

ORDINANCE NO. O-2019-0083

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 10, ARTICLE VIII, SECTION 2-93, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING USE REGULATIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 2, Article VIII, Section 2-93, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS

Sec. 2-93. Accessory uses and home occupations.

(c) *Mobile food establishments.*

(1) *General.* A mobile food establishment is a temporary food service operation that supports certain types of businesses in certain locations in the City.

~~(2) Accessory use only. Mobile food establishments are prohibited except as an accessory use supporting the following primary uses:~~

~~a. Eating and drinking establishments located on lots zoned MU-1 or a PUD which abuts an MU-1 or MU-2 zoned parcel;~~

~~b. A multi-tenant center where the mobile food establishment is located within an internally oriented pedestrian promenade which is not visible from the public right-of-way;~~

~~c. Small-scale alcohol production facilities;~~

~~d. Event centers;~~

~~e. Municipal parks and recreation facilities; and~~

~~f. Public and private education facilities, corporate office campuses, and business/ industrial parks, at which the mobile food establishment provides service to the students or employees of the hosting organization.~~

~~(3)~~ *Temporary in nature.* Mobile food establishments are meant to be open and on-site only on a temporary basis. As such, the following requirements shall be met:

a. New connections to city water or wastewater infrastructure are prohibited;

b. New electric meters are prohibited; and

~~c. It shall be unlawful for the owner of a mobile food establishment which is visible from public rights-of-way to park the vehicle overnight at the location of their associated primary use on any Sunday, Monday, Tuesday, Wednesday, or Thursday night, except for Sunday and Thursday nights that coincide with a federal holiday the following day; and~~

~~dc.~~ For mobile food establishments serving a municipal parks and recreation facility, the Parks and Recreation Department shall determine the permissible duration for which each establishment may operate.

~~(4) Permit required~~

~~a. Except as provided below, an annual permit from the city for each calendar year beginning January 1 shall be required for the operation of a mobile food establishment. The property owner or tenant who is hosting the mobile food establishment shall be responsible for obtaining the permit.~~

~~b. A site map showing the proposed location of the mobile food establishment(s) shall be provided.~~

~~c. All applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A of the Round Rock Code of Ordinances.~~

~~(53) Site location criteria.~~

a. Mobile food establishments shall not locate on public streets or in public parking lots, but may locate in an unimproved alley of a property zoned MU-1.

b. Mobile food establishments shall not be located within 50 feet of a single-family dwelling unit. This measurement shall be taken from the property line of the dwelling unit to the closest point of the mobile food establishment location.

c. Mobile food establishments shall not locate in access drives, fire lanes, or improved alleys.

d. Mobile food establishments shall not locate on sidewalks in or along the right-of-way without prior approval from the city. Approval may be granted if a minimum width of five (5) feet of sidewalk remains free of any obstructions.

e. Mobile food establishments may not occupy any parking spaces needed for the minimum required parking for the primary use.

f. Mobile food establishments shall be located a minimum of 15 feet from fire hydrants and five (5) feet from any utility box, ADA accessibility ramp, or building entrance.

~~(64) Other requirements.~~

a. The mobile food establishment shall be in compliance with Williamson County and Cities Health District regulations and applicable City fire department regulations.

b. All signage and identification for the mobile food establishment shall be on or attached to the vehicle. Menu items may be displayed on sandwich boards which are not attached to the vehicle.

~~c. The mobile food establishment shall not operate during hours that the primary use is closed.~~

~~dc.~~ All food vending transactions shall occur from the vehicle.

~~ed.~~ No trash or grease shall be left at the site after the departure of the mobile food establishment, except in existing on-site containers specifically designed for such waste.

~~fe.~~ Vehicles, generators, and other equipment shall be maintained so as to be in operable condition at all times.

~~gf.~~ Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on the vehicle and shall be maintained in accordance with minimum property, structural and health standards.

~~h. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food establishments on-site at any time.~~

(5) Long term accessory use. Upon the issuance of an annual permit as described in section (6) below, mobile food establishments are permitted as an accessory use supporting the following primary uses.

- a. Eating and drinking establishments located on lots zoned MU-1 or a PUD which abuts a MU-1 or MU-2 zoned parcel;
- b. A multi-tenant center where the mobile food establishment is located within an internally oriented pedestrian promenade which is not visible from the public right-of-way;
- c. Small-scale alcohol production facilities;
- d. Event centers;
- e. Municipal parks and recreation facilities; and
- f. Public and private education facilities, corporate office campuses, and business/industrial parks, at which the mobile food establishment provides service to the students of employees of the hosting organization.

(6) Annual permit required.

- a. Except as provided below, an annual permit from the city for each calendar year beginning January 1 shall be required for the operation of a mobile food establishment. The property owner or tenant who is hosting the mobile food establishment shall be responsible for obtaining the permit.
- b. A site map showing the proposed location of the mobile food establishment(s) shall be provided.
- c. All applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A of the Code of Ordinances.
- d. The mobile food establishment shall not operate during the hours that the primary use is closed.
- e. It shall be unlawful for the owner of a mobile food establishment which is visible from public rights-of-way to park the vehicle overnight at the location of their associated primary use on any Sunday, Monday, Tuesday, Wednesday, or Thursday night, except for Sunday and Thursday nights that coincide with a federal holiday the following day; and
- f. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food establishments on-site at any time.

(7) Short-term accessory use. Upon issuance of a three-day permit as described in section (8) below, mobile food establishments are permitted as an accessory use supporting the following uses:

- a. Property located within a Commercial Zoning District, which contains an operational business;
- b. Property located within an Employment and Industrial Zoning District which contains an operational business;
- c. Small-scale alcohol production facilities;
- d. Event centers;
- e. Community/government service facilities/places of worship;
- f. Municipal parks and recreation facilities; and
- g. Public and private education facilities, corporate office campuses, and business/industrial parks, at which the mobile food establishment provides services to the students or employees of the hosting organization.

(8) Three-day permit required.

a. Each event shall be for a maximum of three (3) consecutive days.

b. A maximum of four (4) permits within each calendar year shall be used for each property.

c. The property owner or tenant who is hosting the event shall be responsible for obtaining the permit. If a tenant applies for the permit, the signature of the property owner or property management company must be on the application.

d. All applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A the Code of Ordinances.

**II.**

**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**B.** The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

**C.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

Alternative 2.

**READ** and **APPROVED** on first reading this the \_\_\_\_\_ day of

\_\_\_\_\_, 2019.

**READ, APPROVED** and **ADOPTED** on second reading this the \_\_\_\_\_ day of

\_\_\_\_\_, 2019.

\_\_\_\_\_  
CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

\_\_\_\_\_  
SARA L. WHITE, City Clerk