

ORDINANCE NO. O-2021-187

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 1, ARTICLE III, SECTION 1-50 AND CHAPTER 2, ARTICLE VIII, SECTION 2-93, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING MOBILE FOOD ESTABLISHMENTS; 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 1, Article III, Section 1-50, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to add the following definitions:

Mobile Food Establishment Park	Property where three (3) or more mobile food establishments (MFEs) congregate to offer food sales to the public in an area of a site that has been designated and reviewed for this use.
Mobile Food Park Manager	The person responsible for the general management of the mobile food establishment park, including but not limited to: addressing inquiries, questions and concerns; ensuring property maintenance; enforcing hours of operation; and other operational matters.

II.

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 to read 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.

1
2 (2) *Site location criteria.*

- 3 a. Mobile food establishments shall not locate on public streets or in public parking lots, but
4 may locate in an unimproved alley of a property zoned MU-1.
- 5 b. Mobile food establishments shall not be located within 50 feet of a single-family dwelling
6 unit. This measurement shall be taken from the property line of the dwelling unit to the
7 closest point of the mobile food establishment location.
- 8 c. Mobile food establishments shall not locate in access drives, fire lanes, or improved alleys.
- 9 d. Mobile food establishments shall not locate on sidewalks in or along the right-of-way
10 without prior approval from the city. Approval may be granted if a minimum width of five (5)
11 feet of sidewalk remains free of any obstructions.
- 12 e. Mobile food establishments may not occupy any parking spaces needed for the minimum
13 required parking for the primary use.
- 14 f. Mobile food establishments shall be located a minimum of 15 feet from fire hydrants and
15 five (5) feet from any utility box, ADA accessibility ramp, or building entrance.

16 (3) *Other requirements.*

- 17 a. The mobile food establishment shall be in compliance with Williamson County and Cities
18 Health District regulations and applicable City fire department regulations.
- 19 b. All signage and identification for the mobile food establishment shall be on or attached to
20 the vehicle. Menu items may be displayed on sandwich boards which are not attached to
21 the vehicle.
- 22 c. All food vending transactions shall occur from the vehicle.
- 23 d. No trash or grease shall be left at the site after the departure of the mobile food
24 establishment, except in existing on-site containers specifically designed for such waste.
- 25 e. Vehicles, generators, and other equipment shall be maintained so as to be in operable
26 condition at all times.
- 27 f. Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on
28 the vehicle and shall be maintained in accordance with minimum property, structural and
29 health standards.
- 30 g. The mobile food establishment shall remain on wheels and drivable or with the hitch in
31 place necessary for it to be mobile.

32 (4) *Long-term accessory use.*

- 33 a. Mobile food establishments are meant to be open and on-site on a temporary basis. As
34 such, the following requirements for long-term accessory use shall be met:
- 35 1. New connections to city water or wastewater infrastructure are prohibited;
- 36 2. New electric meters are prohibited; and
- 37 3. For mobile food establishments serving a municipal parks and recreation facility, the
38 Parks and Recreation Department shall determine the permissible duration for which
39 each establishment may operate.
- 40 b. Upon the issuance of an annual permit as described in subsection (c) below, mobile food
41 establishments are permitted as long-term accessory use supporting the following primary
42 uses:
- 43 1. Eating and drinking establishments located on lots zoned MU-1 or a PUD which
44 abuts a MU-1 or MU-2 zoned parcel;

2. 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;
 3. Small-scale alcohol production facilities;
 4. Event centers;
 5. Municipal parks and recreation facilities; and
 6. 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; and
 7. Homeowners Association-owned common areas.
- c. An annual permit from the city for each calendar year beginning January 1 shall be required for long term accessory use.
1. The property owner or tenant who is hosting the mobile food establishment shall be responsible for obtaining the permit.
 2. The property owner shall attest that all mobile food establishments hosted on-site have the required Williamson County and Cities Health District and Round Rock Fire Department permits and inspections and are in compliance with all applicable regulations. Mobile food establishments may be shut down immediately by the Williamson County and Cities Health District or the Fire Department if they are in violation of any permitting or inspection requirements, including displaying the proper permits.
 3. The zoning administrator may revoke a permit issued under this section (5) if the permit holder is found to be in violation of section (2) above three (3) times in a twelve (12) month period. The permit shall remain revoked for twelve (12) months from the date of revocation.
 4. A site map showing the proposed location of the mobile food establishment(s) shall be provided.
 5. Applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A of the Code of Ordinances. Municipal parks and recreation facilities and homeowner association properties shall be exempt from fees.
 6. The mobile food establishment shall not operate during the hours that the primary use is closed.
 7. 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.
 8. 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 vehicles.
 9. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food establishments on-site at any time.
- (5) *Mobile food establishment park.*
- a. Upon the issuance of an annual permit as set forth in subsection (b) below, mobile food establishment parks are permitted as an accessory use supporting the following primary uses:

1. Public and private education facilities;
 2. Corporate office campuses;
 3. Business/industrial parks; and
 4. Municipal parks and recreation facilities.
- b. An annual permit from the city for each calendar year being beginning January 1 shall be required for a mobile food establishment park.
1. The property owner shall be responsible for obtaining the permit.
 2. The property owner shall attest that all mobile food establishments within the mobile food establishment park have the required Williamson County and Cities Health District and Round Rock Fire Department permits and inspections and are in compliance with all applicable regulations. Mobile food establishments may be shut down immediately by the Williamson County and Cities Health District or the Fire Department if they are in violation of any permitting or inspection requirements, including displaying the proper permits.
 3. The zoning administrator may revoke a permit issued under this section (5) if the permit holder is found to be in violation of section (2) above three (3) times in a twelve (12) month period. The permit shall remain revoked for twelve (12) months from the date of revocation.
 4. A mobile food park manager shall be designated for the property on the permit application and posted on-site with contact information.
 5. A site map showing the proposed location of the mobile food establishments within the park and any other associated structures shall be provided, including required restroom facilities. A building permit shall be required for any permanent structures associated with the mobile food establishment park.
 6. All mobile food establishment parks shall have restroom facilities with hand washing onsite. These facilities shall be open and available during the hours the park is open for business. The following types of facilities shall be allowed;
 - i. A freestanding restroom structure constructed in accordance with the city's code.
 - ii. An on-site principal building's restrooms may be utilized with a separate entrance provided for park use.
 - iii. A mobile restroom trailer with a minimum of two (2) separate lockable stalls (men's and women's facility). Handicap accessible stalls shall be available and may required a third restroom unit.
 7. Signage and identification for individual mobile food establishments within the park shall be on or attached to the vehicle. Menu items may be displayed on sandwich boards which are not attached to the vehicle. Mobile food establishment parks may install one (1) on-site post and panel sign within the park area that meets the size, height, materials and illumination standards provided in section 8-78(j). This sign shall meet applicable location requirements for freestanding signs in accordance with section 8-78(d). If a freestanding post and panel sign will be added to the park, a separate sign permit with associated fee shall be required.
 8. Applications for mobile food establishment park permits shall be accompanied by the appropriate fees as set forth in Appendix A of the Code of Ordinances. Municipal parks and recreation facilities shall be exempt from those fees.
- (6) *Short-term accessory use.*
- a. Upon issuance of a three-day permit as described in subsection (b) below, mobile food establishments are permitted as an accessory use supporting the following uses:

1. Property located within a Commercial Zoning District, which contains an operational business;
2. Property located within an Employment and Industrial Zoning District which contains an operational business;
3. Small-scale alcohol production facilities;
4. Event centers;
5. Community/government service facilities/places of worship;
6. Municipal parks and recreation facilities;
7. Homeowner Association-owned common areas; and
8. 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.

b. A three-day permit shall be required for short-term accessory use.

1. Each event shall be for a maximum of three (3) consecutive days.
2. A maximum of four (4) permits within each calendar year shall be used for each property.
3. 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.
4. The permit applicant shall attest that all mobile food establishments hosted on-site have the required Williamson County and Cities Health District and Round Rock Fire Department permits and inspections and are in compliance with all applicable regulations. Mobile food establishments may be shut down immediately by the Williamson County and Cities Health District or the Fire Department if they are in violation of any permitting or inspection requirements, including displaying the proper permits.
5. The zoning administrator may limit permits issued under this section if the permit holder is found to be in violation of section (4) above three (3) times in a twelve (12) month period. The permit shall remain revoked for twelve (12) months from the date of revocation.
6. Applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A the Code of Ordinances. Municipal parks and recreation facilities and homeowner association properties shall be exempt from the fees.

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.

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Mobile Food Park Manager	The person responsible for the general management of the mobile food establishment park, including but not limited to: addressing inquiries, questions and concerns; ensuring property maintenance; enforcing hours of operation; and other operational matters.

II.

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 to read 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) 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. 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.~~

(32) *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.

(43) *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. All food vending transactions shall occur from the vehicle.

d. 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.

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

f. 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.

g. The mobile food establishment shall remain on wheels and drivable or with the hitch in place necessary for it to be mobile.

(54) *Long-term accessory use.*

a. Mobile food establishments are meant to be open and on-site on a temporary basis. As such, the following requirements for long-term accessory use shall be met:

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

2. New electric meters are prohibited; and

3. 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.

b. Upon the issuance of an annual permit as described in subsection (6c) below, mobile food establishments are permitted as ~~a~~long-term accessory use supporting the following primary uses:

- a1. Eating and drinking establishments located on lots zoned MU-1 or a PUD which abuts a MU-1 or MU-2 zoned parcel;
- b2. 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;
- c3. Small-scale alcohol production facilities;
- d4. Event centers;
- e5. Municipal parks and recreation facilities; and
- f6. Public and private education facilities, corporate office campuses, and business/industrial parks, at which the mobile food establishment provides service to the students of ~~f~~ employees of the hosting organization; and
7. Homeowners Association-owned common areas.

~~(6)~~ Annual permit required.

a. ~~Except as provided below, a~~An annual permit from the city for each calendar year beginning January 1 shall be required for ~~the operation of a mobile food establishment long term accessory use.~~

1. The property owner or tenant who is hosting the mobile food establishment shall be responsible for obtaining the permit.
2. The property owner shall attest that all mobile food establishments hosted on-site have the required Williamson County and Cities Health District and Round Rock Fire Department permits and inspections and are in compliance with all applicable regulations. Mobile food establishments may be shut down immediately by the Williamson County and Cities Health District or the Fire Department if they are in violation of any permitting or inspection requirements, including displaying the proper permits.
3. The zoning administrator may revoke a permit issued under this section (5) if the permit holder is found to be in violation of section (2) above three (3) times in a twelve (12) month period. The permit shall remain revoked for twelve (12) months from the date of revocation.
- b4. A site map showing the proposed location of the mobile food establishment(s) shall be provided;.
- c5. Applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A of the Code of Ordinances; Municipal parks and recreation facilities and homeowner association properties shall be exempt from fees.
- d6. The mobile food establishment shall not operate during the hours that the primary use is closed;.
- e7. 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.
8. 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 vehicles.

- 1 f9. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile
2 food establishments on-site at any time.

3 (5) Mobile food establishment park.

- 4 a. Upon the issuance of an annual permit as set forth in subsection (b) below, mobile food
5 establishment parks are permitted as an accessory use supporting the following primary
6 uses:

- 7 1. Public and private education facilities;
8 2. Corporate office campuses;
9 3. Business/industrial parks; and
10 4. Municipal parks and recreation facilities.

- 11 b. An annual permit from the city for each calendar year being beginning January 1 shall be
12 required for a mobile food establishment park.

- 13 1. The property owner shall be responsible for obtaining the permit.
14 2. The property owner shall attest that all mobile food establishments within the mobile
15 food establishment park have the required Williamson County and Cities Health
16 District and Round Rock Fire Department permits and inspections and are in
17 compliance with all applicable regulations. Mobile food establishments may be shut
18 down immediately by the Williamson County and Cities Health District or the Fire
19 Department if they are in violation of any permitting or inspection requirements,
20 including displaying the proper permits.
21 3. The zoning administrator may revoke a permit issued under this section (5) if the
22 permit holder is found to be in violation of section (2) above three (3) times in a
23 twelve (12) month period. The permit shall remain revoked for twelve (12) months
24 from the date of revocation.
25 4. A mobile food park manager shall be designated for the property on the permit
26 application and posted on-site with contact information.
27 5. A site map showing the proposed location of the mobile food establishments within
28 the park and any other associated structures shall be provided, including required
29 restroom facilities. A building permit shall be required for any permanent structures
30 associated with the mobile food establishment park.
31 6. All mobile food establishment parks shall have restroom facilities with hand washing
32 onsite. These facilities shall be open and available during the hours the park is open
33 for business. The following types of facilities shall be allowed:
34 i. A freestanding restroom structure constructed in accordance with the city's code.
35 ii. An on-site principal building's restrooms may be utilized with a separate entrance
36 provided for park use.
37 iii. A mobile restroom trailer with a minimum of two (2) separate lockable stalls
38 (men's and women's facility). Handicap accessible stalls shall be available and
39 may required a third restroom unit.
40 7. Signage and identification for individual mobile food establishments within the park
41 shall be on or attached to the vehicle. Menu items may be displayed on sandwich
42 boards which are not attached to the vehicle. Mobile food establishment parks may
43 install one (1) on-site post and panel sign within the park area that meets the size,
44 height, materials and illumination standards provided in section 8-78(j). This sign
45 shall meet applicable location requirements for freestanding signs in accordance with
46 section 8-78(d). If a freestanding post and panel sign will be added to the park, a
47 separate sign permit with associated fee shall be required.

1 8. Applications for mobile food establishment park permits shall be accompanied by the
2 appropriate fees as set forth in Appendix A of the Code of Ordinances. Municipal
3 parks and recreation facilities shall be exempt from those fees.

4 ~~(76)~~ Short-term accessory use.

5 a. Upon issuance of a three-day permit as described in subsection (8b) below, mobile food
6 establishments are permitted as an accessory use supporting the following uses:

7 a1. Property located within a Commercial Zoning District, which contains an operational
8 business;

9 b2. Property located within an Employment and Industrial Zoning District which contains
10 an operational business;

11 c3. Small-scale alcohol production facilities;

12 d4. Event centers;

13 e5. Community/government service facilities/places of worship;

14 f6. Municipal parks and recreation facilities; ~~and~~

15 7. Homeowner Association-owned common areas; and

16 g8. Public and private education facilities, corporate office campuses, and
17 business/industrial parks, at which the mobile food establishment provides services
18 to the students or employees of the hosting organization.

19 ~~(8) Three-day permit required.~~

20 b. A three-day permit shall be required for short-term accessory use.

21 a1. Each event shall be for a maximum of three (3) consecutive days.

22 b2. A maximum of four (4) permits within each calendar year shall be used for each
23 property.

24 c3. The property owner or tenant who is hosting the event shall be responsible for
25 obtaining the permit. If a tenant applies for the permit, the signature of the property
26 owner or property management company must be on the application.

27 4. The permit applicant shall attest that all mobile food establishments hosted on-site
28 have the required Williamson County and Cities Health District and Round Rock Fire
29 Department permits and inspections and are in compliance with all applicable
30 regulations. Mobile food establishments may be shut down immediately by the
31 Williamson County and Cities Health District or the Fire Department if they are in
32 violation of any permitting or inspection requirements, including displaying the proper
33 permits.

34 5. The zoning administrator may limit permits issued under this section if the permit
35 holder is found to be in violation of section (4) above three (3) times in a twelve (12)
36 month period. The permit shall remain revoked for twelve (12) months from the date
37 of revocation.

38 d6. ~~All~~ applications for mobile food establishment permits shall be accompanied by the
39 appropriate fee as set forth in appendix A the Code of Ordinances. Municipal parks
40 and recreation facilities and homeowner association properties shall be exempt from
41 the fees.

42 II.

43
44 A. All ordinances, parts of ordinances, or resolutions in conflict herewith are

45 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 _____, 2021.

Alternative 2.

READ and **APPROVED** on first reading this the _____ day of _____, 2021.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2021.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk