

ORDINANCE NO. 1316

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING REGULATIONS; ADOPTING ZONING REGULATIONS RELATING TO FOOD TRUCKS TO ALLOW THE USE OF FOOD TRUCKS WITHIN THE CITY OF GIG HARBOR AS OUTLINED IN THIS ORDINANCE; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, food trucks are currently not allowed outside of special use permits and special event permits for public functions; and

WHEREAS, in the past, business owners have expressed a desire to expand dining options by allowing mobile food truck uses within specified zones; and

WHEREAS, the citizens of Gig Harbor have expressed a desire for more dining establishments in the City; and

WHEREAS, City Council approved Ordinance No. 1262 on May 28, 2013 allowing for a 12 month interim use of food trucks within the City and extending it with Ordinance No. 1295; and

WHEREAS, under Ordinance No. 1295 a work program was established for the Planning Commission to make a recommendation to City Council regarding permanent regulations for food trucks; and

WHEREAS, the Gig Harbor SEPA Responsible Official issued a Determination of Nonsignificance for the same proposal on May 1, 2013; and

WHEREAS, the Gig Harbor City Council considered the ordinance at first reading and public hearing on June 8, 2015; and

WHEREAS, on June 22, 2015, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

Section 2. Purpose. The purpose of this zoning ordinance is to enact minimum regulations for food trucks, which is a subset of fast food restaurants that provides an alternative to traditional sit-down restaurants and by its mobile nature can respond to dynamic and spontaneous consumer demand. The operational nature of a mobile food

truck warrants permitting procedures and standards tailored to the transient nature of this use.

Section 3. Section 17.04.366 of the Gig Harbor Municipal Code is hereby added, to read as follows:

17.04.366 Food Truck

“Food Truck” means a vehicle or trailer located on private property from which a vendor prepares and/or serves food for sale to the general public.

Section 4. Section 17.40.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-NB	PCD-BP	MUD ²⁴
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²²	-	C ²⁹	P	C ²³	P	P
Food Truck ³⁰	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	P	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-

³⁰ Food Truck permits shall be processed with a special use permit, per GHMC 17.65.

Section 5. Section 17.65.010 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.65.010 Purpose and intent.

A special use permit is a mechanism by which the city may permit a use to locate within the city on an interim basis for specified periods of time. Because of the limited time allowance special uses can be compatible with, or have limited impacts to, neighboring properties and the general community. This chapter is intended to provide flexibility to accommodate these temporary or transient uses. Due to the transient nature of food trucks, permitting procedures and standards tailored to this unique use are enacted to provide minimum zoning regulations.

Section 6. Subsection 17.65.020(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.65.020 Criteria for a complete application.

A special use permit is a Type I permit application and shall be subject to the following review procedures and requirements: Complete application requirements for food trucks are provided for in GHMC 17.65.080.

* * *

Section 7. Section 17.65.080 of the Gig Harbor Municipal Code is hereby added, to read as follows:

17.65.080 Special requirements and regulations for Food Trucks

Food truck special use permits are a type I permit application and shall be subject to the following review procedures and requirements:

A. General Regulations

1. Food Trucks are allowed in the following zones: RB-2, DB, B-2, C-1, PCD-C, PCD-BP, PCD-NB, MUD, ED, and WC.
2. There is no limitation on the number of days of operation.
3. Food truck permits require an annual review to determine if the food truck complies with the regulations of this chapter in effect at the time of annual review. Annual review applications shall be submitted by the first working day of December each year.
4. Food trucks shall be fully operational and legally licensed vehicles or trailers.
5. Food truck approvals are non-transferable to any person or entity of any kind.
6. Proposed sites shall show conformance with GHMC 17.72 at time of application.

B. Food truck complete application requirements:

1. Signed and dated application form for a special use permit;
2. A written statement addressing the criteria for approval as set forth in GHMC 17.65.080(D);
3. A site plan showing the proposed locations(s) of the requested use, and any existing development on the site. The site plan shall indicate locations of any proposed temporary structures and include a circulation plan showing all access points for the site, all driveways, streets or roads and parking areas;
4. Location of common eating area, if any;
5. Signed agreement from property owner(s) for use of site and parking;
6. A disposal plan for grease, sanitary sewer, and wastewater;
7. An agreement or plan for restroom and hand washing needs.

C. Performance Standards and Operational Requirements.

1. **Parking and Vehicular Circulation:** A food truck cannot block any designated travel or fire lane(s) within a parking lot and cannot occupy any parking space that is required for a use on the same site without a shared parking agreement from the property owner.
2. **No drive-through:** No food truck may provide or serve as a drive-through facility.
3. **Signs:** Business identification and promotional signs and graphics wholly applied to the surfaces of a food truck vehicle are exempt from a sign permit and not regulated in number or total area; all additional signage shall conform to the standards outlined in chapter 17.80 GHMC.
4. **Refuse:** A secured trash container of at least 30 gallon capacity shall be provided for business customer use at the location of the vendor and the vendor shall clean the area surrounding their use and remove the refuse container and its contents at the end of each business day.
5. **State and County requirements:** All applicants shall meet state and county standards related to, but not limited to: food preparation, licensing, health and safety standards.

D. Criteria for Approval. The director shall approve applications for Food Trucks only if all the following criteria are met:

1. That the granting of the special use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located, and can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
2. That the site is of sufficient size to accommodate the proposed use;
3. The application is compliant with all relevant statutory codes, regulations and ordinances.

E. Revocation. Upon review by the director, a food truck permit may be revoked for one of more of the following reasons:

1. That the approval was obtained by fraud or that erroneous information was provided by the applicant;
2. That use is being exercised in violation of any statute, ordinance, law or regulation.

Section 8. Subsection 17.65.100(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.65.100 Exemptions.

The following activities or uses are exempt from the requirement of a special use permit, but other permits or approvals may be required:

- A. Annual Christmas tree and fireworks sales;
- B. Community wide events such as annual art fairs and street fairs operating under a special event license;
- C. Events approved at a city park or facility. (Ord. 953 § 8, 2004; Ord. 708 § 1, 1996).
- D. Food trucks permitted through a special event license.

Section 9. Amendment to Fee Schedule. Amend Exhibit A of Resolution 983 under Section A(19) to include "Food Truck – Initial Application" for a fee of \$120.00 and "Food Truck – Annual Review" for a fee of 75% of cost of initial application; and to remove "Food Trucks" from section A(5)(b).

Section 10. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 12. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

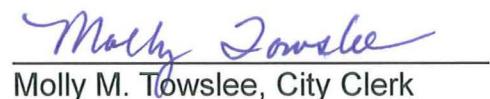
PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 22nd day of June, 2015.

CITY OF GIG HARBOR



Jill Guernsey
Mayor Jill Guernsey

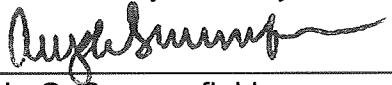
ATTEST/AUTHENTICATED:



Molly Towslee
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 06/03/15

PASSED BY THE CITY COUNCIL: 06/22/15

PUBLISHED: 07/01/15

EFFECTIVE DATE: 07/06/15

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