

Memorandum

Date: November 8, 2010

To: Plan Commission

From: Planning Division Staff and Zoning Administrator

Re: vending machines

Introduction

At the November 2nd 2010 meeting, the Plan Commission briefly discussed the regulations pertaining to vending machines in the draft zoning code, and referred the item for further discussion. As a follow-up to the discussion, the Plan Commission requested that staff prepare a discussion memo to outline the issues, and offer alternative recommendations.

The City understands that outdoor vending offers a convenience to residents and customers and that it is appropriate to allow outdoor vending machines with standards to maintain an attractive appearance and promote a safe environment. Vending within enclosed buildings is not included as part of the discussion in this memo.

Current Ordinance and emerging trends

The current ordinance allows outdoor vending machines as an accessory use to a principal use. Further, where allowed as an accessory use, vending machines are specifically listed as a business activity allowed outside of enclosed buildings in commercially zoned areas. Typically, vending manifests itself in the form of soda machines. In one case, a local bicycle shop has installed a bicycle products vending machine to sell consumables just outside of its doors. Other emerging interest include the "Red Box" DVD rental program, and new propane vending machines, where the transaction occurs outside the enclosed building. These are not typical vending operations, rather these involve a rental or exchange commercial activity.

In some cases, vending machines can be found at larger school sites or recreational facilities, where the machines are oriented toward internal users of the facility, rather than passers by. Examples include: Athletic fields, golf courses, large public parks, large school sites.

Possible approach in the Draft Ordinance

The term *vending machine* is not currently defined terms in the draft zoning code.

Note: The draft ordinance includes a definition of accessory use:

Use, Accessory. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Staff recommend that a definition be added:

Vending Machine A stand-alone, self contained or connected appliance, machine, and/or storage container located inside or outside of a principal structure, which dispenses or provides point-of-service storage of a product and/or self-service of products.

Staff recommend that the use be added as a listed accessory use:

Within zoning districts that allow certain commercial uses, vending machines could be considered permitted or conditional accessory uses. A list of uses includes: general retail uses, Auto Service station/convenience store, food and related goods sales. At public or private recreational facilities and school sites, outdoor vending could be allowed as a permitted accessory use, with supplemental regulations.

Staff recommend that a Supplemental Regulation be included:

- Outdoor vending machines shall be accessory only to retail uses and schools, athletic facilities, parks, and golf courses.
 - For retail uses, outdoor vending machines are allowed only for:
 - Single occupant buildings with more than 2500 square feet of gross floor area.
 - Individual tenants in a multi-tenant building that have at least 30 lineal feet of storefront.
 - When the product sold in the vending machine also is sold in the principal retail use.
 - No individual machine shall exceed five (5) feet in width, three (3) feet in depth and seven (7) feet in height.
 - No more than one (1) vending machine shall be located per building facade.
(Auto Service station, convenience store need more
 - Outdoor vending machines shall be flush against the facade of the principal structure, and shall not project into the public right-of-way.
 - Outdoor vending machines shall be placed on an impervious surface such as concrete or asphalt.
 - No vending machine shall be located so as to impede pedestrian access or circulation, obstruct parking areas, or create an unsafe condition. Any placement shall maintain at least five (5) feet of clear pedestrian access at all times, unless the development is subject to the large retail standards in Sec. 33.24(4)(f), in which case eight (8) feet of clearance is required.
 - When located at a school, athletic facility, park, or golf course, outdoor vending machines shall be located a minimum (pick a number??) from a property line, and shall not be oriented toward any abutting street or adjacent properties.
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