

Sec. 144-5.26. Mobile food courts.

5.26-1. *Purpose.* Establish development and operational standards for outdoor food venues so as to minimize potential negative impacts on surrounding property while enhancing additional dining experiences within the community.

5.26-2. *Definitions.*

Mobile food court. A "mobile food court" is a parcel of land where ~~two~~ three or more mobile food establishments congregate to offer food or beverages for sale to the public ~~as the principal use and permanent use of the land. This definition shall not be interpreted to include a congregation of mobile food establishment as a secondary, accessory use, and/or temporary use on existing commercially developed land as regulated under section 5.23, Temporary vending operations.~~

Mobile food unit. A "mobile food unit" is a business that serves food or beverages from a self-contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food unit" shall not include individual non-motorized vending carts. Often referred to as a "food truck"; see definition in Chapter 62.

~~*Mobile food vending, base of operation.* The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. A mobile food vending base of operation shall not include activities associated with the "mobile food court" as defined in this section.~~

~~5.26-3. *Reserved.*~~

5.26-43. *Mobile food court location.*

- (a) Mobile food courts ~~shall be permitted~~ are allowed in those zoning districts allowing restaurants/~~prepared food sales.~~
- ~~(b) Each mobile food court shall be located at least 150 feet away from any one- or two-family use or one- or two-family district measured from property line to property line.~~
- ~~(c)~~ All activity must occur on private property outside of the public right-of-way unless the city has executed a license agreement authorizing such activity.
- ~~(d)~~ Mobile food units shall be allowed to change out daily.

5.26-54. *Site development standards.*

- (a) No more than ten individual mobile food units are permitted per mobile food court site.
- (b) All setback requirements in the underlying zoning district shall be adhered to. No mobile food unit, structures associated with the mobile food court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, floodway, driveway, utility easement and/or fire lane(s). Sight distance triangles at intersections of streets and driveways shall be maintained in accordance with §5.21-1(d).
- (c) There shall be at least ten (10) feet of clearance between all individual mobile food units and all permanent, accessory or non-accessory structures.
- (d) Each mobile food unit shall be located on asphalt, concrete, pavers or an all-weather surface pad as approved by the building official or the city engineer.
- (e) Vehicular drive-through service of food and/or beverages shall not be ~~permitted~~ allowed unless ~~permitted~~ it is allowed in the underlying zoning district. Compliance with additional drive-through requirements as specified within the City's Code of Ordinances is required.
- (f) All mobile food ~~unit~~ court related activity, such as seating or recreation, must occur ~~within 25 feet from the associated mobile food unit or within a communal arrangement serving all of the mobile food units on site.~~

- (g) All mobile food units and related activities must be located in compliance with the city's adopted fire code standards regarding the storage or dispensing of flammable combustible liquid or gas.
- (h) ~~The placement of the mobile food unit~~ Mobile food courts shall not impede traffic nor visually impair any motorist ~~vehicle operation or pedestrian~~ within a parking lot, driveway ~~or~~, street, sidewalk, bike path, or trail.
- (i) A fire lane shall be provided within a mobile food court as required in the city's adopted fire code.
- (j) All lighting associated with ~~the occupancy a mobile food court~~ shall comply with the lighting requirements of this chapter as well as Chapter 82, sections 82-14 through 82-20 of chapter 82, Offenses and miscellaneous.
- (k) Accessible restroom facilities shall be provided within a permanent structure in accordance with adopted building and plumbing codes, ~~excludes. No portable restrooms may be erected or used~~ portapotties and trailer toilets.
- (l) Electrical service may be provided to the mobile food units by permanent permitted connections provided by an electric utility, a permitted temporary electrical connection, ~~(or other permitted connection provided by an electric utility)~~ or on-board generators. The use of on-board generators shall require sound absorbing devices used to contain or deflect noise from any external generator.
- (m) ~~A minimum of one 100-gallon garbage receptacle shall be provided for each mobile food unit. However, a~~ Refuse.
 - (1) A sufficient quantity of garbage receptacles shall be provided and maintained so the mobile food court shall be free is kept clean of trash, debris and litter at all times.
 - (2) Trash generated on site is not allowed to blow or spill onto abutting or surrounding sites or onto the public right-of-way.
 - (3) The garbage receptacles shall be maintained in compliance with the Texas Food ~~Code Chapter 229 Establishment Rules~~, including:
 - ~~(i) Such receptacles are rodent resistant. Unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.~~
 - ~~(ii) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.~~
 - (4) Mobile food courts shall comply with all solid waste and refuse requirements of the City's Code of Ordinances.
- (n) Above-ground grease traps are not allowed at mobile food courts.

5.26-~~65~~. *Performance standards.*

- (a) The visual and structural integrity of ~~the each~~ mobile food ~~establishment~~ unit must be maintained continuously.
- (b) No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be ~~permitted~~ allowed. Mobile food courts and all associated activity and mechanical equipment including any generators shall comply with the city's noise provisions in Chapter 82.
- ~~(c) Mobile food establishment units providing food services shall be registered, inspected, and permitted by the city's health department.~~
- (~~c~~) All signage shall comply with chapter 106, Signs.
 - (1) For the purposes of on-premise signs, a mobile food court shall be allowed the following:
 - (i) Freestanding sign(s) allowed in the underlying zoning district to identify the name of the mobile food court in compliance with chapter 106.

- (ii) One sandwich board per mobile food unit that must be placed within ten feet of the mobile food unit.
- (iii) Signs attached to the exterior of the mobile food unit, excluding roof signs, shall be considered wall signage and exempt from permitting.

~~(2.)~~ Prohibited signs.

- (i) Temporary signs, including banners.
- (ii) Off-premise signs.
- (iii) Digital display signs.

~~(ed)~~ ~~Mobile food unit off street parking standards. A minimum of two parking spaces per mobile food unit or one parking space for each four seats for patron use, whichever is greater, shall be required. Any off-street parking lots provided shall be constructed in accordance with section 5.1 of this chapter. Mobile food units may not be located within the parking lot.~~

~~(f)~~ ~~The noise level of mechanical equipment and generators used in association with a mobile food unit shall not violate the provisions of section 82-9 of chapter 82, Offenses and miscellaneous.~~

~~5.26-76.~~ *Permit required and procedures.*

- (a) A commercial permit for a mobile food court permit shall be required to ensure conformance with the provisions of this section and all other applicable adopted city codes and ordinances.
- (b) The commercial permit ~~Application for a mobile food court permit shall be presented to the building division on forms furnished by the city and may~~ include, but not be limited to, plans ~~in duplicate~~ drawn to scale showing the location, dimensions, and specifications of proposed and required facilities as indicated in this section. Additional information to assist in determining compliance with adopted codes and ordinances ~~this section~~ may be required.

- (1) ~~The applicant should understand that a mobile food court permit is only a permit to indicate compliance with this section; a building permit and health permit must be obtained for the construction and operation of the identified improvements. All plans for site work, installation, construction, utility connection, and signs must be reviewed by the building safety division, health and food safety division, planning division, fire marshal's office, and other divisions and departments as applicable for compliance with adopted codes and ordinances.~~
- (2) ~~The mobile food court permit application may be filed with the application for building permit or separately prior to application for building permit. When filed separately prior to application for building permit, three complete sets of plans, sealed by a Texas registered engineer, architect or land surveyor are required. Mobile food courts and individual mobile food units shall be registered, inspected, and additionally permitted by the city's health and food safety division in accordance with Chapter 62.~~
- (3) ~~The mobile food court~~ All permit applications shall include the ~~following information:~~ corresponding fee(s) as indicated in Appendix D of the City's Code of Ordinances.
 - ~~(i) Completed mobile food court permit application form.~~
 - ~~(ii) A permit fee per appendix D of this Code.~~

~~5.26-87.~~ *Conflict.* Where there is conflict between the code adopted in this section and any city, state, or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.