



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Laura Mueller, City Attorney

---

**P&Z Meeting Date:** February 23, 2021

**Agenda Item Wording:** Discuss and consider action on proposal to amend Chapter 30, Article 30.05 Mobile Food Vendors to change the use of Mobile Food Vendors in the Mercer Street Historic District based on recommendation of the Historic Preservation Commission.

**Agenda Item Requestor:** Historic Preservation Commission

---

**Summary/Background:** At its February Meeting the Historic Preservation Commission voted to have the Planning and Zoning Commission consider proposing an amendment to remove Mobile Food Vendors as a use in the Mercer Street Historic District. Section 30.05.

**Sec. 30.05.032 Permit required**

- (a) It is an offense for a person to operate a mobile food establishment in the city limits without a mobile food vendor permit.
- (b) It is an offense for a person to conduct sales at a mobile food establishment in the city limits without a mobile food vendor permit.
- (c) It is an offense for a person to erect, install or park a mobile food establishment in the city limits without a mobile food vendor permit.
- (d) It is an offense for a person to erect, install, or park a mobile food establishment within the boundaries of the Mercer Street or Hays Street historic districts, as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances, unless:
  - (1) The location or operation of the mobile food establishment is for a special event or city-sponsored event, for which the mobile food vendor is included in the permit application for which the event organizer must obtain a permit (see Code of Ordinances section 6.02.071); or
  - (2) The mobile food vendor is a complementary extension, or outlet, of a brick-and-mortar restaurant or business and the applicant of a mobile food vendor applies for and is granted a certificate of appropriateness under the requirements of chapter, 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and applies for and is granted a

conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted. The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.

(e) Applicants of mobile food vendors (longer than 10 days) or mobile food courts wishing to locate in the Old Fitzhugh historic district as defined in section 24.07.032 [chapter 30, exhibit A, section 4.3.2] of the Code of Ordinances must apply for and be granted a certificate of appropriateness under the requirements of chapter 24, article 24.07 [chapter 30, exhibit A, section 4, division 2] of the city code and apply for and be granted a conditional use permit under the requirements of chapter 30, exhibit A: zoning, section 3.17 of the city code. A conditional use permit shall not be granted prior to a certificate of appropriateness being granted

In order to make a change to this ordinance, the change must be initiated by the P&Z or City Council. Chapter 30, Exhibit A, Section 2.29. Authority to Amend.

The P&Z can choose to move forward with an amendment or may take no action.

**Commission  
Recommendations:**

Historic Preservation Commission recommends prohibiting all permanent food trucks in the Mercer Street Historic District.

**Recommended  
P&Z Actions:**

Recommend moving forward with a Zoning Amendment that either: (1) prohibits food trucks in the Mercer Street Historic District; or (2) amends procedures for the approval of food trucks in the Mercer Street Historic District including potentially removing the Certificate of Appropriateness requirement from a food truck approval. Food trucks can fill a need where restaurants are not a viable option.

If a change is done, the City Historic Preservation Consultant recommends the “prohibition” option, rather than an attempt to craft additional Mobile Food Vendor regulations, including aesthetic guidelines and standards, which would be difficult for Staff to assess objectively and enforce.

**Attachments:**

HPC Draft Minutes.

**Next Steps/Schedule:**

If the P&Z moves forward with a zoning amendment, then notice would be given to the newspaper and the amendment could be reviewed by P&Z in either March or April depending on the complexity of the proposed amendment.