



City of Saginaw

Meeting Date: 4/17/2018

Staff Contact: Rick Trice

Dir. of Public Works/Economic Dev.

Agenda Item: 7
(CC-0418-14)

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Phone: 817-230-0449

SUBJECT: Public Hearing – Consideration and Action regarding Recommendation from Planning and Zoning Commission regarding an amendment to the Code of Ordinances Appendix A (Zoning Ordinance No. 2002-04) to adopt regulations governing “Mobile Food Unit Park” (Ordinance No. 2018-03)

BACKGROUND/DISCUSSION:

Recently staff has heard an increasing interest in the development of Mobile Food Unit Parks within the City. This item is a staff initiated zoning request to amend Appendix A (Zoning) of the Code of Ordinances to add regulations for “Mobile Food Unit Park”. If approved, the action will add “Mobile Food Unit Park” as an allowed use under the “Commercial, Retail and Service” category with a Specific Use Permit required in the NC (Neighborhood Commercial) and CC (Community Commercial) zoning districts and by right in the LI (Light Industrial) and HI (Heavy Industrial) zoning districts.

The request will also amend Article 5, Section 5.2 (Special Conditions for Listed Uses) by adding Section 5.2.A.28, to read: “Mobile food park units must provide on-site restroom facilities, a paved surface for mobile food unit parking and access to refuse containers. If connections to city utilities are provided, a properly sized grease trap must be installed to serve the park.”

A definition would be added under Article 12.2 (Definitions) as “Mobile Food Unit Park: an area designed to accommodate two or more mobile food units and offering food and/or beverages for sale to the public as the primary use of the property.”

The Planning and Zoning Commission met on April 9, 2018 and unanimously approved the request.

FINANCIAL IMPACT

N/A

RECOMMENDATION:

Staff concurs with the recommendation of the Planning and Zoning Commission that Ordinance No. 2018-03 amending the Code of Ordinances Appendix A (Zoning Ordinance No. 2002-04) to adopt regulations governing “Mobile Food Unit Park” be approved.

Attachments

Planning & Zoning Commission Minutes—April 10, 2018

Staff Memo

Proposed Ordinance

7 (6) PZ 0418-2018 PUBLIC HEARING
Consideration And Action Regarding An Amendment To The Code Of Ordinances
Appendix A (Zoning Ordinance No. 2002-04) To Adopt Regulations Governing Mobile Food
Unit Parks

Chairman Lewis read the request and opened the Public Hearing at 6:05 p.m.

Chief Building Official McMillin stated that in response from citizens and developers, this ordinance is being presented to add the use "Mobile Food Unit Park" to the use table, designate zoning districts where allowed, and provide regulations and a definition. He reviewed the information provided to the members in their packets, saying that a Mobile Food Unit Park would be allowed in Light Industrial and Heavy Industrial by right and in Neighborhood Commercial and Community Commercial with an approved Specific Use Permit.

Chairman Lewis stated he was concerned that the definition was too general and felt that it should be more specific to ensure enforcement of the ordinance. CBO McMillin advised that he has reviewed the proposed ordinance and is satisfied that he will be able to enforce the ordinance as written. There was a discussion regarding the definition.

Chairman Lewis closed the Public Hearing at 6:25 p.m.

A motion was made by Member Haney with a second by Alternate Member Suggs to recommend that the city council approve the amendment to the Zoning Ordinance No. 2002-04 to add Mobile Food Unit Park with regulations and definition. Motion carried 4-0-2.

For: Chairman Lewis, Members Haney, LaBruyere, Alternate Member Suggs

Against: None

Absent: Member Barngrover, Alternate Member Peet

Memorandum

To: Honorable Chairman and Planning and Zoning Commission

From: Kevin McMillin, Chief Building Official

Subject: Mobile Food Unit Park

Date: March 27, 2018

This is a staff initiated zoning request amending appendix (A) (Zoning) of the Code of Ordinances to add regulations for "Mobile Food Unit Park". The request is to add "Mobile Food Unit Park" as an allowed use under the "Commercial, Retail and Service" category with a Specific Use Permit required in the NC (Neighborhood Commercial) and CC (Community Commercial) zoning districts and by right in the LI (Light Industrial) and HI (Heavy Industrial) zoning districts.

This amendment request would also amend Article 5, Section 5.2 (Special Conditions for Listed Uses) by adding Section 5.2.A.28, to read "Mobile food unit parks must provide on-site restroom facilities, a paved surface for mobile food unit parking and access to refuse containers. If connections to city utilities are provided, a properly sized grease trap must be installed to serve the park".

The request would also provide a definition under Article 12.2 (Definitions) as "Mobile Food Unit Park: an area designed to accommodate two or more mobile food units and offering food and/or beverages for sale to the public as the primary use of the property".

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY OF SAGINAW AMENDING APPENDIX A (ZONING ORDINANCE NO. 2002-04) OF THE CODE OF ORDINANCES TO ADD REGULATIONS FOR “MOBILE FOOD UNIT PARK”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Saginaw, Texas has a substantial interest in protecting the health, safety, welfare, convenience and enjoyment of the general public and has adopted zoning regulations to further this interest; and

WHEREAS, public hearings in accordance with the requirements of the Local Government Code were held after proper notice of these hearings was given in accordance with said Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:

SECTION 1.

Article 5, Section 5-1 (Permitted Use Table) of Appendix A, “Zoning,” to the Code of Ordinances for the City of Saginaw is hereby amended by adding “Mobile Food Unit Park” as an allowed use under the “Commercial, Retail and Service” category in the Permitted Use Table with a Specific Use Permit required in the NC (Neighborhood Commercial) and CC (Community Commercial) zoning districts and by right in the LI (Light Industrial) and HI (Heavy Industrial) zoning districts.

Residential											Land Use Designation	Nonresidential						Supplemental Conditions
A	S	S	S	S	S	D	Z	M	M	M		O	N	C	C	L	H	
G	F	F	F	F	F	X	L	H	F	F		P	C	C	F	I	I	
	1	2	3	4	A		L		1	2								
											Mobile Food Unit Park		S	S		P	P	28

SECTION 2.

Article 5, Section 5-2 (Special Conditions for Listed Uses) of Appendix A, "Zoning," to the Code of Ordinances for the City of Saginaw is hereby amended by adding Section 5-2.A.28, to read as follows:

"28. Mobile food unit parks must provide on-site restroom facilities, a paved surface for mobile food unit parking, and access to refuse containers. If connections to city utilities are provided, a properly sized grease trap must be installed to serve the park."

SECTION 3.

Article 12, Section 12-2, "Definitions," of Appendix A, "Zoning," to the Code of Ordinances for the City of Saginaw is hereby amended to add a definition for "Mobile Food Unit Park," to read as follows:

"Mobile food unit park. An area designed to accommodate two or more mobile food units to offer food and/or beverages for sale to the public as the primary use of the property."

SECTION 4.

That this ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

That all rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding management of the public rights-of-way that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 9.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the _____ day of _____, 2018.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY

City of Saginaw Public Notice

A Public Hearing for the purpose of hearing evidence, testimony and comments from all interested persons, will be conducted by the Planning and Zoning Commission at 6:00 p.m. on April 10, 2018, and by the Saginaw City Council at 6:00 p.m. on April 17, 2018, (contingent upon the receipt of a report from the Planning and Zoning Commission,) to consider amending the Code of Ordinances, Appendix A (Zoning Ordinance No. 2002-04), by adopting regulations governing Mobile Food Unit Parks. Both meetings will take place in the Council Chambers at Saginaw City Hall located at 333 West McLeroy Boulevard.

Please direct any questions regarding this matter to Rick Trice, Director of Public Works, 817-230-0500

Acknowledgment of publication requested, mail to City Secretary, P.O. Drawer 79070, Saginaw, Texas 76179. Telephone # 817-232-4640 ext.2327, Fax # 817-232-4644.