

## 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 ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES; APPENDIX A. DEFINITIONS CHAPTER 5 - ON-SITE PARKING FOR NONRESIDENTIAL PROPERTIES, APPENDIX A - DEFINITIONS RELATED TO MOBILE FOOD UNITS AND MOBILE FOOD PARKS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A PENALTY FOR VIOLATION; AND CONTAINING A SEVERANCE CLAUSE (Amendment to Unified Development Code, Mobile Food Unit)**

**WHEREAS**, compliance with the City of Boerne Comprehensive Master Plan (“the Plan”) necessitates the update and consolidation of the Unified Development Code (UDC) ordinance; and

**WHEREAS**, the City Council finds it is in the best interests of the health, safety and welfare of the citizens of Boerne that the City’s Unified Development Code (UDC) promote high quality commercial uses, transparency and protection of residential neighborhoods; and

**WHEREAS**, City Council finds that the amendments in this Ordinance accomplish the goals set forth in the Comprehensive Master Plan, bring the City’s zoning into closer alignment with the City’s Land Use Plan, and are in the best interest of the health, safety, and welfare of the citizens of Boerne; and

**WHEREAS**, the City has complied with all requirements of Chapters 211 and 212 of the Texas Local Government Code and all other laws dealing with notice, publication, and procedural requirements for the approval of the regulations in the Unified Development Code; and

**WHEREAS**, the City Council of the City of Boerne conducted a public hearing in order to get public input regarding the amendments to the Unified Development Code on December 10, 2024; and

**WHEREAS**, the City Council of the City of Boerne finds that the Unified Development Code adopted herein accomplishes the purposes set forth above and the purpose of preserving places and areas of historical, cultural, or architectural importance and significance, and is in the best interests of the public health, safety, morals, and general welfare of the public.

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

### Section 1.

That Ordinance No. 2020-29, captioned “Boerne Unified Development Code” is hereby amended as attached hereto as Exhibit A.

### Section 2.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 3.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 4.

The fines and penalties set forth in the Unified Development Code are hereby adopted and approved by City Council and the City Secretary shall provide for publication related to this Ordinance to the extent required by law.

Section 5.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 10 day of December, 2024.

PASSED, APPROVED AND ADOPTED on this the second reading the 14 day of January, 2025.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## Chapter 3. – Zoning

*E* *Accessory uses.*

- a. A mobile food unit accessory use shall demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee;
- b. Be located on property that is developed and improved with an existing, permanent business operating, in a building with a certificate of occupancy at all times while the mobile food vendor occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
- c. Be located behind or in line with the front façade of the primary structure on the property; and
- d. Be located in a zoning district that allows accessory mobile food units.

[illegible]

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### Sec. 3-11. - Historic District.

#### C. Uses.

3. Uses requiring a special use permit:
  - a. Mixed-use building.
  - b. Multi-family.
  - c. Mobile food park

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### Sec. 3-13. - River Road Overlay District.

#### C. Uses.

3. *Additional use restrictions.*
  - c. Mobile food ~~vendors~~ units as an accessory use shall be located on private property with the permission of the owner and shall not park in the right-of-way of any street or state highway within the River Road Overlay District.

## Chapter 5. - Nonresidential Sites

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### Sec. 5-6. - On-site parking for nonresidential properties.

USES	MINIMUM PARKING SPACES REQUIRED
Mobile Food <del>Vendor Park</del>	2 for each <del>vendor</del> <u>unit</u>

## Appendix A. - Definitions

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~~Mobile food vendors: A readily movable, motorized wheeled vehicle or a towed vehicle designed and equipped to prepare, or serve, and sell food.~~

“Mobile food park” means a parcel of land where one or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vendors as a secondary use, accessory use, and/or temporary use.

“Mobile food unit” means a vehicle-mounted mobile food establishment, designed to be readily moveable.

## Chapter 3. – Zoning

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### Sec. 3-6. - Permitted uses of buildings and land.

#### E. Accessory uses.

##### 7. Mobile Food Unit as an accessory use

- a. A mobile food unit accessory use shall demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee;
- b. Be located on property that is developed and improved with an existing, permanent business operating, in a building with a certificate of occupancy at all times while the mobile food vendor occupies the property. The existing business will allow access to restrooms and an indoor or outdoor seating area.
- c. Be located behind or in line with the front façade of the primary structure on the property; and
- d. Be located in a zoning district that allows accessory mobile food units.

### Sec. 3-7. - Permitted use tables.

Legend for Table of Uses													
P = Permitted by right S = Special Use Permit T = Temporary Uses (may require a permit from Permitting and Code Compliance) (Blank) = Not permitted	Neighborhood Office	Office Park	Industrial Office	Neighborhood Commercial	Transitional Commercial	Community Commercial	Regional Commercial	Craft Commercial	Storage and Transportation	Light Industrial	General Industrial	City Property	Civic and Institutional
	O1	O2	O3	C1	C2	C3	C4	CR	I1	I2	I3	CITY	CIV
Retail Use Group- See Sec. 3-6 for Use Restrictions													
Mobile food vendor park				S	S	S	S	P					
Accessory Use Group (a use that is incidental to a primary use) - See Sec. 3-6 for Use Restrictions													
Mobile food unit		P		P	P	P	P	P					
Temporary Use Group - See Sec. 3-6 for Use Restrictions													
Mobile food vendors-unit	T	T	T	T	T	T	T	T	T	T	T	T	T

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