



Planning & Development Services Department

550 Landa Street
New Braunfels, Texas 78130
(830) 221-4050 www.newbraunfels.gov

Mobile Food Court Permit Application

FEE: \$309

(\$300 application fee + \$9 technology fee (3%))

- 1. **Applicant Name:** _____
Mailing Address: _____
Telephone: _____ **Email:** _____
- 2. **Property Owner Name/Address (if different):** _____

(If the Applicant is not the property owner, a letter of authorization from the owner must be attached.)

- 3. **Property Address/Location:** _____
- 4. **Subdivision Name, Lot & Block (if platted):** _____
Legal Description (if unplatted): _____ **Acreage:** _____
- 5. **Existing Use of Property:** _____ **Current Zoning:** _____
- 6. **Description of the proposed food court including number of vendors, days/hours of operation, etc:**

7. REQUIREMENTS (please initial each):

- _____ \$309 fee.
- _____ Site Plan, drawn to scale, indicating Mobile Food Units, building setbacks (determined by Zoning District); proposed parking with number of spaces, minimum 10-ft separation between units and other structures; customer seating area(s); restroom facilities; fire lane; trash receptacles; electrical service; easements; floodplains; and other pertinent information.
- _____ Mobile Food Court must be located at least 150 feet from any one- or two-family use or zoning, measured property line to property line.
- _____ All activity must occur on private property.
- _____ Each Unit must be on an all-weather surface pad.
- _____ Seating must occur within 25 feet of the Mobile Food Unit, or within a communal arrangement serving all Units.
- _____ Storage or dispensing of flammable/combustible liquids or gas must meet Fire Code standards.
- _____ A fire lane shall be provided as required by the City's adopted Fire Code.
- _____ Placement of Units may not impede traffic or visually impair motor vehicle operation.
- _____ All lighting shall comply with Secs. 14 through 20 of Chapter 82, Offenses and Miscellaneous.
- _____ Accessible restroom facilities shall be provided within a permanent structure.
- _____ At least one 100-gallon garbage receptacle per Mobile Food Unit. However, a sufficient number shall be provided and maintained so the Food Court is free of trash at all times.
- _____ **I have read and understand the Site Development and Performance Standards of the Mobile Food Court Ordinance (Chapter 144, Section 5.26).**

I hereby certify this information is true and correct to the best of my knowledge.

Signature of Applicant

Date

Printed Name

5.26 Mobile Food Courts

5.26-1 Purpose. Establish development and operational standards for outdoor food venues so as to minimize potential negative impacts on surrounding property while enhancing additional dining experiences within the community.

5.26-2 Definitions:

Mobile Food Unit. A "Mobile Food Unit" is a business that serves food or beverages from a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "Mobile Food Unit" shall not include individual non-motorized vending carts.

Mobile Food Court. A "Mobile Food Court" is a parcel of land where two or more mobile food establishments congregate to offer food or beverages for sale to the public as the principal use and permanent use of the land. This definition shall not be interpreted to include a congregation of mobile food establishment as a secondary, accessory use, and/or temporary use on existing commercially developed land as regulated under Section 5.23 Temporary Vending Operations.

Mobile Food Vending, Base of Operation. The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. A mobile food vending base of operation shall not include activities associated with the "Mobile Food Court" as defined in this section.

5.26-3 Mobile Food Court Location.

- (a) Mobile Food Courts shall be permitted in those Zoning Districts allowing restaurant/prepared food sales.
- (b) Each Mobile Food Court shall be located at least 150 feet away from any one- or two-family use or one- or two-family district, measured from property line to property line.
- (c) All activity must occur on private property outside of the public right-of-way unless the City of New Braunfels has executed a license agreement authorizing such activity.
- (d) Mobile Food Units shall be allowed to change out daily.

5.26-4 Site Development Standards

- (a) No more than ten (10) individual Mobile Food Units are permitted per Mobile Food Court site.
- (b) All setback requirements in the underlying zoning district shall be adhered to. No Mobile Food Unit, structures associated with the Mobile Food Court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s).
- (c) There shall be at least 10 feet of clearance between all individual Mobile Food Units and all permanent, accessory or non-accessory structures.
- (d) Each Mobile Food Unit shall be located on an all weather surface pad as approved by the Building Official or the City Engineer.
- (e) Vehicular drive-through service of food and/or beverages shall not be permitted unless permitted in the underlying zoning district. Compliance with additional drive-through requirements as specified within the City's Code of Ordinances is required.
- (f) All Mobile Food Unit related activity, such as seating, must occur within 25 feet from the associated Mobile Food Unit or within a communal arrangement serving all of the Mobile Food Units.
- (g) All Mobile Food Units and related activities must be located in compliance with the City's adopted Fire Code standards regarding the storage or dispensing of flammable combustible liquid or gas.
- (h) The placement of the Mobile Food Unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- (i) A fire lane shall be provided within a Mobile Food Court as required in the City's adopted Fire Code.
- (j) All lighting associated with the occupancy shall comply with Sections 82-14 through 82-20 of Chapter 82, Offenses and Miscellaneous.
- (k) Accessible restroom facilities shall be provided within a permanent structure, excludes porta-potties and trailer toilets.
- (l) Electrical service may be provided to the Mobile Food Units by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators. The use of on-board generators shall require sound absorbing devices used to contain or deflect noise from any external generator.
- (m) A minimum of one 100 gallon garbage receptacle shall be provided for each Mobile Food Unit. However, a sufficient quantity of garbage receptacles shall be provided and maintained so the Mobile Food Court shall be free of trash, debris and litter at all times. The garbage receptacles shall be maintained in compliance with the Texas Food Code Chapter 229, including:

- (i) Such receptacles are rodent-resistant. Unprotected plastic bags and paper bags, or baled units that contain materials with food residue may not be stored outside.
- (ii) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

5.26-5 Performance Standards

- (a) The visual and structural integrity of the mobile food establishment unit must be maintained continuously.
- (b) No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted.
- (c) Mobile food establishment units providing food services shall be registered, inspected, and permitted by the City Health Department.
- (d) All signage shall comply with Chapter 106, Signs.
 - 1. For the purposes of on-premise signs, a Mobile Food Court shall be allowed the following:
 - (i) Freestanding sign(s) allowed in the underlying zoning district to identify the name of the Mobile Food Court in compliance with Chapter 106.
 - (ii) One (1) sandwich board per Mobile Food Unit that must be placed within ten (10) feet of the Mobile Food Unit.
 - (iii) Signs attached to the exterior of the Mobile Food Unit, excluding roof signs, shall be considered wall signage and exempt from permitting.
 - 2. Prohibited Signs
 - (i) Temporary signs, including banners
 - (ii) Off-premise signs
 - (iii) Digital display signs
- (e) Mobile Food Unit Off-Street Parking Standards: A minimum of two (2) parking spaces per Mobile Food Unit or one (1) parking space for each four (4) seats for patron use, whichever is greater, shall be required. Parking lots shall be constructed in accordance with Section 5.1 of this Chapter. Mobile Food Units may not be located within the parking lot.
- (f) The noise level of mechanical equipment and generators used in association with a Mobile Food Unit shall not violate the provisions of Section 82-9 of Chapter 82, Offenses and Miscellaneous.

5.26-6 Permit Required and Procedures

- (a) A Mobile Food Court Permit shall be required to ensure conformance with the provisions of this section.
- (b) Application for a Mobile Food Court Permit shall be presented to the Building Division on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and specifications of proposed facilities as indicated in this section. Additional information to assist in determining compliance with this section may be required.
 - 1. The Applicant should understand that a Mobile Food Court Permit is only a permit to indicate compliance with this section; a Building Permit and Health Permit must be obtained for the construction and operation of the identified improvements.
 - 2. The Mobile Food Court Permit application may be filed with the application for building permit or separately prior to application for building permit. When filed separately prior to application for building permit, three complete sets of plans, sealed by a Texas registered engineer, architect or land surveyor are required.
 - 3. The Mobile Food Court Permit application shall include the following information:
 - (i) Completed Mobile Food Court Permit application form.
 - (ii) A permit fee of \$300.

5.26-7 Conflict. Where there is conflict between the code adopted in this section and any city, state, or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.



INSTRUCTIONS FOR SUBMITTING THIS APPLICATION

This application can be submitted online using the City of New Braunfels permit portal. For instructions on how to submit this permit application, please read below.

1. Access the online permit portal at <https://nbpermits.nbtexas.org/publicaccess>. Once you arrive at the Portal Login Page you will need to create a username and password.
 - a. The username will need to be a valid email address and you will be informed of the status of your application via email.
 - b. Password Requirements are: Minimum of 8 characters and must include at least one uppercase, one lowercase, and a number. Passwords cannot match your email address, first, or last name.
2. Select the Create Application button at the top center of the page and click on the Planning/Zoning folder.
3. Navigate to the desired application on the following pages. The application will be titled the same as it is on page 1 of this document.
4. Once you have found the correct application type, click on it once and select the Begin Application button.
5. Enter the application information:
 - a. Main: Subject property location (if applicable) and description of the request.
 - b. People: Your contact information. The email address provided will receive status updates on the application as it proceeds through the review process. You can add additional email addresses to receive status updates, but the provided email addresses must have a permit portal account.
 - c. App Form: Questions relating to the application.
 - d. Attachments: Upload a digital copy of this application and all required documents listed on page (1). Attachments must be .pdf format and named as they are listed on this application. **ALL REQUIRED DOCUMENTS LISTED ON THE APPLICATION MUST BE ATTACHED OR THE APPLICATION IS CONSIDERED INCOMPLETE.**
 - e. Payment: The required fee to submit. Please note: all credit/debit card transactions will incur a 2.75% processing fee. We encourage you to utilize one of our free options which include cash, check or e-Check.

You will receive a confirmation email once the application is submitted. If the application is incomplete or requires corrections, you will be emailed by a staff member requesting the information that is necessary to continue review. **AN INCOMPLETE APPLICATION WILL NOT CONTINUE TO BE REVIEWED AND CAN DELAY THE PROCESS.** Communication from the portal system will originate from cwmessenger@newbraunfels.gov.

If you have any questions, please contact Development Planning Division Staff at planning@newbraunfels.gov or (830) 221-4050.