

ORDINANCE NO. _____

8/31/06
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1 AN ORDINANCE ADDING SECTION 25-2-812 TO THE CITY CODE AND
2 AMENDING SECTION 25-2-1406 OF THE CITY CODE RELATING TO
3 MOBILE FOOD ESTABLISHMENTS; AND REPEALING ORDINANCE NO.
4 20060608-120.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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9 PART 1. Chapter 25-2 of the City Code is amended to add a new Section 25-2-812 to
10 read:

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12 § 25-2-812 MOBILE FOOD ESTABLISHMENTS:
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14 (A) In this section:

- 15
16 (1) PERMIT HOLDER means the person to whom the health authority
17 issues a permit for a mobile food establishment permit required by
18 Chapter 10-3 (*Food and Food Handlers*) of the City Code.
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20 (2) MOBILE FOOD ESTABLISHMENT has the meaning established in
21 Title 25, Part 1, Section 229.162 (*Definitions*) of the Texas
22 Administrative Code and Section 10-3-1 (*Definitions*) of the City
23 Code.
24 (3) SOUND EQUIPMENT has the meaning established in Section 9-2-1
25 (*Definitions*) of the City Code.

26 (B) A mobile food establishment is not permitted on private property except as
27 provided in this section.

28 (C) A mobile food establishment:

- 29 (1) must be licensed by the health authority;
30 (2) is permitted in all commercial and industrial zoning districts, except in
31 a neighborhood office (NO), limited office (LO), or general office
32 (GO) zoning district;

- (3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;
- (4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.; and
- (5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.
- (D) The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.
- (E) A drive-in service is not permitted.
- (F) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- (G) A mobile food establishment is limited to one sign attached to the exterior of the mobile food establishment. The sign:
- (1) must be secured and mounted flat against the mobile food establishment; and
 - (2) may not project more than six inches from the exterior of the mobile food establishment.
- (H) During business hours, the permit holder shall provide a trash receptacle for use by customers.
- (I) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.
- (J) A permanent water or wastewater connection is prohibited.
- (K) Electrical service may be provided only by:
- (1) temporary service or other connection provided by an electric utility; or
 - (2) an onboard generator.
- (L) A neighborhood association may request that the city council require a mobile food establishment in the neighborhood association area comply with

1 the additional distance requirements set forth in Subsection (N). A request
2 may be made in accordance with this subsection.

3 (1) An officer of a neighborhood association may submit an application to
4 the director requesting that the city council require mobile food
5 establishments in the association area comply with Subsection (N).

6 (2) The director shall accept an application made under this subsection
7 during February of each year. The council shall consider the
8 applications during April of each year.

9 (3) The director shall give notice of the public hearing before the council
10 by publishing notice in a newspaper of general circulation not later
11 than the 16th day before the date of the public hearing. The City is
12 responsible for the cost of publication.

13 (4) A neighborhood association may not file a request under this
14 subsection for the portion of a neighborhood association area that is
15 within a neighborhood planning combining district that the council
16 approves or amends after December 31, 2006.

17 (5) The director shall maintain a map that depicts the areas to which
18 Subsection (O) applies.

19 (6) A neighborhood association must be registered with the Public
20 Information Office of the City.

21 (M) The requirements of Subsection (N) may be added to an ordinance zoning or
22 rezoning property as a neighborhood plan combining district in accordance
23 with Section 25-2-1406 (*Ordinance Requirements*).

24 (N) The subsection establishes additional distance requirements that may be
25 applied under Subsections (L) or (M).

26 (1) A mobile food establishment may not be less than 50 feet from
27 property:

28 (a) in a SF-5 or more restrictive district; or

29 (b) on which a residential use permitted in a SF-5 or more
30 restrictive district is located.

1 (2) A mobile food establishment may operate between 6:00 a.m. and
2 10:00 p.m. if the mobile food establishment is more than 50 feet and
3 not more than 300 feet from a property:

4 (a) in a SF-5 or more restrictive district; or

5 (b) on which a residential use permitted in a SF-5 or more
6 restrictive district is located.

7 (3) A mobile food establishment may operate between 6:00 a.m. and 3:00
8 a.m. if the mobile food establishment is more than 300 feet from a
9 property:

10 (a) in a SF-5 or more restrictive district; or

11 (b) on which a residential use permitted in a SF-5 or more
12 restrictive district is located.

13 (O) This subsection applies to a mobile food establishment that is located on the
14 same site as a restaurant (limited) or restaurant (general) use and serves food
15 provided by the restaurant (limited) or restaurant (general) use.

16 The mobile food establishment:

17 (1) may only operate between the hours of 6:00 a.m. and 10:00 p.m.; and

18 (2) must comply only with Subsections (D), (F), (G), (H), and (I).

19 (P) This ordinance does not apply to a mobile food establishment that is located
20 on private property for three hours or less between the hours of 6:00 a.m.
21 and 10:00 p.m.

22 (Q) A site plan, site plan exemption, or temporary use permit is not required for
23 the operation of a mobile food establishment.

24 (R) The permit holder shall comply with the section. A violation of this section
25 is a Class C misdemeanor.

26 **PART 2.** Section 25-2-1406 of the City Code is amended to read:

27 **§ 25-2-1406 ORDINANCE REQUIREMENTS.**

28 An ordinance zoning or rezoning property as a NP combining district:

- (1) must prescribe the special uses described in Section 25-2-1403 (*Special Uses*) that are permitted in the district;
- (2) must describe the location of each residential infill special use, neighborhood urban center special use, or neighborhood mixed use building special use, if any;
- (3) may restrict the time of day during which a business in a neighborhood mixed use building special use may be open to the public;
- (4) may restrict a corner store special use, cottage special use, secondary apartment special use, or urban home special use, if any, to a designated portion of the district;
- (5) for a single-family residential use or a secondary apartment special use on an existing legal lot:
 - (a) may reduce the required minimum lot area to 2,500 square feet;
 - (b) may reduce the required minimum lot width to 25 feet; and
 - (c) for a lot with an area of 4,000 square feet or less, may increase the maximum impervious coverage to 65 percent;
- (6) may apply the requirements of Section 25-2-1602 (*Front Porch Setback*), Section 25-2-1603 (*Impervious Cover and Parking Placement Requirements*), or Section 25-2-1604 (*Garage Placement*) to the district or a designated portion of the district; ~~and~~
- (7) may restrict front yard parking by including all or a portion of the district in the restricted parking area map described in Section 12-5-29 (*Front or Side Yard Parking*); and
- (8) may apply the requirements of 25-2-812 (N) (*Mobile Food Establishments*) to the district or a designated portion of the district.

PART 2. Ordinance No. 20060608-120, relating to mobile food establishments, is repealed.

1 **PART 3.** This ordinance takes effect on _____, 2006.

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3 **PASSED AND APPROVED**

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7 _____, 2006

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Will Wynn
Mayor

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12 **APPROVED:**

13 _____
14 David Allan Smith
15 City Attorney

16
17 **ATTEST:**

Shirley A. Gentry
City Clerk

DRAFT