

**AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, AUGUST 6, 2012, AT 6:00 P.M., IN THE COUNCIL CHAMBERS, CITY HALL AND/OR THE 2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. PURPOSE OF THE WORKSHOP:**

- 1. COMMISSION INPUT AND DISCUSSION: UNI FIED DEVELOPMENT CODE, PROPOSED AMENDMENT TO ALLOW MOBILE FOOD VENDORS IN THE CITY OF PEARLAND.** *Presentation by Mr. Harold Ellis, City Planner.*
- 2. COMMISSION INPUT AND DISCUSSION: UNI FIED DEVELOPMENT CODE (UDC) AMENDMENTS T-14.** *Presentation by Mr. Harold Ellis, City Planner.*
- 3. COMMISSION INPUT AND DISCUSSION: PLANNING AND ZONING COMMISSION ANNUAL TRAINING.** *Presentation by Mr. Harold Ellis, City Planner, and Mr. Nghiem Doan, Deputy City Attorney.*

**III. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfin at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.**

I, Judy Brown, Office Coordinator for Community Development of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 3rd day of August 2012, A.D., at 5:30 p.m.

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Judy Brown, Office Coordinator for Community Development

Agenda removed \_\_\_\_\_ day of August 2012.

AUGUST 6, 2012  
P&Z WORKSHOPS

# Workshop Item No. 1

1. **COMMISSION INPUT AND DISCUSSION:** REGARDING THE ANNUAL UNIFIED DEVELOPMENT CODE AMENDMENT (T-14) PROPOSED AMENDMENT TO ALLOW MOBILE FOOD VENDORS IN THE CITY OF PEARLAND. *Mr. Harold Ellis, City Planner.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> August 6, 2012	<b>ITEM NO.:</b> Workshop Item No. 1
<b>DATE SUBMITTED:</b> July 25, 2012	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Harold Ellis	<b>PRESENTOR:</b> Harold Ellis
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> July 30, 2012
<b>SUBJECT:</b> Annual Unified Development Code Amendment (T-14), Workshop Number 1: Proposed Amendment to allow Mobile Food Vendors in the City of Pearland	
<b>EXHIBITS:</b> 1) Examples of Mobile Food Vendors; 2) City of Dallas – Information on Mobile Food Vendor Requirements	
<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT AVAILABLE:</b> N/A <b>ACCOUNT NO.:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A <b>PROJECT NO.:</b> N/A
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A <b>ACCOUNT NO.:</b> N/A <b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Amendments to the Unified Development Code (UDC) are reviewed annually. Based on input from citizens, developers, city council, board members, and city staff, planning staff creates a list of changes to the UDC.

Since UDC is our local zoning ordinance, state law and city charter requires a joint public hearing with the Planning & Zoning Commission (P & Z) and City Council, and two readings of the ordinance by the City Council to approve any changes to the local zoning ordinance.

In Pearland, the Council has directed that the Planning and Zoning Commission review these changes in detail and make a recommendation at the joint workshop. Therefore, the process starts with a P & Z workshop.

A workshop was scheduled with the P & Z on July 16, 2012, to discuss this change. A summary of the discussion and recommendation from that meeting is provided in this report. The next step in the process is a joint workshop with P & Z and City

Council. Assuming that the P & Z and City Council wish to make the ordinance change, a public hearing will be held on August 20, 2012 and the earliest date for the second reading of the ordinance would be September 24, 2012.

This is the first workshop of a series of workshops that will be scheduled in the couple months.

Proposed amendment:

The UDC (the city's zoning ordinance) does not permit mobile food vendors. A request has been received to amend the UDC to allow this type of use.

The city ordinance permits vendors in vehicles that traverse the city streets, such as ice cream trucks, etc. These are not permitted to park at any specific location, especially on private property. The only area that permits this kind of retail is the Pearland Town Center. Pearland Town Center was approved as a Planned Development and specifically lists this as a permitted use, within certain parameters.

Based on staff's preliminary research, the following considerations are associated with this type of use.

Types:

Mobile food vendors include a wide variety, some of which are listed here.

1. General Service Pushcart
2. Limited Service Push cart
3. Grocery Truck
4. Produce Truck
5. Lunch Truck
6. Catering Truck
7. Ice Cream Truck
8. Mobile Food Preparation Vehicle (hot truck)

Refer to attached regulations from Dallas, explaining each type in detail.

Permitted locations:

Some cities that permit this kind of use have demarcated locations in the city where this use would be beneficial. The locations are generally chosen based on their character and activity. Pedestrian oriented areas, central business districts, downtowns, public parks, plazas, and other special districts are some areas where these have been deemed to be appropriate.

Zoning and ownership:

Zoning of the property (residential or non-residential) and ownership (public or private) are important aspects that need to be considered. Typically, these uses have been excluded from private residential areas.

Special events:

Certain events, such as holiday parades or celebrations, ball games, etc., may benefit from these uses.

Other mobile uses:

It is important to discuss if these types of mobile units would be limited to eating establishments or would include other uses such as selling of consumer goods, pet vaccination clinics, etc.

Other considerations:

For each site, some cities required detailed information, such as location of the cart, dimensions, surrounding landscape and streetscape elements, lighting, seating, parking, nearby restroom facilities, etc.

Pros and Cons:

Based on preliminary discussion staff has listed the following pros and cons.

Pros:

1. Encourage small businesses.
2. Could add to food choices.
3. Promote street activity and vitality for certain areas.

Cons:

1. Potentially unsightly – out door display, condition of structure, etc.
2. Unfair competition to businesses that have invested in “brick and mortar” stores.
3. Taxation issues.
4. Health code issues – harder to enforce and to comply.
5. Potential safety issues – circulation, traffic, parking

Outdoor activities and use permitted currently:

The UDC permits outdoor activities and uses in certain zones, and sometimes with a Conditional Use Permit. Below is a summary.

Activity	OP	NS	GB	GC
Temporary outdoor activities or events	YES	YES	YES Related to holidays and national events for 45 days/event Others – once a year.	YES Related to holidays and national events for 45 days/event Others – once a year.
Permanent outdoor activity or display	NO	NO	Confined to pedestrian walkway adjacent to building.	YES, if related to a use in the building. Need a CUP if abutting residential zones.

## Planning and Zoning Commission Workshop Summary:

As previously discussed, this proposed amendment was discussed at a Planning and Zoning Commission workshop on July 16, 2012. Listed below are the concerns raised by the Commission, followed by their recommendation:

- Does not seem appropriate for the community
- Effective code enforcement
  - Concern regarding potential problems with inspections, frequency of inspections, resulting in a concern for public health
- Traffic around vendor and/or in parking lot
- May not fit the vision of the community, what Pearland is.
- May be appropriate in specific areas of the City
  - Old Townsite
- Amount of City resources it may take to regulate effectively
- Tax collection
- Mobile devices likely would not meet the City's building finish standards
- Concern the vendors would use existing vacant land
- Outside sales has been heavily discussed in past Planned Developments
  - Not always approved
- Unfair competition for those who have developed on pad sites and shopping centers

P&Z Recommendation – The Planning and Zoning Commission was not interested in moving forward with an amendment to the Unified Development Code to allow for mobile food vendors to be permitted in Pearland at this time.

### **Staff Recommendation**

Conduct the workshop and provide direction to staff.

## Exhibit 1 – Examples(s):

### *Push carts*



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### *Grocery / Produce Truck*



### *Lunch Truck Catering Truck*



## *Ice Cream Truck*



## *Food Preparation Truck*

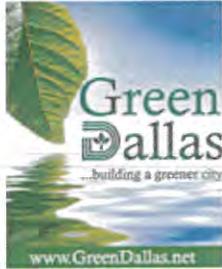


## *Mobile Auto Detailing Shops*



**Exhibit 2 – Information on City of Dallas Mobile Vendor Requirements(s):**

(See attached PDF)



**Code Home**

- [Restaurant/Bar Inspections](#)
- [Buying a Food Facility](#)
- [Consumer Information](#)
- [Dogs on Patios](#)
- [Fixed Food Facility](#)
- [Foodborne Illness](#)
- [Food Handler Certification](#)
- [Food Operator Information](#)
- [Food Scores](#)
- [Forms](#)
- [Frequently Asked Questions](#)
- [Homeless Feeding](#)
- [Mobile Food Facility](#)
- [Registered Food Service Manager](#)
- [Related Links](#)
- [Temporary Food Establishment Requirements](#)
- [Street Vending:](#)
- [Street Vending Application Procedures](#)
- [Street Vending Central Business District Vending Areas](#)
- [Street Vending - Frequently Asked Questions](#)
- [Street Vending - Non-Food Vending](#)
- [Street Vending - Site Set Up and Maintenance](#)

**Code Compliance Services**

[Restaurant and Bar Inspection Division](#) | [Street Vending](#) | [Central Business District Vending Areas](#)

**CBD Vending Boundaries**

1. **Central Business District (CBD)** - the area of downtown Dallas within Woodall Rogers Freeway on the north, Central Expressway (elevated bypass) on the east, R.L. Thornton Freeway on the south, and Stemmons Freeway on the west (**permits are location specific**).
2. **Warehouse/ West End (roaming, 9 site locations)** - the area of downtown Dallas within Woodall Rogers Freeway on the North; Lamar Street on the east; the MKT railroad tracks on the west; and southern boundary consisting of and extending along Commerce Street from Lamar Street west to Austin Street, then along Austin Street north to Main Street, then along Main Street west to the MKT railroad tracks. A vendors badge is required (**roaming area**).
3. **Arts District (roaming, 10 site locations)** - the area of downtown Dallas within Woodall Rogers Freeway on the north, Routh Street on the east, Ross Avenue on the south, and St. Paul Street on the west. A vendors badge is required (**roaming area**).
4. **Central Business District (CBD) Core Area** - the area of the city within and including the following described boundaries: Point of beginning at the northeast corner of the intersection of Pacific Street and Lamar Street; then along Pacific Avenue (north sidewalk) to Akard Street; then along Akard Street (west sidewalk) to Federal Street; then along Federal Street (north sidewalk) to Pearl Street; then along Pearl Street (west sidewalk) to Pearl Expressway; then along Pearl Expressway (west sidewalk) to Commerce Street; then along Commerce Street (south sidewalk) to Lamar Street; then along Lamar Street (east sidewalk) to the point of beginning (**non-roaming area**).

**NOTE:** There are only 9 sites in the Warehouse and 10 sites in the Arts Districts

- [Central Business District Area Boundaries Map](#) (Adobe PDF)
- [Arts District Boundaries Map](#) (Adobe PDF)
- [West End District Boundaries Map](#) (Adobe PDF)
- [Pushcart Design Dimensions/ Area Dimensions](#) (Adobe PDF)
- [Pushcart Setback Requirements](#) (Adobe PDF)

A person that holds a CBD Concession License may receive a maximum of five (5) CBD Location Permits in addition to permits issued for Arts and Warehouse Districts. The director may determine the number of 'sites'.

Other factors may be taken into consideration by the Director when evaluating a vending site location for approval. These factors include: the type of merchandise sold; the uniqueness and variety of the product(s) offered; and the effect on nearby businesses.

Applicants must provide a list of products or services being provided.

Applicants for a CBD Concession License must submit a scaled sketch plan or photographs showing proposed cart location, dimensions, and details of surrounding streetscape elements, covering 6 feet on all sides of the edge of the proposed cart operating area including property lines, sidewalk, curb lines, lighting, trees indicating tree size, tree/ storm grates or gutters, planters, lamp post, parking meters, benches, utility boxes, newsstands, handicap ramp, building entrance/exits, street signs, bus/rail stops, and fire hydrants.

**NOTE:** All proposed vending locations that are selected will be assessed for approval by the Restaurant and Bar Inspection Division.

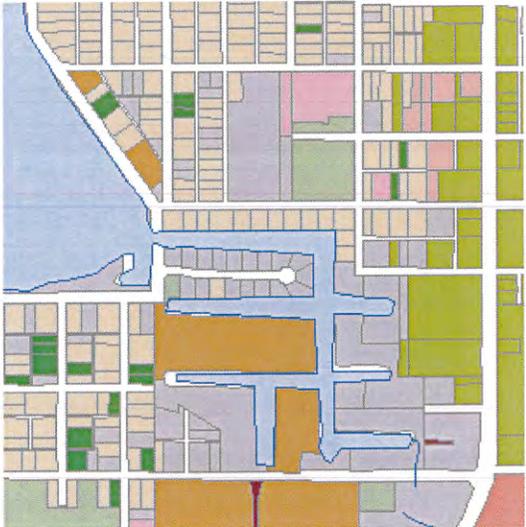
All applicants for a Central Business District Concession License and Central Business District Location Permit must apply in person at the Restaurant and Bar Inspection Division located at **7901 Goforth Road**, Dallas, Texas 75238. Applications are accepted Monday – Friday between the hours of 8:00 am and 12:30 pm or 1:00 pm and 4:30 pm.

**Zoning Guidelines**

- Zoning Guidelines for Street Vendors - A basic Street Vending License (Central Business District Concession License) entitles a vendor to sell handcrafted items or food on public property or private property in the Central Business District. Additional permits are required for food vendors.
- Private Property Zoned for Commercial Use - If a vendor desires to sell on private property, that private property must be zoned for commercial use
- Private Property Zoned for Residential Use - It is never legal for a street vendor to sell merchandise or food on private property zoned for residential use, even if the property owner has given permission. It is not legal to conduct any kind of sales or fundraisers from the front yard, driveway, porch, etc., of a residence.

**Vending in a Public Park or The Farmer Market**

To sell in a park or the Farmer Market, a vendor must have written permission from the Parks and Recreation Department or the Municipal Produce Market (Farmers Market). Vendors within the CBD are required to obtain a Central Business District (CBD) Concession License from the Restaurant and Bar Inspection Division.



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# Requirements for Mobile Food Vendors City of Dallas



INSPECTION TIMES: Tuesday and Thursday 1:00 p.m. – 4:00 p.m.

All inspections are conducted at 7901 Goforth Rd., Dallas, Texas. An on-site inspection may be scheduled at a cost of \$100.00 (Per Vehicle) in addition to the permit fee.

## Mobile Permit Requirements

General Service Pushcart (GS) - \$150.00: Low propane gas permit, current Texas Drivers License, notarized Commissary Approval Form, notarized Letter of Authorization from the property owner if vending will be conducted at a location that is different from the commissary.

Limited Service Pushcart (LS) - \$100.00: Current Texas Drivers License, notarized Commissary Approval Form.

Grocery Truck (LS) - \$100.00: Current Texas Drivers License, proof of liability insurance.

Produce Truck (P) - \$100.00: Current Texas Drivers License, proof of liability insurance.

Lunch Truck (LS)- \$100.00: Notarized Commissary Approval Form, current Texas Drivers License, proof of liability insurance, low propane gas permit.

Catering Truck (C) - \$100.00: Notarized Commissary Approval Form, current Texas Drivers License, proof of liability insurance, low propane gas permit (if propane gas is used).

Ice Cream Truck (I) - \$100.00: Proof of liability insurance, current Texas Drivers License, notarized Commissary Approval Form.

Mobile Food Preparation Vehicle (hot truck) (GS) - \$465.00 (\$315.00 Permit Application fee + \$150.00 Inspection Fee): Current Texas Drivers License, proof of liability insurance, Affidavit of Authenticity of MFPV, Food Service Manager registration, written agreement of the property owner of each vending location allowing the use of toilet facilities, Commissary Approval Form, low propane gas permit.

To obtain a low propane permit, call (214) 670-4319



## General Service Guidelines For Food Preparation Pushcarts

1. The minimum acceptable material of the cart must be no less than 30-mm durable stainless steel. The cart must not have any areas that contain breaks, seams, cracks, chips, pits or similar imperfections or have difficult-to-clean internal corners or crevices. Carts having exposed angle iron supports or bracing will not be approved. No exposed rivets or square-head screws will be allowed.



2. The cart must be non-motorized and easily moveable by one person. The bottom of the food service or storage unit shall be at least 6" from the ground.

3. The measurements of the cart must not exceed 6 feet in length (exclusive of handles no longer than 6 inches), 3 feet in width (exclusive of wheels), or 4 feet in high (exclusive of wheels). Handles measuring 6" or more in length will be included in calculating the length of the cart. Wheels are to be included in the length of the pushcart on bicycles. Trailer hitches are included in the size measurement if it is



**permanently attached to the pushcart.** Overhead protective covering (umbrella) must be in place at the time of inspection to determine if it is in good condition as well as during all times of operation. Grills will not be allowed on the pushcart. The cart must be in operating condition at the time of inspection. **Carts are restricted to the Central Business District area or on private property only.**

4. Each cart must have a hand sink (minimum of 3" deep) and supplied with hot and cold potable water under pressure or gravity fed with a mixing faucet. Tanks relying on gravity for flow shall be vented for escape or intake of air of sufficient volume to allow for water flow. The opening shall be protected from possible contamination.



5. Water tanks shall have a minimum capacity of 2.5 gallons each to equal a minimum total of five gallons when combined. Water tanks shall have a smooth interior with no recesses or crevices.

6. A copy of plans and specifications of the construction of the pushcart must be approved in writing by the Health Department prior to issuing a permit.
7. During the Permitting inspection, the owner of the cart must bring 5 gallons of water in order to measure the size of the tanks, leaks and proper functioning. **Permits will not be issued to carts requiring handsinks unless it is operating properly.**
8. The propane tank must be attached to the outside of the cart and properly anchored in an upright position. A fire extinguisher approved by the fire department must be on the cart at the time of inspection and during all times of operation. Prior to inspection, each operator must submit the low propane permit. Contact the Fire Department at 214-670-4319.
9. The retention tank shall have a minimum capacity of 7.5 gallons (28.4 L) or 15% larger than the water supply tank, whichever is greater. Tanks shall have smooth interior surfaces.
10. Only foods approved by the Director and listed on the permit may be served, sold or distributed. **Only two food items can be served or sold at any one time.**
11. Cooking will not be allowed on the pushcart (i.e., grilling and baking). Only reheating of cooked food by boiling or steaming is allowed.
12. Cutting of vegetables and other food items is prohibited.
13. The cart must be equipped with a mechanical oven or refrigeration system to maintain proper food temperature. Thermometers shall be conspicuously located in each hot or cold unit.

14. Only single service articles are to be used.
15. If used, ice must be drained into a retention tank to be properly disposed of at the commissary. Wastewater leakage will not be allowed. Ice must be drained through the interior of the cart.
16. Stem type thermometers are required on the pushcart to check internal food temperatures, numerically scaled, and accurate to plus or minus 2EF (1EC).
17. Carts must report daily to a commissary for supplies, cleaning and servicing. If the applicant does not own the commissary, a Commissary Approval Form must be completed and submitted to the Department of Health and Environmental Services for approval prior to permitting. All Commissary Approval Forms must be notarized. All commissaries must be permitted fixed food establishments
18. All commissaries must be pre-approved prior to permitting the mobile unit. **Allow up to ten (10) working days for processing.** Each new permit and renewal requires a new notarized Commissary Approval Form.
19. The cart must have firm name and permit number on both sides in at least three (3) inch letters. Permit numbers are assigned at the time of inspection and the numbers must be placed on the cart within 24 hours.
20. Permit must be retained on the cart at all times.
21. The operating location of the mobile unit in the Central Business District (CBD) must be pre-approved prior to being issued a permit. Carts operating on private property must have a notarized Letter of Authorization in order to be permitted.

# Limited Service Pushcart

## Pre-Packaged Foods and Beverages



1. The cart must be stainless steel, anodized aluminum, fiberglass reinforced plastic, or similar materials. If any wood is used, it must be completely covered with Formica-type materials. The cart cannot have any area containing a break, seam, crack, chip, pit or similar imperfection or have difficult-to-clean internal corners or crevices. Carts having exposed angle iron supports or bracing will not be approved. No exposed rivets or square-head screws will be allowed.
2. The cart must be non-motorized and easily moveable by one person. The bottom of the food service or storage unit shall be at least 6" from the ground.
3. The size of the cart must not exceed 6 feet in length, 3 feet in width (exclusive of wheels), or 4 feet in height (exclusive of wheels and umbrellas). Carts must provide the overhead protection (umbrella) at the time of inspection to determine if it is in good condition and must be in operating condition at time of inspection.
4. Operator may vend only pre-wrapped and properly labeled foods in individual packages for immediate consumption and non-potentially hazardous beverages from pressurized dispensers or covered urns.
5. All foods must be obtained from a permitted fixed food facility.
6. If used, ice must be drained into a retention tank to be properly disposed of at the commissary or designated servicing area. No wastewater leakage will be allowed.
7. Carts must report daily to the commissary and servicing area for food supplies, cleaning and servicing. If the applicant does not own the commissary, a Commissary Approval Form must be completed and submitted to the Food Protection Division for approval. All Commissary Approval Forms must be notarized if the owner is not present in our office at the time of the signing.
8. All commissaries must be pre-approved prior to permitting the mo. **Allow up to ten (10) working days for processing of commissary approval.** Each new permit and renewal requires a new notarized Commissary Approval Form.
9. **CARTS AND EXCESS FOOD MUST BE STORED AT THE COMMISSARY OVERNIGHT.**

10. Cart must comply with applicable sections of Chapter 50 if the cart is to be located in the Central Business District areas.
11. Cart must have firm name and permit number on both sides of the cart in at least three (3) inch letters. Permit numbers are assigned at time of inspection and must be placed on cart within 24 hours.
12. Permit must be retained on the mobile unit at all times.
13. Operator must maintain mobile unit in a clean condition at all times.

**Note: Park Department Information:**

1. Chapter 50-156 (b) states you can not sell food and drink concessions on park property without a contract with the Park and Recreation Department.
2. Contact the Special Services Business Office at 5620 Parkdale Drive, Dallas, Texas, 75227, 214/670-85220, if you are interested in receiving more information concerning food and drink concession contracts.

# Mobile Grocery Trucks



1. The vehicle must be an enclosed commercial van or truck with a smooth, easily cleanable floor in good condition. Carpet or wood flooring is strictly prohibited.
2. Only pre-packaged, non-potentially hazardous foods may be sold in single portion units. All other grocery items not packaged in single serve portions must be sold in the smallest quantity available.
3. If soft drinks are cooled on wet ice, a retention tank must be provided and wastewater must be disposed of at a designated service area. Dry ice may be used as a soft drink coolant as well.
4. All food sold must be properly labeled and obtained from an approved permitted facility. **No homemade foods may be sold.**
5. The firm name and permit number must be affixed on both sides of the vehicle in 3" letters.
6. The vehicle must be maintained in a clean condition.
7. The Mobile Food Unit Permit and original Mobile Food Unit Inspection sheet must be kept on the vehicle during all times of operation.

# Produce Trucks



1. The only items approved for sale on a produce vehicle include fresh fruit, vegetables and other agricultural products.
2. The types of vehicles permitted for produce sale are pickup trucks, commercial van, station wagons and trailers. **Trailers must remain hitched to the vehicle at all times.**
3. The floor of the vehicle must be smooth and easily cleanable. Carpeted surfaces are strictly prohibited.
4. **Severely dented or rusted vehicles and trailers will not be approved.**
5. Produce may be displayed only on the body of the permitted vehicle.
6. No tables or similar fixtures will be allowed.
7. The vehicle must have the firm name and permit number permanently affixed on both sides in 3" letters. Newly assigned permit numbers must be provided on both sides of the vehicle within 24 hours of permit approval.
8. The vehicle must be maintained in a clean condition at all times.
9. Mobile Food Permit must be retained on the vehicle at all times.

# Mobile Lunch Trucks



1. A commercially manufactured motorized mobile food from which only prepackaged foods and beverages are sold. Only pre-wrapped, bottled, canned or properly labeled packaged foods in individual servings and non-potentially hazardous beverages in covered urns may be vended.
2. All foods must be from an approved source.
3. Proper equipment must be provided, such as mechanical ovens and electric refrigerators or blowers, to maintain potentially hazardous foods at proper temperatures.
4. The serving of ice for human consumption may be dispensed through an automatic ice machine or stored in an approved ice bin and dispensed by the operator.
5. Ice used as a coolant must be drained into a retention tank and must be properly disposed of at a designated servicing area.
6. Only single service utensils may be used.
7. A Stem-type thermometer must be provided to check food temperatures.
8. All mobile lunch trucks must report daily to the approved commissary and servicing area for food supplies, and cleaning.
9. A commissary is required. If the owner does not own a commissary, a Commissary Approval Form must be obtained from the Food Protection and Education Division and filled out by the commissary owner. The approval form must be signed in the presence of a Notary Public.
10. The firm name and permit number must be affixed to both sides of the vehicle in 3" letters within 24 hours of permit approval.
11. The driver of the lunch truck must have a Texas Drivers License, current auto insurance, a current safety inspection sticker and current vehicle registration.

# MOBILE CATERING VEHICLES



1. The vehicle must be enclosed type such as a commercial van or station wagon with smooth, easily cleanable floors, walls and ceilings.
2. The vehicle must operate from a fixed, permitted commissary. **NO HOME BASED FOOD SERVICE OPERATIONS ARE ALLOWED.**
3. All food must be transported in approved insulated units, electrical heating and mechanical refrigeration to maintain food temperature.
4. Food containers and all serving articles must be stored and dispensed in a manner to prevent contamination.
5. Food may not be sold from a mobile catering truck. The vehicle is used strictly to transport the food and equipment to the catering site.
6. The firm name and permit number must be affixed to both sides of the vehicle in at least three (3) inch letters.
7. The permit must be maintained with the vehicle at all times.
8. The vehicle must be kept clean at all times.
9. The vehicle must report daily to a commissary for supplies, cleaning and servicing. If the applicant does not own the commissary, a Commissary Approval Form must be completed and submitted to the Food Protection and Education Division for approval. All commissary forms must be notarized if the owner cannot be present in our office at the time of signing.
10. If the commissary is located outside the city limits of Dallas, a copy of the health permit and most recent sanitation inspection conducted by the regulating health authority must be submitted.

# Ice Cream Trucks



1. The vehicle must be clean, inside and out, painted, and in good condition. The vehicle with the only servicing window on the curbside of the vehicle.
2. The vehicle must be equipped with left and right outside rear view mirrors and two wide-angle mirrors; one located in the front and one located in the back of the vehicle.
3. The vehicle must be equipped with signs reading **WATCH FOR CHILDREN** and/or **STOP FOR CHILDREN** in 5" letters on both the front and the back of the vehicle. It is recommended that signs be present on all four sides of the vehicle.
4. The vehicle must have firm name and permit number affixed on both sides of the vehicle in 3" letters within 24 hours of the permitting inspection.
5. All vehicles must be equipped with operable four-way hazard lights and at least one permanently affixed amber light on the top of the vehicle.
6. Chapter 30-2 Prohibits the use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise. **Vehicles will not be permitted with a sound generating device attached.**
7. It is recommended that a shield be installed along the rear bumper to prohibit children from standing or jumping on it.
8. Floors and floor coverings must be constructed of a smooth and durable material, such as linoleum or metal, and must be easily cleanable. Carpeting of any type is strictly prohibited. The use of anti-slip floor covering will be allowed.
9. Walls and ceilings must be smooth, easily cleanable and non-absorbent. No carpet or exposed, raw wood is allowed.
10. All equipment must be mounted and properly secured to eliminate unsafe conditions.
11. Food storage units must be clean, in good repair, and properly designed to maintain the food product at 0E F or below. A visible thermometer must be provided.
12. **All ice cream must be pre-wrapped, sealed, labeled and obtained from an approved source.**
13. Pre-packaged candy, chips and soft drinks must be sold in single portion units.

14. If soft drinks are cooled on wet ice, a retention tank must be provided for drainage purposes and must be disposed of at a designated service site.
15. A trash receptacle must be available to the customer from the outside of the vehicle.
16. A commissary is required. If the owner does not own an approved commissary, a Commissary Approval Form must be secured from the Food Protection and Education Division and must be filled out by the commissary owner, signed and notarized.
17. The vehicle must be returned to the commissary daily for servicing and loading of food products.
18. Copies of the Mobile Food Service Permit must be retained on the vehicle at all times.
19. All drivers must possess a current Texas Drivers License, Texas license plate and a Texas safety inspection sticker.
20. Vendors shall not sell, distribute, or offer for sale, any products or services within two city blocks or 600 feet, whichever is greater, of the grounds of any public, private, parochial, elementary or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when school is in session.
21. Vendors shall limit their hours to true daylight, which is defined as 30 minutes before sunrise to 30 minutes after sunset. Those units legally operating inside a park in accordance with Park Department approval may continue to operate during the hours set by the Parks and Recreation Department.

**Note: Park Department Information-**

1. Chapter 50-156 prohibits selling food and drink concessions on park property without a contract with the Park and Recreation Department.
2. Contact the Special Services Business Office at 5620 Parkdale Drive, Dallas, Texas 75227, Telephone 214/670-8520 if you are interested in receiving more information concerning a food and drink concession contract.

# MOBILE FOOD PREPARATION VEHICLE GUIDELINES (HOT TRUCK)



Mobile Food Preparation Vehicle (MFPV) is defined as a commercially manufactured, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.

## **Design Requirements:**

1. Floors of the vehicle must be constructed of durable, easily cleanable material, including, but not limited to, anodized aluminum, stainless steel, or tile. All junctures must be properly sealed. All service lines and pipes must be installed off the floor to allow for easy cleaning.
2. Walls of the vehicle must be durable, easily cleanable, non-absorbent and light in color. Minimum wall materials include, but are not limited to aluminum or fiberglass reinforced plastic (FRP). Walls at vent hood and grill areas must be covered with stainless steel panels. Wall covering must be installed to cover the entire height of each wall. Stud and utility lines may not be unnecessarily exposed on the wall or prevent cleaning.
3. Ceilings of the vehicle must be light in color, non-absorbent, and easily cleanable. Joints and rafters may not be exposed.
4. The cab of the vehicle must be physically separated from the food preparation area, with seats designated for the cook and any passengers located outside of the food preparation area.
5. The vehicle must be equipped with a built-in hose that may be used to wash the interior of the vehicle.
6. Ventilation systems over cooking equipment must be properly vented and meet all City of Dallas Fire Department requirements.
7. The handwash sink must be provided with hot and cold water under pressure tempered by means of a mixing valve or combination faucet. Soap and paper towels must also be available.
8. The potable water tank must be properly installed and of sufficient capacity for food preparation, dishwashing and general cleaning.
9. The retention tank must be permanently installed and of at least 15% larger capacity than the potable water supply tank.

10. The refrigeration and hot holding units must be NSF approved and adequate in number to maintain the required temperature of PHF (potentially hazardous foods).
11. Ice used for drinks must be properly dispensed and drained into a liquid waste retention tank to be disposed of at the designated commissary.
12. Food and single service articles must be properly protected and stored at least six inches above the floor.
13. Adequate lighting must be provided and properly shielded.
14. Outer openings including pop-up vents and sunroof must be insect and rodent proof. Screens must be tight fitting and in good repair. (Duct tape is not acceptable).
15. Service windows must be properly protected with screening of a size no larger than 16 mesh to the inch; must be tight fitting and free of breaks. The windows must be kept closed when not in service.
16. Garbage containers must have tight fitting lids and be kept closed when not in use.
17. A fire extinguisher approved by the Dallas Fire Department must be present on the vehicle at all times.
18. Prior to being inspected, each operator must submit a low propane fire permit.

**Operational Requirements:**

1. All operators of motorized mobile food units must have a current driver license issued by the State of Texas and proof of Liability Insurance.
2. Owners of each MFPV must have a signed and notarized commissary form and an Affidavit of Authenticity of Mobile Food Preparation Vehicle prior to being permitted.
3. Mobile food preparation units must have a current Registered Food Service Manager.
4. An itinerary must be provided for each vehicle prior to the first business day of each month. The Health Department must be advised of any changes immediately. Schedules/Stops must be accurate to within 30 minutes. The name, address and telephone number of the owner of the premises must be provided. A description of the food to be sold or served at each premise must accompany the itinerary.
5. The mobile food preparation vehicle must park only on improved surfaces to sell and serve food.

6. Cooking must not be conducted while the vehicle is in motion.
7. Only fast-cooked food items may be prepared on a mobile food preparation vehicle. Raw poultry or shellfish may be prepared on the vehicle only if it is frozen and breaded that goes directly from the freezer into a fryer.
8. Covers for deep fryers must be provided and installed over fryer units while the vehicle is in motion.
9. The owner must maintain a written agreement with one or more businesses to provide toilet facilities for use by employees of the mobile food preparation vehicle at locations where unit is stopped for vending.
10. The owner must have written agreement from the property owner of each vending location.

# Mobile Food Vendor Checklist



## Key:

GS - General Service Pushcart

LS - Limited Service Pushcart

Grocery – Grocery Truck

Produce – Produce Truck

Lunch – Lunch Truck

Catering – Catering Truck

Ice Cream – Ice Cream Truck

Hot Trucks – Mobile Food Preparation Vehicle

## Food Requirements

1. **All food must be obtained from an approved source:** GS, LS, Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
2. **Single service articles must be properly stored:** GS, LS, Grocery, Lunch, Ice Cream, Hot Trucks
3. **Food and food contact equipment properly stored:** GS, LS, Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
4. **Ice should be properly stored and drained to retention tank:** GS, Lunch, Hot Trucks
5. **All foods must be properly labeled and packaged:** LS, Lunch, Ice Cream

## Equipment Requirements

1. **Food heating and cooling units must be self-contained:** GS, Lunch, Hot Truck
2. **Adequate equipment to maintain proper temperature on all PHF:** GS, LS, Lunch, Catering, Ice Cream, Hot Truck
3. **Thermometers must be provided in coolers and hot holding units:** GS, Lunch, Hot Trucks
4. **Thermometers must be provided for all enclosed freezer units:** GS, Ice Cream, Hot Truck

<http://www.dallascityhall.com/pdf/ehs/MobileFoodVendorRequirements.pdf>

5. **A stem thermometer must be provided for PHF holding temperature tests:** GS, Hot Truck
6. **Floors, walls, ceilings and food contact surfaces must be easily cleanable (i.e. stainless steel, FRP):**, GS, LS, Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
7. **All outer openings must be screened and/or sealed:** Hot Trucks
8. **Adequate amount of shielded lighting must be provided:** Hot Trucks
9. **A handsink with hot and cold running water must be provided:** GS, Hot Trucks
10. **Five gallons of potable water must be provided:** GS, Hot Trucks
11. **A retention tank of at least 6.8 gallons (15% of potable tanks) must be provided:** GS, Hot Trucks

## **Miscellaneous Requirements**

1. **Soap and paper towels must be provided:** GS, Hot Trucks
2. **All toxic chemicals and personal medications must be properly stored and labeled:** GS, LS, Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
3. **All exterior lights, including revolving amber light and caution lights must be functional:** Ice Cream
4. **Proof of vehicle registration and liability insurance must be provided:** Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
5. **Inspected at 8035 E. R.L. Thornton at designated times:** GS, LS, Grocery, Produce, Lunch, Catering, Ice Cream, Hot Trucks
6. **A notarized commissary letter must be provided:** GS, LS, Lunch, Catering, Ice Cream, Hot Trucks
7. **All servicing and restocking shall be done daily at the commissary:** GS, LS, Lunch, Catering, Ice Cream, Hot Trucks
8. **Must be stored at the commissary overnight:** GS, LS, Lunch, Catering, Ice Cream, Hot Trucks
9. **A Registered Food Service Manager must be provided during all operational hours of vehicle:** Hot Trucks

# Workshop Item No. 2

3. **COMMISSION INPUT AND DISCUSSION:** REGARDING THE UNIFIED DEVELOPMENT CODE (UDC) AMENDMENT T-14.  
*Presented by Mr. Harold Ellis, City Planner.*



City of Pearland

## P&Z AGENDA REQUEST

**TO:** Planning & Zoning Commission

**REQUESTOR:** Harold Ellis, City Planner

**DATE:** July 30, 2012, 2012

**AGENDA ITEM SUBJECT:** Unified Development Code (UDC) Amendments – T-14

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Old Business     New Business     Discussion Item     Workshop

### Summary of the amendment process:

Amendments to the Unified Development Code (UDC) are reviewed annually. Based on input from citizens, developers, city council, board members, and city staff, planning staff creates a list of changes to the UDC.

Since UDC is our local zoning ordinance, state law and city charter requires a joint public hearing with the Planning & Zoning Commission (P & Z) and City Council, and two readings of the ordinance by the City Council to approve any changes to the local zoning ordinance.

In Pearland, the Council has directed that the Planning and Zoning Commission review these changes in detail and make a recommendation at the joint workshop. Therefore, the process starts with a P & Z workshop.

Workshop(s) have been scheduled with the P & Z on August 6 and 20, 2012, to discuss proposed amendments. Following these joint workshops, a joint workshops will be scheduled with P & Z and City Council.

Actual text changes will be done following input from the Commission. The language below is in draft form for discussion.

Proposed amendments:

**Terminology/Clarification Changes**

1. Planning Director terminology changed to account for City Planner, due to organizational changes.

Section proposed to be clarified: 1.1.2.2 (a) (Page 1-7) Need to account for City Planner. Proposed new language, should potentially now read **Responsible Official** The Director of Planning, or equivalent, as assigned by the City Manager, is the...

2. Residential lots platted and recorded prior to February 2007 are able to use the setbacks from the Urban Land Use and Development Ordinance, as the side setbacks are the only thing that changed when the Unified Development Code was adopted which pertained to residential setbacks. This will help to address non-conformity issues when existing residential homes are expanded.

Sections proposed to be clarified: 2.4.2.5 (2) (b), 2.4.2.6 (2) (b), 2.4.2.7 (2) (b), should add a new number 2 which states that the side setback for lots recorded prior to 2007 have a minimum of 5' side and a total side setback area of 10'.

3. The description in the land use classification *Trucks (Heavy) and Bus Rental and Sales* should include sales as well as rentals – this was inadvertently left out of the existing description.

Section proposed to be clarified: 2.5.2.1 (a) (Page 2-134) to add *sales* to the language in the definition in addition to rental.

4. The description in the land use classification of *Accessory Structure (Residential)* refers to a nonresidential use, as opposed to residential, which is a typographical error.

Section proposed to be clarified: 2.5.2.1 (a) (Page 2-116) to correct the typographical error by changing the nonresidential reference to a residential reference.

5. For plat approvals that may not fully meet one or more of the Subdivision regulations in Chapter 3 of the UDC, to allow for a P&Z Variance under the Relief Procedures section of chapter 3. This is already current practice.

Section to be changed: 3.1.1.6 (f) (Page 3-11). Add an additional section stating that an applicant may file for a variance to subdivision regulations. Such variance will be acted on by the Planning and Zoning Commission.

6. Currently, certain uses such as bus barns or warehouses which require significant truck parking for the operations for the business have to also provide the required passenger car parking for employees. This may result in excessive parking spaces in certain situations.

Section proposed to be changed: 4.2.1.3 (b) (Page 4-21) potentially adding language to the effect of “Minimum number of spaces for the use is required, unless otherwise approved by the Planning Director”, based on the particular location or situation.

7. Clarify the difference between Yard and Required Yard.

Section to be changed: 5.1.1.1 (456) (Page 5-41) Add a definition for **YARD, REQUIRED** which is defined as being equal to the required setback areas (front, side, and rear) for a given zoning district.

### ***Discussion Items***

8. Request from Meg Belmontes, of the Brick Industry Association, to reduce or eliminate EIFS as an allowed façade material where masonry is required. This could also involve deleting EIFS as a masonry material.

Section proposed to be changed: 2.6.2.1 (c) (1) (Page 2-218) removing or limiting EIFS as a masonry material, AND 5.1.1.1 (Page 5-25) removing or limiting EIFS as masonry.

9. Currently, a non-conforming site may increase parking up to 20% of their total existing parking without triggering site improvements. This could be done repeatedly without triggering the property being brought up to code.

Section proposed to be changed: 4.1.3.2 (b) (3) (Page 4-15) setting a time frame between editions. Possibly 5 years.

10. The current UDC regulation for structures over 50,000 square feet may result in a large amount of articulation for structures over 50,000 square feet, such as a warehouse. This may be excessive in industrial zoning districts.

Section proposed to be changed: 2.4.5.1 (d) (1) (Page 2-97) potentially change regulations for buildings over 50,000 sq ft in M1 and M2, 1’/20’.

11. To broaden the scope of our current definition of Commercial Transit Station, to be used as a metro transit station, for example, cars and buses should be added to the definition.

Section proposed to be changed: 2.5.2.1 (a) (Page 2-132), Commercial Transit Terminal Description, add language to include passenger cars.

12. To allow for more than one temporary outdoor sales event per year in the General Business (GB) zoning district.

Section proposed to be changed: 2.4.4.5 (e) (2) to consider increasing to more than one calendar event per year. Possibly 4 events per calendar year.

13. To allow plat approval to remain in effect (prior to recordation) for a two year period from the approval date rather than the submission date. Preliminary plats, Development plats, Final plats, Minor plats.

Section(s) proposed to be changed: 3.1.3.5 (a), 3.1.4.5 (a), 3.1.5.6 (a), 3.1.6.6 (a), to change approval wording from date of plat submission to date of plat approval.

14. The intent of the Old Townsite is to encourage outdoor activities. Therefore, the CUP was intended to only be required if outdoor seating was to be in the City right-of-way. If located on private property, this was intended to be allowed by-right.

Section proposed to be changed: 2.4.3.4 (c) (10) (a), to add working stating a CUP is only required for outdoor seating if the proposed seating is to be located in City right-of-way.

15. To allow for different parking regulations for shopping centers/strip malls, dependent upon their overall square footage.

Section proposed to be changed: 2.5.2.1(a) (Page 2-155). For shopping centers less than 25,000 sq. ft. the parking ratio will be 1/200 sq. ft. of gross floor area. For shopping centers 25,000 sq. ft. or greater the parking ratio will be reduced to 1/250 sq. ft. of gross floor area. This change is proposed to be accomplished by changing the current description of a shopping center by removing the square footage language and adding the different square footage requirements parking section of the land use table, based on the size of the center.

16. Remove "Mortuary" and "Crematorium" from the Mortuary/Cemetery category in the land use matrix and combine it with Funeral Home. Crematoriums and Mortuaries are a better match with the Funeral Home use.

Section to be changed: 2.5.2.1 (a) (Pages 2-142 and 2-165). The Funeral Home category will now be "Funeral Home/Mortuary (Including Crematorium)" and the Mortuary/Cemetery category will now become "Cemetery (Including Mausoleum)."

17. To clarify where motor homes, trailers, and recreational vehicles may be parked.

Section proposed to be added: 2.5.3.1 (j) **Motor Homes, Trailers, and Recreational Vehicles**. May be parked in an operable conditional in a primary residential driveway. May be stored in a side or rear yard if completed screened in accordance with sections 4.2.4.1 and 4.2.4.3. This change is to illustrate the distinction between parking and storage of these types of vehicles.

18. Change the maximum street light separation from 250' down to 200'. This was a request by Engineering to ensure adequate light coverage within subdivisions.

Section to be changed: 3.2.6.4 (v) (Page 3-58). Change the maximum separation from 250' to 200'.

19. Allow for missing pet signs to be placed around town without being subject to the off premise sign clause.

Section to be changed: 4.2.5.9 (b) (Page 4-73) Under General Exemptions add Missing Pet signs and limit to no more than 10 signs for a 7 day period. Additional restrictions such as size, quantity, etc. may be added.

20. Scenic City – Staff will provide the Commission with the current scenic city application and highlight the areas that Pearland’s regulations did not match with their requirements for a scenic city. The Commission can then discuss whether these items are something that may need to be changed in our UDC.

Recommended action:

Conduct the workshop

10. **Cart must fall within size requirements ( 6 feet long, 3 feet wide, 4 feet high), exclusive of wheels or removable accessories: GS, LS**

# Workshop Item No. 3

## **3. COMMISSION INPUT AND DISCUSSION: PLANNING & ZONING COMMISSION ANNUAL TRAINING.**

*Presented by Mr. Harold Ellis, City Planner, and Mr. Nghiem Doan,  
Deputy City Attorney.*