

ORDINANCE NO. 1858

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON ADDING NEW FMC SECTIONS 19.06.497 AND 19.68.075 AND AMENDING FMC SECTIONS 19.40.020, 19.42.020 19.44.020, 19.46.020 AND 19.48.02 ALLOWING MOBILE FOOD UNITS IN CERTAIN ZONING DISTRICTS

WHEREAS, from time to time, it is appropriate to review development regulations; and

WHEREAS, mobile food units, also known as mobile food trucks, have become a growing industry and have become much more sophisticated in terms of menu options, design of trucks and marketing; and

WHEREAS, the City of Fife is interested in allowing mobile food units while addressing impacts from such a use; and

WHEREAS, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14-day expedited review from State agencies with said expedited review having been granted November 7, 2013 and no comments from State agencies received; and

WHEREAS, the City of Fife Planning Commission held a public meeting on the proposed amendments on December 2, 2013, and recommended approval of the amendments; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on October 18, 2013 with no appeal filed; and

WHEREAS, on February 11, 2014, the Fife City Council held a public hearing on the proposed amendments; and

WHEREAS, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Fife Municipal Code Chapter 19.06 is hereby amended by adding a new section 19.06.497 as follows,

“19.06.497 Mobile Food Unit

“Mobile Food Unit” means a self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service. This definition shall not include businesses providing or offering to provide scheduled delivery of food products to individual businesses or residences.”

Section 2. Fife Municipal Code Section 19.40.020, Permitted Uses in the Community Commercial (CC) District, is hereby amended as follows,

“19.40.020 Permitted uses.

Permitted uses in the CC district are:

- A. Single-family dwelling;
- B. Duplex dwelling;
- C. Multifamily structure with a maximum of eight dwelling units per structure consisting of retirement home located within 500 feet of a transit line permitted through a planned residential development (PRD);
- D. Mixed use structure with a maximum of eight dwelling units per structure only if permitted through a planned residential development (PRD), and where all residential units are located on the upper floors of a mixed use structure with nonresidential uses on the first floor, and meeting the design requirements of Chapter 19.60 FMC, and located on a principal or collector arterial street;
- E. Adult or child day-care center;
- F. General group home;
- G. Agricultural use, including a plant nursery, feed and seed store, livestock (see Chapter 19.68 FMC) and roadside stand for the sale of agricultural goods;
- H. Professional office;
- I. Veterinary clinic, with treatment and storage of animals within an enclosed building;
- J. Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art, bicycles, books, carpets, clothing, convenience goods, fabrics, flowers, food, furniture, garden supply, gasoline, gifts, hardware, hobby supplies, jewelry, newspapers, office equipment and supplies, paint, pets and pet supplies, pharmaceuticals, photography supplies, pottery, shoes, sporting goods, stationery, tile, toy, vehicle parts (new/remanufactured), videos and wallpaper;
- K. Commercial service including, but not limited to, banking, beauty and hair care, cleaning, consulting, construction contracting, copying, dry cleaning, funeral services, glass studio works, financial, health (club), insurance, laundry, locksmithing, paging, pet grooming, printing (small-scale), studio photography, real estate sales, repair of products listed in subsection (J) of this section, security, signs, tailoring, telecommunication sales, title, upholstery and vehicle detailing;
- L. Entertainment facility, including: arcade, bowling alley, indoor miniature golf course, indoor movie or stage theater, museum, indoor skating rink, racquetball court and tennis court;

- M. Commercial instruction including, but not limited to, airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense and trade;
- N. Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, museum, parking facility, park, police station, pool, post office, public works facility, senior center, school, substation, utility and well facility;
- O. Radio station;
- P. Civic, labor, social and fraternal organization;
- Q. Religious institution;
- R. Restaurant, excluding drive-thru;
- S. Espresso stand, including drive-thru;
- T. Liquor store, located at least 500 feet from the closest property line of any public or private park or children's school;
- U. Attached wireless communication facility (WCF) on a nonresidential attachment structure (see Chapter 19.72 FMC);
- V. Electric vehicle infrastructure.
- W. Mobile food units subject to the requirements of FMC section 19. 68.075."

Section 3. Fife Municipal Code Section 19.42.020, Permitted Uses in the Community Mixed Use (CMU) District, is hereby amended as follows,

"19.42.020 Permitted Uses

Permitted uses in the CMU district are limited to site developments with no more than 50,000 square feet aggregate gross structure area and are as follows:

- A. Multifamily structure except that a multifamily structure or its accessory uses are not permitted at street level if fronting on 20th Street East;
- B. Mixed use development; provided, that any structure that includes residential use shall provide at least four dwelling units and that residential use or accessory uses are not permitted at street level if fronting 20th Street East;
- C. Professional office including consulting, insurance, real estate sales, professional organizations, radio station without an on-site transmission tower;
- D. Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art, bicycles, books, carpets, clothing, fabrics, flowers, food, furniture, garden supply, gifts, hardware, hobby supplies, jewelry, newspapers, office equipment and supplies, paint, pets and pet supplies, pharmaceuticals, photography supplies, pottery, shoes, sporting goods, stationery, tile, toys, videos and wallpaper, year-round farmer's market, food/grocery/supermarket;
- E. Commercial service including, but not limited to, banking, beauty and hair care, cleaning, copying, dry cleaning, glass studio works, financial, health (club), laundry, locksmithing, paging, pet grooming, printing (small-scale), studio photography, tailoring, telecommunication sales;

- F. Entertainment facility, including arcade, indoor miniature golf course, indoor movie or stage theater, museum;
- G. Commercial instruction including, but not limited to, airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense and trade;
- H. Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, museum, parking facility, park, police station, pool, post office, senior center, school, substation, utility and well facility;
- I. Civic, labor, social and fraternal organization, except that a labor, social, and fraternal organization is not permitted at street level fronting 20th Street East;
- J. Restaurant, but excluding dancing, live stage or similar entertainment activities, and drive-thru;
- K. Espresso stand, excluding drive-thru;
- L. Attached wireless communication facility (WCF) on a nonresidential attachment structure (see Chapter 19.72 FMC);
- M. An off-site parking lot accessory to and located within 500 feet of its associated primary use; provided, that the off-street parking lot is legally encumbered to serve the associated use;
- N. Family-oriented dining establishment, where alcoholic beverages may be served as incidental and complementary to the serving of food, such that any area that is primarily intended for dispensing and consumption of alcoholic beverages, including but not limited to a lounge or bar, shall not occupy more than 25 percent of the total floor areas intended for public use;
- O. Brewpub, including beer and wine. An eating and drinking establishment having a microbrewery on the premises which produces beer, ale, or other malt beverage, or wine, and where the majority of the beer/wine produced is consumed on the premises. This classification allows a brewpub to sell beer/wine retail and/or act as wholesaler for beer of its own production for off-site consumption, with appropriate state licenses;
- P. Electric vehicle infrastructure.
- Q. Mobile food units subject to the requirements of FMC section 19.68.075.”

Section 4. Fife Municipal Code Section 19.44.020, Permitted Uses in the Regional Commercial (RC) District, is hereby amended as follows,

“19.44.020 Permitted uses.

Permitted uses in the RC district are:

- A. Single-family dwelling;
- B. Duplex dwelling;
- C. Multifamily structure consisting of retirement home located within 500 feet of a transit line permitted through a planned residential development (PRD);
- D. Mixed use structure only if permitted through a planned residential development (PRD), and where all residential units are located on the upper floors of a mixed use structure with nonresidential uses on the first floor, and meeting the design requirements of Chapter 19.60 FMC;
- E. Adult or child day-care center;

- F. General group home;
- G. Manufactured home park through a planned residential development (PRD);
- H. Agricultural use, including plant nursery, feed and seed store, livestock (see Chapter 19.68 FMC) and roadside stand for the sale of agricultural goods;
- I. Professional office;
- J. Veterinary clinic, with treatment and storage of animals within an enclosed building;
- K. Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances, art, automobiles, baked goods, bicycles, boats, books, carpets, clothing, convenience goods, fabrics, flowers, food, furniture, garden supply, gifts, glass (artistic or commercial use), hardware, hobby supplies, jewelry, lumber, motorcycles, newspapers, office equipment or supplies, paint, pets or pet supplies, pharmaceuticals, photography supplies, pottery, secondhand merchandise, shoes, sporting goods, stationery, textile, tile, toys, vehicle parts (new/remanufactured), videos and wallpaper;
- L. Retail sales office and lot including, but not limited to, automobile, boat, manufactured home (sales only), recreational vehicle and truck sales;
- M. Commercial service including, but not limited to, advertising, ambulance (private), auction (indoor), banking, beauty and hair care, cleaning, consulting, construction contracting, copying, decorating, dry cleaning, employment, funeral, glass (repair, replacement, studios), financial, gasoline (station), health (club), insurance, kennel (indoor), laundry, locksmithing, masonry, newspapers, paging, parcel delivery, pet grooming, plumbing, printing (small-scale), studio photography, real estate sales, repair of products listed in subsection (K) of this section, roofing, security, signs, tailoring, telecommunication sales, title, upholstery, vehicle detailing, vehicle painting and vehicle washing;
- N. Indoor entertainment facility including, but not limited to, arcade, billiard room, bowling alley, movie or stage theater, miniature golf course, skating/skateboard facility, racquetball court and tennis court. Excludes shooting range;
- O. Commercial instruction including, but not limited to, airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense and trade;
- P. Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, museum, parking facility, park, police station, pool, post office, public works facility, senior center, school, substation, utility and well facility;
- Q. Vehicle repair, minor or major. A vehicle for repair shall not be located in the front yard for more than one week. On-site storage of vehicles not actively being repaired or used by the facility shall be prohibited;
- R. Radio station;
- S. Hotel;
- T. Supermarket;
- U. Shopping center;
- V. Restaurant, excluding dancing, live stage or similar entertainment activities;
- W. Espresso stand;

- X. Liquor store, located at least 500 feet from the closest property line of any public school or park;
- Y. Bar, tavern and nightclub, located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district;
- Z. Religious institution;
- AA. Civic, labor, social or fraternal organization;
- BB. Technological use including, but not limited to, scientific research, testing and experimental development laboratory (excludes biotechnology);
- CC. Attached wireless communication facility (WCF) on nonresidential attachment structure (see Chapter 19.72 FMC);
- DD. An off-site parking lot located within 500 feet of the associated use lot; provided, that the off-street parking lot is legally encumbered to serve the associated use;
- EE. Mini-storage;
- FF. Electric vehicle infrastructure.
- GG. Mobile food units subject to the requirements of FMC section 19. 68.075."

Section 5. Fife Municipal Code Section 19.46.020, Permitted Uses in the Business Park (BP) District, is hereby amended as follows,

"19.46.020, Permitted uses.

Permitted uses in the BP district are:

- A. Professional office;
- B. Retail sales store, including but not limited to the sale/rental of the following items: antiques, appliances, art, baked goods, bicycles, books, carpets, clothing, convenience goods, electronic equipment and supplies, fabrics, florists, food, furniture, garden supply, gifts, glass (artistic or commercial use), hardware, heating and plumbing equipment and supplies, hobby supplies, jewelry, motorcycles, newspapers, office equipment and supplies, paint, pets and pet supplies, pharmaceuticals, photography, pottery, shoes, sporting goods, stationery, textile, tile, toys, vehicle parts (new/remanufactured), videos, and wallpaper;
- C. Commercial service including but not limited to: advertising, ambulance (private), banking, beauty and hair care, cleaning, consulting, construction contracting, copying, decorating, dry cleaning, electric motor repair, employment, funeral, glass (repair, replacement, studios), financial, fitness (club), insurance, laundry, locksmithing, masonry, newspaper (small-scale), paging, pet grooming, plumbing, printing (small-scale), studio photography, real estate sales, repair of products listed in subsection (B) of this section, roofing, secondhand stores, security, signs, tailoring, telecommunication sales, title, and upholstery;
- D. Storage, warehouse or wholesale distribution facility. A business park shall not exceed an average of 4,000 square feet per storage/warehouse/distribution use. This average includes both principal and accessory

storage/warehouse/distribution uses. A storage/warehouse/distribution use shall not exceed 15,000 square feet;

E. Manufacturing. A business park shall not exceed an average of 4,000 square feet per manufacturing use. A manufacturing use shall not exceed 15,000 square feet. Excludes distilling, fermenting, canning, slaughtering, rendering, curing, tanning, paint manufacturing, and tire manufacturing;

F. Low-intensity amusement, entertainment and recreational facility, including but not limited to: billiard room, gallery, stage theater (indoor), miniature golf course (indoor), and skating/skateboard arena (indoor). Excludes shooting ranges;

G. Commercial instruction, including but not limited to: airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense, and trade;

H. Technological uses including scientific research, testing and experimental development laboratories;

I. Public and quasi-public use or facility, including but not limited to: community center, court, fire station, governmental office, parking facility, park, police station, pool (indoor), post office, public works facility, senior center, substation, and utilities;

J. Shopping center;

K. Restaurant, including drive-thru;

L. Espresso stand, including drive-thru;

M. Civic, labor, social or fraternal organization;

N. Liquor store located at least 500 feet from the closest property line of any public or private children's school or park;

O. Bar, tavern or nightclub, located at least 500 feet from the closest property line of any residential use or residential zoning district, and any public or private children's school or park;

P. Wholesale sales store;

Q. Religious institution;

R. Adult or child day-care center. For child day-care center, a designated and fenced recreational area is required;

S. Veterinary clinic, with treatment and storage of animals within an enclosed building;

T. Assembly of commercial, professional and household electronic components, products and equipment, including but not limited to appliances, communication devices, computers and related accessories, stereo equipment, telecommunications equipment and televisions;

U. Saw and filing shop;

V. Machine shop. A business park shall not exceed an average of 4,000 square feet per machine shop use. A machine shop use shall not exceed 15,000 square feet;

W. Printing establishment;

X. Attached wireless communication facility (WCF) on an attachment structure (see Chapter 19.72 FMC);

Y. Electric vehicle infrastructure.

Z. Mobile food units subject to the requirements of FMC section 19. 68.075."

Section 6. Fife Municipal Code Section 19.48.020, Permitted Uses in the Industrial (I) District, is hereby amended as follows,

“19.48.020 Permitted uses.

Permitted uses in the I district are:

- A. Existing dwelling unit. A legally constructed dwelling unit for residential occupancy as of the effective date of the ordinance codified in this title;
- B. Manufacturing of products using processed materials. Chemical, paint and tire related manufacturing are excluded;
- C. Pharmaceutical products manufacturing;
- D. Food products manufacturing, excluding meat products, seafood products, distilling, fermenting, canning, slaughtering, rendering, curing and tanning;
- E. Machine shop;
- F. Saw and filing shop;
- G. Assembly of commercial, professional or household electronic components, products and equipment including, but not limited to, appliances, communication devices, computers and related accessories, stereo equipment, telecommunications equipment and televisions;
- H. Warehousing and distribution facilities, including mini-storage. Excludes ocean cargo container storage yard;
- I. Mail and package shipping facilities;
- J. Professional offices;
- K. Construction contracting;
- L. Technological uses including scientific research, testing and experimental development laboratories (excludes biotechnology);
- M. Retail and wholesale sale of products manufactured on-site. The site shall be on a lot with at least 100 feet of frontage on a principal or minor arterial;
- N. Agricultural use, including plant nursery, feed and seed store, livestock (see Chapter 19.68 FMC) and roadside stand for the sale of agricultural goods;
- O. Retail sales or service use, fronting on a minor or principal arterial, which shall primarily serve the needs of the industrial district, be compatible with the permitted types of industrial uses, and not interfere with the orderly development of the industrial area;
 - 1. Permitted uses include, but are not limited to, the sale or rental of the following items: electronic equipment, forklifts, heavy equipment, trucks, newspapers and office equipment and supplies;
 - 2. Permitted uses include, but are not limited to, the following services: electric motor repair, espresso stand (including drive-thru), heavy equipment repair, vehicle wash and vehicle repair;
 - 3. Other retail and service type uses which are within the same structure as a permitted manufacturing, warehousing, distribution or office use and occupy less than or equal to 35 percent of the structure's gross floor area;
 - 4. Additional permitted uses within retail overlay zone:

Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances, art, automobiles, baked goods, bicycles, boats, books, carpets, clothing, convenience goods, fabrics, flowers, food, furniture, garden supply, gifts, glass (artistic or commercial use), hardware, hobby supplies, jewelry, lumber, motorcycles, newspapers, office equipment or supplies, paint, pets or pet supplies, pharmaceuticals, photography supplies, pottery, secondhand merchandise, shoes, sporting goods, stationery, textile, tile, toys, vehicle parts (new/remanufactured), videos and wallpaper;

P. Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, museum, parking facility, park, police station, pool, post office, public works facility, senior center, school, substation, utility and well facility;

Q. Commercial parking lots and park and ride lots;

R. Armored vehicle facility;

S. Printing establishment (large-scale);

T. Recycling collection site and recycling facilities (indoor) including glass, plastic, metal, cardboard and newspaper;

U. Monopole or lattice WCF less than or equal to 150 feet in height. Located within WCF permitted use overlay and subject to Chapter 19.72 FMC;

V. Electric vehicle infrastructure.

W. Mobile food units subject to the requirements of FMC section 19. 68.075.”

Section 7. Fife Municipal Code Chapter 19.68 is hereby amended by adding a new section 19.68.075 entitled Mobile Food Units as follows,

“19.68.075 Mobile Food Units

Where allowed in a zoning district in the City, mobile food units shall be subject to the following standards. These standards shall be in addition to lot area coverage, density, setback standards, landscaping and other development standards and requirements applicable to the zoning district.

A. Mobile food units shall only be located on private property.

B. The mobile food unit vendor shall have written approval from the property owner.

C. There shall be no more than two (2) mobile food units on a property at any one time.

D. No free-standing signage shall be permitted; except that, one (1) A-Board sign not exceeding nine (9) square feet in area shall be permitted. The A-Board sign shall be placed within 20 feet of the mobile food unit.

E. Outdoor seating areas associated with mobile food units are permitted; provided that seating capacity does not exceed eight (8) persons.

F. Hours of operation shall be limited to 6:00 a.m. – 9:00 p.m.

G. Mobile food units shall not occupy required off-street parking spaces necessary to meet the requirements of the uses on the property, shall not park on landscaped areas, and shall not obstruct required loading,

circulation or fire access. The siting of the mobile food unit shall also not allow for pedestrians to stand in the public right-of way.

H. Properties with mobile food units shall be located at least 100 feet from the following zoning districts: Single Family Residential, Small Lot Residential, Medium Density Residential, High Density Residential, Neighborhood Residential and Neighborhood Commercial. The distance shall be measured from the nearest point of the property line upon which the mobile food unit is located to the nearest point of the property line of the applicable zoning district.

I. The mobile food unit operator shall comply with all applicable Tacoma-Pierce County Health Department rules. Nothing in these regulations is intended to supersede requirements of the Tacoma-Pierce County Health Department or any other agency with oversight over the operation of mobile food units.

J. Restroom facilities shall meet minimum requirements set forth by the Tacoma-Pierce County Health Department. Portable toilets shall not be allowed.

K. Mobile food units shall maintain minimum 20 feet setback from all other building structures.

L. Amplified music or loudspeakers shall only be permitted between 10:00 a.m. and 6:00 p.m. The operation shall comply with the provisions of the City of Fife Noise regulations.

M. A mobile food unit permit shall be obtained from the City.”

Section 8. Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 9. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 25th day of Feb, 2014.

Passed by the City Council on the 11th day of March, 2014.



~~Dave Zabell~~, City Manager
Subir Mukerjee Acting

ATTEST:

Michelle Medina
Carol Etgen, City Clerk
Acting

APPROVED AS TO FORM:

Loren D. Combs
Loren D. Combs, City Attorney

Published: March 14, 2014
Effective Date: March 19, 2014