

MESQUITE

T E X A S

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Planning and Zoning Commission Meeting

November 23, 2020

**Please be seated, the regular meeting will begin
no earlier than 7:00 pm.**

COMMISSION BUSINESS

1. Roll Call
2. Instructions – City staff shall give verbal instructions for participation in the meeting

PUBLIC COMMENTS

3. Any individual desiring to address the Planning and Zoning Commission regarding an item on the CONSENT AGENDA shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Planning and Zoning Commission or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a motion of the Planning and Zoning Commission.

4. Minutes - Discuss and consider approval of the minutes for November 9, 2020 Planning and Zoning Commission meeting.
5. Consider approval of the 2021 Plat and Zoning Submittal Calendar.

PUBLIC HEARINGS

6. ZONING TEXT AMENDMENT NO. ZTA 2020-12

Conduct a public hearing and consider amending various sections of the Mesquite Zoning Ordinance, including but not limited to Section 1-600, Temporary Uses and Structures; Section 3-203, Schedule of Permitted Uses; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions, pertaining to mobile food units and mobile food unit trucks.

Staff recommends that the item is continued to the December 14, 2020 Planning and Zoning Commission meeting; however, Staff would like to brief the Commission on the proposed text amendment.

Food Truck Ordinance Applicable Sections

- 3-203: Land Use Table Schedule of Permitted Uses
- 3-405: Table of Parking Standards – Nonresidential Uses
- 3-500: Supplementary Use Regulations
 - Mobile Food Unit Parks
 - Temporary Use Permit
 - Mobile Food Units in the Main Street Area
- 6-100: Definitions and Interpretation of Terms



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DOES THE CITY CURRENTLY ALLOW MOBILE FOOD UNITS?

Yes, as part of a Special Event, with approval of a Mobile Food Unit Permit.

3. *Mobile Food Unit Permits*

A Mobile Food Unit Permit may be issued for the temporary operation of a qualifying food truck or trailer in a designated food truck park, on private property within any non-residential district that is occupied by a primary use with a valid certificate-of-occupancy, in conjunction with any other permitted Special Event, or on public property when authorized by the City.

Permit Duration and Frequency: A Mobile Food Unit Permit may be issued for periods not to exceed 15 consecutive days, and for no more than 60 days cumulatively for any establishment, organization or location during a calendar year.



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Proposal

1. Mobile food unit vehicles will continue to be allowed with approval of a Special Event Permit.
2. Mobile food unit parks will be allowed in any zoning district that permits restaurants.
3. Mobile food units will be allowed as an accessory use in any residential zoning district for the temporary operation of a qualifying mobile food unit in any residential zoning district located on a property of a permanent business operating with a valid Certificate of Occupancy, with stipulations.
4. Mobile food units will be allowed as a temporary use in any nonresidential zoning district for the temporary operation of a qualifying mobile food unit in any nonresidential zoning district located on a property of a permanent business operating with a valid Certificate of Occupancy, with stipulations.
5. Mobile food units will be allowed to operate within the Main Street area, with less restrictive stipulations.

3-203 Schedule of Permitted Uses

G. RETAIL TRADE

Use Description	O	GR	LC	CV	MU	CB	SS	C	I	Special Conditions
EATING, DRINKING PLACES 5812 Eating Places		P	P		P	P	P	P	P	
a. Mobile Food Unit Park		P	P		P	P	P	P	P	

- Mobile Food Unit Parks must comply with all applicable regulations of the Mesquite Zoning Ordinance for a non-residential use based on the zoning district.

L. ACCESSORY USES AND STRUCTURES

Use Description	O	GR	LC	CV	MU	CB	SS	C	I	Special Conditions
a. Mobile Food Unit		P	P		P	P	P	P	P	Requires Compliance with Section 3-500

3-500 Supplementary Use Regulations

3-511 Temporary Use Permit, Mobile Food Units (New Section)

A Temporary Use Permit for a mobile food unit may be issued for the temporary operation of a qualifying mobile food unit for a period of two consecutive days and no more than four times per year in any residential zoning district located on a property of a permanent business operating with a valid Certificate of Occupancy.

A Temporary Use Permit for a mobile food unit may be issued for the temporary operation of a qualifying mobile food unit for a period not to exceed 15 consecutive days, and for no more than 60 days cumulatively in any nonresidential zoning district located on a property of a permanent business operating with a valid Certificate of Occupancy.

3-500 Supplementary Use Regulations

3-511 General Provisions

- a. All mobile food units shall comply with the Food Service Establishment in Chapter 8 of City Code.
- b. A mobile food unit shall not operate on any private property without the prior, written consent of the property owner(s).
- c. The primary use of the property must be open and in operation at the time that the temporary mobile food unit is in operation on the property.
- d. Mobile food units must be self-contained when operating, except for the required trash and/or recycling receptacles which shall be located in a safe location which does not impede the free movement of automobiles or pedestrians.

3-500 Supplementary Use Regulations

3-511 General Provisions

- e. Mobile food units shall comply with the City's noise ordinance.
- f. Mobile food units obtaining a temporary use permit shall be considered an accessory use and may not require the use of more than 25% of existing parking spaces.
- g. Mobile food units are not allowed to operate in public or private rights-of-way or fire lanes.
- h. Mobile food units shall not have a drive-through.
- i. The retail sale of non-food items shall be prohibited.
- j. Home-based operations are prohibited.
- k. Mobile food units shall be removed from the premises daily.

3-500 Supplementary Use Regulations

3-511 General Provisions

- l. Mobile food units are not allowed to operate in fire lanes, loading zones or any handicap accessible parking space.
- m. Mobile food units must always be attended.
- n. No lighting shall be provided, except that localized lighting may be used on or in the mobile food unit for the purpose of inside food preparation and menu illumination.
- o. All mobile food units must be parked on an improved surface.

3-500 Supplementary Use Regulations

Outdoor Seating

- a. Four (4) outdoor seats per mobile unit

Location

- a. A mobile food unit shall be no less than 250 feet from a residential structure.
- b. Separation from existing buildings and other mobile food units shall meet the requirements of the Fire Code.

3-500 Supplementary Use Regulations

Hours of Operation

- a. Mobile food units shall not operate any business between the hours of 11:00 PM and 6:00 AM. Only work related to the safe preparation, cleaning or storage of food or food preparation equipment may occur during these hours.

Restroom Facilities

- a. Adequate, conveniently located and accessible toilet and lavatory facilities shall be made available for mobile food units operating at a site for a duration of more than three (3) hours. A notarized letter signed by the owner/operator of the establishment where facilities are located must be submitted giving written permission for personnel and customers to use the facility and that facilities will be available for use at all times during the mobile vendor's hours of operation. The path to travel to such facilities shall not exceed a distance of 500 feet.

3-500 Supplementary Use Regulations

Parking

- a. Two (2) parking spaces per mobile unit shall be required for customer use.
- b. Separation from existing buildings and other mobile food units shall meet the requirements of the Fire Code and any other applicable codes.
- c. Overnight parking of mobile food units shall be prohibited.

Signage

- a. A mobile food unit is limited to signs attached to the exterior of the mobile food unit. All signs must be mounted flat against the mobile food establishment.
- b. An A-Frame sign not to exceed four feet in height and located within six feet of the mobile food unit is permissible.



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3-500 Supplementary Use Regulations

Waste Collection

- a. Trash containers sufficient in size must be located in a prominent location to collect all waste generated by customers and staff of the mobile vending operation. All trash and debris generated by customers and staff shall be collected by the mobile vendor and deposited in their trash container and removed from the site by the mobile vendor.
- b. The area shall be kept neat and orderly at all times.

Commissary

- a. Access to a permitted commissary for food storage, preparation and disposal of waste is required.

3-500 Supplementary Use Regulations

3-511 Mobile Food Unit Parks

Mobile food unit parks shall be permitted as a principal use in any nonresidential zoning district that permits mobile food unit parks. Mobile unit parks shall comply with all zoning standards applicable to the zoning of the property, except as modified herein:

General Provisions

- An on-site manager is required that is responsible for the orderly organization of mobile food units, cleanliness of the site and the site's compliance with all rules and regulations during business hours.

3-500 Supplementary Use Regulations

Outdoor Seating

- a. Four (4) outdoor seats per mobile unit
- b. Covered seating areas shall be provided to protect customers from weather elements.

Restroom Facilities

- a. Permanent restroom facilities must be located on site and shall meet all applicable Building Code requirements and various other applicable requirements.

Parking

- a. Overnight parking is permitted.

Signage

- a. Site-specific signs must follow the City's sign ordinance.

3-500 Supplementary Use Regulations

Waste Collection

- a. Refuse containers shall meet City requirements.

COMMISSARY

- a. Access to a permitted commissary for food storage, preparation and disposal of waste is required.

3-500 Supplementary Use Regulations

3-512 Mobile Food Units Within the Main Street Area

1. All mobile food units shall comply with the Food Service Establishment in Chapter 8 of the City Code.
2. Mobile food units are allowed to operate in public rights-of-way and shall be legally parked including any curb markings prohibiting the parking of a vehicle or indicating a parking time limit.
3. Mobile food units in the public right-of-way shall occur at the edge of the roadway or within designated parking spaces within the right-of-way.
4. Trash containers will be provided throughout the Main Street area.
5. Outdoor seating is not required for mobile food units operating within the right-of-way.

Main Street Area Boundary Map



6-100 Definitions

- Commissary
- Mobile Food Unit
- Mobile Food Unit Park

Recommendation

Staff recommends that the item is continued to the December 14, 2020 meeting to allow additional time to finalize the proposed text amendment pertaining to mobile food units and mobile food unit parks.

DIRECTOR'S REPORT

7. Director's Report on recent City Council action taken on zoning items at their meeting on November 16, 2020.

[NOTE: Commission action, *if any*, shall not be taken regarding the Director's Report until Public Comments have been received.]