be responsible for maintaining the required four-foot pedestrian pathway, and keeping the pathway free of trash and debris.*
- (c) *Required setbacks and clearances*
 - (1) *No building-to-boundary area nor surplus parking space(s) is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.*
 - (2) *No display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.*
 - (3) *No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.*
 - (4) *No outdoor café, walk-up market, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.*
 - (5) *No outdoor café or other area designated for customer dining shall be located within 30 feet of a dumpster, nor within ten feet of a trash container, located on private property.*
- (d) *Public health*
 - (1) *All food establishments and outdoor taverns are responsible for ensuring compliance with any and all local, state or federal restrictions.*
 - (2) *All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating an outdoor café, walk-up market, or outdoor tavern.*
 - a. *The business property, or any private area utilized by the business for the purposes of an outdoor café, walk-up market, and/or outdoor tavern, including but not limited to, the building-to-boundary area or off-street surplus parking, shall be kept free of trash and debris at all times. Confirmed reports of littering and/or unkempt conditions shall be prima facie evidence of the business's failure to comply with this section.*

- b. *Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, is prohibited. Confirmed reports of public urination may result in a prohibition of any outdoor café, walk-up market, and/or outdoor tavern operated by the business.*
- (e) *Structures*
 - (1) *Temporary or semi-permanent structures may remain in allowed building-to-boundary areas or surplus off-street parking at all times. Temporary, semi-permanent, or permanent structures may be used for building-to-boundary areas. Temporary or semi-permanent structures may be used for surplus parking spaces.*
 - a. *Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. "Pop up" tents are allowed, so long as they are at least ten feet from the curb and do not interfere with any building or its functions, including drainage and access to light. The use of umbrellas are encouraged.*
 - b. *No temporary or semi-permanent structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary or semi-permanent structures.*
 - (2) *Any permanent/semi-permanent structure constructed or erected in the building-to-boundary area is subject to an administrative review by the director of planning.*
 - a. *For purposes of this administrative review, a structure is considered permanent or semi-permanent if:*
 - 1. *A foundation is installed; or*
 - 2. *Poles are installed for than four inches in the ground, whether for structural support or to hold up a sign; or*
 - 3. *A hard-sided roof is installed; or*
 - 4. *Construction of the structure would require a building permit outside of this section.*
 - b. *For an administrative review, applicant must provide the following:*
 - 1. *Site plan of the property, including the permanent/semi-permanent structure; and,*
 - i. *Setbacks and ADA-compliant pedestrian ways must be marked, and measurements provided.*
 - ii. *For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern.*
 - 2. *Elevations of the structure, drawn to scale or any other information requested by the director of planning.*
- (f) *Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary or semi-permanent structures.*
 - (1) *Signs cannot be attached to public infrastructure or facilities.*
 - (2) *Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.*
 - a. *One sandwich board is allowed for each temporary or semi-permanent structure.*
 - b. *The sandwich board must be placed adjacent to the temporary or semi-permanent structure which it is serving.*
- (g) *Hours of operations.*

- (1) *Food establishments shall not operate an outdoor café or walk-up market outside of the business's published hours of operation.*
- (2) *Outdoor taverns shall not operate outside of the business's published hours of operation. If the business's published hours of operation goes past 10:00 p.m., then the outdoor tavern must cease operations by no later than 10:00 p.m.*
- (h) *Alcohol sales. Outdoor cafes and outdoor taverns may serve alcohol under the following conditions:*
 - (1) *No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the state department of revenue.*
 - (2) *All alcohol must be served to the customer in an open container.*
 - (3) *Alcohol may only be sold or served to customers by a food establishment in the areas allowed by section 32-102(h)(2). Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations. No portion of this subsection may be construed to supersede ABC regulations. If any portion of this section is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes.*
 - (4) *Under this section, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment. If the business fails to qualify as a food establishment, then the subsection regulating outdoor taverns applies.*
- (i) *Lighting. Outdoor lighting may be provided if a business continues to operate outside.*
 - (1) *Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings.*
 - (2) *Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the outdoor café, walk-up market, and/or outdoor tavern.*
- (j) *Noise levels and noise disturbance.*
 - (1) *No music shall be played or produced through external or amplified speakers in any outside area.*
 - (2) *No music shall be played or produced through amplified speakers, or otherwise played or produced inside the business building, to a level that it can be heard off the premises after hours of operation or 10:00 p.m., whichever time is earlier.*
 - (3) *Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as an outdoor sidewalk café, walk-up market, and/or outdoor tavern.*

Sec. 27-622. - Outdoor retail.

- (a) *Applicability. For businesses that fulfill the following conditions, no permit is required to operate outdoor retail. This section only applies to any business that:*
 - (1) *Sells items and/or services typically and regularly sold at the establishment;*
 - (2) *Does not engage in any installation or repair work outside of the structure in which the business is located; and.*
 - (3) *Has successfully received an occupation tax number with the business license department and remains current and in good standing with all occupation tax payments.*

- (4) Unless otherwise provided by this chapter, operation of outdoor retail in the public right-of-way shall be subject to section 32-186.
- (b) Types of retail allowed. The following items may be sold in an open-air market, subject to the regulations of performance standards in the Code:
 - (1) Food and beverages, subject to section 27-621;
 - (2) Books and other paper goods;
 - (3) Potted plants, cut or arranged flowers, or gardening seeds;
 - (4) Visual works of art that have been transcribed onto a physical backing such as paper or canvas;
 - (5) Jewelry and other wearable accessories;
 - (6) Homemade goods and crafts;
 - (7) Clothing; and,
 - (8) Office services.
- (c) Allowed areas.
 - (1) One or more of the following areas may be utilized for outdoor retail:
 - a. Building-to-boundary area. From the building to the property boundary line, subject to the following conditions:
 - 1. All sidewalks or pedestrian ways must be kept clear and unencumbered so that the sidewalk or pedestrian pathway remains ADA-compliant.
 - 2. Vehicular and personal access to all ADA-compliant parking spaces and access aisles must remain clear and unencumbered.
 - 3. All outdoor dining elements must be at least four feet from street furniture and designated fire lanes.
 - b. Any surplus parking spaces in an off-street parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining service or its supporting structures or activities.
 - (2) The business operating under this section shall be responsible for maintaining the required four-foot pedestrian pathway, and keeping the pathway free of trash and debris.
 - (3) Required setbacks and clearances
 - a. No building-to-boundary area nor surplus parking space(s) is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 - b. No display may obstruct the sidewalk to a degree that a four-foot width cannot be maintained at all times, nor may said items hang over the air space of said four-foot width on the sidewalk.
 - c. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
 - d. No outdoor café, walk-up market, vending stand, or outdoor tavern shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by state law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.

- e. *No outdoor café or other area designated for customer dining shall be located within 30 feet of a dumpster nor within ten feet of a trash container, located on private property.*
- (d) *Structures. Temporary or semi-permanent structures may remain in allowed building-to-boundary areas or surplus off-street parking at all times. Temporary, semi-permanent, or permanent structures may be used for building-to-boundary areas. Temporary or semi-permanent structures may be used for surplus parking spaces.*
 - (1) *Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. "Pop up" tents are allowed, so long as they are at least ten feet from the curb and does not interfere with any building or its functions, including drainage and access to light. The use of umbrellas are encouraged.*
 - (2) *No temporary or semi-permanent structure may be secured in any manner that damages public or private property. Weights are encouraged to be used to secure temporary or semi-permanent structures.*
 - (3) *Outside the defined hours of operation no structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.*
- (e) *Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary or semi-permanent structures.*
 - (1) *Signs cannot be attached to public infrastructure or facilities.*
 - (2) *Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.*
 - a. *One sandwich board is allowed for each temporary or semi-permanent structure.*
 - b. *The sandwich board must be placed adjacent to the temporary or semi-permanent structure which it is serving.*
- (f) *Hours of operation shall be the business's regular published hours.*
- (g) *Outdoor retail spaces must follow crime prevention through environmental design (CPTED) best practices.*

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2022.

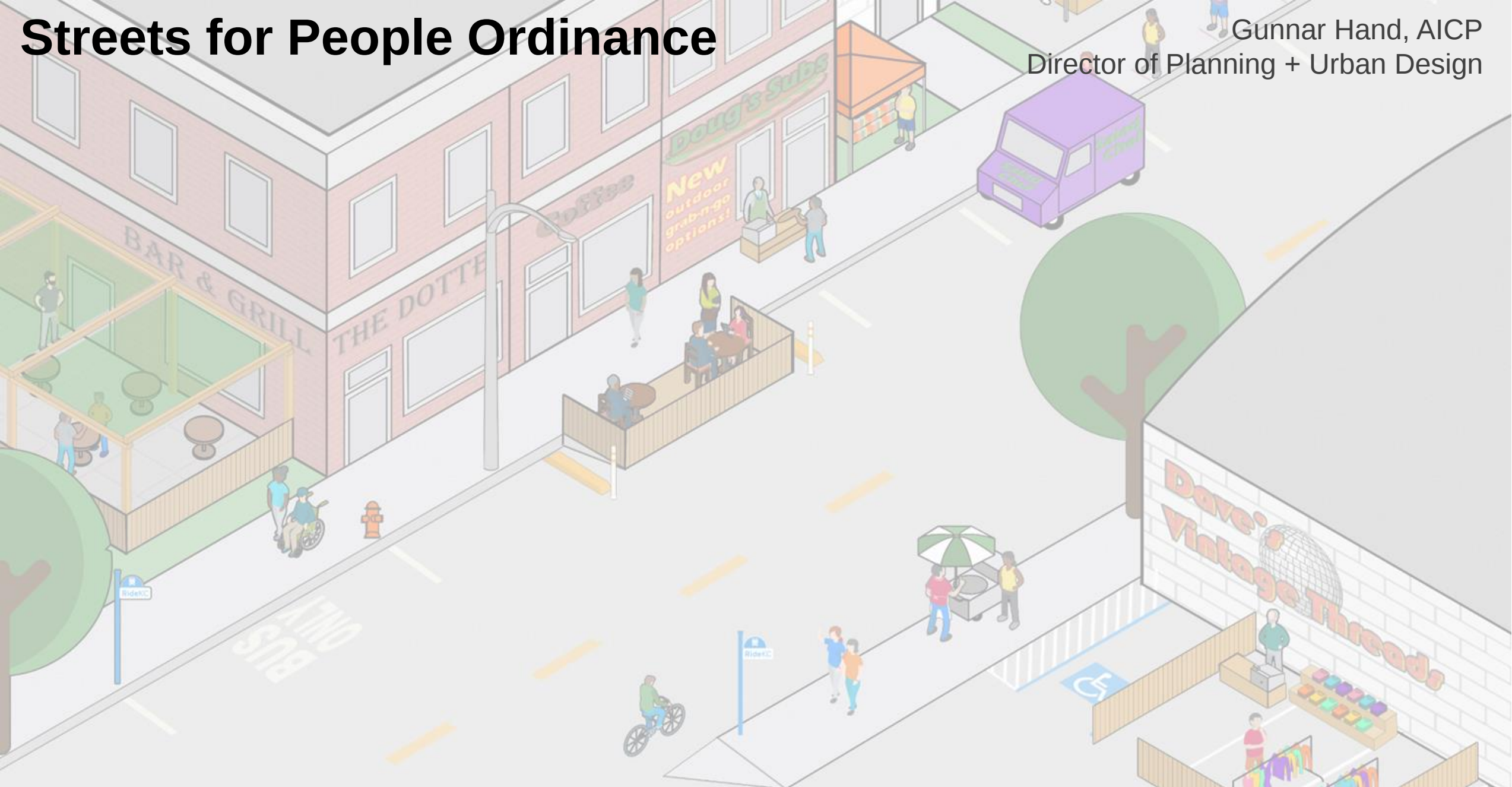
Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Streets for People Ordinance

Gunnar Hand, AICP
Director of Planning + Urban Design



COVID-19 Emergency Ordinances

March 2020 – Beginning of COVID-19 pandemic forces indoor public spaces to close

April 2020 – ReStart WyCo economic recovery plan is developed to help local businesses through the pandemic

Fall 2020 – Board of Commissioners approves emergency ordinances to:

1. Allow outdoor dining and retail sales
2. Expand mobile vending and farmer's markets
3. Allow outdoor taverns
4. Permit recreational “open streets”

Dec. 2020 – Extended through 2021

Dec. 2021 – Extended again through June 30, 2022



TEMPERARILY
CLOSED FOR
COVID-19
STATE
MANDATED
LOCKDOWN

COVID-19 Emergency Ordinances

- WHEREAS, securing the **health, safety and welfare** of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and
- WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of **COVID-19**—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and
- WHEREAS, as a result of local and state orders pertaining to **social distancing**, many businesses face restrictions on the number of people who may be inside the business at any one time; and
- WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart WyCo: Road to Recovery*, it is necessary to take certain actions in order to **encourage customers to visit local businesses** and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and
- WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and the public health, safety and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.
- WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an **active and attractive pedestrian environment** for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.
- WHEREAS, **reasonable regulation** of street and sidewalk vending is necessary to protect the public health, safety, and welfare.



TEMPERARILY
CLOSED FOR
COVID-19
STATE
MANDATED
LOCKDOWN



COVID-19 Emergency Ordinances

- **WHEREAS**, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and
- **WHEREAS**, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and
- **WHEREAS**, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and
- **WHEREAS**, in order to accelerate the economic recovery plan set forth in *ReStart WyCo: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and
- **WHEREAS**, the Unified Government has determined that due to the COVID-19 pandemic, and the public health, safety and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.
- **WHEREAS**, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.
- **WHEREAS**, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.



Emergency Ordinances

- Outdoor service and sales
 - *Street cafes, outdoor taverns, walk-up market*
- Farmer's markets
 - *Seasonal and weekly*
- Mobile vending
 - *Food trucks, food trailers, push carts*
- Mobile market
 - *Dotte Mobile Market*
- Open streets
 - *Expanded safety on residential streets*



Enumerated Businesses

- Restaurants & bars
- Food trucks & mobile vendors
- Art galleries
- Books & paper goods
- Professional services
- Plants & seeds
- Clothing
- Jewelry & accessories
- Homemade crafts & goods
- Non-profits
- *Repair work outside the building is NOT allowed*



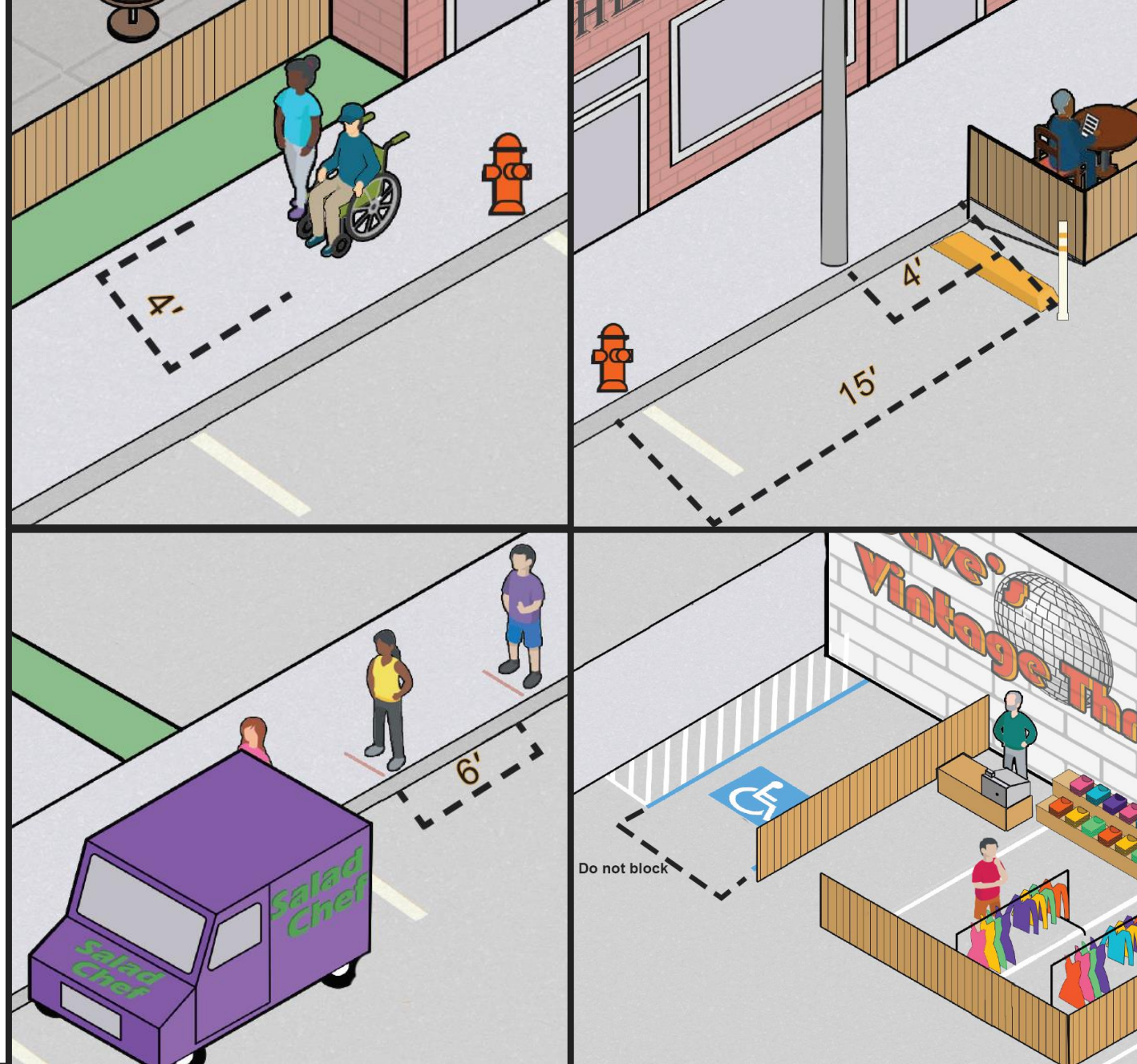
Operating Standards

- All entities must have business license or 501(c)(3) status
- Hours of operation defined
- All outdoor service and retail sales limited to 4 defined areas:
 1. Sidewalks;
 2. Front/side/rear yard setbacks;
 3. On-street parklet (temporary or semi-permanent); and/or,
 4. Off-street surplus parking



Safety Standards

- Maintain ADA accessibility on sidewalk and into businesses
- 4 feet clearance from all street furniture
- Safe space for queuing
- 15 feet clearance from fire hydrants and bus stops
- ADA parking and loading zones maintained
- Sight distance triangles maintained
- Enforcement powers delegated to Fire, Public Health, Codes and Zoning



Yard (Rear/Side/Front) Standards

Yard and surplus parking service and sales in Chapter 27:

- Structures may not interfere with a building's access to light or drainage
- Must provide clear pedestrian pathway, ingress and egress
- Administrative review for semi-permanent/permanent structures
- Mobile vending, mobile market and farmer's markets require permission of property owner



Top to bottom:

Jones Bar-B-Q

Slap's BBQ

GG's Barbacoa



ROW Sales Standards

Sidewalk and street service and sales in Chapter 32:

- Keep clear of street furniture and provide for ADA clearance
- Sale of alcohol allowed (outdoor service and outdoor taverns) with ABC approval
- Everything must be brought indoors while businesses are closed, except semi-permanent parklets
- Non-profits allowed with owner's permission



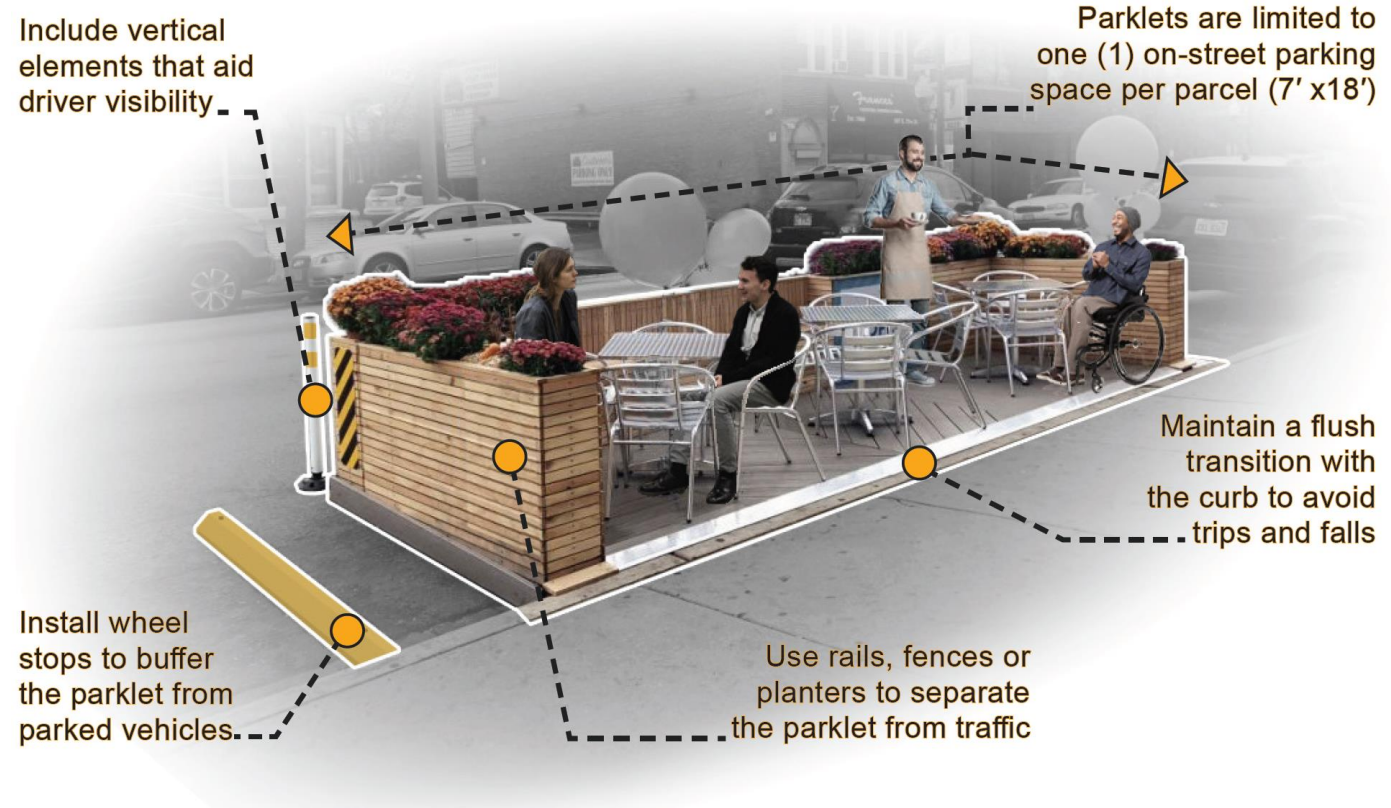
Top to bottom:

*Non-profits at
7th Street
transit center,
special event
street closure
farmer's
market, and
outdoor service
and sales*

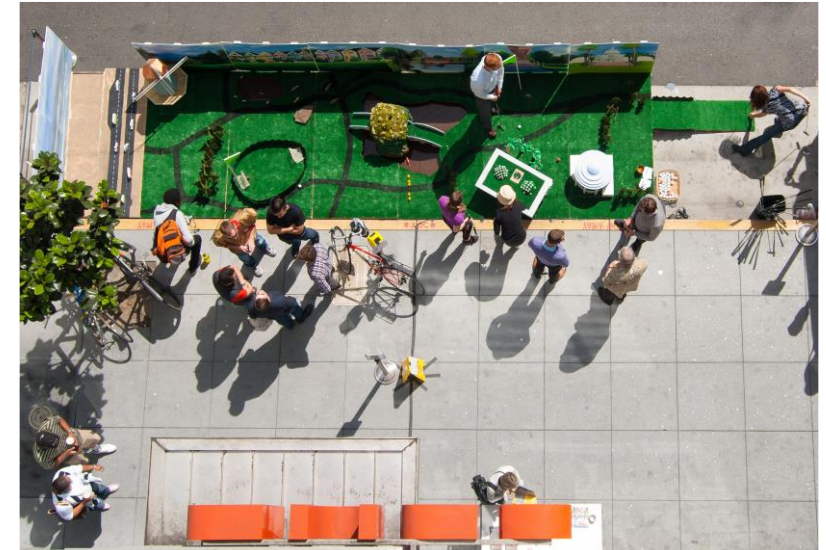
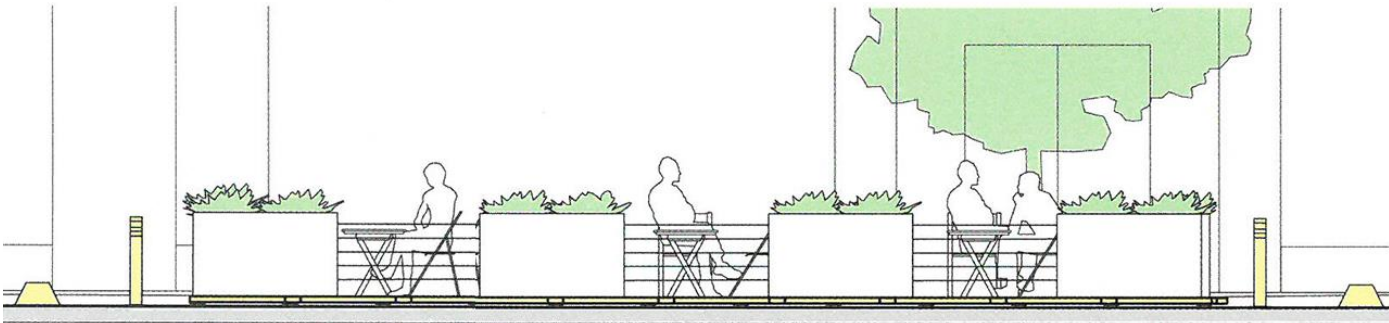
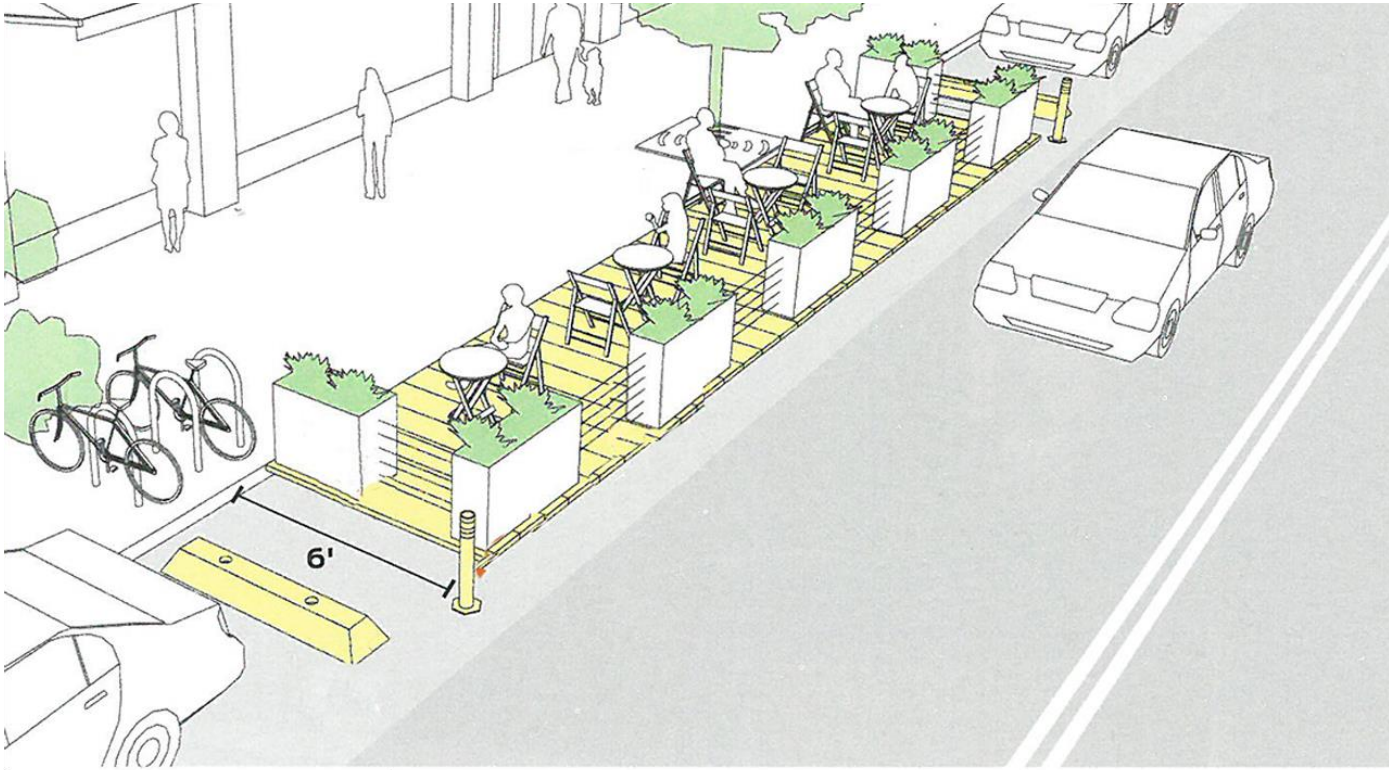


On-Street Parklets

- One (1) space allowed per parcel (if available)
- Must be 20 feet from an intersection or street corner (site lines)
- Structure can be temporary or semi-permanent
- Seating at least three (3) feet from traffic
- Only allowed on street with speed limits up to 40 mph
- Constructed to Nation Association of City Transportation Officials (NACTO) standards

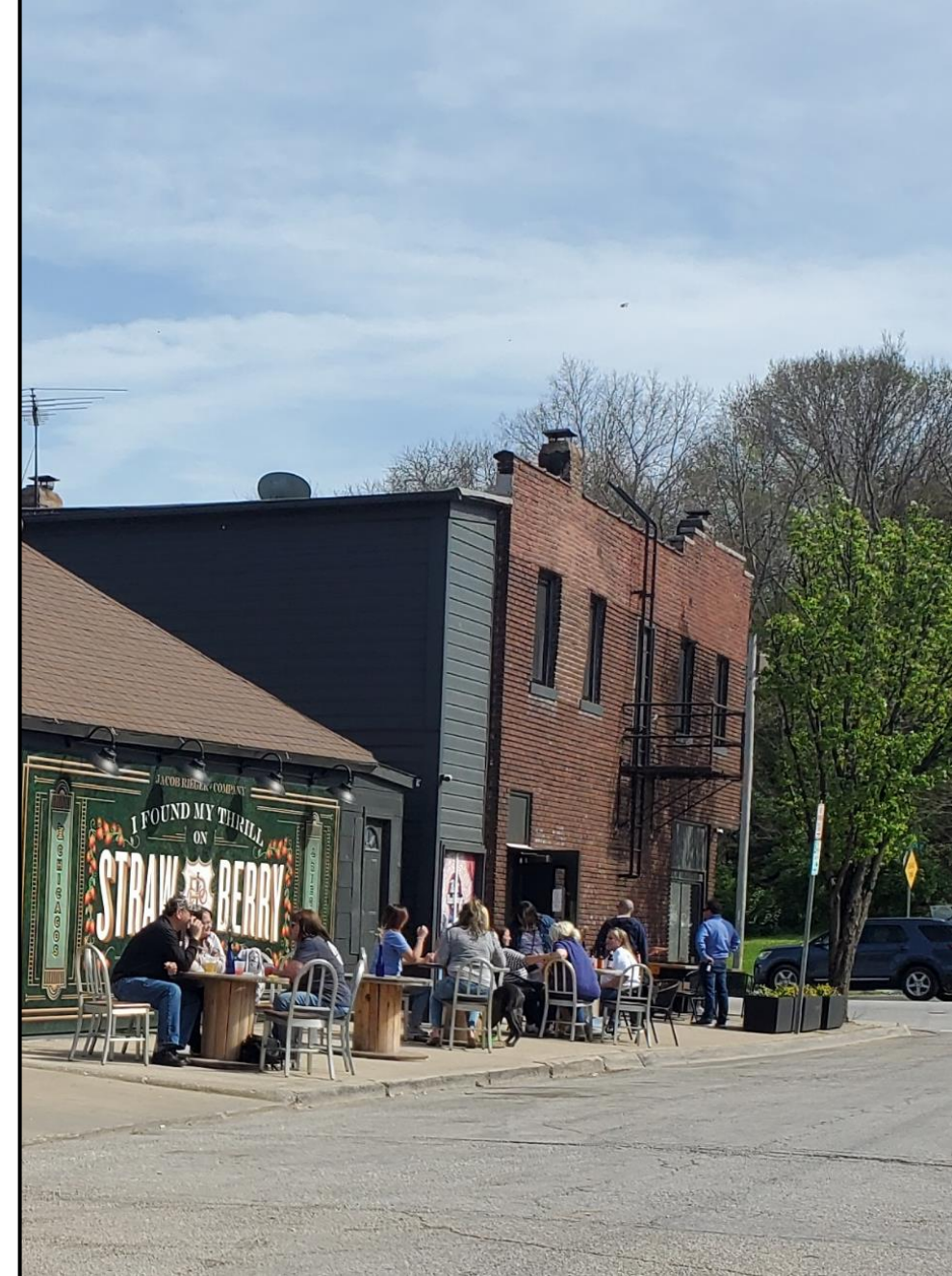


On-Street Parklet Gallery



Outdoor Taverns

- Must comply with all Kansas ABC regulations
- Outdoor taverns must cease after 10:00PM
- Must comply with all noise ordinance regulations
- Must stay within the ABC designated areas of sale and consumption



On-Street Mobile Food Vending

- NO sales allowed on streets with a speed limit greater than 40 mph
- Must feed the meter if applicable, but does not need to conform to posted time limits
- Not allowed to park on residential streets unless invited to block party, open street or special event
- Queues must be a least five (5) feet from passing traffic
- Cannot be located in one location for more than four (4) hours at one time
- Cannot park in front of existing brick-and-mortar restaurant (unless directly associated with said business)



Farmers Markets

- Allowed in any zoning category
- Must submit a site plan for an administrative review
- Farmer's markets must occur on improved parking lot (food trucks allowed)
- 4 times a week no more than 3 consecutive days
- Allowed from 6:00AM to 8:00PM, but no longer than 6 hours at a time

*Top:
Rosedale
Farmers Market*

*Bottom:
Downtown
Farmers Market*



Open Streets

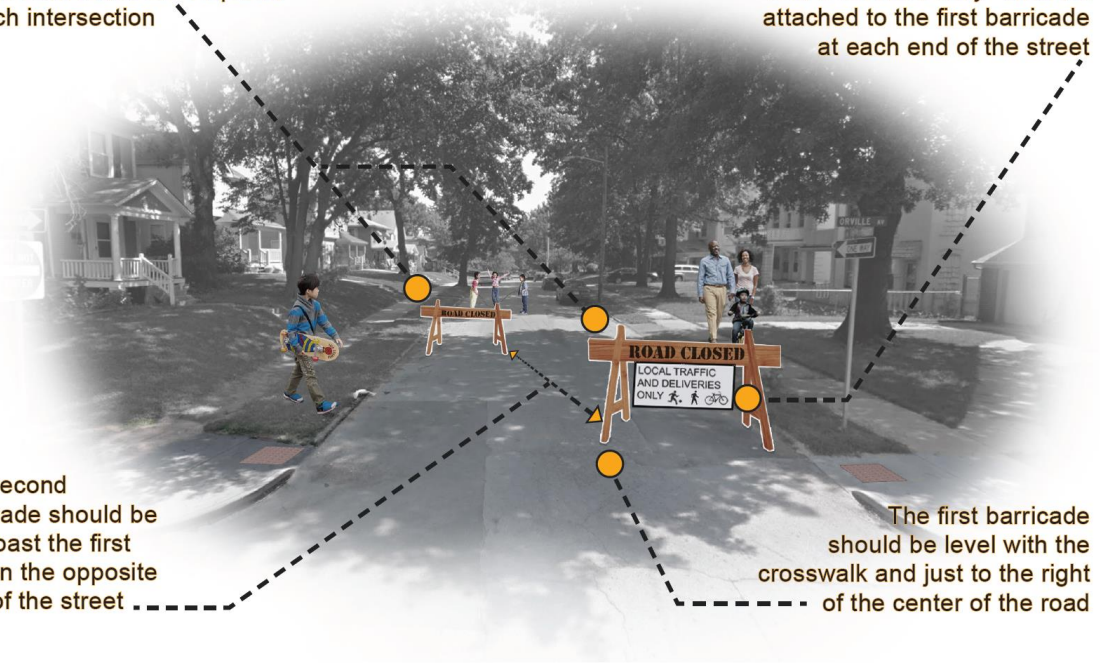
- Provide an expanded public realm for safe recreation
- Streets must be designated as residential, neighborhood, or local to be eligible
- Allows local traffic only
- Barricades must be easily moved to allow emergency vehicle and delivery access
- Open Street Block Captain is responsible for all maintenance and administration
- Application process and barricade standards enumerated

A set of two (2), 48 inch high, orange barricades are required at each intersection

A sign, reading "Local Traffic and Deliveries Only" shall be attached to the first barricade at each end of the street

The second barricade should be 20 ft past the first and on the opposite side of the street

The first barricade should be level with the crosswalk and just to the right of the center of the road



Conclusion

- Support local businesses, expand vibrancy of our commercial corridors, and enhance public health
- Cleaned up accessory use, outdoor vending, collection facility and donation bin sections
- Will continue to monitor and enforce standards
- Will continue to conduct outreach to business community and public





Staff Request for Commission Action

Tracking No. 211579

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 06/15/2022	<u>Contact Name:</u> Dominic Geniuk	<u>Contact Phone:</u> x5212	<u>Contact Email:</u> dgeniuk@wycokck.org	<u>Department/Division:</u> 311
<u>Item Description:</u> Departmental update on Municipal Court.				
<u>Action Requested:</u> <i>For information only.</i>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 211738

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 06/13/2022	<u>Contact Name:</u> Wilba Miller	<u>Contact Phone:</u> x5112	<u>Contact Email:</u> wmiller@wycokck.org	<u>Department/Division:</u> Community Development
<u>Item Description:</u> Presentation of the Revised 2022 and Proposed 2023 Community Development budgets.				
<u>Action Requested:</u> For information only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> CD 2022 2023 Budgets AHS				



June 2022

Community Development **2022 Revised/ 2023 Proposed Budget**

Community Development Block Grant	Revised 2022 *includes Reappropriations	Proposed 2023
Home Repair Program	\$601,796	\$500,000
Public Services		
Livable Neighborhoods	\$40,000	\$20,000
Willa Gill Multi-Service Center	\$169,336	\$148,000
NRSA Initiatives		
Clifton Park	\$625,000	\$0
Edgerton Park	\$61,280	\$0
City Park Disc Golf	\$170,000	\$0
Infrastructure/Public Facility Improvements		
Roof- Domestic Violence Shelter	\$400,000	\$0
FY Infrastructure/Public Facilities	\$0	\$500,000
Housing Management and Inspections	\$607,630	\$583,868
Program Administration	\$575,119	\$437,966
CDBG Program Total	\$3,250,161	\$1,598,952

HOME Program	Revised 2022 *includes Reappropriations	Proposed 2023
CHIP Down Payment Assistance	\$0	\$0
Subrecipients- New Construction/Rehabilitation	\$380,000	\$523,830
CHDO Set Aside- New Construction/Rehabilitation	\$1,295,892	\$333,831
Program Administration	\$130,663	\$95,295
HOME Program Total	\$1,806,555	\$952,956

ESG Program	Revised 2022 *includes Reappropriations	Proposed 2023
Client Service Activities	\$431,090	\$180,813
Program Administration	\$14,742	\$14,660
ESG Program Total	\$445,832	\$195,473

Lead Based Paint Grant	Revised 2022 *includes Reappropriations	Proposed 2023
LBP Abatement (CD)	\$127,486	\$0
Client EBL Testing (UGPHD)	\$47,595	\$0
Healthy Homes- Repair/Rehab	\$75,000	\$0
CD Dept. Administration	\$18,122	\$0
UGPHD Administration	\$30,032	\$0
Lead based Paint Grant Program Total	\$298,235	\$0

CARES ACT/ARPA

**Revised
2022**
*includes
Reappropriations

**Proposed
2023**

CDBG-CV

\$1,053,621

\$1,053,622

ESG-CV

\$690,834

\$690,835

HOME-ARP

\$1,598,951

\$1,598,952



Staff Request for Commission Action

Tracking No. 211739

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 06/13/2022	<u>Contact Name:</u> Wilba Miller	<u>Contact Phone:</u> x5112	<u>Contact Email:</u> wmiller@wycokck.org	<u>Department/Division:</u> Community Development
<u>Item Description:</u> A department update from Community Development.				
<u>Action Requested:</u> For Information only				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				