



## 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 <a href="#">(Also see section 50-112)</a>
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI			
Retail																					
Market, open air, <del>flea</del>																	C	<del>P</del>	<del>P</del>	1 space per 200 square feet	

### **ADD:**

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts								OT&MU	Parking ratio <a href="#">(Also see section 50-112)</a>
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI			
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## **STAFF RECOMMENDATION**

City staff recommends approval of Case P22-394.

## **P&Z RECOMMENDATION:**

Approval (4 Vote Aye, 0 Vote Nay)

- Discussion Items:
  - None