

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 23-07(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND SUBSECTION L, MOBILE FOOD VENDOR, IN SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REVISE THE APPLICATION REQUIREMENTS, STANDARDS, AND CRITERIA FOR CONSISTENT APPLICATION, CLARITY, AND EASE OF USE.

WHEREAS, the Planning Commission is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on May 9, 2023, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following:

Amendment of subsection. Subsection L, Mobile Food Vendor, of WMC 16.16.060, Specific approval criteria, is hereby amended as follows:

31 **16.16.060 Specific approval criteria.**

32 The following uses are subject to the preceding general approval criteria and these
33 additional approval standards:

34 L. *Mobile Food Vendor.* A mobile food vendor may be allowed on private property,
35 subject to reasonable conditions; provided, that it meets the following:

36 1. *General.* A mobile food vendor is a temporary food service operation.

37 2. *Exemptions.* Mobile food vendors do not require a land use permit for the
38 following locations:

39 a. City-owned parks (appropriate vendor permits must be obtained from the
40 city);

41 b. One-day events on private residential or commercial property where the
42 food is not sold to the general public (e.g., catering a private party); ~~or~~

43 c. Temporary special events on private property when the event has obtained
44 a temporary use permit; or

45 d. Activities and vendors not requiring a city business license, such as garage
46 sales and lemonade stands, are exempt.

47 3. *Annual Permit Application and Fee.* Except as provided above, a land use
48 permit is required for a mobile food vendor operating throughout the year or a
49 portion thereof. An annual land use permit is required for each calendar year and is
50 issued on or after January 1 and expires on December 31 of the year in which it was
51 issued. If an application is submitted in the month of December, the permit will be
52 issued for the remainder of the current year and the following calendar year. The

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53 application must be submitted on forms provided by the city with the appropriate fee
54 and must include all of the following information:

55 a. *Owner/Applicant Information.* The name, address, mailing address, email
56 address, and telephone number of the mobile food vendor owner ~~and the owner~~
57 ~~of the property.~~

58 ~~b. *Site Plan.* A site plan showing the proposed location(s) of the mobile food~~
59 ~~vendor and indicating safe ingress/egress from right-of-way to mobile food~~
60 ~~vendor location. Additional locations may be added to the permit throughout the~~
61 ~~year without additional permit fees. However, each additional location must~~
62 ~~meet all of the requirements in this subsection.~~

63 ~~e~~ b. *Vehicle information.* Physical description, dimensions, and photographs of
64 the mobile food vendor cart/vehicle and information regarding water supply, fuel
65 supply, and waste disposal.

66 ~~e~~ c. *Insurance.* A certificate of insurance for a general liability insurance policy,
67 in the minimum coverage amount of \$100,000 personal injury per occurrence
68 and \$50,000 property damage, naming the city of Wasilla as additional
69 insureds. The certificate shall provide that the city will be notified at least 30
70 days before the policy is modified or terminated.

71 ~~e~~ d. *Licensing.* Proof of applicable licenses or permits required by city,
72 borough, and state agencies ~~must be submitted to the city planner prior to~~
73 operation.

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74 f.e. Acknowledgement. Notarized Signed acknowledgement by the mobile food
75 vendor owner of receipt and inspection of a ~~copy of all~~ regulations pertaining to
76 the operation of a mobile food vendor within the city limits.

77 ~~g. Other Information.~~ Any other information deemed reasonably necessary by
78 the city planner to administer this section.

79 4. ~~Approval Criteria—New and Renewal.~~ Standards.

80 a. All mobile food vendors must comply with the standards below. The
81 applicant has the burden of proof to demonstrate compliance with each of the
82 applicable criteria for approval or renewal of the mobile food vendor permit. The
83 approval criteria also operate as Compliance with the standards is a continuing
84 code compliance obligations of the mobile food vendor owner. Staff may verify
85 evidence submitted with the permit application and the applicant shall cooperate
86 fully in any investigation. ~~To receive approval, an applicant must demonstrate~~
87 ~~that all approval criteria listed below have been satisfied:~~

88 i. Zoning. The zoning for the property is in compliance with the District Use
89 Chart in WMC 16.20.020(A). ~~requirements of this title.~~

90 ii. Site. The site upon which the mobile food vendor is to be located is
91 adequate in size and shape to safely accommodate said use. Placement of
92 the vehicle and food service area shall not obstruct traffic or create traffic
93 congestion issues on the adjoining rights-of-way and must be oriented to
94 protect pedestrians from vehicular traffic.

95 iii. Maximum Number of Mobile Food Vendors per Parcel. Sites less than
96 one acre in area may only have one mobile food vendor at any time unless

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97 the vendor is participating in an organized event that has obtained the
98 appropriate temporary use permit approval from the city planner.

99 ~~iii~~ iv. *Setbacks.* Mobile food vendors must be located a minimum of 15 feet
100 from fire hydrants and building entrances and a minimum of five feet from
101 above ground utility boxes and facilities.

102 ~~iv.~~ *Parking.* ~~Mobile food vendor vehicles and/or equipment (e.g., grills,~~
103 ~~tables/chairs, generators) may not occupy any parking spaces needed to~~
104 ~~meet the minimum required parking for the approved primary use on the lot.~~

105 v. *Utilities.* Connections to public utilities (e.g., water, sewer, electric, gas)
106 and/or installation of an approved on-site well and septic system are
107 prohibited.

108 vi. *Signage.* All signage and identification for the mobile food vendor must
109 be attached to the vehicle. Sandwich boards may be used to display menu
110 items when located within the approved area for the mobile food vendor.
111 Sandwich boards may not exceed six square feet in sign area.

112 vii. *Refuse.* Vendor must provide a minimum of one waste container for
113 customer use and is responsible for all litter and garbage left by mobile food
114 vendor customers. All trash and grease/waste must be removed from the
115 site daily except when stored in on-site containers specifically designed for
116 such waste and approved on the permit site plan.

117 viii. *Generators.* Generators must be oriented away from residences and
118 commercial buildings to the greatest extent feasible to minimize negative
119 impacts.

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120 ix. *Picnic Tables*. Picnic tables or other seating for customers is allowed if
121 the mobile food vendor has obtained written approval for customer use of
122 the restrooms in the business on the same lot. If restroom access is not
123 available, the mobile food vendor must provide a porta-potty with a
124 handwashing station.

125 ~~x. *Maximum Number of Mobile Food Vendors per Parcel*. Sites less than~~
126 ~~one acre in area may only have one mobile food vendor at any time unless~~
127 ~~the vendor is participating in an organized event that has obtained the~~
128 ~~appropriate temporary use permit approval from the city planner.~~

129 ~~xi. *Hours of Operation*. The proposed hours of operation must be identified~~
130 ~~in the written approval from the property owner/property manager. The city~~
131 ~~planner may limit hours of operation when determined necessary to~~
132 ~~minimize impacts to adjacent residential uses.~~

133 ~~xii~~ x. *Exterior Cooking*. Vendors must take appropriate safety measures to
134 protect the public from injury from exterior grills or cooking equipment.

135 ~~xiii~~ xi. *Alcoholic Beverages*. Sale or service of alcohol beverages by the
136 mobile food vendor is prohibited at all times.

137 ~~xiv~~ xii. *Licenses*. Required city, borough, state, and federal licenses must
138 be posted visibly in/on the mobile food vendor vehicle.

139 5. *Renewal and Transferability*.

140 a. *Renewal*. The owner(s) must renew a mobile food vendor land use permit
141 annually prior to January 1. The renewal permit must include the renewal fee,
142 updated insurance and licenses, and any changes to the permit application

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143 requirements set forth in this section. ~~The city planner shall have the authority to~~
144 ~~impose additional conditions on the renewal of any permit in the event of any~~
145 ~~violation of the conditions to the permit or the provisions of this section subject~~
146 ~~to compliance with the procedures specified in this section.~~

147 b. *Transferability.* Any transfer of a mobile food vendor permit issued under
148 this section must be submitted as a new application for review/approval
149 ~~reviewed/approved by the city planner but does not require submittal of an~~
150 application fee. ~~a new application and fee.~~

151 6. *Denial, Revocation, and Suspension.* Mobile food vendor permits may be
152 denied, revoked, or suspended by the city planner for good cause. The city planner
153 shall provide written notice describing the reasons for denial, revocation, or
154 suspension of a mobile food vendor permit. The vendor may appeal the city
155 planner's decision utilizing the process in WMC Chapter 16.34. For purposes of this
156 section, "good cause" includes, but is not limited to:

- 157 a. The manner, or proposed manner, of operating the mobile food cart or
158 vehicle violates any federal, state, borough, or city law or regulation;
- 159 b. The manner of operation creates a public nuisance;
- 160 c. The vendor made omissions, deceptive statements, and/or false statements
161 of material fact to city staff in the mobile food vendor permit application; or
- 162 d. The vendor failed to timely pay the required permit application fee or
163 operated without the required permit.

164 7. *Penalties.* Penalties for violations of this subsection include revocation of the
165 permit and/or fines as provided in WMC Chapter 1.20.

166 NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission
167 approves of these code amendments and enactment of the proposed new code and
168 hereby forwards their support for adoption to the Wasilla City Council and to take effect
169 upon adoption by the Wasilla City Council.

170 APPROVED by the Wasilla Planning Commission on May 9, 2023.

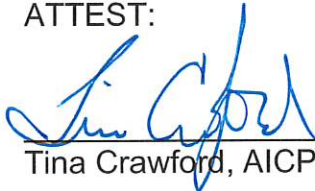
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APPROVED:

 5/12/2023
David Seals, Chair Date

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ATTEST:


Tina Crawford, AICP, City Planner

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VOTE: Passed Unanimously

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