



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	January 14, 2025
<b>Requested Action</b>	APPROVE ON SECOND READING ORDINANCE NO. 2024- 29; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING THE CODE OF ORDINANCES, BOERNE, TEXAS, CHAPTER 15. OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III. PEDDLERS, CANVASSERS AND SOLICITORS, SECTION 15-56. DEFINITIONS, SECTION. 15-60. USE OF STATE HIGHWAYS PROHIBITED, SECTION 15-65. RESTRICTIONS APPLICABLE TO ALL PEDDLERS, SOLICITORS AND VENDORS, AND SECTION 15-66. PERMIT, WRITTEN APPLICATION REQUIRED; ARTICLE VII. REGULATION OF FOOD ESTABLISHMENTS, SECTION 15-147. DEFINITIONS, ADDING SECTION 15-149. MOBILE FOOD UNITS AND RENUMBERING THE REMAINING SECTIONS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. ( <i>Amendments to Code of Ordinance, Peddlers, Canvassers, Solicitors and Mobile Food Units</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>	<b>PRIOR REVIEW:</b>  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.  <b>BACKGROUND:</b>  The City’s Code of Ordinances serves as the framework for governing a wide range of municipal operations, including public health, safety, and welfare. It establishes specific regulations and procedures to maintain order, protect residents, and support economic and community development. These ordinances are vital for ensuring compliance with state and federal laws while addressing local priorities.

The city tailors its Code of Ordinances to reflect the unique needs and goals of its community. Updates to the Code of Ordinances occur as needed to respond to emerging issues, clarify existing standards, or align with the City's strategic objectives, ensuring regulations remain effective and relevant.

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 UDC amendment will be considered as a separate agenda item to public hearing and noticing requirements.

**REQUEST:**

- Definitions (Sec. 15-56 and 15-147): Introduces definitions for "mobile food unit," "mobile food park," and "roadside vendor," clarifying distinctions between MFUs and roadside vendors.
- Operational Standards (Sec. 15-149): Requires MFUs to demonstrate mobility upon request, have restroom access within 150 feet for operations exceeding one hour, and comply with zoning requirements for operations on private property.
- Location Restrictions (Sec. 15-60 and 15-65): Prohibits MFUs from operating on state highways, restricts overnight parking on public property except for reserved city park events, and limits hours of operation to 7:00 AM–12:00 AM unless otherwise approved.
- Permitting Requirements (Sec. 15-66): Mandates permits for all MFUs, with proof of compliance with Kendall County health standards and mobility verification.
- Mobile Food Parks (Sec. 15-149(b)): Establishes zoning and operational requirements for mobile food parks, requiring activity to occur on private property and compliance with all individual MFU permitting standards.

**ANALYSIS:**

- The amendments align with the City Charter by supporting responsible economic growth and maintaining community standards.

- 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 amendments better support 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. These updates modernize the UDC to reflect current trends, enhance regulatory clarity, and align with Boerne’s economic and community objectives.

**PLANNING AND ZONING COMMISSION ACTION:**

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

**FINDINGS:**

The proposed amendment meets the following 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.

	<ul style="list-style-type: none"> <li>The proposed amendment enables the city to more effectively fulfill the purpose of the UDC.</li> </ul> <p><b>RECOMMENDATION:</b></p> <p>Based on the recommendation of the P&amp;Z and the alignment with the Code of Ordinances, staff recommend that the City Council accept the findings and <b>APPROVE</b> on second reading the proposed amendment to the Code of Ordinances regarding regulations for mobile food units (MFU's) and mobile food parks.</p> <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>	<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: Recommendation
<b>Strategic Alignment</b>	B1: Utilizing data to drive smart decision making B2: Advancing Comprehensive plan recommendations B3: Providing streamlined and efficient processes:
<b>Financial Considerations</b>	There are no financial obligations related to this request.
<b>Citizen Input/Board Review</b>	Notice of the Planning and Zoning Commission public hearing was published in the Boerne Star on October 20, 2024. No public comments were received.  Notice of the City Council public hearing was published in the Boerne Star on November 24, 2024. No public comments were received.
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	

	Ordinance No. 2024-29 Proposed Amendment
--	---