

**Notice of City Council Workshop
AGENDA**

June 05, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council Workshop will be held on **Monday, June 05, 2023**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City’s website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City’s website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

WORKSHOP ITEM:

- 1.** Workshop on the proposed Mobile Food Unit/Mobile Food Court text amendments to Chapter 64 Peddlers, Solicitors, Vendors of the City Municipal Code AND Zoning Ordinance Section 98-88 Table of Permitted Uses and Special Uses.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on June 1, 2023 at 2:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary’s office at 936-597-6434 for further information or for special accommodations.



June 2, 2023

To: Mayor and City Councilmembers
From: Gary Palmer, City Administrator
Subject: Workshop #2: Proposed Text Amendments to Chapter 64 Peddlers, Solicitors Vendors and Section 98-88 Table of Permitted Uses and Special Uses to provide requirements for Mobile Food Units (Food Trucks) and Mobile Food Courts (Food Truck Parks)

In your Council packet please find the “redlined/strikethrough versions” of the currently adopted *Peddlers, Solicitors and Vendors Ordinance* and *Table of Permitted Uses and Special Uses*. All text in red are additions to the current ordinance and all red strikethroughs are deletions to the current ordinance. Additionally, I have included the P&Z Commission recommendation, meeting minutes and PowerPoint presentation for Monday.

We reviewed the proposed amendments at a workshop on April 11, 2023. The main discussion involved final fee determination and duration of permit.

The food truck regulations include both the Municipal Ordinance and Zoning Ordinance. The amendments to the *Zoning Ordinance, Table of Permitted Uses and Special Uses*, require Planning and Zoning Commission review, public hearing, and recommendation to the City Council. The P&Z was presented with the proposed amendments on April 04, 2023. They subsequently held a public hearing on May 02, 2023.

At our workshop I intend to review all the additions/deletions in detail, gather feedback, and will bring back a final version for consideration at a regular Council meeting when you are ready to move forward with the amendments.

Sec. 98-88. Table of permitted uses and special uses.

(a) Permitted uses and special uses in the various zoning districts are as specified in the following table:

Permitted Uses	R-1	R-2	B	ID	I	CC
Accessory uses						X
Aerial or ground survey			X			
Air conditioning sales, retail, complete enclosed (services incidental)			X			
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units — heating or cooling						X
Airport (nongovernmental)						X
Air product manufacturing				X		
Alcoholic beverage sales off premises			X			
Alcoholic beverage sales on premises						X
Alcoholic beverage storage			X			
Altering and repairing of wearing apparel			X			
Ambulance service			X			
Amusement arcade						X
Amusement park (commercial)						X
Animal shelter or dog pound (nongovernmental)						X
Antique store (completely enclosed)			X			
Apartment hotel						X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X			
Apparel and accessory store			X			
Appliance repair (completely enclosed)			X			
Armory						X
Art gallery and/or museum (commercial retail sale of objects d'art only)			X			
Asphalt or creosote manufacturing or treatment						X
Assisted living		X	X			
Automobile and truck sales and service (new and used) (service completely enclosed)			X			
Automobile car wash			X			
Automobile filling station and/or service (all repair in district to be completely enclosed)			X			
Automobile glass sales and installation			X			
Automobile muffler sales and installation (completely enclosed)			X			
Automobile parking lots or parking garages (commercial)						X
Automobile rental			X			
Automobile repair			X			
Automobile upholstery sales and installation (completely enclosed)			X			

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Automobile wrecking, dismantling or salvage (enclosed by fence)						X
Aviary						X
Bait store			X			
Bakery (retail)			X			
Bakery (wholesale)			X			
Barber shop			X			
Beauty salon			X			
Bed and breakfast	X		X			
Churches					X	
Community home as required by V.T.C.A., Human Resources Code § 123.003	X	X				
Compressed gas manufacturing, repacking and/or storage						X
Dairy equipment (wholesale) (completely enclosed)			X			
Dairy products sales (retail)			X			
Dairy products sales (wholesale)			X			
Delicatessen			X			
Department store			X			
Dog pound or animal shelter (nongovernmental)						X
Drug manufacture						X
Drug sales (wholesale)			X			
Drugstore			X			
Dry cleaning pickup and pressing shops			X			
Dry cleaning plant						X
Dry goods store			X			
Dry goods (wholesale) (completely enclosed)			X			
Electric power generator station (primary station)						X
Electric repair (appliances) (completely enclosed)			X			
Electric repair shop (heavy equipment)				X		
Electrical substation, to be enclosed by a fence or wall of minimum six feet in height, with physical installation being enclosed by a barrier which constitutes a visual screen. Visual screening would not be required in ID district				X		
Electrician			X			
Electroplating			X			
Elevator maintenance and service				X		
Exterminator (completely enclosed)			X			
Farm equipment sales and service (completely enclosed in B-2 district)			X			
Farm supplies			X			
Farming and truck gardening, but not for retail sales (permitted in any district)				X		
Feed store or seed and fertilizer			X			

Felt manufacture (cloth)				X		
Fish market (fenced outside storage)				X		
Fish market (retail)			X			
Fish market (wholesale)			X			
Fix-it shop (completely enclosed)			X			
Floor covering sales (retail completely enclosed)			X			
Floral shop (completely enclosed)			X			
Florist (wholesale) (completely enclosed)			X			
Food locker plant (retail)			X			
Food products (wholesale storage and sales)			X			
Food products manufacture and processing (not rendering)				X		
Food store			X			
Food to go (retail, no curb service)			X			
Foundry						X
Freight depot (railroad and/or truck)				X		
Fruit and produce (wholesale)			X			
Fruit and vegetable stand or store			X			
Funeral home, mortuary or undertaking establishment			X			
Fur dyeing, finishing and storing (no tanning, no hide storage)				X		
Furniture (wholesale sales)			X			
Furniture repair and upholstery (completely enclosed)			X			
Furniture repair and upholstery (fenced outside storage)			X			
Furniture store, retail (completely enclosed) (no repair)			X			
Furniture store, retail (fenced outside storage)			X			
Garage, public or storage				X		
Garden specialty store			X			
Gas filling station and/or service (all repairs to be completely enclosed)			X			
Gas regulation station (screening)				X		
Gift shop (completely enclosed)			X			
Glass (retail sales) (service incidental to sales) (completely enclosed)			X			
Glass (wholesale sales)			X			
Glass manufacturing and glass products manufacturing				X		
Golf course and country club, but no driving range, pitch and putt or miniature golf course						X
Golf driving range, pitch-and-putt or miniature golf course						X
Greenhouse or nursery, retail			X			
Greenhouse or nursery, wholesale				X		

Grocery (wholesale)			X			
Grocery store			X			
Gymnasium (commercial)			X			
Hair products manufacturing and processing				X		
Hardware manufacture				X		
Hardware sales (wholesale)			X			
Hardware store			X			
Heliport			X			
Hobby supply store			X			
Hosiery manufacture			X			
Hospital or sanitarium			X			
Hotel			X			
Ice cream and ice milk (retail)				X		
Ice cream manufacturer (wholesale)				X		
Ice cream store			X			
Ice house (no on-premises consumption of alcoholic beverages in B-1 district)			X			
Ice manufacture				X		
Insulation manufacture and fabrication				X		
Interior decorating studio			X			
Jewelry store			X			
Junkyard, salvage yard, including storage, baling or selling of rags, papers, iron or junk, need not be enclosed within a structure, but must be enclosed within a fence at least six feet high and adequate to obstruct view, noise and passage of persons; chain-link or similar fencing may be permitted if screen planting is provided						X
Laboratory (dental or medical)			X			
Laboratory (research)			X			
Laboratory (testing)			X			
Landfill						X
Laundry and dry cleaning (self service)			X			
Laundry or dry cleaning (pickup station)			X			
Laundry plant				X		
Leather goods or luggage store			X			
Library (nongovernmental)						X
Linen supply, diaper service or uniform supply			X			
Loan office			X			
Locksmith			X			
Lumber yard and building materials (wholesale)			X			
Machine shop				X		
Machine, tools and construction equipment sales and service			X	X		
Marine and boat manufacturing				X		
Marine and boat storage						X
Mattress manufacturing and rebuilding				X		

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Massage parlor			X			
Metal products fabrication				X		
Milliner (custom)			X			
Millinery manufacture				X		
Millwork and similar wood products manufacture				X		
<u>Mobile Food Unit</u>			<u>X*</u>	<u>X</u>	<u>X</u>	
<u>Mobile Food Court</u>						<u>X**</u>
Motel			X			
Motorcycle sales and service			X			
Moving and transfer company				X		
Music store			X			
Nail salon			X			
News stand			X			
Night club/dance hall						X
Novelty and souvenir manufacture				X		
Nursery, daycare, or kindergarten (care of up to six children)	X	X				
Nursery, daycare, or kindergarten (care of up to 20 children)			X			
Nursery, daycare, or kindergarten (care of over 20 children)			X			
Nursing home		X	X			
Office equipment and furniture manufacture				X		
Office equipment and supplies (retail)			X			
Office equipment and supplies (wholesale)			X	X		
Offices (professional)			X			
Oil and well supplies and machinery sales				X		
Optical goods (retail)			X			
Optical goods (wholesale)			X			
Optician			X			
Packing and gasket manufacture				X		
Packing plant (no rendering)						X
Paint and wallpaper store			X			
Paper produce manufacture				X		
Paper supplies (wholesale)				X		
Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the city or other public agency					X	
Passenger depot (railroad or bus)						X
Pawnshop (completely enclosed)			X			
Pecan shelling				X		
Pet shop (completely enclosed)			X			
Petroleum storage (wholesale)				X		
Photographic equipment and supplies sales			X	X		
Photographic studio			X			
Picture framing			X			
Pipe storage				X		X

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Pipeline and electrical transmission lines						X
Playground equipment manufacture				X		
Plumber			X			
Plumbing fixture sales (completely enclosed) (retail)			X			
Plumbing fixture sales (wholesale)			X	X		
Printer			X	X		
Public buildings, including libraries, museums, police stations and fire stations					X	
Radio station or studio, without transmitter tower						X
Radio station with transmitter tower						X
Reading room			X			
Recycling plant						X
Reducing salon			X			
Refrigerator equipment manufacture				X		
Restaurant			X			
Riding stable or academy						X
Roominghouse or boardinghouse						X
Rug and/or carpet sales			X			
Rug cleaning				X		
Sand or gravel storage yard				X		
Schools					X	
Shoe manufacture				X		
Shoe repair shop			X			
Shoe sales (retail)			X			
Shoe sales (wholesale) (completely enclosed)			X			
Sign, advertising (excluding business signs)			X			
Sign shop			X	X		
Sign shop (completely enclosed)			X			
Skating facility (outdoor)						X
Skating rink (enclosed)			X			
Small animal clinic or kennel			X			
Small animal clinic or kennel (completely enclosed)			X			
Sporting goods store			X			
Sporting goods (wholesale) (completely enclosed)			X	X		
Stamp, coin sales (retail)			X			
Stationery sales			X			
Stone cutting or monument manufacturing				X		
Stone monument sales			X			
Stone quarry or gravel pit				X		
Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.			X			
Surgical or dental supplies store			X			

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Tanning salon			X			
Tattoo parlor						X
Tavern						X
Taxidermist						X
Television station or studio without transmitter tower			X			
Television station with transmitter tower						X
Textile manufacture				X		
Theater (indoor)			X			
Theater (outdoor, including drive-in theaters)						X
Tile manufacturer (ceramic)				X		
Tobacco processing				X		
Tobacco store			X			
Tool manufacture				X		
Tool rental (completely enclosed)			X			
Tool rental (fence outside storage)			X	X		
Toy manufacture			X	X		
Toy store			X			
Trailer manufacture				X		
Trailer sales			X			
Transit vehicle storage and service				X		
Truck repair and maintenance			X	X		
Truck stop						X
Variety store			X			
Venetian blinds and metal awning fabrication, repair and cleaning				X		
Veterinarian (animal on premises)			X			
Warehousing				X		
Watch repair			X			
Water or sewage pumping (nongovernmental)						X
Water storage (overhead)						X
Welding shop				X		
Well drilling contractors			X	X		

* [Mobile Food Units in the Historic Overlay Zone Requires Special Use Permit](#)

** [Mobile Food Courts Require a Special Use Permit](#)

(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit ~~, after approval by city council~~ [\(SEE Sec. 98-27. Special use permits\)](#).

(Ord. No. 2014-03 , § 1, 5-20-2014)

- CODE OF ORDINANCES
Chapter 64 PEDDLERS, SOLICITORS AND VENDORS

Chapter 64 PEDDLERS, SOLICITORS AND VENDORS¹

ARTICLE I. IN GENERAL

Sec. 64-1. Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare of the citizens of the city by providing for controls and regulations of solicitors, vendors, and similar businesses operating within the city.

(Code 2002, § 22-31; Ord. No. 1996-3, art. I, § 1, 6-4-1996; Ord. No. 2020-08, § 1, 8-11-2020)

Sec. 64-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cottage Food Production Operation means an individual, operating out of the individual's home, who:

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- Produces any of the following at their home:
 - A baked good that is not a time and temperature control for safety food (TCS food)
 - Candy
 - Coated and uncoated nuts
 - Unroasted nut butters
 - Fruit butters
 - A canned jam or jelly
 - A fruit pie
 - Dehydrated fruit or vegetables, including dried beans
 - Popcorn and popcorn snacks
 - Cereal, including granola
 - Dry mix
 - Vinegar
 - Pickled fruit or vegetables, including beets and carrots, that are preserved in vinegar, brine, or a similar solution at an equilibrium pH value of 4.6 or less
 - Mustard
 - Roasted coffee or dry tea

¹State law reference(s)—Authority to regulate peddlers, V.T.C.A., Local Government Code §§ 51.001, 215.031.

- o A dried herb or dried herb mix
- o Plant-based acidified canned goods
- o Fermented vegetable products, including products that are refrigerated to preserve quality
- o Frozen raw and uncut fruit or vegetables
- o Any other food that is not a TCS food

- Has an annual gross income of \$50,000 or less from the sale of the described foods
- Sells the foods produced directly to consumer
- Delivers products to the consumer at the point of sale or another location designated by the consumer

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Display means to exhibit merchandise in any fashion, including in or upon vehicles, racks, shelves, hangers, or tables or upon the ground.

Donation and/or recycling vendor means any organization, entity, or individual engaged in the business of accepting textile or household goods for the purpose of reselling or donating accepted items.

Edible goods means:

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- (1) Prepackaged food, including, but not limited to, candy, beverages, and ice cream.
- (2) Prepared food, including, but not limited to, hot dogs, desserts, and pizza.
- (3) On-site prepared food, including, but not limited to, shaved ice, sandwiches, and tacos.

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Food Establishment means:

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(A) A food establishment is an operation that:

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(i) stores, prepares, packages, serves, or vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service food market, conveyance used to transport people, institution, or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) Food establishment includes:

(i) an element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and

(ii) an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off the premises regardless if there is a charge for the food.

(C) Food establishment does not include:

(i) an establishment that offers only prepackaged foods that are not time/temperature controlled for safety (TCS) foods;

(ii) a produce stand that only offers whole, uncut fresh fruits and vegetables and/or cottage foods;

(iii) a food processing plant, including one that is located on the premises of a food establishment;

(iv) a cottage food production operation;

(v) a private home that receives catered or home-delivered food

Hawker means a peddler who makes noise to advertise his merchandise for sale, either by crying, shouting, ringing of bells or other means. The term "hawking" means to engage in the activities of a hawker.

Ice cream truck means a motor vehicle in which prepackaged ice cream, popsicles, ice sherbets or frozen desserts of any kind are sold on the city streets

Merchandise means goods, wares, services, photographs, magazines, plants, animals, fruit, meat, vegetables or other foods, whether cooked or otherwise, which are not offered for subsequent retail sale.

Mobile food court means a land use approved through a Special Use Permit (SEE Sec. 98-27. - Special use permits and Sec. 98-88. - Table of permitted uses and special uses) and developed in conformity with an approved site plan, where two or more mobile food vendors congregate to offer edible goods for sale to the public.

Mobile food unit/Mobile Food Vendor means a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable and used to store, prepare, display, serve or sell food. The term "mobile food unit/vendor" shall include:

1. *Mobile food trucks.* A mobile food truck is a self-contained motorized unit selling items defined as edible goods
2. *Concession carts.* A concession cart is a self-contained unit that is moved by non-motorized means
3. *Concession trailer.* A concession trailer is a self-contained unit that is pulled by a motorized unit and has no power to move on its own.

Peddler means a person, including his agents or employees, who goes from person to person, place to place or house to house, and who sells or offers to sell merchandise then in his possession. The term "peddling" means to engage in the activities of a peddler.

Roadside food vender has the same meaning as assigned to that term by rules adopted by the state board of health under the Texas Food, Drug and Cosmetic Act, V.T.C.A., Health and Safety Code 431.001.

Solicitor means a person, including his agents or employees, who goes from person to person, place to place or house to house, selling, offering for sale or taking orders for the sale of merchandise not then in his possession, or who requests the gift or donation of money, property, services or any other thing of value. The term "soliciting" or "solicitation" means to engage in the activities of a solicitor.

Special Event means a sports event, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival, or similar activity that is not a demonstration, engaged in by one or more persons.

Street means the entire width between the boundary lines of every way publicly maintained, where any part thereof is open to the use of the public for purposes of vehicular travel, including the ditches, drains, median, sidewalk and esplanade thereof, of any public alley, road, street, avenue, parkway or highway which is located within the city.

Street festival means any event, activity or entertainment sponsored by any organization, entity, or individual which is attended by may attract 25 or more persons and conducted in whole or in part within any street and for which admission may be charged or at which peddling, hawking, soliciting, transient dealing, roadside food vending or operation of a mobile food unit shall may occur. The term "street festival" shall not include a rally conducted in support of or opposition to a candidate for political office or a ballot proposition in any election called by a federal, state or local unit of government.

Transient dealer means a person, including his agents or employees, who displays and sells or offers to sell merchandise from a fixed location not upon premises which are owned by the person or for which definite arrangements have been made for the lease, hire or rental for a term of at least one month. The term "transient dealing" means to engage in the activities of a transient dealer.

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Unattended means without the continuous presence of a person to personally receive and issue receipts for donated items at the time they are deposited at the UDB.

Unattended donation bin or UDB means an unattended bin, container, dumpster or similar receptacle that is placed outdoors at a location visible from a public place for the purpose of receiving and/or temporarily storing donated food, clothing, shoes, toys, or other personal property.

(Code 2002, § 22-32; Ord. No. 1996-3, art. I, § 1.2, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020)

Sec. 64-3. Exemption ~~for interstate commerces.~~

(A) The provisions of this article shall not be deemed applicable to persons engaged in interstate commerce or to any such person to whom application of the provisions of this article would impose a direct and unlawful burden on interstate commerce.

(B) Farm products. Any mobile food unit selling only non-refrigerated farm products in an unrefined state is exempt from this article.

(C) Mobile food units operating under a valid city-issued Street Festival permit or other Special Event permit.

(D) Mobile food units operating as an accessory use to a primary food establishment located on the same property as the permitted primary use. Products distributed by a mobile food unit under this subsection must be produced by the on-site primary food establishment.

(E) Cottage food production operations

(F) Continuously roaming ice cream trucks holding a valid food service permit through the appropriate County Department

(Code 2002, § 22-33; Ord. No. 1996-3, art. I, § 1.3, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020)

Sec. 64-4. ~~Operation on public property~~Location.

It shall be unlawful for any person to engage in the business of peddling, hawking, soliciting, transient dealing or ~~roadside food vending~~mobile food unit operations within any public street or upon any property owned or leased by the city and located within the city that is not a city-designated location and without a valid permit from the city.

Mobile food units may be allowed in the Commercial District (other than the Commercial District with the Historic District Overlay Zone designation SEE City Zoning Map), Industrial District and Institutional District after a mobile food unit permit is issued by the city (SEE Sec. 98-88. - Table of permitted uses and special uses).

Mobile food units may be permitted in the Historic District Overlay Zone and any other Zoning District in which mobile food units are not a allowed only after approval through the Special Use process and subsequently a mobile food unit permit issued by the city (SEE Sec. 98-27. - Special use permits).

(Code 2002, § 22-34; Ord. No. 1996-3, art. II, § 1, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020)

Sec. 64-5. Hours of residential solicitation.

It shall be unlawful for any person, except with the express advance consent of the owner, to enter in or upon any home or residential premises within the city to solicit or to sell or offer to sell merchandise, except between the hours of ~~9:~~9:10:00 a.m. and ~~7:~~7:5:00 p.m.

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(Code 2002, § 22-35; Ord. No. 1996-3, art. II, § 3, 6-4-1996; Ord. No. 2020-08 , § I, 8-11-2020)

Sec. 64-6. Street festivals.

Street festivals must obtain a permit from the city prior to the use of any public street or upon any property owned or leased by the city. In addition to the requirements of section 64-31, street festival organizers are required to provide a certificate of insurance listing the city as additional insured in an amount established by the city. The organizer of the street festival must maintain and provide to the city a list of all vendors at the event that includes sufficient information for each vendor to comply with the permit application requirements of this chapter.

- (1) Each applicant for a street festival shall be required to file for a permit application, 30 calendar days prior to the event, with the office of the city secretary.
- (2) The fee for street festival permits shall be \$50.00 with a clean-up deposit of \$200.00 that shall be paid prior to the permit issuance.
- (3) The street festival permit applicant shall provide detailed application information including, but not limited to:
 - a. Identify organization conducting the event and event coordinator contact information;
 - b. Include any authorization(s) for use of private property, street locations and/or street closure requests;
 - c. List all activities to be conducted at the event;
 - d. Provide detailed site plan showing how event will be set up;
 - e. Provide date and time of on-site preparation and clean-up after the event;
 - f. If alcohol will be sold, a TABC permit and proof of host liquor liability insurance shall be provided;
 - g. If alcohol will be sold and consumed on the street, sidewalk or alley, street festival applicants must meet the requirements of Section 6-57, Alcoholic Beverages, Consumption on the street, sidewalk, or alley.
 - h. If animals or livestock are to be used in conjunction with the event, a handwashing station shall be provided, and the location shown on the site plan; and
 - i. Certificate of insurance listing the city as additional insured.
- (4) Individual vendors operating under a street festival permit are allowed to operate during festival hours.
- (5) The event coordinator shall provide a detailed list of all participating vendors including contact information, ~~except food vendors. Food vendors and food trucks shall be required to obtain a separate food vendor permit from the city.~~
- (6) The issuance of the street festival permit ~~shall may~~ be approved by the city administrator upon review and approval by ~~and coordinated with~~ the police chief.
- (7) The street festival permit upon approval of the city administrator shall be issued by the city secretary.

(Ord. No. 2020-08 , § I, 8-11-2020; Ord. No. 2021-11 , § 2, 6-22-2021)

Sec. 64-7. Donation and/or recycling vendors.

- (a) It shall be unlawful for any organization, entity, or individual to conduct donation and/or recycling business activities on any public street or upon any property owned or leased by the city. Donation and/or recycling

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locations operating on private property within the city must provide notarized written consent of the property owner to the city in addition to vendor application requirements found in section 64-31.

- (b) Donation and/or recycling locations must be staffed with at least one attendant continuously during operating hours. Donation bins commonly used in industry practices constitute a location of operation. No donation and/or recycling location shall accept donated goods except between the hours of 8:00 a.m. and 8:00 p.m. Location facilities shall be secured during non-operating hours in a manner that prevents unauthorized items from being left on site. Failure to properly secure the facility location to prevent unlawful dumping is grounds for immediate revocation of the vendor permit.

(Ord. No. 2020-08 , § I, 8-11-2020)

Secs. 64-8—64-28. Reserved.

ARTICLE II. PERMIT

Sec. 64-29. Required.

It shall be unlawful for any person to engage in the business of peddling, hawking, soliciting, providing donation and/or recycling services of textiles and household goods, transient dealing, ~~roadside food vending~~ or operation of a mobile food unit within the city without having first obtained a permit to engage in such business.

(Code 2002, § 22-61; Ord. No. 1996-3, art. II, § 2, 6-4-1996; Ord. No. 2020-08 , § I, 8-11-2020)

Sec. 64-30. Classifications; term; fee.

~~Except as specifically provided by section 64-32, no permit shall be issued pursuant to this article except upon application. The following fee applies to the class of permit. No permit shall be issued prior to payment of the fee listed below, accompanied by the fee as currently established or as hereafter adopted by resolution of the city council from time to time.~~

Class	Term	1-month fee	6-month fee
Peddler	1-month or 6 months	\$20.00	\$50.00 100.00
Hawker	1-month or 6 months	\$20.00	\$50.00 100.00
Solicitor	1-month or 6 months	\$20.00	\$50.00 100.00
Transient dealer	1-month or 6 months	\$20.00	\$50.00 100.00
Mobile food unit	1-month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00 600.00
Roadside food vendor	1-month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00

(Code 2002, § 22-62; Ord. No. 1996-3, art. II, § 4, 6-4-1996; Ord. No. 2004-14, § 1, 8-24-2004; Ord. No. 2020-08 , § I, 8-11-2020; Ord. No. 2020-13 , § 1, 11-10-2020)

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Sec. 64-31. Application.

~~Not less than ten days prior to the effective date of any permit granted under this article, each person who shall desire a permit shall make written application therefor to the city secretary on a form prescribed by the city secretary. A completed application and all necessary information must be properly submitted to the office of the city secretary not less than ten (10) calendar days prior to the requested commencement of the activity. Each application shall be accompanied by the required application fee. Each applicant application shall include provide the following:~~

- ~~(1) (1) Full name, address, phone number, and email address and location of the principal office or place of business of the primary applicant. The primary applicant should be the owner/manager of the operation and will be the main point of contact for all issues. and if the applicant is a partnership or firm or joint venture, the full names, and addresses, phone numbers and email addresses of the authorized officers signing the application thereof. If the applicant is a corporation, the applicant shall state the country and state of the location and the names and addresses of its authorized signers provide the legal name, DBA, a copy of the corporate documents on file with the TX Secretary of State, and names, phone numbers and email addresses for all authorized agents for the corporation. A copy of the primary applicant's valid government issued ID must be submitted with the application.~~
- ~~(2) Detailed written narrative of the requested activity (type of solicitation, location of solicitation, full description of the merchandise to be sold, hours of activity, and any other information required by the city to consider the application). Include how electricity will be provided, how potable water will be provided, how bathrooms for the workers and customers will be provided, and how trash is going to be serviced. Include a statement from the primary applicant describing all criminal convictions and/or civil judgments arising from any State or Federal court within the last ten (10) years. If no convictions or civil judgements please provide a statement stating same. Include a statement from the primary applicant that the applicant has had no permit issued pursuant to this article revoked in the previous one-year period.~~
- ~~(2)(3) The location of operation and sales, including the street address or legal property description thereof. If the applicant is not the owner of such location, then the applicant shall also provide the lease, license, or other evidence of permission of the owner to occupy the premises for the purpose signed notarized statement from the property owner providing permission to the primary applicant for the use of the application stated on the application.~~
- ~~(3) The class of permit requested.~~
- ~~(4) A statement that the applicant has had no permit issued pursuant to this article revoked in the previous one year period.~~
- ~~(65) A full description of the merchandise to be sold or for which the purchase is to be solicited. For mobile food units:

 - ~~• Proof of business auto liability insurance covering the mobile food vending unit~~
 - ~~• Sales tax number with a copy of the sales tax permit~~
 - ~~• Copy of the Montgomery County Health Department food service permit~~
 - ~~• A detailed sketch plan illustrating all components of the activity and exact location to any other buildings, parking lots, and all businesses within 100' of the proposed activity location. If applicable, location of trash receptacles, bathrooms, parking area, and seating area~~~~

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- A detailed narrative of how electricity will be provided, how potable water be provided, how bathrooms for the workers and customers will be provided, and how trash is going to be serviced
- A description or photo of the vehicle/trailer/cart being used for the mobile food unit
- Mobile food unit license plate number and VIN
- An illustration of all proposed signage and lighting related to the activity

(Code 2002, § 22-63; Ord. No. 1996-3, art. II, § 5, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020; Ord. No. 2020-13, § 1, 11-10-2020)

Sec. 64-32. Exceptions; charities; public well-being; limited duration activities.

- (a) Notwithstanding any provision to the contrary contained in this article, no permit fee shall be charged under section 64-30, with respect to the following:
- (1) Any charitable institution, organization or association organized and conducted exclusively for charitable purposes, and not for private gain or profit.
 - (2) Any individual, association, organization or other entity conducting or staging any concert, exhibition, lecture, entertainment or dance where the gross profits derived therefrom are used solely for charitable or benevolent purposes and not for the purpose of private gain or profit.
 - (3) Any organization, association or other entity holding any convention in the city and sponsoring any entertainment, dance, concert, exhibition, lecture or other event directly and exclusively connected with such convention, provided that any proceeds realized from such convention are devoted to the purposes of the entity sponsoring the same and are not for the purpose of private gain or profit of any individual or entity.
 - (4) Any service club or organization, such as Kiwanis, Rotary or Lions Clubs, nonprofit automobile clubs, chambers of commerce, trade associations, manufacturers' associations, labor organizations, and similar community or professional service clubs or organizations which do not contemplate the distribution of profits or dividends to the members thereof.
- (b) Any person, association, organization or other entity claiming an exemption as provided in subsection (a) of this section, shall provide such documentation and/or other evidence as may be required by the city secretary to substantiate and confirm the exempt status of such person, association, organization or other entity.
- (c) All other applicable provisions of this article shall pertain to and be applicable to any such exempted persons, associations, organizations or other entities.

(Code 2002, § 22-63.1; Ord. No. 2004-14, § 2, 8-24-2004; Ord. No. 2020-08, § I, 8-11-2020)

Sec. 64-33. Special requirements for mobile food units ~~and roadside food vendors.~~

- ~~(a) In addition to the requirements of section 64-31, each applicant for a permit to operate a mobile food unit, including a mobile unit for the sale of frozen desserts, or to engage in roadside food vending, shall provide a copy of a current food service permit issued by the county health department.~~
- ~~(b) Each applicant for a permit to operate a mobile food unit shall, in addition to any other requirements, provide proof of financial responsibility as required by the Texas Motor Vehicle Safety Responsibility Act.~~

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~~V.T.C.A., Transportation Code § 601.051 et seq. for each person who shall drive or operate the mobile food unit.~~

- (ea) Each permit for operation of a mobile food unit ~~or to engage in roadside food vending~~ shall be conditioned upon continuous compliance with all federal, state and local laws or rules adopted under such laws relating to food service, and the permittee shall at all times prominently display a current food service permit issued by the county health department.
- (eb) Each permit for operation of a mobile food unit shall be conditioned upon continuous compliance with the following:
- (1) Each driver or operator of a mobile food unit shall maintain financial responsibility as required by the Texas Motor Vehicle Safety Responsibility Act, V.T.C.A., Transportation Code ch. 601 ;
 - (2) No sales shall be made on any street or roadway where posted speed limits are in excess of 30 miles per hour;
 - (3) ~~No mobile food unit shall be parked within 50 feet of any street corner or crosswalk;~~
 - (4) No person shall sell or solicit sales of merchandise from a mobile food unit within 1,000 feet of any public or private school between the hours of 9:00 a.m. and 5:00 p.m.;
 - (5) No person shall sell or solicit sales of merchandise from a mobile food unit except between the hours of 9:00 a.m. and 9:00 p.m. unless operating under a street festival permit in accordance with section 64-6; and
 - (6) The permit issued pursuant to this article shall at all times be conspicuously posted upon the mobile food unit.

(Code 2002, § 22-64; Ord. No. 1996-3, art. II, § 6, 6-4-1996; Ord. No. 2020-08 , § I, 8-11-2020)

Sec. 64-34. Granting or denial; issuance; transfer.

Within ten days of receipt of an application for a permit required by this article, the city secretary upon finding the application and all submitted materials complete, may ~~shall~~ grant such application and issue the permit and identification badges required by this article or such application shall be deemed denied. The city secretary shall grant any application which on its face complies with the provisions set forth in section 64-31 and, if applicable, section 64-33, and shall deny any application which fails to meet such requirements. Upon written request of the applicant, the city secretary shall set forth in writing the reasons for the denial of any permit. If granted, the city secretary shall issue to the applicant a permit which shall set forth the permit number, the activity permitted, the effective and expiration dates of the permit and the name of the person to which the permit has been granted, and the name of each person authorized to engage in the permitted activity. No permit shall be assignable.

(Code 2002, § 22-65; Ord. No. 1996-3, art. II, § 7, 6-4-1996; Ord. No. 2020-08 , § I, 8-11-2020)

Sec. 64-35. Revocation.

- (a) Any permit issued pursuant to this article may be revoked by the city secretary if he she shall ~~shall~~ determine that such permit was obtained upon the basis of any intentional false material misrepresentation by the applicant, upon any conduct by the permittee, his agents or employees which arises from or is directly related to the permitted activity and which conduct is a violation of criminal statute, or upon violation by the permittee, his agents or employees of any term or provision of such permit or of this article.

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(b) The city secretary ~~shall may~~ revoke any permit if he/~~she shall~~ determines that the permittee, his agents, or employees ~~shall~~ have committed three or more violations of any term or provision of such permit or of this article within the 12-month period immediately preceding such determination, or at any time upon conviction of a violation of any provision of this article. Prior to any such revocation, the city secretary shall provide the permittee notice of any proposed revocation and the grounds for revocation.

~~(c) — Prior to any such revocation, the city secretary shall provide the permittee notice of any proposed revocation and the grounds therefor and shall afford the permittee an opportunity for hearing. Such notice shall be sufficient if sent to the permittee by registered mail at the address shown on the application for such permit not less than five days prior to the time set forth in such notice of the hearing. Following such hearing, if the city secretary shall determine that there exist sufficient grounds for revocation of such permit, then such permit shall be deemed immediately revoked.~~

(Code 2002, § 22-66; Ord. No. 1996-3, art. II, § 8, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020)

Sec. 64-36. Appeals.

Any person to whom the city secretary shall have denied a permit or whose permit shall have been revoked under this article may appeal such denial or revocation to an appeal board consisting of the mayor, the city attorney and the city ~~secretary~~administrator. Such appeal shall be made in writing and filed with the city ~~secretary~~administrator's office not more than five (5) calendar days following such denial or revocation by the city secretary. Within five (5) calendar days of the filing of such appeal, the city ~~secretary~~administrator shall provide notice of the appeal hearing to the appealing party, which notice shall be sufficient if sent to the email address of such appealing party as shown on the application for the permit. Following such hearing, if the appeal board shall determine that there exist sufficient grounds for denial or revocation of any such permit, then the decision of the city secretary shall be deemed final. If the appeal board shall determine that sufficient grounds do not exist for denial or revocation, then the decision of the city secretary shall be reversed and such permit shall be granted or reinstated.

(Code 2002, § 22-67; Ord. No. 1996-3, art. II, § 9, 6-4-1996; Ord. No. 2020-08, § I, 8-11-2020)

Text Amendments to the City of Montgomery TX Municipal Code Chapter 64, Vendor Ordinance, and Section 98-88, Table of Permitted and Special Uses, to Provide City Regulations for the Operation of a Mobile Food Unit / Mobile Food Court Within the City of Montgomery.

- **History**
- **Amendment Process**
- **Main Changes**

History: Regulating this type of activity has been discussed at the policy level for the past couple of years. Regulatory issues have been discussed, text amendments have been proposed, however no changes were adopted.

Amendment Research Process: Review current ordinance and issues. Determine best practices in local government for this activity. Research comparable communities' ordinances, determine what has worked and what hasn't for that city, tailor an ordinance to fit the needs of *our* city and bring forward for community discussion/input, and subsequently to the governing body for adoption consideration.

City of Montgomery Ordinance Amendment Process: Text Amendments to the Municipal Code require a public hearing(s), ordinance reading(s), and formal City Council approval. Text Amendments to the Zoning Ordinance (Table of Permitted Uses) require Planning and Zoning review, public hearing, and transmittal of recommendations to the City Council for consideration before final Council approval. The Amendments proposed to the vendor/food truck ordinance involves the Zoning Ordinance *and* Municipal Ordinance thus Planning and Zoning and the Council are involved with these proposed amendments.

Where We Are in the Process: We held a Council workshop on April 11, 2023 at which time we received feedback from the Council and attendees. The Planning and Zoning Commission was introduced to the amendments on April 04, 2023. The P&Z Commission subsequently held a Public Hearing on May 02, 2023 and have transmitted their recommendations. The intent this evening is to do a second review of the amendments, hammer out any issues, and bring the amendments back to the Council at a subsequent meeting for formal consideration.

Main Changes

Expanded Definitions. Included definitions to include **Mobile Food Court** and **Mobile Food Unit**

Mobile food court means a land use approved through a Special Use Permit (SEE Sec. 98-27. - Special use permits and Sec. 98-88. - Table of permitted uses and special uses) and developed in conformity with an approved site plan, where two or more mobile food vendors congregate to offer edible goods for sale to the public.

Mobile food unit/Mobile Food Vendor means a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable and used to store, prepare, display, serve or sell food. The term “mobile food unit/vendor” shall include:

1. Mobile food trucks. A mobile food truck is a self-contained motorized unit selling items defined as edible goods
2. Concession carts. A concession cart is a self-contained unit that is moved by non-motorized means
3. Concession trailer. A concession trailer is a self-contained unit that is pulled by a motorized unit and has no power to move on its own

Added Exemptions.

(B) Farm products. Any mobile food unit selling only non-refrigerated farm products in an unrefined state is exempt from this article.

(C) Mobile food units operating under a valid city-issued Street Festival permit or other Special Event permit.

(D) Mobile food units operating as an accessory use to a primary food establishment located on the same property as the permitted primary use. Products distributed by a mobile food unit under this subsection must be produced by the on-site primary food establishment.

(E) Cottage food production operations

(F) Continuously roaming ice cream trucks holding a valid food service permit through the appropriate County Department

Defined locations where this activity is allowed.

Mobile food units may be allowed in the Commercial District (other than the Commercial District with the Historic District Overlay Zone designation SEE City Zoning Map), Industrial District and Institutional District after a mobile food unit permit is issued by the city (SEE Sec. 98-88. - Table of permitted uses and special uses).

Mobile food units may be permitted in the Historic District Overlay Zone and any other Zoning District in which mobile food units are not allowed only after approval through the Special Use process and subsequently a mobile food unit permit issued by the city (SEE Sec. 98-27. - Special use permits).

Proposed changes to the permit fee.

Sec. 64-30. Classifications; term; fee.

Except as specifically provided by section 64-32, no permit shall be issued pursuant to this article except upon application. The following fee applies to the class of permit. No permit shall be issued prior to payment of the fee listed below, accompanied by the fee as currently established or as hereafter adopted by resolution of the city council from time to time.

Class	Term	1-month fee	6-month fee
Peddler	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Hawker	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Solicitor	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Transient dealer	1 month or 6 months	\$20.00	\$50.00 <u>\$100.00</u>
Mobile food unit	1 month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00 <u>\$600.00</u>
Roadside food vendor	1 month or 6 months (or expiration of food service permit, whichever comes first)	\$20.00	\$50.00

(Code 2002, § 22-62; Ord. No. 1996-3, art. II, § 4, 6-4-1996; Ord. No. 2004-14, § 1, 8-24-2004; Ord. No. 2020-08, § 1, 8-11-2020; Ord. No. 2020-13, § 1, 11-10-2020)

Class	Term	One Month Permit Fee	Six Month Permit Fee
Peddler	Six Months	N/A	\$100
Hawker	Six Months	N/A	\$100
Solicitor	Six Months	N/A	\$100
Transient Dealer	Six Months	N/A	\$100
Mobile Food Unit	One to Six Months	\$100	\$600

Class	Term	One Month Permit Fee	Six Month Permit Fee
Peddler	One to Six Months	\$50	\$100
Hawker	One to Six Months	\$50	\$100
Solicitor	One to Six Months	\$50	\$100
Transient Dealer	One to Six Months	\$50	\$100
Mobile Food Unit	One to Six Months	\$100	\$600

Class	Term	One Month Permit Fee	Three Month Permit Fee
Peddler	One Month	\$50	\$100
Hawker	One Month	\$50	\$100
Solicitor	One Month	\$50	\$100
Transient Dealer	One Month	\$50	\$100
Mobile Food Unit	One to Three Months	\$100	\$200

Expanded the information requirements for the application. Cleaned up some of the language in other sections. Removed unnecessary/outdated regulations.

Proposed Amendment Sec. 98-88

Table of Permitted Uses and Special Uses

Sec. 98-88. Table of permitted uses and special uses.

(a) Permitted uses and special uses in the various zoning districts are as specified in the following table:

Permitted Uses	R-1	R-2	B	ID	I	CC
Accessory uses						X
Aerial or ground survey			X			
Air conditioning sales, retail, complete enclosed (services incidental)			X			
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units — heating or cooling						X
Airport (nongovernmental)						X
Air product manufacturing				X		
Alcoholic beverage sales off premises			X			
Alcoholic beverage sales on premises						X
Alcoholic beverage storage			X			
Altering and repairing of wearing apparel			X			
Ambulance service			X			
Amusement arcade						X
Amusement park (commercial)						X
Animal shelter or dog pound (nongovernmental)						X
Antique store (completely enclosed)			X			
Apartment hotel						X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X			
Apparel and accessory store			X			
Appliance repair (completely enclosed)			X			
Armory						X
Art gallery and/or museum (commercial retail sale of objects d'art only)			X			
Asphalt or creosote manufacturing or treatment						X
Assisted living		X	X			
Automobile and truck sales and service (new and used) (service completely enclosed)			X			
Automobile car wash			X			
Automobile filling station and/or service (all repair in district to be completely enclosed)			X			
Automobile glass sales and installation			X			
Automobile muffler sales and installation (completely enclosed)			X			
Automobile parking lots or parking garages (commercial)						X
Automobile rental			X			
Automobile repair			X			
Automobile upholstery sales and installation (completely enclosed)			X			

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Massage parlor					X		
Metal products fabrication						X	
Milliner (custom)					X		
Millinery manufacture						X	
Millwork and similar wood products manufacture						X	
Mobile Food Unit					X*	X	X
Mobile Food Court							X**
Motel					X		
Motorcycle sales and service					X		
Moving and transfer company						X	
Music store					X		
Nail salon					X		
News stand					X		
Night club/dance hall							X
Novelty and souvenir manufacture						X	
Nursery, daycare, or kindergarten (care of up to six children)	X	X					
Nursery, daycare, or kindergarten (care of up to 20 children)					X		
Nursery, daycare, or kindergarten (care of over 20 children)					X		
Nursing home		X	X				
Office equipment and furniture manufacture						X	
Office equipment and supplies (retail)					X		
Office equipment and supplies (wholesale)					X	X	
Offices (professional)					X		
Oil and well supplies and machinery sales						X	
Optical goods (retail)					X		
Optical goods (wholesale)					X		
Optician					X		
Packing and gasket manufacture						X	
Packing plant (no rendering)							X
Paint and wallpaper store					X		
Paper produce manufacture						X	
Paper supplies (wholesale)						X	
Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the city or other public agency							X
Passenger depot (railroad or bus)							X
Pawnshop (completely enclosed)					X		
Pecan shelling						X	
Pet shop (completely enclosed)					X		
Petroleum storage (wholesale)						X	
Photographic equipment and supplies sales					X	X	
Photographic studio					X		
Picture framing					X		
Pipe storage						X	X

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Tanning salon					X		
Tattoo parlor							X
Tavern							X
Taxidermist							X
Television station or studio without transmitter tower					X		
Television station with transmitter tower							X
Textile manufacture						X	
Theater (indoor)					X		
Theater (outdoor, including drive-in theaters)							X
Tile manufacturer (ceramic)						X	
Tobacco processing						X	
Tobacco store					X		
Tool manufacture						X	
Tool rental (completely enclosed)						X	
Tool rental (fence outside storage)					X	X	
Toy manufacture					X	X	
Toy store					X		
Trailer manufacture						X	
Trailer sales					X		
Transit vehicle storage and service						X	
Truck repair and maintenance					X	X	
Truck stop							X
Variety store					X		
Venetian blinds and metal awning fabrication, repair and cleaning						X	
Veterinarian (animal on premises)					X		
Warehousing						X	
Watch repair					X		
Water or sewage pumping (nongovernmental)							X
Water storage (overhead)							X
Welding shop						X	
Well drilling contractors					X	X	

* Mobile Food Units in the Historic Overlay Zone Requires Special Use Permit

** Mobile Food Courts Require a Special Use Permit

(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit, after approval by city council (SEE Sec. 98-27. Special use permits).

(Ord. No. 2014-03, § 1, 5-20-2014)

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Next Steps

City Council

- Additional workshop?
- Place on regular meeting agenda to call for public hearing and subsequent consideration for approval

Discussion

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: GARY PALMER, CITY ADMINISTRATOR
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT
NICI BROWE, CITY SECRETARY

SUBJECT: REPORT CONCERNING PROPOSED AMENDMENTS TO SECTION 98-88 OF THE CITY CODE OF ORDINANCES (TABLE OF PERMITTED USES).

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on May 2, 2023 to consider proposed amendments to Section 98-88 of the City Code of Ordinances. After duly noticed public hearings with an opportunity for public comments concerning the proposed amendments, the Commission found:

- The Table of Permitted Uses does not currently address mobile food units or mobile food courts (also called food truck parks).
- The increase in popularity of mobile food units as well developments that include multiple mobile food units necessitates an update to city zoning regulations.
- By a vote of 5-0 the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to **approve** the proposed amendments to Section 98-88 of the City Code.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, certify this Report to be true and correct to the best of my knowledge.

Signed: 
Jeffrey Waddell, Chairman

Attest: 
Nici Browe, City Secretary

**City Council Workshop
MINUTES**

April 11, 2023, at 5:00 PM

CALL TO ORDER

Mayor Byron Sanford called the workshop to order at 5:00 p.m.

- Present: Byron Sanford Mayor
- Casey Olson City Council Place #2
- Cheryl Fox City Council Place #4
- Patricia Easley City Council Place #5
- Absent: T.J. Wilkerson City Council Place #3
- Carol Langley City Council Place #1
- Also Present: Gary Palmer City Administrator
- Nici Browe City Secretary & Director of Administrative Services

Mayor Byron Sanford welcomed everyone and informed them that no official action is being sought on this topic tonight, this is a workshop on the subject matter only.

CONSENT AGENDA:

1. Workshop on the proposed Mobile Food Unit/Mobile Food Court text amendments to Chapter 64 Peddlers, Solicitors, Vendors of the City Municipal Code AND Zoning Ordinance Section 98-88 Table of Permitted Uses and Special Uses

Mr. Gary Palmer, City Administrator informed Council and the audience that what they have before them is his recommendations for an update to the ordinance. The red strike throughs and red font are the changes that he is recommending.

He went on to describe the conflicts between the State code and city code due to the city code not being updated for such a long period of time.

He moved through the updated definitions and examined the exemption of Cottage Food Industry.

Mr. Palmer stated that in his proposed changes he would also place vendors under a special event as exempt from fee payments.

Mr. Palmer then went on to cover permitted uses.

He concluded his presentation by stating that the application would need to be cleaned up to insure it matches the changes in the code. The process would include a public hearing but before we get to that point, he wished to workshop it with council and get feedback, he had already taken it to Planning & Zoning Commission for their review.

Mayor Byron Sanford addressed the council and asked that they provide an open discussion and provide feedback and informed the audience that they would also get an opportunity to inject their thoughts and suggestions.

Councilmember Casey Olson stated that brick and mortar business owners have invested thousands of tax dollars into the city and should not be undercut by their competitor. He did not want vendors coming in and setting up and having better benefits to conduct business than those who have invested into the city. He added he wanted it to be equal across the board.

Mr. Palmer recognized the point Councilmember Casey Olson was making and stated he would pull the tax information on businesses and the vendors.

Councilmember Cheryl Fox stated that the commercial taxes have been raised considerably.

Mayor Sanford stated that is there going to be addressed the issue of gaining permission to sell like for like, as it doesn't appear to him that those businesses sell the same product.

Councilmember Casey Olson stated his point was about fairness, we have to be fair, so everyone pays the same fees, giving food truck vendors the ability to set up with just a vendor fee where businesses pay above and beyond, there is a disadvantage to being brick and mortar.

Councilmember Patricia Easley inquired if Food Trucks would only be allowed to operate in a food court only.

Councilmember Patricia Easley asked if Food trucks are not considered to be equal, as materially speaking they are site based.

Mr. Palmer responded that food trucks are not site based, they are license based. He went on to add that as we are a small staff one proposal is to change the current one, three and six month permits, to a flat for six months only. Logistically speaking this is more appropriate.

Mr. Palmer reasoned that six months will attract only those serious about doing business and abiding by the rules we have, and another difference will be that the fee will only be paid once the application has been reviewed and approved.

Mayor Sanford stated that 64.31 covers the issue with fairness.

Mr. Palmer stated he would pull property tax for the food businesses and delve into the fee schedule deeper.

Councilmember Patricia Easley stated that these are mobile vendors, not permanent establishments so should not be subject to the same fees as the brick-and-mortar businesses.

Councilmember Casey Olson disagreed and stated that over a year someone can operate long term and could come and go, whereas those established businesses have invested hundreds of thousands in some cases into the city. Where is fairness in allowing people to operate with the same items as those who are here full-time at less cost.

Councilmember Casey Olson and Councilmember Patricia Easley held a discussion on the practicalities and fairness of issuing temporary permits for food trucks.

Mayor Byron Sanford stated that he wants to make sure we as a city are responding to business owners' complaints.

Councilmember Patricia Easley voiced her concern that we are making it hard to do business.

Mr. Palmer stated that maybe there is validity to assessing a fee based on location. He went on to say that from the conversations here he can say that the sticking point is the fees, therefore, he will go back and pull tax information and comps and come back with alternatives.

Sara Countryman, resident stated that she had requested from the State the taxes and has yet to receive any information. She does know that 2% goes to the city.

Bill Clevenger, resident stated that as a food truck owner he does pay sales tax and he has proved this multiple times to previous administration staff, the way they are unique is that they do not pay property taxes.

Julie Davis, resident stated there is a big difference between tenants too as the renters of the coffee shop for instance have all of the start up costs, yet those like Bill's food trucks just show up for one fee, maybe one day. Those that come for a festival, trash our streets, tear up the roads and leave.

Mayor Sanford corrected Ms. Davis and stated that the coffee shop is owned by those operating it.

Jeff Waddell, P&Z Chair and resident stated that once Gary has crunched the numbers it would be clear the direction the city needs to take based on the revenues.

Councilmember Casey Olson went on to say if we continue down this path the food trucks will crush our restaurants, like the area for Minute Maid Park in Houston.

Councilmember Patricia Easley stated she disagreed with that statement as it is a totally different population down there.

Jeff Waddell, P&Z Chair and resident added that the real world is there is going to be competition for businesses, what the city needs is walkability and signage and felt the earlier statement of the food truck competing with those businesses around, he fails to see how a hotdog stand competes with a steak house.

Councilmember Casey Olson argued that it's not just the competition it's the reality that the customers to the food trucks are entering into the restaurants to use their bathrooms too, how is that fair.

Councilmember Patricia Easley commented how he could be sure that those asking for bathroom use are strictly from the food truck.

Councilmember Casey Olson responded because he has been told so by the business owners, and he wanted to point out that he is not opposed to food trucks at all but feels they should operate under the same terms as the brick-and-mortar establishments.

Councilmember Patricia Easley voiced her concern that the city is trying to amend and create policy based on a microcosm of a small area, the net should be cast wider, and we do not need to be reacting to personality conflicts between business owners and food truck vendors.

Julie Davis, a resident, suggested that the city place some signs downtown directing customers to the public restrooms.

The council collectively held a discussion on non-mobile versus mobile food unit and the definition thereof.

Mr. Palmer asked the council for their thoughts on maybe making a fee structure based on static and multiple locations.

Mr. Tony Gallucci, resident spoke to Council regarding the food trucks.

Mr. Bill Clevenger informed the Council that daily he picks up trash from folks walking around town and places that into his own trash, including booze cans. The city needs to focus on bringing people here to the downtown.

Mayor Byron Sanford asked if nonprofits (501c3) vendors are exempt from fees.

Ms. Browe, City Secretary confirmed that all nonprofit and 501 c3 vendors if they have placed that information on the application form will not be assessed a vendor's fee.

Mayor Byron Sanford thanked everyone for their input and closed the workshop.

ADJOURNED: 6:00 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor

MINUTES OF REGULAR MEETING

April 4, 2023

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:00 p.m.

Present: Jeffrey Waddell, Bill Simpson, Merriam Walker, Daniel Gazda

Absent: Britnee Ghutzman

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

VISITOR/CITIZENS FORUM

Mrs. Julie Davis, city resident, provided comments on agenda item #1. Mrs. Davis said she was opposed to the new fee schedule for mobile food vendors. She also shared concerns about one-time event vendors not wanting to pay for a 6-month permit and how charities and non-profits are regulated. She appreciated many of the other changes to the ordinance.

Jeff Waddell thanked the all the visitors for taking the time to attend the meeting.

1. Proposed Text Amendments to Chapter 64 Peddlers, Solicitors Vendors and Section 98-88 Table of Permitted Uses and Special Uses to provide requirements for Mobile Food Units (Food Trucks) and Mobile Food Courts (Food Truck Parks).

City Administrator Gary Palmer gave an overview of the proposed amendments to the ordinance and discussed the need for the changes with the Commission. Mr. Palmer said the City Council had asked him to address the vendor ordinance revisions as one of his first priorities after joining the city in January 2023. He said his process when asked to review ordinances is to connect with professional organizations and review other city's ordinances to find best practices to achieve the goal. He said the revisions under review reflect that process. Mr. Palmer said the revisions also include changes that bring our rules in line with current state law. The primary changes include defining mobile food courts and mobile food units, creating exemptions that exempt street festival

vendors from needing an individual permit. Those vendors would be able to operate under the street festival permit.

He said the changes to the vendor ordinance does not directly affect the P&Z Commission, but the proposed additions to the Table of Permitted Uses does require P&Z review and action. He explained that under the proposed amendments individual mobile food vendors within the Historic Preservation District would require a Special Use Permit along with mobile food courts. Jeff Waddell asked to confirm that two or more mobile food vendors on a property constituted a mobile food court. Mr. Palmer affirmed that point. Bill Simpson asked how the requirements for mobile food courts would be set; Mr. Palmer said that would be determined through the SUP process. The intent is to minimize red tape and adjust to circumstances as needed. Bill also asked about the county's 48-hour mobility requirement. Mr. Palmer said that is not actually a county requirement they can enforce, but the county does have that on their application. He went on to say that regulating mobility would be difficult to enforce and that the proposed vendor ordinance does not have mobility requirements for mobile food vendors.

Merriam Walker said there were food trucks downtown already and asked if a mobile food court would apply if one of the vendors moved in and out. Dan Gazda asked a follow up question regarding what the trigger was for a mobile food court. Mr. Palmer said two or more meant a food truck court whether it was only for a day or longer. Regarding the proposed fees, Mr. Palmer said he didn't want to get hung up on the amount of the permit and that it was a decision to be made by Council, but the city should set it high enough to ensure fly-by-night operations don't come to the city. Mr. Palmer said there was not consistency on fees between different cities and the goal should be a fair fee for the city and the vendor. He added that city council had requested a higher fee for mobile food vendors to provide parity between them and brick and mortar restaurants. Additional discussion was had on examples of events and individual vendors. Merriam Walker spoke to the proposed changes to the hours of operation and asked for clarification. Mr. Palmer said the next steps would be for P&Z to complete their review of the Table of Permitted Uses and transmit a recommendation to the City Council.

No action required or taken.

MINUTES OF REGULAR MEETING

May 2, 2023

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:01 p.m.

Present: Jeffrey Waddell, Bill Simpson, Merriam Walker, Daniel Gazda, Britnee Ghutzman

Absent: none

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

VISITOR/CITIZENS FORUM

Two residents wished to speak on the rezoning request listed on the agenda. Their comments were held until the agenda item was considered by the Commission.

1. Approval of the meeting minutes for March 7, 2023 and April 4, 2023.

Jeff Waddell noted that the March 7, 2023 contained a typo—the word “side” should be used instead of “size” under Agenda Item #6 when referring to building setbacks on a lot. Staff noted the correction. Bill Simpson moved to approve the minutes as corrected. Dan Gazda seconded the motion, the motion carried unanimously. (5-0)

2. Review and discussion on a proposed residential structure near the intersection of College and Pond Streets.

Staff reviewed information provided by Mr. GERAL FAUSS, the property owner. The property is located in downtown behind Burger Fresh and is 35-feet wide by 25-feet deep. The owner provided historical images and a narrative that explain that the city’s old water tower used to be located on the site. His proposal that he would like feedback from the Commission on is for a residential dwelling designed to be similar in form to a water tower. The living quarters would be elevated at the height of a second-story like a water tower and there would be two parking spaces below. Mr. Fauss stated he would like to know if the property is buildable since the county appraisal district

had increased his taxes exponentially this year. Staff stated the city attorney could provide an answer on what steps would need to be taken since the lot size is so small relative to required setbacks. The Commission generally appreciates the idea of preserving the history of the water tower site and felt that the structure would be a unique addition to downtown if the setback issues can be worked out. The Commission also provided feedback on the computer mock-up image provided by the owner and preferred a form with less mass, or one that was more open. Mr. Fauss said he understood and wanted to get feedback from the city before hiring an engineer and architect to design the structure. No action needed or taken by the Commission, and they thanked Mr. and Mrs. Fauss for attending the meeting to discuss the item.

3. Consideration and possible action on a draft Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.

Staff reviewed the draft report. Jeff Waddell asked if the applicant was in attendance. Mr. Ballew confirmed he was. Merriam Walker stated she had driven in the area after the last meeting. She asked if the property was rezoned to commercial and the owner sold the property, would it stay commercial. Staff affirmed that it would and any uses listed in the Table of Permitted uses for B-Commercial would be allowed by right. She asked if the property was big enough for something like a gas station. Staff said it was not, but a future owner could acquire adjacent property and request it be rezoned to commercial to create a larger site. Bill Simpson asked if the applicant knew the depth of the lot. Mr. Ballew said it was 1/3-acre and roughly 200-feet deep. Britnee Ghutzman said the traffic counts and visibility along FM 149 make commercial suitable along the corridor. Dan Gazda agreed. Ms. Ghutzman said her concern was the residential properties surrounding this property and making sure that adequate buffers were in place for light, sound, etc. to preserve the integrity of the residential properties.

Bill Simpson said he was concerned with uniformity of the properties with existing residential properties on FM 149. He continued that he felt it would be a long time before a significant number of these properties would be commercial. Jeff Waddell mentioned an effort several years ago to fix up old houses. He said he felt there was contradiction by the city in the Future Land Use Plan and encouraging people to fix up houses. Mr. McCorquodale said he didn't see a contradiction since the two initiatives had different purposes. He continued that the MEDC had funded a removal

of blight program for dilapidated structures several years ago and the HOME grant program built new homes for several residents in past years. Merriam Walker said if this property was developed like Arnette Easley's property down the street that was in scale with the surroundings that she could see that as a possibility. She mentioned the city of Tomball where a number of old homes were now used as businesses along busy streets. Merriam said if the city wanted improvement along the corridor, we'd have to be willing to give and take.

Jeff Waddell suggested a Special Use Permit as a possible alternative to rezoning to commercial. Mr. Ballew said the property had been on the market for 7 months because no one wants to purchase a home on a road as busy as FM 149 North. He said he wanted to improve the property by painting the exterior of the house, adding several parking spaces and a sign for his real estate office. Mr. Ballew said there are limited options for small professional office space in the city. Bill Simpson asked if the existing driveway was paved and whether the new parking spaces would be paved. Mr. Ballew affirmed they were paved. Jeff Waddell said the primary issue to him was the future types of commercial activity if the property was rezoned and reiterated that a Special Use Permit would allow the owner to use the property as he intends and allow the city to place some restrictions on the intensity of the commercial activity on the property. Mr. McCorquodale said he would discuss whether an SUP could be used with the city attorneys to confirm it is a possible tool to use in this case. Britnee Ghutzman said her background as an appraiser suggests that the highest and best use for the property is commercial. Merriam Walker said she was also leaning toward commercial property but was concerned about a future gas station or similar use. Mr. Ballew said he felt that people would likely not want to invest in these properties as homes because of the volume of traffic on FM 149. Merriam Walker asked if he had met the neighboring property owners. Mr. Ballew said he had considered it but had not reached out to any of them.

Merriam asked the owner if he planned to live in the residence. He said he does not. She asked the owner how long he had been in Montgomery. He said he grew up in Montgomery and had lived here since 1998. Jeff Waddell suggested moving to the Public Hearing item to continue discussion. No revisions or edits to the Preliminary Report were requested by the Commission.

Daniel Gazda moved to approve the Preliminary Report as presented. Merriam Walker seconded the motion, the motion carried unanimously. (5-0)

4. **Convene into Public Hearing #1 on the Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.**

Jeff Waddell opened the hearing at 6:46 p.m.

Sara Countryman addressed the Commission and said she lives in the neighborhood behind the subject property. She questioned why the applicant purchased the property before rezoning it and did not discuss it with the city and took issue it. She said while a gas station would not fit on this property, someone could purchase adjacent properties to have a bigger site. She also said there were other options in the city for professional office space, including Shanon Salsbury's spaces about a mile from this property. Ms. Countryman also asked what a rezoning action might do for appraisal values of surrounding properties. She said she was opposed to the request and urged the Commission to consider the residential areas around this property. She added that deed and title information for many of the surrounding properties were unclear and that would hamper the redevelopment of the corridor.

Evan Ballew, the applicant, stated he did discuss the property and rezoning with city staff and that it was a calculated decision he had to make when purchasing the property. He said his office team needs more office space than what's available in town. Mr. Ballew said he understood the concern about any commercial use of the property but his intent is to use for professional office space. Mr. Ballew said he was following the process as he understood it and was not trying to hoodwink anyone.

Bill Simpson said he felt like some of the confusion may have been coming from the Future Land Use Plan. He asked where the Future Land Use Plan came from. Jeff Waddell asked if there was anyone else who wanted to speak during the Public Hearing.

Julia Denison stated she lived behind the subject property and had lived there for 8 years. She said they had a lot invested in their home and she has concerns about the other properties being rezoned and possibly bring a strip center and nuisances that would affect their property. She said her realtor told her the property on FM149 would never be commercial and she opposed the rezoning request.

Jeff Waddell thanked the citizens for their input and said that the Commission had heard both sides of the discussion. Mr. McCorquodale said he had one comment from a property owner who could not attend the meeting and that their family opposed the rezoning request. Ms. Annie Butler represented the estate of Edna Jackson across the street from the subject property.

The hearing closed at 7:01 p.m.

5. Convene into Public Hearing #2 on the Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.

Jeff Waddell opened the hearing at 7:03 p.m. Britnee Ghutzman asked if the citizens had any suggestions for a buffer between the residential neighborhood behind the property and this property. No additional comments given by the public. The hearing closed at 7:04 p.m.

6. Consideration and possible action on a Final Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.

Staff reviewed the draft report included them in the packet and reminded the Commission the draft was a starting point and that they should edit the report to reflect their recommendation and considerations. Merriam Walker asked about bullet #2 that said the city's Future Land Use Plan identifies this corridor as future B-Commercial. Staff affirmed that was a correct statement. She asked the residents if they were aware of the Future Land Use Plan. She continued by asking when the plan became public knowledge. Mr. McCorquodale said he did not know the exact date but believed it was around 2015 or 2016. She asked if the plan identified the corridor as B-Commercial whether there was an option of allowing "light commercial" or "neighborhood commercial" or whether it was full commercial. Staff stated the only tool we had at present was full B-Commercial. Jeff Waddell said the Commission needed clarity on whether the Future Land Use Plan was official or not. Mr. McCorquodale said the plan was not officially adopted by the Council, but it is the only tool the city has that looks to future land use when considering rezoning requests. He also reminded the Commission that they do not have to follow the Future Land Use Plan when making a recommendation to City Council, it is a guide to consider as part of the request. Merriam Walker asked if a large percentage of the homes in the area have title issues, Ms. Countryman stated many

of the homes in this area did have unclear titles. After additional discussion on points related to traffic, future commercial development in the area, and some of the surrounding residences, Merriam Walker asked to confirm that the draft can be amended to suit the preference of the Commission. Staff affirmed it could. Britnee Ghutzman asked what the side and rear setbacks would be. Mr. McCorquodale said there would be a 25-foot setback and vegetative buffer where commercial abuts residential. Merriam Walker stated that many applicants have presented a vision for a proposed development and when it's built, she felt like it wasn't the same as the vision that was presented to P&Z. Bill Simpson asked if the city could place conditions on a Special Use Permit like transfer of ownership. Staff affirmed the city could. Merriam Walker asked if the city could place a timeframe on the SUP, and staff affirmed they could. Britnee Ghutzman said from an appraisal standpoint, surrounding properties are generally not affected by the rezoning of a neighboring property, but there are exceptions. Jeff Waddell said he saw potential in a Special Use Permit but wasn't comfortable with a commercial rezoning.

Britnee Ghutzman moved to approve the Final Report recommending rezoning of the property to B-Commercial. Merriam Walker seconded the motion. The vote was 3-2 with Jeff Waddell and Bill Simpson opposed.

Following the vote, the Commission had questions on the intent of the previous vote and wished to discuss amending the Final Report. Dan Gazda said he'd misunderstood the intent of the motion and that he favored an SUP over a rezoning to commercial. Following a brief discussion, staff asked the Commission to restate a motion and take another vote due to confusion on the previous motion.

Dan Gazda moved to approve the Final Report with the change that P&Z recommends to NOT approve the rezoning request in order to ensure adequate protection for the residential properties around the subject property. Bill Simpson seconded the motion. The vote was 3-2 with Britnee Ghutzman and Merriam Walker opposed.

7. Consideration and possible action on a Preliminary Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.

Staff introduced the information and reminded the Commission of the presentation of the Mobile Food Vendor Ordinance revisions by city administrator Gary Palmer at the April meeting. Mr.

Palmer reviewed those revisions and also proposed two related amendments to the Table of Permitted Uses that would require Food Truck Courts as well as individual food trucks within the Historic Preservation District to obtain a Special Use Permit to operate. Bill Simpson said he appreciated the changes Mr. Palmer recommended at the last meeting. Britnee Ghutzman said she spoke with several food truck operators and that some cities issue a business permit for food vendors, and some have limits on the number of permits issued in a year. Britnee said she also had questions about permitting traditional ice cream trucks that drive through neighborhoods. Mr. McCorquodale said conventional ice cream trucks were excluded from the proposed food vendor regulations. Merriam Walker asked if staff had looked into the charity aspect of the proposed changes. Mr. McCorquodale said he was not actively working on the vendor ordinance revisions.

Bill Simpson moved to approve the Preliminary Report as presented. Daniel Gazda seconded the motion, the motion carried unanimously. (5-0)

8. Convene into Public Hearing #1 on a Preliminary Report for proposed amendments to Section 98-88 of the City Code of Ordinances (Table of Permitted Uses).

Jeff Waddell opened the hearing at 8:00 p.m. Staff introduced Manny and Michael, the owners and proposed developers of a mobile food court on the north end of downtown. Manny said he appreciated the city's help in their process of development, but they are not going to pursue the project and will be selling the property. No comments were given by the public before or at the meeting. The hearing closed at 8:03 p.m.

9. Convene into Public Hearing #2 on a Preliminary Report for proposed amendments to Section 98-88 of the City Code of Ordinances (Table of Permitted Uses).

Jeff Waddell opened the hearing at 8:04 p.m. No comments on the Preliminary Report were given by the public before or at the meeting. The hearing closed at 8:05 p.m.

10. Consideration and possible action on a Final Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.

Staff reviewed the information provided in packet on the draft Final Report. Britnee Ghutzman asked if the proposed changes still required mobile food operators to still get permission from

property owners to be on site, staff confirmed they did. She also asked if there was a mobility requirement for mobile food vendors in the proposed ordinance, staff said there were not.

Bill Simpson moved to approve the Final Report as presented. Britnee Ghutzman seconded the motion, the motion carried unanimously. (5-0)

Commission Inquiry

Jeff Waddell mentioned the townhome zoning district idea from the last meeting and asked to keep it on the list of discussion points for rezoning revisions to discuss at the next joint workshop. Jeff also mentioned the area behind Memory Park for a playground area for children. Mr. McCorquodale said there is a portion of land on the east side of the park that is an HOA reserve and the city is working on an agreement to use the reserve as part of the open space of the park.

Adjournment

Britnee Ghutzman moved to adjourn the meeting at 7:55 p.m. Merriam Walker seconded the motion, the motion carried unanimously. (4-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Nici Browe, City Secretary