

ORDINANCE NO. _____

AN ORDINANCE relating to mobile food vending within the commercial, industrial, downtown and center and corridor zones, allowing mobile food vending as a limited use in these zones; and amending SMC sections 17C.120.100, 17C.120.110, 17C.120.270, 17C.122.070, 17C.124.100, 17C.124.110, 17C.130.100, 17C.130.110, and 17C.319.100; adopting a new SMC section 245 to chapter 17C.190 and adopting a new chapter 17C.380 to Title 17C of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC section 17C.120.100 is amended to read as follows:

17C.120.100 Commercial Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the commercial zones are listed in Table 17C.120-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.120-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.120-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES						
Use is: P: Permitted N: Not Permitted L: Allowed, but Special Limitations CU: Conditional Use Review Required	O (Office)	OR (Office Retail)	NR (Neighborhood Retail)	NMU (Neighborhood Mixed Use)	CB (Community Business)	GC (General Commercial)
Residential Categories						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P	P
Commercial Categories						
Adult Business	N	N	N	N	L[2]	L[2]
Commercial Outdoor Recreation	N	N	N	N	P	P
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P
Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
<u>Mobile Food Vending</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>	<u>L[13]</u>
Industrial Categories						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]

Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
Other Categories						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	N	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU
Wireless Communication Facilities [11]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: <ul style="list-style-type: none"> ▪ The use categories are described in chapter 17C.190 SMC. ▪ Standards that correspond to the bracketed numbers [] are stated in SMC 17C.120.110. ▪ Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards. 						

Section 2. That SMC section 17C.120.110 is amended to read as follows:

17C.120.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.120-1](#).

1. Group Living.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [1].
 - a. General Standards.
All group living uses except for alternative or post-incarceration facilities are allowed by right.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
2. Adult Business.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).
3. Commercial Parking.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use.
4. Drive-through Facility.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of [SMC 17C.120.290](#).
5. Quick Vehicle Servicing.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.120.290](#).
6. Retail Sales and Service Uses Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:

- a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.
- b. Uses not within an office building which are listed as sales-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.
- c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under [SMC 17C.190.270\(C\)](#), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.

7. Required Residential Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [7]. The limitations are stated in [SMC 17C.120.280](#).

8. Industrial Size Limitation.

This regulation applies to all parts of [Table 17C.120-1](#) that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
- b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.

- c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.
9. Mini-storage Facilities Limitation.
This regulation applies to all parts of [Table 17C.120-1](#) that have an [9]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-storage Facilities.
10. Outdoor Activity Limitation.
This regulation applies to all parts of [Table 17C.120-1](#) that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.
11. [Deleted]
12. Wireless Communication Facilities.
This regulation applies to all parts of [Table 17C.120-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).
13. Mobile Food Vending.
This standard applies to all parts of Table 17C.120-1 that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010 Mobile Food Vendors.

Section 3. That SMC section 17C.120.270 is amended to read as follows:

17C.120.270 Outdoor Activities

- A. Purpose:
The standards of this section are intended to assure that outdoor sales, display, storage and work activities:
 1. will be consistent with the desired character of the zone;
 2. will not be a detriment to the overall appearance of a commercial area;
 3. will not have adverse impacts on adjacent properties, especially those zoned residential; and
 4. will not have an adverse impact on the environment.
- B. Outdoor Sales and Display Areas

1. Outdoor sales and display areas are not permitted in the O and OR zones.
2. Outdoor sales and display areas are prohibited in the NR and NMU zones except for the accessory sales of fruits, vegetables and plants.
3. Outdoor sales and display areas in NR and NMU zones are limited to ten percent of lot area or one thousand square feet, whichever is less.
4. Outdoor sales and display areas are permitted in the CB and GC zones except for uses in the industrial categories.
5. There is no limitation on the size of a permitted outdoor sales and display areas in CB and GC zones.
6. Mobile food vendors as defined and licensed pursuant to SMC Title 10 shall not be considered "outdoor sales" or "display" for the purposes of SMC 17C.120.270.

C. Outdoor Storage Areas

1. Outdoor storage areas are not permitted in the O and OR zones.
2. Outdoor storage areas in NR and NMU zones are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.
3. Outdoor storage areas are permitted in the CB and GC zones except for uses in the industrial categories.
4. There is no limitation on the size of a permitted outdoor storage area in CB and GC zones.

D. Outdoor Activities Location

Where permitted, the following outdoor activities shall be located at least fifty feet from a residentially zoned lot:

1. Outdoor sales and/or service of food or beverages.
2. Outdoor storage.
3. Outdoor loading berths.
4. Outdoor work activities including the sales of motor vehicle fuels and car washes, when these uses are allowed.

Section 4. That SMC 17C.122.070 is amended to read as follows:

17C.122.070 Center and Corridor Zone Allowed Uses

The uses allowed in the center and corridor zones are shown in [Table 17C.122-1](#).

Table 17C.122-1 Center and Corridor Zone Allowed Uses			
Use is: P – permitted N – not permitted L – allowed, but special limitations CU – conditional use review required	CC Zone Type		
	Core Zones		Transition Zone
	CC1	CC2	CC4
Residential*	P	P	P
Hotels, including Bed and Breakfast Inns	P	P	N
Commercial, Financial, Retail, Personal Services (for neighborhood centers (NC) – See Note 1 below)	P[1]	P[1]	L[4]
Eating and Drinking Establishments (for neighborhood centers (NC) – See Note 2 below)	P[2]	P[2]	N
Restaurants without Cocktail Lounges	P	P	L[4]
Professional and Medical Offices	P	P	L[4]
Entertainment, Museum and Cultural	P	P	N
Government, Public Service or Utility Structures, Social Services and Education	P	P	P
Religious Institutions	P	P	P
Parks and Open Space	P	P	P
Structured Parking*	P	P	P

Public Parking Lot	P	P	N
Limited Industrial (if entirely within a building) (for neighborhood centers (NC) – See Note 3 below)	P[3]	P[3]	N
Heavy Industrial	N	N	N
Drive-through Businesses on Pedestrian Streets	N	N	N
Motor Vehicles Sales, Rental, Repair or Washing	N	P	N
Automotive Parts and Tires (with exterior storage or display)	N	P	N
Gasoline Sales (serving more than six vehicles)	N	P	N
Gasoline Sale (serving six vehicles or less)	P	P	P
Self-storage or Warehouse	N	P	N
Adult Business (subject to chapter 17C.305 SMC special provisions)	N	N	N
Winery and Microbreweries	P	P	N
<u>Mobile Food Vending</u>	<u>P[5]</u>	<u>P[5]</u>	<u>P[5]</u>

* Uses especially encouraged through greater FAR and bonuses.

Notes:

[1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.

[2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.

[3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.

[4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.

[5] All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 5. That SMC section 17C.124.100 is amended to read as follows:

17C.124.100 Downtown Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the downtown zones are listed in Table 17C.124-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.124-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.124-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in chapter 17C.320 SMC, Conditional Uses.
- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.124-1 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.

SMC 17C.124.100 Table 17C.124-1 Downtown Zone Primary Uses				
Use is: P – Permitted N – Not Permitted L – Allowed, but special limitations CU – Conditional Use review required	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Residential Categories				
Group Living [1]	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P
Commercial Categories				
Adult Business [2]	N	N	N	CU [2]
Commercial Outdoor Recreation	CU	CU	CU	CU
Commercial Parking	L [3]	L [3]	L [3]	L [3]
Drive-through Facility [4]	L [4]	L [4]	L [4]	L [4]
Major Event Entertainment	P	P	P	P
Office	P	P	P	P
Quick Vehicle Servicing	N	L [5,10]	L [5,10]	L [5,10]
Retail Sales and Service	L [6]	L [6]	L [6]	P
Mini-storage Facilities [9]	N	L [8,10]	L [8,10]	L [8,10]
Vehicle Repair	N	L [5,10]	L [5,10]	P
Mobile Food Vending	L [14]	L [14]	L [14]	L [14]
Industrial Categories				
High Impact Uses	N	N	N	N
Industrial Service	N	N	N	N
Manufacturing and Production	L [7,8,10]	L [7,8,10]	L [7,8,10]	L [7,8,10]
Railroad Yards	N	N	N	N

Section 6. That SMC section 17C.124.110 is amended to read as follows:

17C.124.110 Limited Use Standards

- A. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.124-1](#).
1. Group Living.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [1].
 - a. General Standards.
All group living uses except for alternative or post-incarceration facilities are allowed by right.

proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Limited industrial uses are allowed. Only limited industrial uses are allowed. Industrial uses more intensive than the limited industrial definition are not allowed.
 - b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.
8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).
 9. Mini-storage Facilities Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.
 10. Outdoor Activity Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
 11. Community Services.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [11]. Most community service uses are allowed by right.
 12. Wireless Communication Facilities.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).
 13. Existing Light Industrial and Self-service Storage Uses.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.
 14. Mobile Food Vending.
This standard applies to all parts of Table 17C.124-1 that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 7. That SMC section 17C.130.100 is amended to read as follows:

17C.130.100 Industrial Zones Primary Uses

- A. Permitted Uses (P).
Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses (L).
Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses (CU).
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted (N).
Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

Table 17C.130-1 Industrial Zones Primary Uses			
Use is: P – Permitted; N – Not Permitted; L – Allowed, but with Special Limitations; CU – Conditional Use Review Required	LI Zone (Light Industrial)	HI Zone (Heavy Industrial)	PI Zone (Planned Industrial)
Residential Categories			
Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
Commercial Categories			

Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial Parking	P	P	P
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
<u>Mobile Food Vending</u>	<u>L[12]</u>	<u>L[12]</u>	<u>L[12]</u>
Industrial Categories			
High Impact Use	L[9]	L[9]	N
Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
Institutional Categories			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]
Other Categories			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P

Detention Facilities	CU	CU	CU
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Wireless Communication Facilities	L/CU[11]	L/CU[11]	L/CU[11]

Notes:

- The use categories are described in [chapter 17C.190 SMC](#).
- Standards that correspond to the bracketed numbers [] are specified in [SMC 17C.130.110](#).
- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.
- Standards applicable to conditional uses are stated in [chapter 17C.320 SMC](#).

Section 8. That SMC section 17C.130.110 is amended to read as follows:

17C.130.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.130-1](#).

1. Group Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [1].
 - a. Group living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a group living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Group living uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape and transportation plan which will limit conflicts between the residential, employment and industrial uses.
 - b. Alternative or Post Incarceration Facilities.
Group living uses which consist of alternative or post incarceration facilities are not permitted.

2. Residential Household Living.
This standard applies to all parts of [Table 17C.130-1](#) that have a [2].

- a. Residential household living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a residential living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Residential uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape, and transportation plan, which will limit conflicts between the residential, employment and industrial uses.
 - b. A single-family residence may be erected on a lot having a side property line which adjoins a lot in a residential zone, with or without an intervening alley, or on a lot which has less than one hundred feet of frontage and has residences existing on all lots adjoining its side property lines.
 - c. Living quarters for one caretaker per site in the LI, HI and PI zones are permitted.
3. Group Living and Residential Household Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [3]. Group living and residential household living uses may be permitted in the PI zone as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of Division G – Administration and Procedures. A minimum of fifty percent of the site within the binding site plan or planned unit development shall be in manufacturing and production, industrial service or office uses. Group living and residential household living uses shall be buffered from industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The buffering improvements shall be developed on the residential portion of the binding site plan or planned unit development at the time the residential uses are constructed. The site development plan shall include a design, landscape, and transportation plan, which will limit conflicts between the residential and industrial uses.
4. Adult Business.

This standard applies to all parts of [Table 17C.130-1](#) that have a [4]. Adult businesses are subject to the following standards:

 - a. [Chapter 17C.305 SMC](#), Adult Business.

- b. Adult businesses are subject to the size requirements specified in item [5] below applicable to retail sales and services uses in the light industrial (LI) zone.
 - c. In addition to the standards in subsections (4)(a) and (b) of this section, adult businesses are permitted only in the light industrial zone adult business overlay zone as designated on the official zoning map.
5. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [5]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than sixty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than sixty thousand square feet per site are a conditional use.
6. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [6]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than twenty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than twenty thousand square feet per site are a conditional use.
7. Retail Sales and Service Uses Size Limitation.
This standard applies to all parts of [Table 17C.130-1](#) that have a [7]. Retail sales and service uses are allowed if the floor area plus the outdoor sales and display and outdoor storage area is not more than three thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than three thousand square feet per site may be permitted as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site area of the uses in the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses.
8. Mini-storage Facilities.
This standard applies to all parts of [Table 17C.130-1](#) that have a [8]. The limitations are stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-Storage Facilities.
9. High Impact Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have a [9]. High impact uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.

10. Colleges, Medical Centers, Daycare and School Uses.
This standard applies to all parts of [Table 17C.130-1](#) that have an [10]. Colleges, medical centers, daycare and school uses may be permitted as a part of a binding site plan under the provisions of the subdivision code, or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site within the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses. Colleges, medical centers, daycare and school uses are allowed within the planned unit development or binding site plan provided that the site development includes a design, landscape and transportation plan which will limit conflicts between the college, medical center, daycare, school and industrial uses.

11. Wireless Communication Facilities.
This standard applies to all parts of [Table 17C.130-1](#) that have a [11]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).

12. Mobile Food Vending.
This standard applies to all parts of Table 17C.130-1 that have a [12]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 9. That there is adopted a new SMC section 245 to chapter 17C.190 of the Spokane Municipal Code to read as follows:

17C.190.245 Mobile Food Vending

- A. Characteristics.
Mobile food vendors are firms engaged in the selling or offering for sale of prepared food products and beverages to the general public from a mobile food vending unit, which is a readily movable food service establishment such as a push cart, van, trailer, or a structure approved for mobile food vending by the Spokane regional health district. It provides space for limited storage, handling, and/or dispensing of foods. The entire operation must be contained within/on the mobile unit, except that expansion of the operation will be allowed in conjunction with an approved temporary event as allowed under the rules of the Spokane regional health district.

- B. Examples.
Examples include mobile food vendors who vend from or onto a public sidewalk, plaza or right of way; mobile food vendors who vend from a location on private property; and, mobile vendors who are approved to vend at City parks or at special events.

C. Exceptions.

1. Mobile caterers who are engaged in the business of transporting, in motor vehicles, food and beverages to residential, business and industrial establishments pursuant to prearranged schedules and dispensing from the vehicles the items to and for the convenience of the personnel or occupants of such establishments are considered a retail sales service.
2. Mobile food vendors who vend from very small pushcarts (twenty cubic feet of cart or less) on the public sidewalk and do not remain in any one place for more than ten minutes may choose to operate in accordance with the provisions of the itinerant vendor permit, SMC 10.40.010

Section 10. That SMC section 17C.319.100 is amended to read as follows:

17C.319.100 Commercial Use of Residential Streets

The purpose of this section is to regulate the parking of commercial vehicles (see SMC 17A.020.030(U)) on streets in residential zones. No person may use the land abutting a public street in an RSF, RTF, RMF, or RHD zone or which is the boundary of a RSF, RTF, RMF, or RHD zone may make any commercial use of such street. Included in the prohibited commercial uses are the habitual or overnight parking or storage of a commercial vehicle or trailer, including mobile food vending units and the parking or storage of a vehicle awaiting service or home occupations which require the use of residential streets.

Section 11. That there is adopted a new chapter 17C.380 to Title 17C of the Spokane Municipal Code to read as follows:

**Chapter 17C.380
Mobile Food Vending**

Sections:

17C.380.010	Purpose
17C.380.020	Applicability
17C.380.030	Conditions

17C.380.010 Purpose

The purpose of this chapter is to make provisions and set limits for mobile food vending in the Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned

Industrial (PI) zones. The intent is to recognize that with proper design and management, mobile food vending such as mobile food trucks and carts can add vitality to the commercial districts and the street environment, encourage walking, and promote local economic development.

17C.380.020 Applicability

The provisions of this chapter apply to mobile food vendors licensed in accordance with SMC 10.51.010 Mobile Food Vending.

17C.380.030 Conditions

A. Mobile food vending from or onto the public right of way.

1. Mobile food vending may be allowed on a public street right of way in any Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned Industrial (PI) zone.
2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.

B. Mobile food vending located entirely on private property.

1. Mobile food vending may be allowed on property in any Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), General Commercial (GC); Center and Corridor Types 1, 2 and 3; Downtown Core (DTC), Downtown General (DTG), Downtown University (DTU), Downtown South (DTS), Light Industrial (LI), Heavy Industrial (HI) and Planned Industrial (PI) zone subject to the land use and development standards applicable to said property, except that a mobile food vendor shall not be required to make any additional site improvements when:
 - a. The mobile food unit will be located on an existing paved parking area that will continue to provide sufficient space for required off street parking and circulation for any other existing uses on the property;
 - b. The mobile food unit is a licensed, wheeled vehicle and the wheels will not be removed;

- c. Any canopies, awnings or any other attachments are supported entirely by the mobile food unit and do not touch the ground;
 - d. The mobile food unit is self-contained, with no plumbing connections; and,
 - e. The mobile food unit will not be used for “drive thru” vending.
2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.
- C. Mobile food vending on City Parks or on streets adjacent to a City Park.
- 1. Mobile food vending is prohibited in City Parks and on any street adjacent to or across the street from a City Park without the expressed written consent of the City Park Board or its designee.
 - 2. The mobile food vendor must have a valid license issued pursuant to SMC 10.51.010 and must be in compliance with the terms and conditions thereof.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date