

ORDINANCE NO. 1295

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING REGULATIONS; ADOPTING INTERIM 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.

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**WHEREAS**, the City of Gig Harbor is authorized to impose moratoria and interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

**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

**WHEREAS**, under Ordinance No. 1262 there were no applications submitted during the allowed timeframe to assess the impacts of food trucks; and

**WHEREAS**, the City deems it premature to adopt permanent regulations prior to experiencing how the process works; and

**WHEREAS**, the Gig Harbor City Council has determined that the adoption of interim food truck regulations allowing the use on existing developed areas in the city is desired prior to the 2014 summer season, and due to the time needed to adopt permanent regulations, interim zoning regulations are necessary; and

**WHEREAS**, the interim land use controls may be effective for up to one year if a work plan is developed for related studies providing for such longer period pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

**WHEREAS**, upon a complete submittal of a food truck application, the Gig Harbor City Council is directing the Gig Harbor Planning Commission to review the impacts resulting from the interim regulations after the 2014 season; and

**WHEREAS**, given the timing of availability of information relating to impacts of the interim regulations and the work load of the Planning Commission, the City Council is directing the Planning Commission to review the interim regulations, to conduct such public hearings as may be necessary or desirable and to provide a recommendation to the City Council as to whether the City should adopt permanent regulations no later than May 2015; 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 9, 2014; and

**WHEREAS**, on June 23, 2014, 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 interim zoning ordinance is to enact minimum zoning 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. Definitions.**

- A. "Food Truck" means a fully operational and legally licensed vehicle or trailer located on private property from which a vendor prepares and serves food for sale to the general public.

**Section 4. Interim Zoning Regulations.**

- A. Zoning Districts. 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.
- B. Applications. In addition to the application requirements for minor site plan review, per chapter 17.96 GHMC, an application for a food truck shall include the following information:
  - i. Location of truck on site;
  - ii. Location of common eating area, if any;
  - iii. Signed agreement from property owner(s);

- iv. Two parking stalls shall be demonstrated to be within 500' of truck location;
- v. A disposal plan for grease, sanitary sewer, and wastewater; and
- vi. An agreement or plan for restroom and hand washing needs.

C. Standards and Operational Requirements.

- i. Parking and Vehicular Circulation: A food truck cannot occupy any parking space that is required for a use on the same site and cannot block any designated travel or fire lane(s) within a parking lot.
- ii. No drive through: No food truck may provide or serve as a drive through facility.
- iii. Signs: Business identification and promotional signs and graphics 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.
- iv. 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.
- v. 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. Applicability: The regulations set forth in this ordinance do not apply to food trucks approved through special event licenses and special use permits.

**Section 5. Amendment to Land Use Matrix.** Chapter 17.14.020 of the Gig Harbor Municipal Code shall be amended to include a notation that food trucks may be permitted subject to the interim regulations set forth in this ordinance.

**Section 6. Expiration of Site Plan Approval.** All minor site plan approvals under the interim regulations of this ordinance shall expire and become null and void upon the happening of any of the following events: (a) upon repeal or termination of the interim regulations by ordinance of the City Council; (b) upon the expiration of this ordinance by its terms or the expiration of any extension of these interim regulations; or (c) upon the date as may be established in an ordinance of the City Council adopting permanent regulations.

**Section 7. Duration of Interim Zoning Regulations.** The interim regulations adopted by this ordinance shall remain in effect for one year from the effective date of this ordinance and shall automatically expire unless the same are extended as provided

in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

**Section 8. Referral to Planning Commission; Work Plan.** The City of Gig Harbor Planning Commission is hereby directed to review the interim regulations and the impacts related to the interim regulations between December 2014 and April 2015, with at least one public hearing to occur by the end of April 2015. The Planning Commission shall make its final recommendation on whether the regulations, or some modification thereof, should be permanently adopted, to the City Council no later than the last Council Meeting in May, 2015.

**Section 9. 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 10. 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 11. 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 9<sup>th</sup> day of June, 2014.

CITY OF GIG HARBOR

  
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Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
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Molly M. Towsee, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney  
  
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Angela S. Summerfield

FILED WITH THE CITY CLERK: 06/04/14  
PASSED BY THE CITY COUNCIL: 06/23/14  
PUBLISHED: 07/02/14  
EFFECTIVE DATE: 07/07/14  
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