

**ORDINANCE NO. 316**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS AMENDING ORDINANCE NO. 47 ZONING, AS AMENDED, ESTABLISHING MOBILE FOOD VENDING LAND USES, ASSOCIATED REGULATIONS AND OTHER MATTERS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Umland (“City”) is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the City Council of the City of Umland (“City Council”) has previously adopted zoning regulations with Ordinance 47 as amended, and may – from time to time – choose to amend, supplement, change, or modify the City’s zoning regulations, boundaries, or classifications; and

**WHEREAS**, City staff has reviewed the current zoning regulations and have recommended certain revisions and updates to the current zoning regulations be made related to mobile food vending and associated regulations; and

**WHEREAS**, the City of Umland has given proper notice, as necessary, pertaining to the amendments of the City’s zoning regulations; and

**WHEREAS**, on April 17, 2024 the Planning and Zoning Commission held a public hearing and after consideration, provided a recommendation that City Council approve the zoning ordinance amendment; and

**WHEREAS**, on July 10, 2024, the City Council conducted a public hearing and, after consideration, determined that the ordinance amendment be approved as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:**

**Section 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 2.** The City Council of the City of Umland, Texas hereby amends the City of Umland Ordinance No. 47 Zoning, as previously amended, as set forth in the attached “Exhibit A”.

**Section 3.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 4.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or

unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 5.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 6.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**Section 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law provides.

**APPROVED, PASSED, AND ADOPTED** by the City Council of the City of Uhlend, Texas on the 10<sup>th</sup> day of July, 2024.

APPROVED:



Lacey Duke, Mayor

ATTEST:



Kimberly Weatherford, City Secretary



# Ordinance No. 316 - Exhibit A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized*, is for document organization and reference only and is not intended to be adopted. The City of Umland, Texas, Zoning Ordinance No. 47, as amended, is hereby amended as follows:

*{Addition of Mobile Food Vending land uses in Zoning Ordinance Section 7}*

**Subsection 7-109 (Retail and Service Type Uses)**

| Type of Use                             | A | SF-1 | SF-2 | SF-3 | MHSF | MH-1,2 | MF-1 | MF-2 | LR | GB | LI | HI       |
|---|---|------|------|------|------|--------|------|------|----|----|----|----------|
| <u>Mobile Food Vending Court, Minor</u> |   |      |      |      |      |        |      |      | ●  | ●  | ●  | <u>C</u> |
| <u>Mobile Food Vending Court, Major</u> |   |      |      |      |      |        |      |      | ●  | ●  | ●  | <u>C</u> |
| <u>Accessory Mobile Food Vending</u>    |   |      |      |      |      |        |      |      | ●  | ●  | ●  | <u>C</u> |

*{Addition of Subsection 7-800, Mobile Food Vending land use standards to Zoning Ordinance Section 7}*

**Subsection 7-800 Mobile Food Vending**

**Subsection 7-801 Mobile Food Vending Court, Minor**

All Mobile Food Vending Court land uses shall comply with the following requirements; however, all Mobile Food Vendors in a Mobile Food Vending Court are also subject to state law provisions applicable to Mobile Food Units and as provided in 25 Texas Administrative Code Chapters 228 & 229 and Texas Health and Safety Code Chapter 437& 438, as all may be amended (“State Law”). In the event of a conflict between this Section and State Law, State Law shall govern.

- (1) Maximum number of Mobile Food Vendors. There shall be a maximum of three (3) Mobile Food Vendors allowed in a Mobile Food Vending Court, Minor.
- (2) Location. All activities associated with a Mobile Food Vending Court must be located at least one hundred and fifty (150) feet away from any single-family residential use or residential zoning district. A Conditional Use Permit may be granted by the City Council to reduce the one hundred and fifty (150) foot setback.

- (3) Fire Lanes. Fire lanes and adequate fire protection shall be provided to serve the Mobile Food Vending Court as required by applicable city, state, or international regulations or codes.
- (4) No Mobile Food Vendor nor any associated seating areas are allowed to be located in any required zoning setback, buffer yard, easement, or fire lane.
- (5) Utility Connections. Utility connections for electricity and water shall be provided to each Mobile Food Vendor site. Waste water utility connections are optional.
- (6) Restrooms. Restroom facilities are required and may be provided using either of the following options:
  - (a) A permanent restroom building equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the Mobile Food Vending Court's Mobile Food Units and customers shall be conveniently located on the property and accessible to employees and customers. Restrooms shall also be compliant with city building codes and 25 TAC 228, as may be amended. Restrooms shall be equipped with hand sinks, hot and cold water and either hand towels or forced air hand dryers.
  - (b) Portable restroom facility that is ADA compliant, with evidence of a contract for weekly maintenance with a company duly licensed to perform the service.
- (7) Seating and eating areas. All Mobile Food Vending Courts shall provide shaded seating and eating areas. Shade structures provided shall be secured against wind forces.
- (8) All Mobile Food Vendors shall be parked on designated locations paved with a durable dust-free all weather surface treatment including but not limited to asphalt, concrete, pavers, decomposed granite, or other similar material customarily used for parking vehicles.
- (9) Drive-Through Service. Vehicular drive-through service of food and/or beverages shall not be permitted except through a Conditional Use Permit granted by the City Council.
- (10) Trash enclosure. All trash receptacles shall be screened from public view and neighboring property view by a sight-obscuring solid fence or wall enclosure with gates and vegetative screening. The enclosure shall be a minimum of eight (8) feet in height. Gates shall be of a solid sight obscuring material and shall be closed at all times except when loading or unloading. The vegetative screening shall use at least two (2) varieties of plant material from the "Grow Green" plant guide, that, at maturity, are at least the height of the enclosure being screened.

#### **7-802 Mobile Food Vending Court, Major**

All Mobile Food Vending Court land uses shall comply with the following requirements; however, all Mobile Food Vendors in a Mobile Food Vending Court are also subject to state law provisions applicable to Mobile Food Units and as provided in 25 Texas Administrative Code Chapter 228 & 229 and Texas Health and Safety Code Chapter 437 & 438, as all may be amended ("State Law"). In the event of a conflict between this Section and State Law, State Law shall govern.

- (1) Maximum number of Mobile Food Vendors. There shall be a maximum of ten (10) Mobile Food Vendors allowed in a Mobile Food Vending Court. A Conditional Use Permit may be granted by the City Council to allow more than ten (10) Mobile Food Vendors in the Mobile Food Vending Court.
- (2) Location and Buffer. All activities associated with a Mobile Food Vending Court must be located at least thirty (30) feet away from any single-family residential use or residential zoning district. A thirty (30) foot wide landscape buffer shall be provided between the Mobile Food Vending Court, Major and any property with a single-family residential use or residential district zoning. A Conditional Use Permit may be granted by the City Council to reduce the thirty (30) foot setback and buffer. The buffer shall be landscaped with the following:
  - (a) Shade trees (such as live oak or cedar elm); one per 50 linear feet of buffer.
  - (b) Ornamental Trees (such as mountain laurel or desert willow); one per 25 linear feet of buffer.
  - (c) Large shrubs, five-gallon (such as wax myrtle, DW yaupon, or agarita); one per 6 linear feet of buffer.
  - (d) Small shrubs/ground covers, one-gallon (such as lantana or lirioppe); one per 3 linear feet of buffer.
- (3) Fire Lanes. Fire lanes and adequate fire protection shall be provided to serve the Mobile Food Vending Court as required by applicable city, state, or international regulations or codes.
- (4) No Mobile Food Vendor nor any associated seating areas are allowed to be located in any required zoning setback, buffer yard, easement, or fire lane.
- (5) Utility Connections. Utility connections for electricity, water and sanitary sewer shall be provided to each Mobile Food Vendor site. In-lieu of individual sanitary sewer connections to each Mobile Food Vendor site, a centralized dump location may be provided on site.
- (6) Restrooms. A permanent restroom building equipped with flush type toilets and properly plumbed to a sanitary sewage system with sufficient capacity to meet the needs of the Mobile Food Vending Court's Mobile Food Units and customers shall be conveniently located on the property and accessible to employees and customers. Restrooms shall also be compliant with city building codes and 25 TAC 228, as may be amended. Restrooms shall be equipped with hand sinks, hot and cold water and either hand towels or forced air hand dryers. The Board of Adjustment may grant a zoning special exception to allow for an alternative form of restroom facilities.
- (7) Seating and eating areas. All Mobile Food Vending Courts shall provide shaded seating and eating areas. A centralized shade structure such as a pavilion is recommended. Shade structures provided shall be secured against wind forces.
- (8) All Mobile Food Vendors shall be parked on designated locations paved with a durable dust-free all weather surface treatment including but not limited to asphalt, concrete, pavers, decomposed granite, or other similar material customarily used for parking vehicles.

- (9) Drive-Through Service. Vehicular drive-through service of food and/or beverages shall not be permitted except through a Conditional Use Permit granted by the City Council.
- (10) Trash enclosure. All trash receptacles shall be screened from public view and neighboring property view by a sight-obscuring solid fence or wall enclosure with gates and vegetative screening. The enclosure shall be a minimum of eight (8) feet in height. Gates shall be of a solid sight obscuring material and shall be closed at all times except when loading or unloading. The vegetative screening shall use at least two (2) varieties of plant material from the “Grow Green” plant guide, that, at maturity, are at least the height of the enclosure being screened.

### **7-803 Accessory Mobile Food Vending**

All Accessory Mobile Food Vending land uses shall comply with the following requirements; however, all Accessory Mobile Food Vending is also subject to state law provisions applicable to Mobile Food Units and as provided in 25 Texas Administrative Code Chapter 228 and Texas Health and Safety Code Chapter 437, as both may be amended (“State Law”). In the event of a conflict between this Section and State Law, State Law shall govern.

- (1) Accessory use only. Accessory Mobile Food Vending shall only permitted as an accessory use when a primary use of the property is established and operating with a valid certificate of occupancy.
- (2) Maximum number of Accessory Mobile Food Vendors. There shall be a maximum of one (1) accessory Mobile Food Vendor per site. A Conditional Use Permit may be granted by the City Council to allow more than one (1) Mobile Food Vendor per site.
- (3) Location. All activities associated with Accessory Mobile Food Vending must be located at least thirty (30) feet away from any single-family residential use or residential zoning district. A Conditional Use Permit may be granted by the City Council to reduce the thirty (30) foot setback.
- (4) Mobile Food Vendors shall be parked on surfaces paved with asphalt or concrete. Paving shall be constructed of new material and to accepted industry specifications.
- (5) Mobile Food Vendors shall not be placed in required parking spaces nor block or impede the safe and orderly flow of traffic through the site.
- (6) No Mobile Food Vendor nor any seating areas are allowed to be located in any required zoning setback, buffer yard, easement, or fire lane.
- (7) Utility Connections. Temporary connections for electricity shall be provided to the Mobile Food Vendor site. Water and sanitary sewer temporary connections may also be provided to the Mobile Food Vendor site but are not required. Electricity to the Mobile Food Vendor may not be provided through the use of portable generators.
- (8) Restrooms. Accessory Mobile Food Vendors must provide access to restroom facilities for customers and employees within 300 feet of the mobile food unit. If the restroom facilities being provided are located within another establishment, the Mobile Food Vendor’s hours

of operation shall be restricted to only those times in which restrooms are available. Portable restroom facilities are prohibited.

- (9) Drive-Through Service. Vehicular drive-through service of food and/or beverages shall not be permitted except through a Specific Use Permit granted by the City Council.

*{Addition of parking requirements for mobile food vending to Zoning Ordinance Section 10-102}*

**Section 10-102**

**Mobile Food Vending Court** – Two (2) parking spaces for every mobile food vendor space.

*{Addition of definitions to Zoning Ordinance Subsection 21-101}*

**Section 21-101**

**ACCESSORY MOBILE FOOD VENDING** – A Mobile Food Vendor operating as an accessory use to a primary use established and operating with a valid certificate of occupancy on the property.

**MOBILE FOOD UNIT (MFU)** – (As defined by 25 TAC 228.2, as may be amended) A vehicle-mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable (including catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. An MFU must completely retain its mobility at all times. An MFU does not include a stand or a booth. A roadside food vendor is classified as an MFU.

**MOBILE FOOD VENDOR (MFV)** - Any business which sells edible goods from a Mobile Food Unit (MFU) within the city.

**MOBILE FOOD VENDING COURT, MAJOR** - Any parcel of land where three or more Mobile Food Vendors congregate to offer food or beverages for sale to the public. This is considered a primary land use for the property. This use is distinguished from Mobile Food Vending Court, Minor by the number of Mobile Food Vendors spaces planned or constructed on the site.

**MOBILE FOOD VENDING COURT, MINOR** - Any parcel of land where one to three Mobile Food Vendors congregate to offer food or beverages for sale to the public. This is considered a primary land use for the property.