



FOOD & BEVERAGE MOBILE USE PERMIT APPLICATION

Fee _____
File No. _____

PROPERTY OWNER INFORMATION

Name(s) _____
Contact _____
Phone _____ Email _____

BUSINESS/APPLICANT INFORMATION (If different from owner)

Name(s) _____
Contact _____
Address _____
City _____ State _____ Zip _____
Phone _____ Email _____

SITE INFORMATION

Property Address _____
Present Zoning _____ Present Land Use _____

USE SPECIFICATIONS

Proposed Duration of Business Activity _____
Start Month/Date _____ End Month/Date _____
Days of the Week _____ Hours of Each Day _____
Number of Employees _____ Anticipated Number of Customers/Day _____

SIGNATURE

I have reviewed the regulations associated with Food and Beverage Mobile Use in Gardner, Kansas and completed the application and provided all supplemental information in a manner that accurately portrays the proposed use of the property and the mobile unit operations/functions; and acknowledge that further information may be required based upon review of this application by the City of Gardner. Additionally, I understand that a determination will be made as to whether a Temporary Use Permit or Conditional Use Permit will be required prior to establishment of the proposed use of this property and that such determination may require additional cost and review by the Planning Commission and City Council.

Applicant Signature: _____ Date _____

APPLICATION QUESTIONS

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Is the property vacant? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Is this mobile unit part of a larger special event/activity? If yes, describe the event/activity.
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Will this be the only mobile unit at this location? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Will the mobile unit be moved off the property when it is not open for business? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Will all operations / functions / equipment / etc. associated with the mobile unit be fully self-contained on the mobile unit? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Will the mobile unit be connected to any utilities – |
| <input type="checkbox"/> | <input type="checkbox"/> | i. Electric – separate meter or via existing building/business |
| <input type="checkbox"/> | <input type="checkbox"/> | ii. Gas |
| <input type="checkbox"/> | <input type="checkbox"/> | iii. Sanitary Sewer |
| <input type="checkbox"/> | <input type="checkbox"/> | iv. Water |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Will the mobile unit serve beer or alcoholic beverages? |

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Property owner affidavit |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Application fee |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Site plan showing: existing site features; location of the mobile unit; provision of seating area, exterior lighting; trash receptacle(s); pedestrian and vehicular circulation areas; vehicular parking area; other planned enhancements to the site; etc. Provide dimensions and distance measurements as needed. |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Retail sales tax ID & certificate |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Health inspection report and certificate |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Fire inspection permit |

FOR STAFF USE ONLY:

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Temporary Use Permit |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Conditional Use Permit |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Is a meeting with the applicant required? |

PROPERTY OWNER AFFIDAVIT

I/WE _____, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this _____ day of _____, 20____, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See “Exhibit A, Legal Description” attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Herein referred to as “Applicant”), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner

Owner

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____.

My Commission Expires: _____

Notary Public

FOOD AND BEVERAGE - MOBILE STANDARDS

Food and Beverage – Mobile. Where Food and Beverage – Mobile uses are permitted as a temporary use (as indicated in Table 5-2) subject to additional standards, all of the following standards shall be met in addition to the standards of subsection 17.05.050(Y) pertaining to temporary uses. If such use is determined to be a semi-permanent or permanent use of property the issuance of a conditional use permit per Section 17.03.050 Conditional Use Permit is required, and such use can only be located in the following non-residential commercial – CO-A, C-1, C-2, C-3 - and industrial – M1, M2 - zoning districts as indicated in Table 5-2 (this section does not apply to transient merchants using public streets who do not park at one location):

1. Standards applicable to all Food and Beverage – Mobile uses:
 - a. Shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.
 - b. Shall comply with all other applicable federal, state, County and City regulations and obtain all applicable permits or licenses.
 - c. Shall not be located within the sight triangle as prescribed in GMC 17.04.010(D).
 - d. Shall be located at least 10 feet from building entrances.
 - e. Shall only be located on properties that contain permitted nonresidential uses in all zoning districts, or on vacant properties in commercial and industrial zoning districts.
 - f. Shall only be located on properties with approved access, circulation and parking surface improvements. A site plan (including all associated site improvements – e.g. lighting, signage, seating, waste receptacles, landscaping, and other amenities) - shall be provided for review and approval as part of the temporary use permit application.
 - g. Shall provide evidence of property owner approval.
 - h. Shall be limited to intermittent, not continuous or permanent, operation at any one location per calendar year. As it pertains to Food and Beverage – Mobile uses the term intermittent shall mean that the motorized or nonmotorized vehicle, trailer, or other device designed to be portable shall not remain on the property when not in operation.
 - i. Shall be permitted per location on an annual basis (permit duration shall not exceed one calendar year and is specific to the location identified on the permit).
 - j. Shall be limited to one unit per lot except as part of a Food and Beverage – Mobile Grouping use as provided below.
 - k. Shall not be attached to any public or private utility except that electric power, via an active existing utility account serving an established operating principal structure and use on the same property, may be provided by the utility account / property owner in a code compliant manner as part of an approved special event; community activity; or intermittent accessory activity. However, power cables or similar devices shall not be run across any City street, alley, or pedestrian facilities.
2. Standards applicable to all Food and Beverage – Mobile Groupings uses (i.e. Food Truck Courts, Food Truck Rallies). Such groupings are only allowed: as part of an approved special event or community sponsored activity receiving a temporary use permit or as a semi-permanent / permanent use in the following non-residential commercial – C-1, C-2, C-3 - and industrial – M1, M2 - zoning districts only, subject to receiving a conditional use permit per Section 17.03.050 Conditional Use Permit, which may include the following additional conditions:
 - a. There shall be a 20-foot separation between any mobile food vending unit and any permanent structure.
 - b. There shall be a 10-foot separation between mobile food vending units.
 - c. A fire lane shall be maintained.
 - d. Each mobile vending unit in the grouping shall obtain a Temporary Use Permit prior to operation.
 - e. Electric power, via an active existing utility account serving an established operating principal structure and use on the same property, may be provided by the utility account / property owner in a code compliant manner as part of an approved special event; community activity; or intermittent

accessory activity. However, power cables or similar devices shall not be run across any City street, alley, or pedestrian facilities.

3. Standards applicable to all Vending Carts:
 - a. Shall meet all requirements for accessory outdoor food and beverage service except that it need not be associated with the adjacent business.
 - b. Vending carts shall be limited to a maximum size of 40 square feet in area and shall not exceed a maximum height of 10 feet.
 - c. All vending carts shall be non-motorized and securely anchored while in use, but shall have wheels to enable removal in case of emergency.
 - d. The owner/operator shall provide evidence of any applicable license, certification or registration required by a local, state, or federal agency.
4. Standards applicable to all Mobile Food Vending Units (i.e. Food Trucks/Trailers):
 - a. Standards applicable to all Mobile Food Vending Units:
 - (1) All food shall be prepared, sold, or displayed inside of a mobile food vending unit or on equipment directly associated with the mobile food vending unit.
 - (2) There shall be no dining area within 10 feet of a mobile food vending unit, including but not limited to tables and chairs, booths, stools, benches, and stand up counters.
 - (3) When extended, awnings for mobile food vending units shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
 - (4) Besides signage that is physically part of the mobile food vending units, only one portable pedestrian sign is allowed in accordance with Chapter [17.10](#) GMC.
 - (5) Shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60-watt equivalent shall contain opaque, hooded shields to direct illumination downwards.
 - (6) Shall not use loud music, amplification devices, or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Code Enforcement Officer.
 - (7) Shall be parked at least 25 feet from driveways at all times.
 - (8) The owner/operator shall provide evidence of any applicable license, certification, permit or registration required by a local, state, or federal agency.
 - (9) Utility cables, lines, devices or facilities shall not be run across any street, alley, or pedestrian or vehicular areas.
 - b. Additional standards applicable to Mobile Food Vending Units located on public property:
 - (1) The customer service area for mobile food vending units shall be on the side of the street that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving lane side of the truck or vehicle.
 - (2) Mobile food vending units parked on public streets shall conform to all applicable parking regulations and shall not hinder the lawful parking or operation of other vehicles.
 - (3) Mobile food vending units utilizing public parking spaces shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
 - (4) Shall not operate on public property within one block of a City-sanctioned or authorized street fair, public festival, farmer’s market or event without authorization from the event sponsor.
 - (5) Any required power on City-controlled property shall be self-contained and shall not use utilities drawn from the City-controlled property without City approval.

TEMPORARY USE STANDARDS

Temporary Use. Where temporary uses are permitted (as indicated in Table 5-2), all of the following standards shall be met:

1. A temporary use meeting the standards of this section shall be permitted by the Director of Community Development or designee upon review of a plot plan or site plan in accordance with standards.
2. The temporary use shall be comparable in scale, impact and type of use to an otherwise allowed use in the district.
3. All temporary structures shall meet the required minimum setback for the building type located on the property, or (in the case of vacant property) the required minimum setback for one of the permitted building types in that zoning district.
4. No portion of the temporary use, or accessory activities associated with the temporary use, shall be located within 30 feet of the property line of an existing residence or a residentially zoned district except for the following:
 - a. Temporary Offices at Residential Construction/Development Sites may be placed within a residentially zoned district (see subsection (Y)(8) of this section) subject to applicable setbacks and separation distances.
5. The use, considering expected attendance, duration, hours of operation, and peak times, shall not create any traffic problems considering access to the site, parking on the site or on adjacent streets, or travel patterns on surrounding streets.
6. The hours of operation shall be between 7:00 a.m. and midnight, except as may be further limited through administrative review based on the specific use and the context of the proposed location.
7. Any use where typical visits are longer than two hours, or an event where a significant component is on-site consumption of food and beverages, shall provide adequate sanitary facilities. Such facilities shall generally be based on one station per 100 persons expected in a peak hour.
8. The duration of the temporary use shall be limited as follows:
 - a. Special events – no more than seven days.
 - b. General merchandise sales or services – no more than seven days.
 - c. Seasonal sales – no more than 90 days.
 - d. Temporary Offices at Construction/Development Sites:
 - (1) May be used on the site of a construction/development project if they are removed upon completion of the project. A temporary use permit and building permit is required for all temporary offices.
 - (2) In residential districts, any temporary offices may only be located in a model home and must cease upon the issuance of a certificate of occupancy for the last residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last dwelling unit for that phase.
 - (3) Temporary trailers may be used for temporary construction/sales offices associated with residential development, but the placement of such cannot occur until a building permit for a model home is issued and the trailer is allowed only until the model home is completed. All trailers shall be removed once the model home is completed and ready for use.
 - e. Food and Beverage – Mobile and Mobile Grouping uses are subject to the timelines and other limitations provided in Section 17.05.050(P) or other appropriate administrative limitation based on the specific use and context of the proposed location.
9. *Permits.*
 - a. All necessary permits for facilities, public safety, or insurance shall be obtained prior to the final approval and activation of the use.
 - b. There is hereby levied a temporary use permit fee for food and beverage – mobile uses. Said permit fee shall be set by the Governing Body by resolution.
10. All materials, equipment and temporary structures shall be removed upon the discontinuance of the use, and the site otherwise restored to its pre-use condition.