



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: December 12, 2022

City Council Public Hearing Date: December 19, 2022

Case: P22-394

Section(s): Chapter 50, Article I (50-2 *Definitions*), and Chapter 50, Article III (50-82 *Use regulations (charts)*)

Subject: Add definition for “Market, Open Air” and revise Section 50-82 (*Use regulations (charts)*) by revising where/when open-air markets will be permitted.

BACKGROUND

The current land use regulation chart in the City of Tomball Code of Ordinance contains a “Market, open air, flea” land use that is undefined. To clarify this land use category staff is adding a definition that clearly defines what an open-air market is. Additionally, the current code of ordinance allows open-air markets by right within the Old Town & Mixed Use (OT&MU) and Light Industrial (LI) zoning districts, as well as within the Commercial (C) district with the approval of a Conditional Use Permit (CUP). In an effort to guide the development of these open-air markets city staff is proposing that a CUP be required in all three zoning districts. Conditional Use Permits provide an additional opportunity to govern where open-air markets are to be located as well as when they may operate. Additionally, conditional use permits provide opportunities to draft limitations governing a variety of factors including but not to be limited to hours of operations, total vendors allowed, and site lighting.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on November 30, 2022.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-2 Definitions

ADD:

Market, Open Air – A temporary outdoor marketplace where two or more vendors are on private property. Where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers.

50-82 Use Regulations (charts)

DELETE:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts								OT&MU	Parking ratio (Also see section 50-112)
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI			
Retail																					
Market, open air, flea																	C	P	P	1 space per 200 square feet	

ADD:

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts								OT&MU	Parking ratio (Also see section 50-112)
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI			
Retail																					
Market, open air																	C	<u>C</u>	<u>C</u>	1 space per 200 square feet	

RECOMMENDATION

City staff recommends approval of Case P22-394.