



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: November 14, 2022

City Council Public Hearing Date: November 21, 2022

Case: P22-354

Section(s): Chapter 50, Article IV (50-116 *Supplemental Regulations*), Subsection (j) (*Site Development Standards for Mobile Food Courts*)

Subject: Revise Section 50-116, subsection (j)(9) (*Site development standards for mobile food courts*)

BACKGROUND

The City of Tomball defines mobile food courts as being a parcel of land where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. Further, the definition clarifies that mobile food courts shall not be interpreted to include a congregation of mobile food vendors as a secondary, accessory use, and/or temporary use. The following development standards apply to mobile food courts:

(j)Site development standards for mobile food courts.

- (1) No mobile food vendor nor any associated seating areas shall be located in the required landscape buffer yard, access easement, surface drainage easement, driveway, and/or fire lane(s).
- (2) All activity must occur on private property, outside of the public right-of-way.
- (3) There shall be at least three feet of unobstructed clearance between all individual mobile food vendors and all permanent or accessory structures and at least ten feet of unobstructed clearance for mobile food vendors parked side-by-side.
- (4) Mobile food vendors shall not park in required parking stalls, rather they shall be located on a designated paved surface. Spaces for mobile food vendors shall meet the minimum parking requirements per Table 50-112-1.
- (5) Vehicular drive-thru service of food and/or beverages shall not be permitted.
- (6) Accessible restroom facilities shall be provided within a permanent structure. Temporary or portable toilet facilities are not permitted.
- (7) Electrical service may be provided to the mobile food vendors by a permitted electrical connection or on-board generators. When using on-board generators, sound absorbing devices shall be used.

(8) A designated seating area shall be provided for patrons.

(9) A mobile food vendor conducting business at a mobile food court shall not be located within the same mobile food court for a period in excess of 180 days. The same mobile food vendor shall not return to the same mobile food court for a period of 30 days.

(10) Mobile food vendors conducting business at a mobile food court shall have current vehicular registration and shall be in a suitable operating condition for transit.

(11) All mobile food vendors shall meet all other requirements per [chapter 32](#), peddlers and solicitors.

As identified above subsection (j)(9) establishes restrictions on the length of time that a mobile food vendor can be located on the premises of an approved mobile food court. City staff believes that because mobile food courts are viewed as the principal land use for a given site, so should the individual mobile food vendors. Subsequently, it is the opinion of city staff that food vendors within a mobile food court should not be subject to time limitation standards such as those applied to mobile food vendors that are an accessory to other principal land uses (i.e. convenience stores, retail centers, etc.).

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on November 2, 2022.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-116 (j) – Site development standards for mobile food courts

DELETE:

~~(9) A mobile food vendor conducting business at a mobile food court shall not be located within the same mobile food court for a period in excess of 180 days. The same mobile food vendor shall not return to the same mobile food court for a period of 30 days.~~

ADD:

(9) Mobile food vendors conducting business operations within an approved mobile food court shall not be subject to restrictions on the length of time that they may be located at the mobile food court.