

**GUNNISON CITY, UTAH
ORDINANCE No. 2016-2**

**AN ORDINANCE OF THE GUNNISON CITY COUNCIL AMENDING THE
GUNNISON CITY ZONING ORDINANCE AND PROVIDING FOR MOBILE FOOD
TRUCKS AND MOBILE FOOD TRAILERS**

WHEREAS, the amendments to Gunnison City's Land Use Ordinances, including the Zoning Ordinance, are required from time to time; and

WHEREAS, the Utah Code provides the minimum procedural requirements for Gunnison City to consider an amendment to the City's Land Use Ordinances; and

WHEREAS, the Gunnison City Planning Commission has now held a public hearing and received comments on possible Zoning Ordinance amendments related to Mobile Food Trucks and Mobile Food Trailers; and

WHEREAS, the City Council has now received the Planning Commission's recommendation and also held a public hearing on the Planning Commission recommendation; and

WHEREAS, the Land Use Ordinances of Gunnison City requires that the Gunnison City Planning Commission in recommending an amendment, and the City Council in deciding a Land Use Ordinance amendment, must determine that that procedures and requirements of the Zoning Ordinance have been met; and

WHEREAS, after consideration of the Planning Commission's recommendation, and all other comment and input received the Gunnison City Council desires that the City's Land Use Ordinances be amended to provide provisions related to Mobile Food Trucks and Mobile Food Trailers; and

WHEREAS, the Zoning Ordinance should provide requirements for Mobile Food Trucks and Mobile Food Trailers related to location, applications, application approval standards, hours of operation, use permits and business license requirements, regular reviews, and the avoidance of any nuisance and the Table of Uses be amended to recognize Mobile Food Trucks and Mobile Food Trailers; and

WHEREAS, the Zoning Ordinance amendments recommended by the Planning Commission and now determined necessary by the City Council have requirements for Mobile Food Trucks and Mobile Food Trailers related to location, applications, application approval standards, hours of operation, use permits and business license requirements, regular reviews, and the avoidance of any nuisance and necessary revisions to the Table of Uses to specifically recognize Mobile Food Trucks and Mobile Food Trailers; and

WHEREAS, the City Council have now determined that it represents sound and appropriate action that the Gunnison City Zoning Ordinance be amended to provide for Mobile Food Trucks and Mobile Food Trailers.

NOW, THEREFORE, THE CITY COUNCIL OF GUNNISON CITY, UTAH ORDAINS AS FOLLOWS:

Section 1. Title.

This Ordinance may be cited as “Ordinance 2016-2 – An Ordinance amending the Gunnison City Zoning Ordinance for Mobile Food Trucks and Mobile Food Trailers.” All recitals of this Ordinance are incorporated herein by this reference.

Section 2. Zoning Ordinance Amendments.

The Gunnison City Zoning Ordinance shall be amended as identified by Attachment 1, including the Table of Uses, as attached hereto. The Gunnison City Zoning Ordinance, a Gunnison City Land Use Ordinance shall be revised to incorporate the provisions of this Ordinance with necessary Section renumbering.

Section 3. Conflict.

In the event of a conflict between this Ordinance and any other Gunnison City Ordinance, Resolution, Regulation, or Policy, the provisions of this Ordinance shall apply and shall be controlling.

Section 4. Severability.

If any section, part, or provision of this Ordinance is held by a court of competent jurisdiction to be invalid or unenforceable such invalidity or unenforceability shall not affect any other section, part, or provision of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date.

This Ordinance shall take effect upon noticing as required by law.

Ordinance 2016-2
Mobile Food Trucks and Mobile Food Trailers
July 13, 2016

**PASSED BY THE CITY COUNCIL OF GUNNISON CITY, STATE OF UTAH, THIS
13TH DAY OF JULY, 2016.**

By: Bruce A. Blackham
Bruce Blackham, Mayor

ATTEST:

Janell Braithwaite
Janell Braithwaite, City Recorder



ATTACHMENT 1

Section 1729—Mobile Food Trucks and Mobile Food Trailers:

This Section provides standards for the establishment and operation of Mobile Food Trucks and Mobile Food Trailers. The provisions of this Section do not apply to vending carts, seasonal produce standards, farmer's markets, or other temporary merchants or uses that are regulated by this Ordinance or by other City Ordinances.

1) Location.

- a) A Mobile Food Truck or Mobile Food Trailer may be authorized in the Zoning Districts, as provided by Appendix A, Table of Uses.
- b) A Mobile Food Truck or Mobile Food Trailer shall only be established at the location(s) identified by a valid Land Use Permit approval.
- c) Mobile Food Trucks and Mobile Food Trailers shall comply with all set back requirements for the property and Zoning District in which the property is located.
- d) No Mobile Food Truck or Mobile Food Trailer shall be located within the required clear view area of any lot or parcel.
- e) No Mobile Food Truck or Mobile Food Trailer shall locate on any park strip or otherwise landscaped area.
- f) No Mobile Food Truck or Mobile Food Trailer shall be located to block or obstruct any driveways or property accesses or to create any anticipated traffic or pedestrian safety risk.

2) Land Use Application.

- a) A separate Land Use Application shall be required to establish and operate each Mobile Food Truck or Mobile Food Trailer.
- b) In addition to all other application requirements, a Land Use Application to establish a Mobile Food Truck or Mobile Food Trailer shall provide the following:

- i. The proposed general location for the establishment and operation of the Mobile Food Truck or Mobile Food Trailer.
- ii. Central Utah Public Health Department. A copy of all necessary written approvals, licenses, certificates, or permits required and issued by the Central Utah Public Health Department to operate a Mobile Food Truck or Mobile Food Trailer. If the necessary written approvals, licenses, certificates, or permits are not available from Central Utah Public Health Department at the time of Land Use Application then a copy of all required Central Utah Public Health Department Applications. Evidence of all necessary written approvals, licenses, certificates, or permits required and issued by the Central Utah Public Health Department to operate a Mobile Food Truck or Mobile Food Trailer shall be provided to the Land Use Authority prior to the establishment and operation of any Mobile Food Truck or Mobile Food Trailer.
- iii. Property Owner Consent and Authorization. Written consent, signed by all property owners of record, authorizing the establishment and operation of a Mobile Food Truck or Mobile Food Trailer on the property and at the locations proposed, with any property owner(s) restrictions or limitations.
- iv. Valid Registration. Evidence of valid Utah registration of the Mobile Food Truck or Mobile Food Trailer.
- v. Duration of Operation. Proposed months, days, and hours of operation of the Mobile Food Truck or Mobile Food Trailer.

3) Land Use Application Approval Standards

All Land Use Permits and all Business Licenses required to authorize the establishment and operation of a Mobile Food Truck or Mobile Food Trailer shall comply with the following:

- a) Non-transferable. The approval shall be issued to the Mobile Food Truck and/or Mobile Food Trailer owner or operator identified on the Land Use Permit Application and is not transferable to any other persons.
- b) The approval to operate at the approved location is not transferable to another location. The location for the establishment and operation of the Mobile Food Truck or Mobile Food Trailer is specific to the property and location.

- c) No Mobile Food Truck or Mobile Food Trailer shall be located within any required minimum setback area for the lot or parcel.
 - d) No Mobile Food Truck or Mobile Food Trailer shall provide any drive-through or drive up facilities.
 - e) No signage shall be allowed except those painted or affixed directly to the Mobile Food Truck or Mobile Food Trailer
 - f) Maintain valid Utah vehicle registration.
 - g) Trash and recycling containers shall be provided.
 - h) All utilities and services required to operate may be self-contained or may access public or private utilities and services upon providing written consent from the property owner and the public or provide utility and service providers.
 - i) All property and areas used by a Mobile Food Truck or Mobile Food Trailer shall be maintained at all times in a clean and safe condition.
- 4) Hours of Operation.

All Mobile Food Trucks and Mobile Food Trailers approved to operate in the City shall not operate for more than fourteen (14) hours within a twenty four (24) hour period.

5) Valid Land Use Permit and Business License Required.

- a) No Mobile Food Truck and no Mobile Food Trailer shall operate within the City without the necessary and valid Land Use Permit approval from the Land Use Authority, as applicable, and without a valid business license.
- b) No Business License Application shall be approved by the City to operate a Mobile Food Truck or Mobile Food Trailer until the Land Use Authority, as applicable, has approved the necessary Land Use Permit, such permit clearly identifying the location(s) to operate a Mobile Food truck or Mobile Food Trailer, and all other standards required for approval.

- c) A Business License approval shall only be valid for the location(s) and standards of approval required by the Land Use Authority. The Business License shall not superseded or conflict with any requirements of the Land Use Authority which shall be considered controlling.

6) Continuing Validity.

Failure to maintain the required Central Utah Public Health Department approval and permits, property owner authorized consent, and comply with all standards and requirements of the Land Use Permit and Business License shall be cause for a Mobile Food Truck or Mobile Food Trailer Land Use Permit approval by a Land Use Authority to automatically terminate and to be void and invalid.

7) Annual Review.

- a) The Land Use Authority shall review the continuing validity to establish and operate a Mobile Food Truck or Mobile Food Truck within the City annually. If the Land Use Authority determines that the Land Use Application was inaccurate, misleading or incomplete or that a violation of any standard required for Land Use Permit approval has occurred the Land Use Authority shall commence proceedings to revoke or modify the Land Use Application approval as provided by Chapter 20 herein.
- b) Action by a Land Use Authority to revoke or modify a Land Use Permit approval to establish and operate a Mobile Food Truck or Mobile Food Trailer shall automatically terminate an associated Business License.

8) Nuisance.

The establishment and operation of a Mobile Food Truck or Mobile Food Trailer shall not constitute the creation of a "nuisance," as defined by the City or other Federal, State, or Local agency. Creation of a nuisance shall be grounds to commence Land Use Permit approval modification or revocation proceedings as provided by Chapter 20 herein.

TABLE OF USES

P-1 = Permitted Use; P-2 = Permitted Use; C = Conditional Use; X = Use Prohibited in the Zoning District (Zone)

| USES | ZONING DISTRICTS | | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------|------------|-----------|---------|--------|-----|-----|-----|
| | A-1 | RR-1 | R-2-10,000 | R-4 7,500 | R-1 MHP | R&C -1 | CC | L-1 | S-1 |
| <p>Mobile Food Trailer. A trailer pulled behind a motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Trailer does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.</p> | X | X | X | X | X | P-1 | P-1 | P-1 | X |
| <p>Mobile Food Truck. A self-propelled motorized vehicle where food and beverages are prepared and served to walk-up customers. Mobile Food Truck does not include lemonade stands, vending carts, or similar activities and that typically do not establish and operate in fixed location for a period shorter than 1 hour or operate infrequently on a daily or hourly basis.</p> | X | X | X | X | X | P-1 | P-1 | P-1 | X |