

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING CHAPTER 5.04 “BUSINESS LICENSES” AND CHAPTER 10.36 “PARKING”; AND TITLE 18 “ZONING CODE” OF THE SUMNER MUNICIPAL CODE TO ADD DEFINITIONS AND REGULATIONS FOR FOOD TRUCK PODS, AND TO PERMIT FOOD TRUCK PODS IN ALL ZONES THAT ALLOW FOOD SERVICE USES INCLUDING GENERAL COMMERCIAL, INTERCHANGE COMMERCIAL, AND NEIGHBORHOOD COMMERCIAL (CHAPTER 18.16), LIGHT AND HEAVY INDUSTRIAL (CHAPTER 18.18), THE TOWN CENTER CODE (CHAPTER 18.29), AND THE EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT (CHAPTER 18.30); AND ADDS NEW DEFINITIONS (CHAPTER 18.04) FOR: FOOD TRUCKS, FOOD TRUCK VENDING, AND FOOD TRUCK POD AND REPEALS DEFINITIONS (CHAPTER 10.36) FOR FOOD TRUCK, FOOD TRUCK VENDING, AND FOOD TRUCK VENDOR; AMENDS SECTIONS 5.04.070, 10.36.005, 10.36.087, 10.36.116.5, 18.04, 18.16.020, 18.16.080, 18.18.020, 18.18.060, 18.22.040, 18.29.030, 18.29.035, 18.30.030, 18.30.090, 18.36.020, 18.42.030 AND 18.42.040.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. That SMC 5.04.070 “Exemptions” is hereby amended to read as follows:

5.04.070 Exemptions.

Upon approval of the director and further provided that all other provisions of this chapter are complied with, including without limitation the requirement to obtain and maintain a current business license, the requirement to pay license fees shall not apply to the following:

...

- I. Food trucks parked on a public or private parcel for less than 24 consecutive hours are exempt from the general business license requirements of this chapter.

Section 2. That SMC 10.36.005 “Definitions” is hereby amended to read as follows:

10.36.005 Definitions.

For purposes of this chapter, the following terms shall be defined as follows, unless a different meaning is expressly provided:

...

- K. “Food truck” ~~See SMC 18.04.0394. an operable motor vehicle used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for immediate consumption, with or without charge, and is operated from a temporary location on a public way.~~
- L. “Food truck vending” ~~See SMC 18.04.0394.1. means the sale of primarily food and/or nonalcoholic beverages from a food truck upon public ways of the city. Other items may be sold in conjunction with food truck vending items.~~
- M. ~~“Food truck vendor” means a person who engages in the activity of food truck vending.~~

Section 3. That SMC 10.36.087 “Food truck parking” is hereby amended to read as follows:

10.36.087 Food truck parking.

~~Parking shall only be allowed for food trucks and food truck customers between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, in the following locations:~~

- A. Parking shall only be allowed for food trucks and food truck customers between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday, in the following locations: On the south side of 45th Street East beginning from a point 600 feet east of Tacoma Avenue to the end of the road.

- i. On the south side of 45th Street East beginning from a point 600 feet east of Tacoma Avenue to the end of the road.
- B. Food trucks may not locate within 100 feet of another restaurant business or food truck pod without property owner permission.

Section 4. That SMC 10.36.116.5 “Parking for certain purposes unlawful” is hereby amended to read as follows:

10.36.116.5 Parking for certain purposes unlawful.

No person shall park any automobile, truck, or other vehicle or trailer on any public street, alley, or right-of-way for the purpose of:

...

- C. Selling merchandise from such automobile, truck, or other vehicle or trailer, except for the selling of products from a food truck between the hours of 7:00 a.m. and 10:00 p.m. or when otherwise authorized.

Section 5. That SMC 18.04 “Definitions” is hereby amended to add the following new definitions, and to amend existing definitions where necessary:

18.04 Definitions.

...

18.04.0394 – Food truck.

“Food truck” means an operable motorized vehicle or trailer vending unit used to prepare and serve food or vend prepackaged food.

18.04.0394.1 – Food truck vending.

“Food truck vending” means the sale of primarily food and/or nonalcoholic beverages from a food truck.

18.04.0394.2 – Food truck pod.

“Food truck pod” means a semi-permanent collection of more than one food truck that operate together under an agreement with a property owner.

Section 6. That SMC 18.16.020 “Principal and Conditional Uses” is hereby amended to read as follows:

18.16.020 Principal and Conditional Uses

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		NC	GC	IC
...				
<u>77.</u>	<u>Food truck pods¹⁶</u>	<u>P</u>	<u>P</u>	<u>P</u>
...				

¹⁶See performance standards in SMC 18.16.080(AA).

Section 7. That SMC 18.16.080 “Performance standards” is hereby amended to read as follows:

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:

...

- AA. Food truck pods where allowed shall meet the following provisions:

1. An application for a food truck pod as either principal use or accessory use must be submitted and contain the following:
 - a. A completed application form, including signed consent by the subject property's owner(s) or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory must be included with the application. The owner's name(s) and address(es), and the applicant's name, address and signature (if different than the owner) must also be provided;
 - b. A scaled site plan of the proposed area for food trucks to be located, with dimensions shown and to include the following:
 - i. Total square footage area of proposed new and/or redeveloped impervious surfaces;
 - ii. Total number and locations of food trucks on the site, to include a numbering/identification scheme for each proposed unit location (i.e., Space 1, Space 2, etc.);
 - iii. For each proposed food truck space, dimensions showing the largest potential extent of each individual food truck;
 - iv. Location, size, and number of seats for all proposed customer seating areas, if proposed;
 - v. Location and dimensions for all existing and proposed permanent and temporary structures on the site (such as permanent or portable restrooms, covered seating areas, bike parking areas, etc.);
 - vi. Consistency with all setback and separation requirements as specified within this section.
 - vii. ADA clearances into and throughout affected areas of the property;
 - viii. Existing and proposed vehicle and pedestrian access points and ways, including surfacing for each;
 - ix. Number and location of trash receptacles; and
 - x. Location of utilities and details on how food trucks will utilize/connect to utilities (electric, water, sewer, etc.)
 - c. An itemized narrative demonstrating compliance with the location rules and review criteria outlined in the following sections below.
2. Food trucks that orient the service window toward the public right-of-way or an alley must maintain a minimum setback of 2 feet from the public right-of-way or alley. Additionally, a minimum 5-foot-wide sidewalk must exist along the subject street frontage.
3. Food trucks must maintain a minimum separation of 10 feet between other food trucks on the property as well as structures including decks, patios, park/picnic benches, and permanent or temporary seating areas.
4. Accessory Use. Food truck pods allowed as an accessory use may reduce the minimum amount to one (1) food truck pod per development site and may not exceed four (4) trucks per development site.
5. Awnings may be provided subject to the following:
 - a. Awnings must be fully attached to the food truck and have a minimum of seven (7) feet of vertical clearance, with the ability to be closed or removed.
 - b. Awnings are not subject to setback requirements, however, in no case shall an awning extend over adjacent sidewalk or public right-of-way.
6. Utilities. Food trucks that are fully contained (i.e., units that provide their own water, power, and waste disposal) are permitted with no additional utility considerations beyond the permitting process. Units that require a water source, power source, or waste disposal location are permitted only where the City Engineer or designee has approved that show safe access and location. Such provisions are subject to all applicable building and development code. All food trucks that connect to public sanitary sewer lines must utilize a grease interceptor.
 - a. Water Connection. Water connection will require that the water service be protected by a Reduced Pressure Backflow Assembly (RPBA).
 - b. Noise. If self-provided mechanical equipment is utilized, ensure it abides by SMC 8.14 for Noise Control.
7. Trash Disposal. Trash receptacles must be provided on site at a rate of one (1) receptacle for every two (2) food trucks or fraction thereof. For seating areas, an additional trash receptacle must be provided for every 16 seats or fraction thereof.

- All trash receptacles must be emptied and maintained and must be located a minimum of ten (10) feet from combustible fuel tanks.
8. Restrooms. Restroom facilities shall be provided in compliance with Tacoma – Pierce County Health Department requirements and the following:
 - a. If temporary public restrooms are used, they must be provided in an enclosed area to provide screening and safety.
 - b. For sites containing more than ten (10) food trucks, permanent restroom facilities must be provided on-site.
 9. Food truck pods with more than 10 food trucks:
 - a. The public improvement standards and street tree standards must be met for the development site.
 - b. All food trucks on the subject site must directly connect to public sanitary sewer lines and must utilize a grease interceptor.
 10. All new and reconfigured parking and permanent structures shall meet the Design and Development Guidelines.

Section 8. That SMC 18.18.020 “Principal, administrative and conditional uses” is hereby amended to read as follows:

18.18.020 Principal, administrative and conditional uses.

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated or the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required in full force and effect in order to establish said administrative uses. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where “—” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
...				
<u>74.</u>	<u>Food truck pods¹⁰</u>	<u>P</u>	<u>P</u>	<u>P</u>
...				

...
¹⁰See performance standards in SMC 18.18.060(Y).

Section 9. That SMC 18.18.060 “Performance standards” is hereby amended to read as follows:

18.18.060 Performance standards.

...

Y. Food truck pods shall meet the performance standards set forth in SMC 18.16.080(AA).

Section 10. That SMC 18.22.040 “Permitted uses” is hereby amended to read as follows:

18.22.040 Permitted uses.

A. Restaurants, cafes, coffee houses, bakeries, food truck pods, and similar food services.

Section 11. That SMC 18.29.030 “Principal uses” is hereby amended to read as follows:

18.29.030 Principal uses.

The following are permitted uses in the Town Center districts, except in the IDEA overlay (see subsection Y of this section):

...
Z. Food truck pods subject to the performance standards set forth in SMC 18.16.080(AA).

Section 12. That SMC 18.29.035 “Accessory allowed uses in the Town Center” is hereby amended to read as follows:

18.29.035 Accessory allowed uses in the Town Center.

...
B. Food truck pods subject to the performance standards set forth in SMC 18.16.080(AA).

Section 13. That SMC 18.30.030 “Principal and conditional uses” is hereby amended to read as follows:

18.30.030 Principal and conditional uses.

A. Residential Districts. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR districts, except that:

...

6. Food truck pods may be permitted as an accessory use to multifamily residential uses in MDR/HDR zonings and shall meet the provisions of SMC 18.30.090(J).

B. Commercial Districts. Those uses listed below shall govern the uses permitted and conditionally permitted where the base designations GC and NC are combined with the ESUV overlay district. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		NC/ESUV	GC/ESUV
...			
<u>58.</u>	<u>Food truck pods⁸</u>	<u>P</u>	<u>P</u>
...			

¹Drive-through businesses and drive-through espresso/coffee businesses within the area defined as East Main Street in SMC 18.43.020 and in the GC district within the Town Center Plan area shall meet the provisions of SMC 18.16.080(~~R~~~~F~~).

...

⁸Food truck pods shall meet the provisions of SMC 18.30.090(J).

Section 14. That SMC 18.30.090 “Performance standards” is hereby amended to read as follows:

...

D. Banks, vehicle repair, drive-in businesses, car washes, gas stations, automotive sales, and other auto-oriented uses are not permitted in the ESUV/NC zone and, where allowed, shall meet the following provisions:

...

2. Drive-in businesses that are not adjacent to a principal arterial shall meet the performance standards set forth in SMC 18.16.080(~~R~~~~F~~). Regardless of location, all drive-up windows and queuing of cars shall be located behind buildings and obscured from the primary pedestrian street; and

J. Food truck pods:

1. Where allowed, food truck pods shall meet the performance standards set forth in SMC 18.16.080(AA).
2. ESUV/MDR and ESUV/HDR Districts. In the ESUV/MDR and ESUV/HDR districts food truck pod uses are solely allowed as an accessory use to multifamily residential developments that meet or exceed 100 units.

Section 15. That SMC 18.36.020 “Temporary uses in permitted zones” is hereby amended to read as follows:

18.36.020 Temporary uses in permitted zones.

...

E. Food trucks that remain on private property for less than 24 hours are exempt from the temporary use permit requirements.

Section 16. That SMC 18.42.030 “Design and construction standards” is hereby amended to read as follows:

18.42.030 Design and construction standards.

Any required off-street parking and loading facilities shall be developed in accordance with the following standards:

...

D. Surface.

...

6. Food trucks parked on a public or private parcel for less than 24 consecutive hours and are not operating as part of a food truck pod shall only require parking spaces and access drives to be improved with a dustless, hard surface.

Section 17. That SMC 18.42.040 “Required number of parking spaces” is hereby amended to read as follows:

18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

...

W. Food truck pods: two per food truck on-site;

Section 18. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 19. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 20. Effective Date. This ordinance shall be in full force and effect on [redacted].

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this [redacted] day of [redacted], 2026.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date:

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