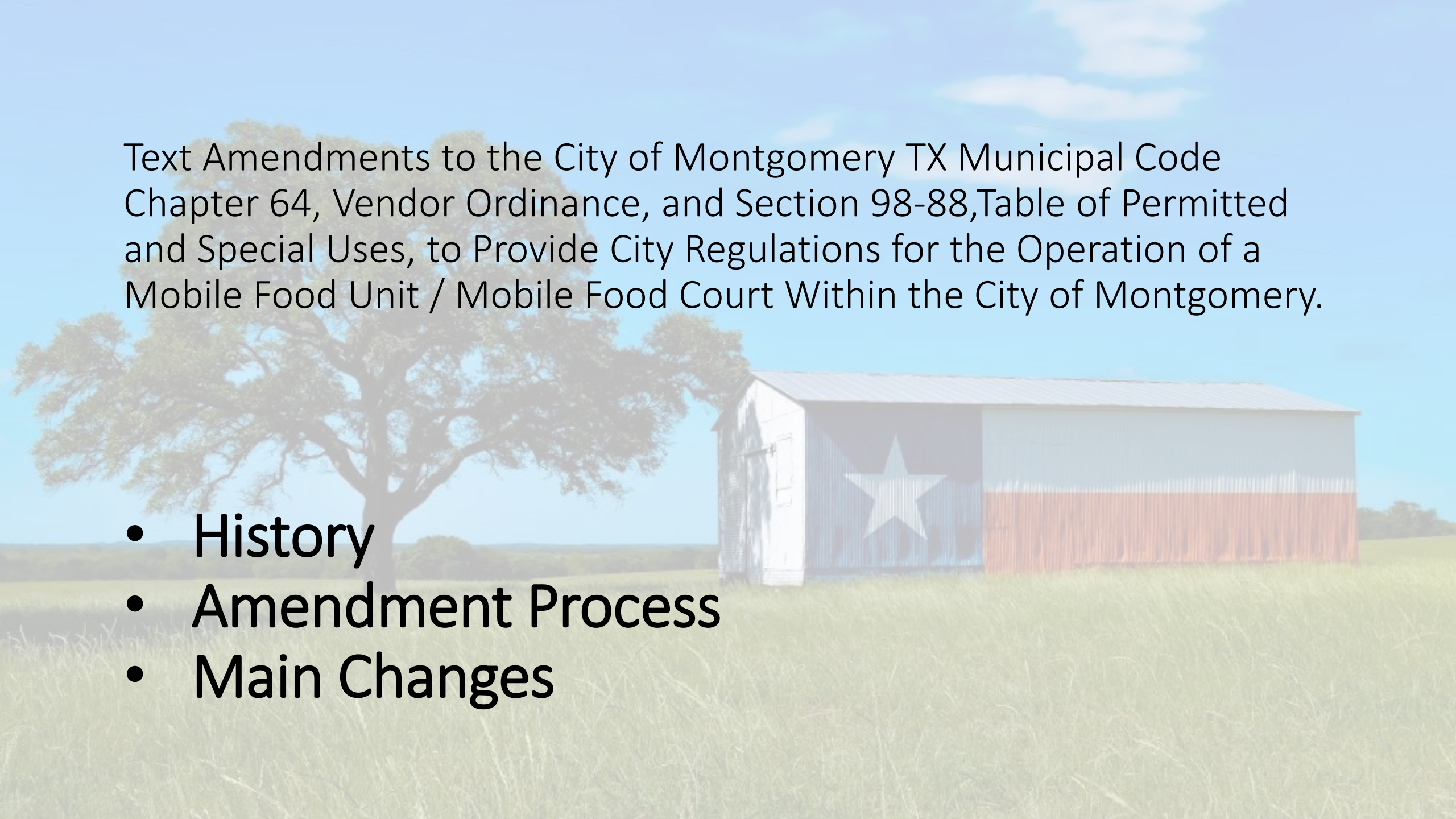


Text Amendments to the City of Montgomery TX Municipal Code Chapter 64, Vendor Ordinance, and Section 98-88, Table of Permitted and Special Uses, to Provide City Regulations for the Operation of a Mobile Food Unit / Mobile Food Court Within the City of Montgomery.

- **History**
- **Amendment Process**
- **Main Changes**



History: Regulating this type of activity has been discussed at the policy level for the past couple of years. Regulatory issues have been discussed, text amendments have been proposed, however no changes were adopted.

Amendment Research Process: Review current ordinance and issues. Determine best practices in local government for this activity. Research comparable communities' ordinances, determine what has worked and what hasn't for that city, tailor an ordinance to fit the needs of *our* city and bring forward for community discussion/input, and subsequently to the governing body for adoption consideration.

City of Montgomery Ordinance Amendment Process: Text Amendments to the Municipal Code require a public hearing(s), ordinance reading(s), and formal City Council approval. Text Amendments to the Zoning Ordinance (Table of Permitted Uses) require Planning and Zoning review, public hearing, and transmittal of recommendations to the City Council for consideration before final Council approval. The Amendments proposed to the vendor/food truck ordinance involves the Zoning Ordinance *and* Municipal Ordinance thus Planning and Zoning and the Council are involved with these proposed amendments.

Where We Are in the Process: We held a Council workshop on April 11, 2023 at which time we received feedback from the Council and attendees. The Planning and Zoning Commission was introduced to the amendments on April 04, 2023. The P&Z Commission subsequently held a Public Hearing on May 02, 2023 and have transmitted their recommendations. The intent this evening is to do a second review of the amendments, hammer out any issues, and bring the amendments back to the Council at a subsequent meeting for formal consideration.

Main Changes

Expanded Definitions. Included definitions to include **Mobile Food Court** and **Mobile Food Unit**

Mobile food court means a land use approved through a Special Use Permit (SEE Sec. 98-27. - Special use permits and Sec. 98-88. - Table of permitted uses and special uses) and developed in conformity with an approved site plan, where two or more mobile food vendors congregate to offer edible goods for sale to the public.

Mobile food unit/Mobile Food Vendor means a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable and used to store, prepare, display, serve or sell food. The term “mobile food unit/vendor” shall include:

1. Mobile food trucks. A mobile food truck is a self-contained motorized unit selling items defined as edible goods
2. Concession carts. A concession cart is a self-contained unit that is moved by non-motorized means
3. Concession trailer. A concession trailer is a self-contained unit that is pulled by a motorized unit and has no power to move on its own

Added Exemptions.

(B) Farm products. Any mobile food unit selling only non-refrigerated farm products in an unrefined state is exempt from this article.

(C) Mobile food units operating under a valid city-issued Street Festival permit or other Special Event permit.

(D) Mobile food units operating as an accessory use to a primary food establishment located on the same property as the permitted primary use. Products distributed by a mobile food unit under this subsection must be produced by the on-site primary food establishment.

(E) Cottage food production operations

(F) Continuously roaming ice cream trucks holding a valid food service permit through the appropriate County Department

Defined locations where this activity is allowed.

Mobile food units may be allowed in the Commercial District (other than the Commercial District with the Historic District Overlay Zone designation SEE City Zoning Map), Industrial District and Institutional District after a mobile food unit permit is issued by the city (SEE Sec. 98-88. - Table of permitted uses and special uses).

Mobile food units may be permitted in the Historic District Overlay Zone and any other Zoning District in which mobile food units are not allowed only after approval through the Special Use process and subsequently a mobile food unit permit issued by the city (SEE Sec. 98-27. - Special use permits).

Proposed changes to the permit fee.

Sec. 64-30. Classifications; term; fee.

~~Except as specifically provided by section 64-32, no permit shall be issued pursuant to this article except upon application. The following fee applies to the class of permit. No permit shall be issued prior to payment of the fee listed below, accompanied by the fee as currently established or as hereafter adopted by resolution of the city council from time to time.~~

Class	Term	1-month fee	6-month fee
Peddler	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Hawker	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Solicitor	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Transient dealer	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Mobile food unit	1 month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00 <u>\$600.00</u>
Roadside food vendor	1 month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00

(Code 2002, § 22-62; Ord. No. 1996-3, art. II, § 4, 6-4-1996; Ord. No. 2004-14, § 1, 8-24-2004; Ord. No. 2020-08, § 1, 8-11-2020; Ord. No. 2020-13, § 1, 11-10-2020)

Class	Term	One Month Permit Fee	Six Month Permit Fee
Peddler	Six Months	N/A	\$100
Hawker	Six Months	N/A	\$100
Solicitor	Six Months	N/A	\$100
Transient Dealer	Six Months	N/A	\$100
Mobile Food Unit	One to Six Months	\$100	\$600

Class	Term	One Month Permit Fee	Six Month Permit Fee
Peddler	One to Six Months	\$50	\$100
Hawker	One to Six Months	\$50	\$100
Solicitor	One to Six Months	\$50	\$100
Transient Dealer	One to Six Months	\$50	\$100
Mobile Food Unit	One to Six Months	\$100	\$600

Class	Term	One Month Permit Fee	Three Month Permit Fee
Peddler	One Month	\$50	\$100
Hawker	One Month	\$50	\$100
Solicitor	One Month	\$50	\$100
Transient Dealer	One Month	\$50	\$100
Mobile Food Unit	One to Three Months	\$100	\$200

Expanded the information requirements for the application. Cleaned up some of the language in other sections. Removed unnecessary/outdated regulations.

Proposed Amendment Sec. 98-88

Table of Permitted Uses and Special Uses

Sec. 98-88. Table of permitted uses and special uses.

(a) Permitted uses and special uses in the various zoning districts are as specified in the following table:

Permitted Uses	R-1	R-2	B	ID	I	CC
Accessory uses						X
Aerial or ground survey			X			
Air conditioning sales, retail, complete enclosed (services incidental)			X			
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units — heating or cooling						X
Airport (nongovernmental)						X
Air product manufacturing				X		
Alcoholic beverage sales off premises			X			
Alcoholic beverage sales on premises						X
Alcoholic beverage storage			X			
Altering and repairing of wearing apparel			X			
Ambulance service			X			
Amusement arcade						X
<u>Amusement park (commercial)</u>						X
Animal shelter or dog pound (nongovernmental)						X
Antique store (completely enclosed)			X			
Apartment hotel						X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X			
Apparel and accessory store			X			
Appliance repair (completely enclosed)			X			
Armory						X
Art gallery and/or museum (commercial retail sale of objects d'art only)			X			
Asphalt or creosote manufacturing or treatment						X
Assisted living		X	X			
Automobile and truck sales and service (new and used) (service completely enclosed)			X			
Automobile car wash			X			
Automobile filling station and/or service (all repair in district to be completely enclosed)			X			
Automobile glass sales and installation			X			
Automobile muffler sales and installation (completely enclosed)			X			
Automobile parking lots or parking garages (commercial)						X
Automobile rental			X			
Automobile repair			X			
Automobile upholstery sales and installation (completely enclosed)			X			

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(Supp. No. 6)

Massage parlor					X		
Metal products fabrication						X	
Milliner (custom)					X		
Millinery manufacture						X	
Millwork and similar wood products manufacture						X	
<u>Mobile Food Unit</u>					X*	X	X
<u>Mobile Food Court</u>							X**
Motel					X		
Motorcycle sales and service					X		
Moving and transfer company						X	
Music store					X		
Nail salon					X		
News stand					X		
Night club/dance hall							X
Novelty and souvenir manufacture						X	
Nursery, daycare, or kindergarten (care of up to six children)	X	X					
Nursery, daycare, or kindergarten (care of up to 20 children)					X		
Nursery, daycare, or kindergarten (care of over 20 children)					X		
Nursing home		X	X				
Office equipment and furniture manufacture						X	
Office equipment and supplies (retail)					X		
Office equipment and supplies (wholesale)					X	X	
Offices (professional)					X		
Oil and well supplies and machinery sales						X	
Optical goods (retail)					X		
Optical goods (wholesale)					X		
Optician					X		
Packing and gasket manufacture						X	
Packing plant (no rendering)							X
Paint and wallpaper store					X		
Paper <u>produce</u> manufacture						X	
Paper supplies (wholesale)						X	
Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the city or other public agency							X
Passenger depot (railroad or bus)							X
Pawnshop (completely enclosed)					X		
Pecan shelling						X	
Pet shop (completely enclosed)					X		
Petroleum storage (wholesale)						X	
Photographic equipment and supplies sales					X	X	
Photographic studio					X		
Picture framing					X		
Pipe storage						X	X

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(Supp. No. 6)

Tanning salon						X		
Tattoo parlor								X
Tavern								X
Taxidermist								X
Television station or studio without transmitter tower						X		
Television station with transmitter tower								X
Textile manufacture							X	
Theater (indoor)						X		
Theater (outdoor, including drive-in theaters)								X
Tile manufacturer (ceramic)							X	
Tobacco processing							X	
Tobacco store						X		
Tool manufacture							X	
Tool rental (completely enclosed)						X		
Tool rental (fence outside storage)						X	X	
Toy manufacture						X	X	
Toy store						X		
Trailer manufacture							X	
Trailer sales						X		
Transit vehicle storage and service							X	
Truck repair and maintenance						X	X	
Truck stop								X
Variety store						X		
Venetian blinds and metal awning fabrication, repair and cleaning							X	
Veterinarian (animal on premises)						X		
Warehousing							X	
Watch repair						X		
Water or sewage pumping (nongovernmental)								X
Water storage (overhead)								X
Welding shop							X	
Well drilling contractors						X	X	

* Mobile Food Units in the Historic Overlay Zone Requires Special Use Permit

** Mobile Food Courts Require a Special Use Permit

(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit, after approval by city council (SEE Sec. 98-27. Special use permits).

(Ord. No. 2014-03, § 1, 5-20-2014)

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Next Steps

City Council

- Additional workshop?
- Place on regular meeting agenda to call for public hearing and subsequent consideration for approval

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Discussion