



Mayor: Mario Garza
Mayor Pro-Tem: Leonardo “Lenny” Sanchez
Commissioners: Adina “Dina” Santillan
Ernesto “Neto” Guajardo
Marco “Markie” Villegas

The City of San Juan does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Office of the City Secretary at 956-223-2200 at least 24 hours prior to the scheduled meeting to make proper arrangements.

SAN JUAN CITY COMMISSION

Location: San Juan Memorial Library
Multipurpose Meeting Room
1010 S. Standard St.
San Juan, Texas 78589
Tuesday, January 31, 2023

SPECIAL CALLED MEETING AGENDA **12:00 PM**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ORDINANCES

- A.** An Ordinance Amending Chapter 4. Business Regulations, Article 4.12. Food Establishment Regulations of the City of San Juan's Code of Ordinances by Adding Division 3. Mobile Food Court and Mobile Food Vendors to Provide for Additional Regulations Applicable to Mobile Food Courts and Mobile Food Vendors Located within the City Limits of San Juan; Providing for Effective Date; Providing for Publication; Providing for Codification; Providing for Severability Clause; and Providing for a Repealer Clause. [Daniel Tijerina, Director of Planning]
- B.** An Ordinance Amending Appendix A, Unified Development Code, Chapter 2. Zoning Regulations, Article IV. District Use and Area Regulations, Section 5.00 (C-20) General Business District, Subsection 5.02 Conditional Uses (Required Permits) of the City of San Juan's Code of Ordinances to Provide for the Requirement of a Conditional Use Permit for Mobile Food Courts and Mobile Food Vendors; Providing for Effective Date; Providing for Publication; Providing for Codification; Providing for a Severability Clause; and Providing for a Repealer Clause.

IV. ADJOURNMENT

CERTIFICATION

I certify that the above notice of the Special Called Meeting of the City of San Juan is true and correct; and that I posted such notice on the bulletin board. A place convenient and readily accessible to the public on the 27th day of January, 2023 at 5:30 p.m. in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551-041 - §551.050).

BRENDA ESCALANTE
CITY SECRETARY
CITY OF SAN JUAN, TEXAS

CERTIFICATION OF REMOVAL

I certify that the agenda of items to be considered by the City Commission was removed by the City Secretary's Office from the San Juan City Hall bulletin area on the _____ of _____, 2023.

OFFICE OF THE CITY SECRETARY

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
JANUARY 31, 2023

An Ordinance Amending Chapter 4. Business Regulations, Article 4.12. Food Establishment Regulations of the City of San Juan's Code of Ordinances by Adding Division 3. Mobile Food Court and Mobile Food Vendors to Provide for Additional Regulations Applicable to Mobile Food Courts and Mobile Food Vendors Located within the City Limits of San Juan; Providing for Effective Date; Providing for Publication; Providing for Codification; Providing for Severability Clause; and Providing for a Repealer Clause. [Daniel Tijerina, Director of Planning]

STAFF COMMENTS AND RECOMMENDATIONS:

An Ordinance Amending Chapter 4. Business Regulations, Article 4.12. Food Establishment Regulations of the City of San Juan's Code of Ordinances by Adding Division 3. Mobile Food Court and Mobile Food Vendors to Provide for Additional Regulations Applicable to Mobile Food Courts and Mobile Food Vendors Located within the City Limits of San Juan; Providing for Effective Date; Providing for Publication; Providing for Codification; Providing for Severability Clause; and Providing for a Repealer Clause.

RECOMMENDATION:

Approve as presented.

PREPARED BY:

Daniel Tijerina,
Planning Director

APPROVED BY:

Benjamin Arjona, City
Manager



ORDINANCE NO. 2023 - _____

AN ORDINANCE AMENDING CHAPTER 4. BUSINESS REGULATIONS, ARTICLE 4.12. FOOD ESTABLISHMENT REGULATIONS OF THE CITY OF SAN JUAN'S CODE OF ORDINANCES BY ADDING DIVISION 3. MOBILE FOOD COURT AND MOBILE FOOD VENDORS TO PROVIDE FOR ADDITIONAL REGULATIONS APPLICABLE TO MOBILE FOOD COURTS AND MOBILE FOOD VENDORS LOCATED WITHIN THE CITY LIMITS OF SAN JUAN; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEALER CLAUSE.

WHEREAS, the City of San Juan recognizes that economic development and diversification serves a public purposes for City residents and visitors; and

WHEREAS, public interest in developing mobile food courts and mobile food vendors has emerged as a way of expanding economic opportunities and proving City residents and visitors with increased dining operations; and

WHEREAS, the City of San Juan therefore wishes to establish guidelines and processes for the establishment of mobile food courts and mobile food vendors within the City to promote the health, safety, and general welfare of the City's residents and its visitors; and

WHEREAS, the City of San Juan desires to amend Chapter 4. Business Regulations, Article 4.12. Food Establishment Regulations of the City's Code of Ordinances to provide for additional regulations applicable to mobile food courts and mobile food vendors located within the city limits of the City of San Juan; and

WHEREAS, the City of San Juan finds that it is in the best interest of the citizens of San Juan to amend the Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF SAN JUAN, COUNTY OF HIDALGO, STATE OF TEXAS THAT:

SECTION I. The City Commission he by amends Chapter 4. Business Regulations, Article 4.12. Food Establishment Regulations, San Juan Code of Ordinances is hereby by adding Division 3. Mobile Food Court and Mobile Food Vendors in its entirety underlined below:

Division 3. Mobile Food Court and Mobile Food Vendors

§ 4.12.061 Definitions

- A. EDIBLE GOODS: shall include, but are not limited to:
- (1) Prepackaged food including, but not limited to candy, beverages, and ice cream.
 - (2) Prepared food including, but not limited to hot dogs, desserts, and pizza.
 - (3) On-site prepared food including, but not limited to shaved ice, sandwiches, and tacos.
- B. FOOD SERVICE ESTABLISHMENT: shall mean businesses that sell edible goods and have been inspected and approved by the Health Department, including commercial kitchens and commissaries, and shall specifically exclude accessory or self-serve retail food sales.
- C. MOBILE: shall mean the state of being in active, but not necessarily continuous, movement.
- D. MOBILE FOOD VENDOR: shall mean any business which sells edible goods from a non-stationary location within the City of San Juan. The term shall include, but not be limited to:
- (1) Mobile Food Trucks: A mobile food truck is a self-contained food service operation, located in a readily movable motorized wheeled vehicle, used to store, prepare, display or serve food intended for individual portion service. See design requirement section for additional information. Mobile Ice Cream Trucks are not designated as a mobile food vendor under this ordinance and are not permitted to operate in the City of San Juan.
 - (2) Concession Trailers: A vending unit which is pulled by a motorized unit and has no power to move on its own which is used to store, prepare, display or serve food intended for individual portion service. See design requirement section for additional information.
 - (3) Portable Buildings: A non-permanent building utilized to store, prepare, display or serve food intended for individual portion service. Food Carts, hot dog carts, and any other type of push carts are not designated as a mobile food vendor under this ordinance and are not permitted to operate in the City of San Juan.
- E. MOBILE FOOD COURT: A ‘Mobile Food Court’ is a parcel of commercially zoned property where through the required conditional use permit regulatory process, mobile food vending structures congregate to offer food and/or beverages for sale to the public as the principal use of the property.

- F. NON-REFRIGERATED: shall mean edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit according to the Federal Food and Drug Administration and the Texas Food Establishment Rules.
- G. SELL: shall mean the act of exchanging a good for a profit or in return for a donation.
- H. STATIONARY LOCATION: shall mean the position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.

§ 4.12.062. Permit and Application

- A. Permit. Every mobile food vendor and mobile food court shall obtain a Conditional Use Permit issued by the city to conduct business, and shall comply with the City of San Juan Code of Ordinances. Every permit, including an Occupational and Health Permits, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck, concession trailer, or portable building.
- B. A permit issued under this section is not transferable. Any new mobile food vending operator must apply as a new applicant to fully comply with the applicable zoning regulations, before conducting any business.
- C. It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city.
- D. Permit form. In addition to the requirements of the San Juan Code of Ordinances, each mobile vending units' operator/applicant, even in a Mobile Food Court permit, must each submit the following information in order to be considered:
 - 1. Sales tax number with a copy of sales tax permit; legal name of business or entity.
 - 2. Signed (notarized) permission from the private property owner and a copy of any signed lease and/or rental agreement with said owner.
 - 3. Name, phone number, and driver's license number of the operator/applicant, and all employees operating within the mobile vending unit.
 - 4. Proposed vending location and days/hours of operation; later hours after 10 pm will likely require on-site uniformed security to monitor the noise and traffic.

5. Description of all products being sold; should items be added to the original inventory of products to be sold, these product descriptions shall be provided to the City within 72 working day hours.
6. Description of attached signage, (all signs must be related to business and attached to food unit); on a Mobile Food Court permit, there shall be only one tenant sign permit issued for all the operating mobile food vendors.
7. Photo of mobile food truck, concession trailer, or portable building; in a Mobile Food Court permit, all mobile food trucks shall be preferably 1) no older than one year; 2) the food trailer will not be older than five years, as inspected and cleared by a building inspector, fire marshal, and the Planning Department. Should there be incidental replacement of mobile food vendors in the food court setting, the replacement mobile food truck shall comply with this regulation, too.
8. State or government issued photo identification of each applicant.

E. Permit fee.

1. The application for a single mobile food vendor or a Mobile Food Court conditional use permit shall be \$300.00, or as the CUP fee may be amended from time to time. Once the conditional use permit is approved, then the permit fee for each individual mobile food vendor shall be \$300.00 each.
2. Mobile food vendor permits shall be valid for one year from the date of the conditional use permit approval. It is noted that if the permit is not used within six (6) months after the date granted, the permit shall be automatically cancelled.
3. Upon renewal, the owner/applicant shall pay the CUP renewal fee of \$50.00, and update any changes in the permitting documentation. The applicant must submit the application and the renewal fee within 30 calendar days before expiration of the conditional use permit or risk must reapplying as a new applicant.

F. Permit denial, suspension or revocation. A permit may be denied, suspended or revoked through the process detailed in Article 4.12.007. Suspension of permit and 4.12.008. Revocation of permit (Ordinance 2019-04), of the City of San Juan Code of Ordinances.

§ 4.12.063. Zoning and Location Restrictions

A. Distance and Location Regulations.

1. No mobile food vendor shall conduct business within any residential zoning district or existing residential use. Mobile Food Vendors or a Mobile Food Court shall only be permitted through a conditional use permit within General Business District (C-2).

2. A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location food service establishment or restaurant. It is noted that during a city-sponsored or other community or civic event, this threshold may be adjusted by the City of San Juan with utmost consideration to magnify traffic/pedestrian safety.
3. No mobile food vendor shall locate on any private property without written permission. A copy of the written permission to operate in a specific location, signed and notarized by the private property owner, is required; said permission must also include the use of the sanitary/restroom facilities. This written consent shall be newly required prior to any desired renewal of the applicable conditional use permit.
4. Mobile food vendors (not in a mobile food court) shall be located on private property, within the parking area, and within 50 feet of an existing, permanent business operating in a building with a current certificate of occupancy.
5. Mobile food vendors shall setback a minimum distance of 30 feet from a major thoroughfare. A Mobile Food Court may have its mobile vending units within 30 foot from a major thoroughfare or minor arterial, but with likely compensating safety features and screening such as solid barriers, signage, etc., as approved through the conditional use permit process.

B. Mobile Vending Regulations.

1. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill in or upon any motor vehicle or upon any premises.
2. Mobile food vendors are for walk-up sales to pedestrians for food to go only; and Vendors may not set-up tents, tables, chairs or any other displays within the selling areas. A Drive-Thru is not permitted in conjunction with the mobile food vendor or a Mobile Food Court. It is noted herein that due to the nature of a Mobile Food Court, it may permit a limited number of tables as reviewed/approved through the conditional use permit process.
3. Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All food vending properties, as well as surrounding areas (adjoining properties as legally accessed) must be cleaned daily.
4. The use of mechanical loudspeakers or sound amplifiers for the purpose of advertising any show, sale or display of merchandise is prohibited. Mobile Food Vendors or a Mobile Food Court will not be permitted to use any with a sound generating device attached as a means to generate attention to its' facility. Any violation to this sound/noise regulation may risk the applicable Permit to be

immediately temporarily suspended; this measure supersedes the typical 'suspension' process since its temporary in nature.

5. No Mobile Food Court or Mobile Food Vendors, or the owner(s) of the subject property, will not be permitted to have any flashing lights including strobe lights, blinking lights, etc.
6. All mobile food vendors will be subject to inspection upon permit application, random inspections, and renewals through the Inspections, Fire and Health Departments, and/or the City's prevailing health authorities.
7. Mobile food vendors shall provide the city with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor, and to allow the mobile vendor and their customers' access to a public restroom on-site. A Mobile Food Court shall do likewise in providing annual consent from the property owner; and it is understood that on-site restroom facilities will be constructed and available during operable hours in a Mobile Food Court setting. The number of restroom (stalls, urinals, etc.) will be based on the proposed number of mobile food vendors and potential customers.
8. Temporary connections to potable water are prohibited for a single mobile food vendor. Water shall be from an internal tank, and electricity shall be from a generator. A Mobile Food Court may provide utility adjustments and connections, as metered and pre-approved by the Building Inspector, to result in a safe and economically feasible utility delivery.
9. Mobile food vendors may operate only during the business hours of the primary business on the property. A Mobile Food Court shall have the hours fixed during the conditional use permit process, but may be subject to intermittent adjustment at any time as deemed necessary to provide a reasonable measure of peace and tranquility to the general neighborhood. Should late hours (after 10 pm) be proposed, then the City will likely require on-site uniformed security, from a bona fide professional security firm, to assure that any generated noise and traffic may be properly controlled.
10. All food vending employees must have a current food handler's health permit issued by a bona fide health oversight authority. During the City's inspections, should an employees' food handler's health permit be expired, the option to cease operations will be imposed until said food handlers' permit is acquired and presented to the City of San Juan.
11. Although the conditional use permit review process will mandate the following, it is nevertheless herein stated that mobile food vendors, or a Mobile Food Court, shall not conduct sales at a location other than what was approved by the San Juan City Commission and shall not:

- a. Be located on any driveway or fire lanes.
 - b. Be located in congested areas where the operation impedes vehicular or pedestrian traffic.
 - c. Operate during any officially sponsored city event or activity, unless it has been authorized and approved by the City Commission.
12. In addition to the provisions applicable to Mobile Food Courts, as cited in this Chapter, and as may be specifically imposed through the Conditional Use Permit (CUP) process, the following shall also be imposed to a Mobile Food Court application:
- a. Generally, a Mobile Food Court shall be 150' from a single family residentially zoned or single family residentially used properties; however, a Mobile Food Court may be within this range but the City may increase the (solid) 6' buffering requirement or restrict the hours of operation, either at the outset, or during the CUPs' tenure, and/or mandate uniformed on-site security to maximize sensitivity to the nearby residents' need for a peaceful ambience. On-site security may be required for any late hours (after 10 pm) that the mobile food vendor may desire.
 - b. Mobile Food Court permit, all mobile food trucks shall be preferably 1) no older than one year; 2) the food trailer will not be older than five years, as inspected and cleared by a building inspector, fire marshal, and the Planning Department.
 - c. A Mobile Food Court shall have no less than 4, and no more than 6, mobile vending units throughout its operating days/hours. Should there be an instance that there are less than 4 units that occupy the Mobile Food Court for 50% or more of the time of the Courts' operability, the CUP will be subject to review and possible termination.
 - d. The minimum property size for a Mobile Food Court shall be no less than ten thousand square feet (10,000 square feet).
 - e. A single mobile food vendor shall have a minimum setback of thirty feet (30') from a major thoroughfare. However, in a Mobile Food Court setting, food vendors may be within the 30' building setback, but if so, the City of San Juan shall impose reasonable safety measures. It is further stated that communal dining tables shall not be placed within thirty feet (30') from any property boundary that fronts a major thoroughfare or minor arterial.
 - f. Mobile food vending structures shall be a minimum of ten feet (10') from each other to avoid congestion, or the appearance of congestion.
 - g. There shall be paved parking at Mobile Food Courts' outset – there shall be no grace period to provide minimum paved parking. Furthermore, the vending units shall be on a paved surface, too. It is hereby required that there shall be a

minimum of 2 parking spaces per mobile food unit or one parking space for each 4 seats for patron use, whichever is greater.

- h. As part of the parking plan, an engineered detention plan that complies with the property's pre-development storage capacity shall be provided for the City's review/examination.
- i. The parking plan shall also show compliance to the City's Landscaping Codes regarding perimeter shrubs (to simultaneously act as debris 'net'), trees, flower beds, etc.
- j. Any buffering that may be required shall not be less than six feet (6') in height. No signage/logo/emblem or similar feature, shall be placed, affixed, or painted on any buffer; but said buffer shall plainly remain as originally constructed, and shall be maintained at all times to serve its purpose.
- k. No mobile vending unit shall be placed in a manner that may cause a sight obstruction to general traffic/pedestrian patterns.
- l. The Fire Marshal may impose marked/painted fire lanes, or other safety guiding markings, as part of the conditional use permits' approval; such may be done at the outset, or at any time during the permits' tenure.
- m. A Mobile Food Court shall have the owner(s) provide an on-site building for restroom facilities; with fixtures (stalls, urinals, etc.) for men and women to comply with the prevailing building code(s) plus reasonable discernment based on the number of food vending units and potential patrons; said sanitary facilities shall comply with the American Disabilities Act (ADA) and shall always be subject to random inspection(s) to assure that they are in a constant state of full functionality.
- n. Vending units in a Mobile Food Court setting shall have electrical service provided by a permitted temporary electrical connection, 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.
- o. Each mobile vending unit shall have at least 1 garbage receptacle, as provided by the City's solid waste provider, to be placed for pick-up at a juncture that is safe for general traffic patterns; and once there has been pick-up service, each vending unit's representative/employee shall promptly place the unit in a location that is not readily visible nor in plain view.
- p. There shall be no individual signage for each vending unit. Any signage that may be desired shall be on one tenant sign (ground pole sign) as permitted by the City's Sign regulations.

- q. Each mobile food vendor in a Mobile Food Court setting must apply and secure their own business license/permit from the City of San Juan; should there be circumstances that are continuously delinquent and the individual mobile food vendor remains non-compliant, the City reserve the right to cancel/nullify that specific business license; should the individual food vendor continue to violate city codes, the City may further terminate the Mobile Food Court's Conditional Use Permit, as outlined in the City of San Juan Code of Ordinances.
- r. Should there be a Declaration of an Emergency related to a health issue, each mobile food vendor may be required to provide a work safe plan to include, but not be limited to, maximizing social distancing, washing hands, providing sanitizing measures, etc., as part of their business practices to keep operating. However, the City reserves the right to impose whatever measures are reasonable and necessary to protect its citizens' general health.

§ 4.12.064. Design Requirements

- A. Floors of the food truck, concession trailer, portable building must be durable, non-absorbent, and 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.
- B. Walls 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 or aluminum 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.
- C. Ceilings must be light in color, non-absorbent, and easily cleanable. Joints and rafters may not be exposed.
- D. An extinguishing vent hood, as required by prevailing codes, shall be required, and must be approved by the Fire Marshal. Said hood shall require testing in the presence of the Fire Marshal or his/her designee.

- E. The potable water tank must be permanently installed and of sufficient capacity for food preparation, dishwashing and general cleaning.
- F. The retention tank must be permanently installed and of at least 15 percent larger capacity than the potable water supply tank. Potable water tanks must be located to prevent contamination from the wastewater retention tank or other sources of contamination.
- G. A three compartment sink with a minimum of 110 degree water shall be provided for washing, rinsing, and sanitizing of utensils and equipment during food preparation on the vehicle. Hand washing lavatories shall be located convenient to all food preparation and utensil washing areas. Each lavatory must be provided with hot and cold water and shall have a fully functional water heater. Soap and sanitary towels must be available at each hand sink at all times.
- H. Refrigeration and hot food holding units must be provided to maintain the required temperature of potentially hazardous foods, and shall comply with the prevailing requirements of the Health Department.
- I. Food and single service articles must be properly protected and stored at least six inches above the floor.
- J. Adequate lighting must be provided and properly shielded.
- K. Outer opening 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). Each mobile vending unit shall be treated at regular and necessary intervals with environmentally sensitive but effective insecticides, inside an out, by properly licensed/certified companies. During inspections, a fumigation certificate or rodent treatment receipts shall be made available for inspection and copying by the inspector(s).
- L. The food truck, concession trailer, or portable building must be clean, inside and out, painted, and in good condition. Only one servicing window is permitted.

§ 4.12.065. Enforcement

- A. The Planning Department, the Fire Department, and Health Department shall enforce the sections of this code. If it is determined that a violation of this chapter, or related others, has occurred, the requirements shall be implemented.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect after a second reading, where it is read, considered and adopted by the City Commission and until the fifteen (15) days has passed after its first reading.

SECTION 3. PUBLICATION. The City Secretary of the City of San Juan is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in San Juan, Texas, and in accordance with the applicable laws of this State.

SECTION 4. CODIFICATION. The City Secretary is hereby directed to cause this Ordinance to be codified in the Code of Ordinances of the City of San Juan, Texas, and in accordance with the applicable laws of this State.

SECTION 5. SEVERABILITY. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Commission in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 6. REPEALER CLAUSE. This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

READ, PASSED AND APPROVED ON FIRST READING at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Annotated, Government Code, Section 551.041 on the 31st day of January, 2023.

READ, PASSED AND APPROVED IN SECOND READING at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Annotated, Government Code, Section 551.041 on the ____ day of _____, 2023.

CITY OF SAN JUAN, TEXAS

BY: _____
Mario Garza, Mayor

ATTEST:

BY: _____
Brenda Escalante, City Secretary

APPROVED AS TO FORM:
Palacios Garza & Thompson, P.C.

BY: _____
City Attorney

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
JANUARY 31, 2023

An Ordinance Amending Appendix A, Unified Development Code, Chapter 2. Zoning Regulations, Article IV. District Use and Area Regulations, Section 5.00 (C-20) General Business District, Subsection 5.02 Conditional Uses (Required Permits) of the City of San Juan's Code of Ordinances to Provide for the Requirement of a Conditional Use Permit for Mobile Food Courts and Mobile Food Vendors; Providing for Effective Date; Providing for Publication; Providing for Codification; Providing for a Severability Clause; and Providing for a Repealer Clause.

STAFF COMMENTS AND RECOMMENDATIONS:

An Ordinance Amending Appendix A, Unified Development Code, Chapter 2. Zoning Regulations, Article IV. District Use and Area Regulations, Section 5.00 (C-20) General Business District, Subsection 5.02 Conditional Uses (Required Permits) of the City of San Juan's Code of Ordinances to Provide for the Requirement of a Conditional Use Permit for Mobile Food Courts and Mobile Food Vendors; Providing for Effective Date; Providing for Publication; Providing for Codification; Prviding for a Severability Clause; and Providing for a Repealer Clause.

RECOMMENDATION:

Approve as presented.

PREPARED BY:

Brenda Escalante,
City Secretary

APPROVED BY:

Benjamin Arjona, City
Manager



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING APPENDIX A. UNIFIED DEVELOPMENT CODE, CHAPTER 2. ZONING REGULATIONS, ARTICLE IV. DISTRICT USE AND AREA REGULATIONS, SECTION 5.00 (C-2) GENERAL BUSINESS DISTRICT, SUBSECTION 5.02 CONDITINAL USES (REQUIRED PERMITS) OF THE CITY OF SAN JUAN'S CODE OF ORDINANCES TO PROVIDE FOR THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR MOBILE FOOD COURTS AND MOBILE FOOD VENDORS; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEALER CLAUSE.

WHEREAS, the City of San Juan recognizes that economic development and diversification serves a public purposes for City residents and visitors; and

WHEREAS, public interest in developing mobile food courts and mobile food vendors has emerged as a way of expanding economic opportunities and proving City residents and visitors with increased dining operations; and

WHEREAS, the City of San Juan therefore wishes to establish guidelines and processes for the establishment of mobile food courts and mobile food vendors within the City to promote the health, safety, and general welfare of the City's residents and its visitors; and

WHEREAS, the City of San Juan desires to amend Appendix A. Unified Development Code, Chapter 2. Zoning Regulations, Article IV. District Use and Area Regulations, Section 5.00 (C-2) General Business District, Subsection 5.02. Conditional Uses (Require Use Permits) of the City's Code of Ordinances to require that Mobile Food Court and Mobile Food Vendors obtain a conditional use permit in order to operate within the City; and

WHEREAS, the City of San Juan finds that it is in the best interest of the citizens of San Juan to amend the Code of Ordinances as set forth below.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN JUAN, TEXAS THAT:

SECTION 1: The City Commission hereby orders that APPENDIX A. UNIFIED DEVELOPMENT CODE, CHAPTER 2. ZONING REGULATIONS, ARTICLE IV. DISTRICT USE AND AREA REGULATIONS, SECTION 5.00 (C-2) GENERAL BUSINESS DISTRICT, SUBSECTION 5.02 CONDITINAL USES (REQUIRED PERMITS) OF THE CITY OF SAN JUAN'S CODE OF ORDINANCES be amended by adding the underlined provisions as follow:

§ 5.02 CONDITIONAL USES (REQUIRE USE PERMITS).

- (a) Gasoline service stations or retail outlets where gasoline products are sold;
- (b) Drive-in businesses;
- (c) Planned shopping centers;
- (d) Bars, nightclubs and social event centers in accordance with adopted policies;
- (e) Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, or tents or other temporary structures used for temporary purposes, in accordance with all applicable City regulations and ordinances;
- (f) Portable buildings;
- (g) Owner-occupied residence in compliance with the setback requirements of this zoning district;
- (h) Automotive repair and service as a primary use, including auto paint and body work as a primary use, subject to required conditions. (See conditions listed in Section 5.04 hereof).
 - (1) All establishments engaged in automotive repair, services, maintenance, or paint and body work that are under construction or in existence and located in C-2 zone as of the date of adoption of this subsection shall hereby be classified as conforming uses and shall not be denied the right to expand, repair or rebuild such establishments.
- (i) Mobile food courts and mobile food vendors:
 - (1) All establishments engaged as a mobile food court or mobile food vendor as defined under Article 4.12 of Chapter 4 Business Regulations of the City's Code of Ordinances shall comply with all the applicable local, state and federal regulations, including but not limited to Division 1, 2, and 3 under Article 4.12 Food Establishment Regulations of Chapter 4 Business Regulations under the City's Code of Ordinances.

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect after a second reading, where it is read, considered and adopted by the City Commission and until the fifteen (15) days has passed after its first reading.

SECTION 3. PUBLICATION. The City Secretary of the City of San Juan is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in San Juan, Texas, and in accordance with the applicable laws of this State.

SECTION 4. CODIFICATION. The City Secretary is hereby directed to cause this Ordinance to be codified in the Code of Ordinances of the City of San Juan, Texas, and in accordance with the applicable laws of this State.

SECTION 5. SEVERABILITY. If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Commission in passing this Ordinance that its parts

shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION 6. REPEALER CLAUSE. This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

READ, PASSED AND APPROVED ON FIRST READING at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Annotated, Government Code, Section 551.041 on the 31st day of January 2023.

READ, PASSED AND APPROVED IN SECOND READING at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Annotated, Government Code, Section 551.041 on the ____ day of _____ 2023.

CITY OF SAN JUAN, TEXAS

BY: _____
Mario Garza, Mayor

ATTEST:

BY: _____
Brenda Escalante, City Secretary

APPROVED AS TO FORM:
Palacios Garza & Thompson, P.C.

BY: _____
City Attorney