



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	January 14, 2025
<b>Requested Action</b>	APPROVE ON SECOND READING ORDINANCE NO. 2024-28; AN ORDINANCE OF THE CITY OF BOERNE, TX, AMENDING THE UNIFIED DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 2020-29 ON NOVEMBER 24, 2020, INCLUDING BUT NOT LIMITED TO CHAPTER 3, ZONING SECTION 3-6. PERMITTED USES OF BUILDINGS AND LAND, E. ACCESSORY USES; SECTION 3-7 PERMITTED USE TABLES; SECTION 3-11 HISTORIC DISTRICT C. USES; SECTION 3-13 RIVER ROAD OVERLAY DISTRICT C. USES; CHAPTER 5. NONRESIDENTIAL SITES, SECTION 5-6 ONSITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE ( <i>Amendment to Unified Development Code, Mobile Food Unit</i> )
<b>Contact Person</b>	Nathan Crane, AICP Planning Director (830) 248.1521 ext. 1105 <a href="mailto:ncrane@boerne-tx.gov">ncrane@boerne-tx.gov</a>
<b>Background Information</b>	<p><b>PRIOR REVIEW:</b></p> <p>On December 10, 2024, the City Council received the recommendation from the Planning and Zoning Commission, held a public hearing and approved the first reading of the ordinance.</p> <p><b>BACKGROUND:</b></p> <p>The City’s Unified Development Code regulates land use, establishes minimum development standards and design criteria, and identifies the procedures required for City approval. It is used to protect property values and ensure land use compatibility. It is also the primary tool for implementing the future land use policies in the Comprehensive Plan.</p> <p>The format and content of most UDC’s are similar, but the regulations within each ordinance are be tailored to fit the needs of the local community.</p>

To update the regulations for Mobile Food Units (MFUs) and mobile food parks operations within the City of Boerne there are two proposed amendments:

- Code of Ordinances – Chapter 15
- UDC – Chapters 3 and 5 and Appendix A

The amendment to the Code of Ordinances will be considered as a separate agenda item.

**REQUEST:**

1. The proposal will amend regulations for mobile food units (MFUs) and mobile food parks, including changes to Chapter 3, Chapter 5, and Appendix A of the UDC as well as Chapter 15 of the Code of Ordinances.
2. The primary objective of these amendment is to establish clear regulations for the operation of mobile food units and mobile food parks, ensure consistency with health and safety standards, and support the growth of small businesses while maintaining compatibility with existing land uses within the City of Boerne.

**ANALYSIS:**

- The amendment aligns with the City Charter by supporting responsible economic growth and maintaining community standards.
- To develop this amendment, the food truck subcommittee, staff, and Lionheart Consulting reviewed feedback from Commission and Council interviews, an initial draft, and regulatory examples from San Marcos, Fredericksburg, and Buda. Key elements from other cities included limiting operations near residential areas, ensuring access to restrooms, and maintaining mobility standards for mobile units.
- The proposal complies with relevant state and federal regulations, including Texas health standards managed by Kendall County Health Inspector Services, ensuring that mobile food units meet all required health standards without duplicating regulatory oversight.
- The amendment supports the Comprehensive Plan’s goals of economic growth by creating accessible opportunities for small, locally owned mobile food businesses. Allowing mobile food units as accessory and temporary uses in commercial zones supports new entrepreneurs, boosts business diversity, and

attracts residents and visitors, driving foot traffic to nearby businesses and enhancing Boerne’s appeal as a destination.

- By clarifying zoning, parking, and operational standards for mobile food units, the amendment better supports the UDC’s goals of land use compatibility, public safety, and community character. These clear standards benefit applicants and City staff alike, streamlining mobile food unit operations while protecting local businesses and neighborhoods.
- The changes simplify the approval and enforcement process for mobile food units by establishing clear zoning and operational requirements. This structure enhances regulatory efficiency, minimizes potential conflicts, and promotes orderly operations, making compliance and oversight more manageable.
- The amendment encourages growth in Boerne’s mobile food sector, supporting small business development and providing pathways for mobile vendors to transition into permanent establishments, as seen with businesses like Z’s Pizza. These updates modernize the UDC to reflect current trends, enhance regulatory clarity, and align with Boerne’s economic and community objectives.

**FINDINGS:**

- The proposed amendment is consistent with the city charter, state and federal law.
- The proposed amendment is consistent with the Comprehensive Plan and the other plans and initiatives of the city.
- The proposed amendment will enable the city to more effectively fulfill the purpose of the UDC.

**PLANNING AND ZONING COMMISSION ACTION:**

The Planning and Zoning Commission held a public hearing on the UDC amendments at their November 4<sup>th</sup>, 2024, meeting and voted 6-0 to recommend **APPROVAL** of the amendment.

**RECOMMENDATION:**

Based on the recommendation of the P&Z and the alignment with the UDC, staff recommends that the City Council accept the findings and **APPROVE** on second reading the proposed amendment to the Unified Development Code (UDC) regarding regulations for mobile food units (MFUs) and mobile food parks.

	<p><b>MOTIONS FOR CONSIDERATION:</b></p> <p>The following motions are provided to assist the Council’s decision and motion.</p> <ul style="list-style-type: none"> <li>- I move that the City Council accept the findings and <b>APPROVE</b> on second reading the proposed amendment.</li> <li>- I move that the City Council <b>DENY</b> the proposed amendment, based on the following findings: (The Council will need to state the reasons for the denial).</li> </ul>										
<b>Item Justification</b>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input checked="" type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input checked="" type="checkbox"/> Comprehensive Plan</td> <td><input type="checkbox"/> Other:</td> </tr> </table> <p>Recommendation</p>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input checked="" type="checkbox"/> Comprehensive Plan	<input type="checkbox"/> Other:
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<b>Strategic Alignment</b>	<p>B1 - Utilizing data to drive smart decision making  B2 - Advancing Comprehensive plan recommendations  B3 - Providing streamlined and efficient processes:</p>										
<b>Financial Considerations</b>	N/A										
<b>Citizen Input/Board Review</b>	<p>Notice of the Planning and Zoning Commission public hearing was published in the Boerne Star on October 20, 2024. No public comments were received.</p> <p>Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No public comments were received.</p>										
<b>Legal Review</b>	There are no financial obligations related to this request.										
<b>Alternative Options</b>	N/A										
<b>Supporting Documents</b>	Ordinance No. 2024-28 Proposed Amendment										