



**NOTICE OF MEETING OF THE
PLANNING AND ZONING COMMISSION
OF
BUDA, TX
6:30 PM - Tuesday, January 26, 2021
Video Conference
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Planning & Zoning Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon.

A. VIDEO CONFERENCE

Please register to attend the online Meeting - January 26, 2021 at 6:30 PM CDT at:

WEBINAR LINK <https://attendee.gotowebinar.com/register/2494643861835532560>

Webinar ID 422-987-859

- After registering, you will receive a confirmation email containing information about joining the meeting.

- Attendees may call in to listen only.

- CALL-IN NUMBER (LONG DISTANCE) +1 (631) 992-3221 - ATTENDEE ID-muted 742-531-405

B. CALL TO ORDER

C. ROLL CALL

Chair Colin Strother

Vice-Chair Meghan McCarthy

Commissioner Henry Altmiller

Commissioner Sam Ardekani

Commissioner Emily Jones

Commissioner David Nuckels

Commissioner E. Scott Ross

D. PUBLIC COMMENTS/PUBLIC TESTIMONY

OPPORTUNITY FOR PUBLIC COMMENT OR PUBLIC TESTIMONY:

Public Comment and Public Testimony will be recognized upon the Chairperson's announcement. When recognized, please state your name and address for the record.

An attendee has three options:

1) Access the webinar and use the "raise the hand" feature during the meeting.

2) Complete the online form for Virtual Public Comment / Public Testimony.

3) Use the email option at comments@ci.buda.tx.us. Please include the Council, or which Board/Commission name, and meeting date in subject line.

E. CONSENT AGENDA

E.1. [Approval of the minutes from the January 12, 2021 regular Planning and Zoning Commission meeting.](#)

[Minutes from PZ 1.12.2021 ND.pdf](#)

- E.2. Consideration and approval of the final Plat of The Well Subdivision, being 3.553 +/- acres out of the S.V.R. Eggleston Survey, Abstract Number 5, Hays County, Texas, and addressed as 835 Main Street, Buda, TX 78610 (FP 20-02) (Senior Planner David Fowler)**

[The Well FP Staff Report 1-26-2021.pdf](#)
[2000111 The Well Final Plat SIGNED.pdf](#)

F. REGULAR AGENDA

- F.1. Continuation of the discussion and possible action regarding the Mobile Food Vendor (MFV) Ad Hoc Committee recommendations regarding the ordinance changes related to Article 8.05 Mobile Food Vendors of the Code of Ordinances. (Director of Planning Melissa McCollum) [PUBLIC TESTIMONY]**

[MFV DRAFT-PZC Comments.pdf](#)
[Ord DRAFT for 1.07.21 MFV Meeting.docx](#)
[MFV Ord 2014-15.pdf](#)

- F.2. Staff update on 2021 expiring board/commission member terms and update on required trainings (Director of Planning Melissa McCollum)**

G. PLANNING DIRECTOR'S REPORTS

COVID-19, Developments, Engineering Department, Transportation Mobility and Master Plan, 2014 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Buda Economic Development Corporation (EDC), Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, MFV Ad Hoc Committee, Road Projects, Status-Future Agenda Request (Planning Director Melissa McCollum)

H. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

I. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact City Hall at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 5:00 pm on January 22, 2021.

/s/_____
Melissa M. McCollum AICP
Director of Planning / Board Liaison



Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on meetings may be obtained from the Board Liaison, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the Board/Commission on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the Board/Commission to allow members of the public to participate and speak to the Board/Commission on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the Board/Commission. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, January 26, 2021

Agenda Item No. 2021-99- #E.1

Contact: David Fowler

Subject: Approval of the minutes from the January 12, 2021 regular Planning and Zoning Commission meeting.

- 1. Executive Summary**
- 2. Background/History**
- 3. Staff's review and analysis**
- 4. Financial Impact**
- 5. Summary/Conclusion**
- 6. Pros and Cons**
- 7. Alternatives**
- 8. Recommendation**

**CITY OF BUDA
PLANNING AND ZONING COMMISSION REGULAR MEETING
(VIDEO CONFERENCE)
MEETING MINUTES
JANUARY 12, 2021 - 6:30 PM.**

A. VIDEO CONFERENCE

B. CALL TO ORDER

Chair Strother called the virtual meeting to order at 6:31 PM.

C. ROLL CALL

Chair Colin Strother	Present
Vice-Chair Meghan McCarthy	Present
Commissioner Henry Altmiller	Present
Commissioner Sam Ardekani	Present
Commissioner Emily Jones	Present
Commissioner David Nuckles	Present
Commissioner E. Scott Ross	Present

D. PUBLIC COMMENTS/PUBLIC TESTIMONY

No public comments were made at this meeting.

E. CONSENT AGENDA

E.1. Approval of the minutes from the December 8, 2020 regular Planning and Zoning Commission meeting.

Commissioner Altmiller moved to approve the minutes on the consent agenda. Vice Chair McCarthy seconded the motion. The motion carried 7-0.

F. REGULAR AGENDA

F.1. Hold a public hearing, deliberation, and possible action in regard to a Specific Use Permit (SUP) request for a Professional, Medical, or Business Office in the Form District 4H (F4H) zoning district for the property known as Chandler Addition, Block1, Lot N. Pt. of 15, Hays County, TX being +/- 0.335 acres, and addressed as 217 Railroad Street, Buda, TX 78610 (SUP 20-03)

Senior Planner David Fowler presented the site location, which is located in the F4H zoning with F3H behind. F4H is designed to be a transition from higher to lower uses. Some residential and some offices, and limited commercial uses allowed. Per the Unified Development Code (UDC) Medical Business or Office requires a Specific Use Permit (SUP). The building was a residence being converted to a Commercial office with parking. This Site shows the building entrance on Railroad Street with parking off of Cherry Street. Parking is planned to be a 'Tru Grid' type of pavement, which is pervious. This site meets parking standards with the interior modifications reviewed by building and fire. No additions are proposed.

This Site covers all evaluation factors and has no negative impact. 30 surrounding properties were notified. The Planning Department received 2 calls that were questions; there were no objections. Staff recommends approval of this SUP with the condition of completion of final staff review of Site

The only questions that arose from the Commissioners were pertaining to screening. Planning staff let the Commission know that screening of neighboring properties is not required due to the mixed-use nature of the F4H zone.

Andy Dodson, the representative of the owner of 217 Railroad, stated that screening is proposed for the parking lot by landscaping to reduce headlight glare to the residential neighbors.

Vice-Chair McCarthy moved to recommend approval of the SUP with the condition of completion of final staff review of the site plan. The motion was seconded by Commissioner Altmiller. The motion passed 7-0.

F.2. Consideration, discussion, and possible action regarding the Mobile Food Vendor (MFV) Ad Hoc Committee recommendations regarding the ordinance changes related to Article 8.05 Mobile Food Vendors of the Code of Ordinances.

Planning Director Melissa McCollum briefed the Commission regarding the MFV Ad Hoc Committee. The Ad Hoc Committee was tasked with a complete re-write of the Code of Ordinances Chapter 8.05 regarding Mobile Food Vendors (MFV). The re-write has been vetted by legal for language, and the Ad Hoc Committee requests input from Stakeholders (Boards and Commissions). The previous MFV Ordinance was adopted in 2014. The MFV Ad Hoc Committee would like to have comments from stakeholders before their next meeting on February 11, 2021.

Commissioners asked for clarification on the definitions of Food Truck Park, Temporary Food Events, Transient Vendor and Commissary as well as clarification of the appeals process and the MFV fees.

Ms. McCollum let the Commission know that amendments to the Code of Ordinances are City Council adopted standards and do not need the Commission to approve.

Chair Strother moved to table this item to allow the Commission to email in their comments to Director McCollum and would like to review possible conflicting visions at the next P&Z meeting. Commissioner Altmiller seconded this item. A 7-0 vote tabled this motion.

G. PLANNING DIRECTOR'S REPORT

COVID-19, Developments, Engineering Department, Transportation Mobility and Master Plan, 2014 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, Road Projects, Status-Future Agenda Request (Planning Director Melissa McCollum)

G.1. Consideration, discussion and recommendation regarding the Planning and Zoning Commission (P&Z) 2021 meeting Dates.

Director Melissa McCollum updated the Commission on the future Commission dates affected by City Council meeting date changes: 3.23.2021 City Council's rescheduled date due to Spring Break the week before, 11.23.2021, during the week of Thanksgiving, and the meeting date during Christmas week on 12.28.2021.

Ms. McCollum briefed the Commission on COVID, and that City and Commission meetings are still virtual except City Council meetings held in-person. The Parks, Recreation & Open Space Master Plan public survey is now open and available online. The EDC is conducting a highest and best use study that will be sent to the Commissioners. Development projects updated were: the Cantina Planned Development passed unanimously by City Council on its 2nd reading 1.8.2020. The Well SUP was also passed by Council on 1.8.2020. The Well did submit an arborist report, and it determined that the Oak on the West side of the property is diseased and in poor health. It will be taken out based on the Arborist's report recommendation. Kelly's Retreat is revising its Development Agreement. A combined P&Z and EDC workshop will be held at a February 2021 P&Z meeting.

H. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

Commissioner Jones would like to have a more in-depth Annexation item where Commissioners can share thoughts and questions. Chair Strother would like an update on how the City is managing representation for the upcoming legislative session.

I. ADJOURNMENT

ViceChair McCarthy made a motion to adjourn the meeting, with Commissioner Altmiller seconding the motion. The motion carried 7-0, and the meeting was adjourned at 7:23 PM.

ATTEST:

Melissa McCollum, AICP, Planning Director

Recording Secretary



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, January 26, 2021

Agenda Item No. 2021-100- #E.2

Contact: David Fowler

Subject: Consideration and approval of the final Plat of The Well Subdivision, being 3.553 +/- acres out of the S.V.R. Eggleston Survey, Abstract Number 5, Hays County, Texas, and addressed as 835 Main Street, Buda, TX 78610 (FP 20-02) (Senior Planner David Fowler)

- 1. Executive Summary**
- 2. Background/History**
- 3. Staff's review and analysis**
- 4. Financial Impact**
- 5. Summary/Conclusion**
- 6. Pros and Cons**
- 7. Alternatives**
- 8. Recommendation**



Planning and Zoning Commission

Agenda Item Report

January 26, 2021

Contact – David Fowler, AICP, Senior Planner
512-312-5745 / dfowler@ci.buda.tx.us

SUBJECT: CONSIDERATION AND APPROVAL OF THE FINAL PLAT OF THE WELL SUBDIVISION, BEING 3.553 +/- ACRES OUT OF THE S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5, HAYS COUNTY, TEXAS, AND ADDRESSED AS 835 MAIN STREET, BUDA, TX 78610 (FP 20-02).

1. BACKGROUND/HISTORY

This is the action item for considering approval of a final plat of The Well Subdivision. The subdivision is the site of a proposed commercial development, for which a Specific Use Permit was approved in January 2021. The purposes of this plat are to create a platted lot and clarify the locations of the utility easements and flood plain within the site. The plat is a requirement for the close-out of the site plan and the issuance of building permits.

Water and wastewater service are provided through the City of Buda. There is an area of Zone A (1 percent annual chance flood hazard) along the eastern boundary of the site, adjacent to Bradfield Park.

2. FINDINGS/CURRENT ACTIVITY

This plat encompasses 1 lot, covering 3.335 acres, within the Buda city limits. The lot fronts on the south side of Main Street. The property is located West of Bradfield Park and east of the North Forest office/retail development. The site is zoned F4H (Form District 4H). the site is also located within the Gateway Corridor Overlay District.

Water and wastewater services are provided by the City of Buda. There are numerous utility easements noted on the plat designed to carry existing nearby utilities through the site. A portion of the site is in the 1 percent annual chance flood hazard area and designated as a floodplain easement on the plat. The plat also shows an access easement connecting to the commercial property to the west and terminating at Main Street.

3. FINANCIAL IMPACT

The approval of this plat will allow the city to issue building permits and collect impact fees for the site. The completed site will yield property and sales taxes for the City.

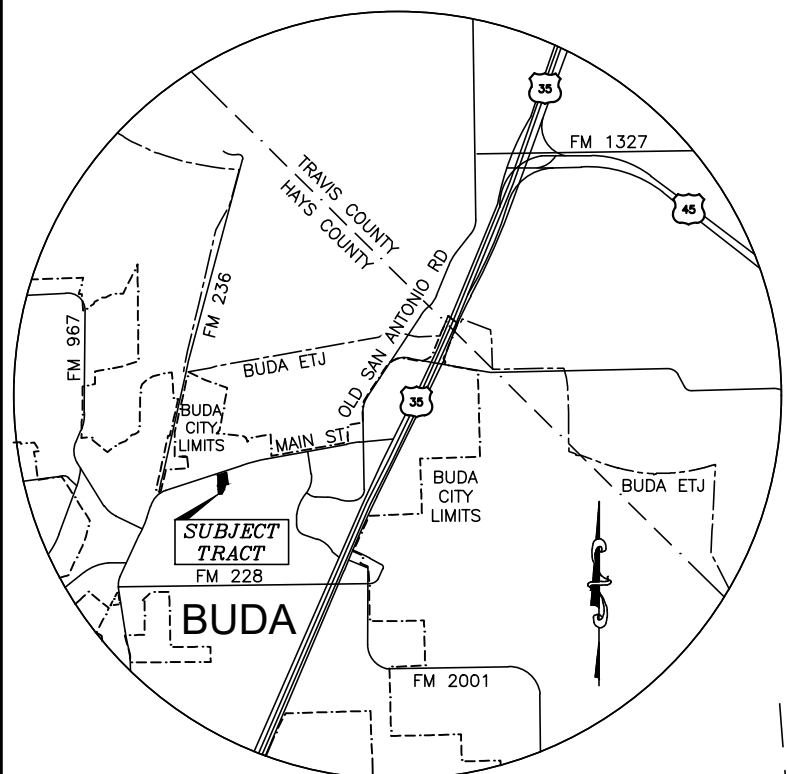
4. ACTION OPTIONS/RECOMMENDATION

Staff recommends approval of this final plat as it is consistent with the requirements of the Unified Development Code.

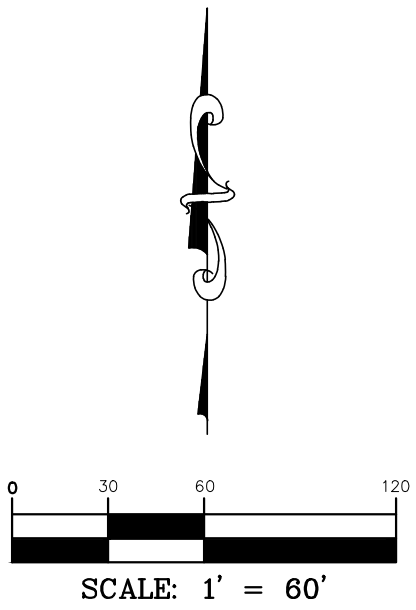
5. ATTACHMENTS

Final Plat of The Well Subdivision

FINAL PLAT OF:
THE WELL SUBDIVISION
3.553 ACRES OUT OF THE
S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5
BUDA, TEXAS



LOCATOR MAP
(NOT TO SCALE)



OWNER: JOSEPH QUARTUCCI
MANAGING MEMBER
589 PROPERTIES, LLC
165 ELMHURST
KYLE, TX 78640

SITE: 835 MAIN STREET
BUDA, TX 78610

ACREAGE: 3.553 ACRES
SQ. FT.: 154,769 SQUARE FEET

NUMBER OF
BLOCKS: 1 BLOCK

LINEAR FEET OF
NEW STREETS: 0 FEET

SUBMITTAL DATE: JANUARY, 2021

DATE OF PLANNING &
ZONING COMMISSION REVIEW: JANUARY, 2021

BENCHMARK NO. 2000111-101
SET "X" CUT ON CONCRETE BASE OF LIGHT POLE
BEING ON THE NORTHEAST CORNER OF MAIN
STREET AND HAWK LANE, APPROXIMATELY 100
FEET NORTH OF THE CENTERLINE OF MAIN STREET
ELEVATION: 705.42' (NAVD'88 GEOID 12A)

BENCHMARK NO. 2000111-102
SET "X" CUT ON CONCRETE BASE OF LIGHT POLE
BEING ON THE NORTH SIDE OF MAIN STREET,
APPROXIMATELY 200 FEET EAST OF HAWK LANE.
ELEVATION: 697.39' (NAVD'88 GEOID 12A)

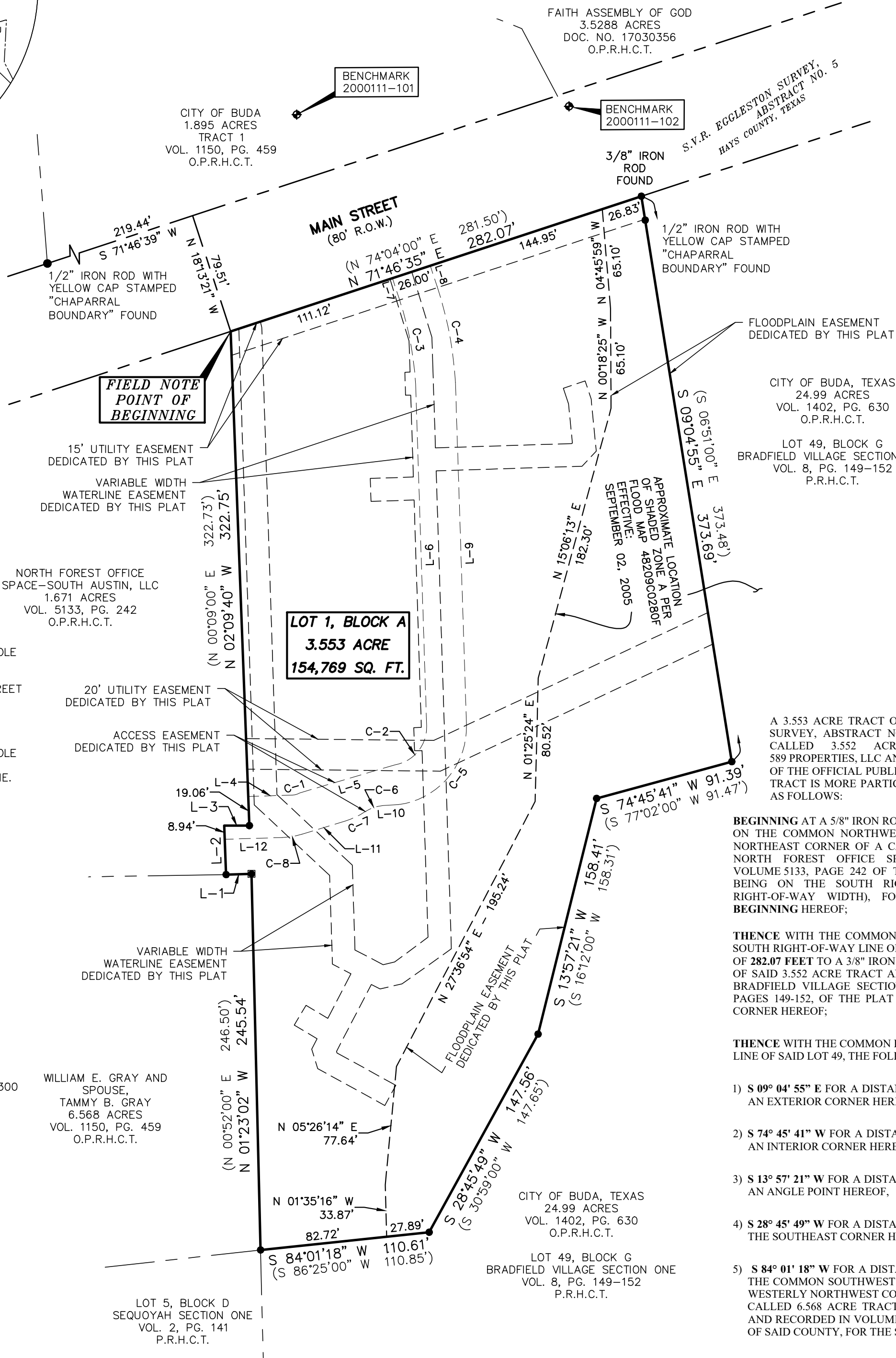
ACREAGE BY
LOT TYPE: 1 - DEVELOPMENT - 3.553 ACRES

NUMBER OF
LOTS
BY TYPE: 1

PATENT
SURVEY: S.V.R. EGGLESTON SURVEY,
ABSTRACT NO. 5

SURVEYOR: MARGARET A. NOLEN, R.P.L.S.
CP&Y, INC.
ONE CHISHOLM TRAIL, SUITE NO. 130
ROUND ROCK, TEXAS 78681
PH. (512) 248-0065
TBPELS FIRM LICENSE NO. 10194125

ENGINEER: ANGGA A WIDODO, P.E. NO. 131523
KIMLEY-HORN
2600 VIA FORTUNA, TERRACE 1, SUITE 300
AUSTIN, TX 78746
PH. (512) 646-2237
FIRM NO. 928



DESCRIPTION

A 3.553 ACRE TRACT OF LAND SITUATED IN THE S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5, HAYS COUNTY, TEXAS AND ALL OF A CALLED 3.552 ACRE TRACT OF LAND DESCRIBED TO 589 PROPERTIES, LLC AND RECORDED IN DOCUMENT NO. 2016-16009605 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 3.553 ACRE TRACT IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH PLASTIC YELLOW CAP STAMPED "CP&Y" SET ON THE COMMON NORTHWEST CORNER OF SAID 3.552 ACRE TRACT AND THE NORTHEAST CORNER OF A CALLED 1.671 ACRE TRACT OF LAND DESCRIBED TO NORTH FOREST OFFICE SPACE-SOUTH AUSTIN, LLC AND RECORDED IN VOLUME 5133, PAGE 242 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF MAIN STREET (80 FOOT RIGHT-OF-WAY WIDTH), FOR THE NORTHWEST CORNER AND **POINT OF BEGINNING** HEREOF;

THENCE WITH THE COMMON NORTH LINE OF SAID 3.552 ACRE TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF SAID MAIN STREET, **N 71° 46' 35" E** FOR A DISTANCE OF **282.07 FEET** TO A 3/8" IRON ROD FOUND ON THE COMMON NORTHEAST CORNER OF SAID 3.552 ACRE TRACT AND THE NORTHEAST CORNER OF LOT 49, BLOCK G, BRADFIELD VILLAGE SECTION ONE, A SUBDIVISION RECORDED IN VOLUME 8, PAGES 149-152, OF THE PLAT RECORDS OF SAID COUNTY, FOR THE NORTHEAST CORNER HEREOF;

THENCE WITH THE COMMON EAST LINE OF SAID 3.552 ACRE TRACT AND THE WEST LINE OF SAID LOT 49, THE FOLLOWING FIVE (5) CALLS:

- 1) **S 09° 04' 55" E** FOR A DISTANCE OF **373.69 FEET** TO A 1/2" IRON ROD FOUND, FOR AN EXTERIOR CORNER HEREOF,
- 2) **S 74° 45' 41" W** FOR A DISTANCE OF **91.39 FEET** TO A 1/2" IRON ROD FOUND, FOR AN INTERIOR CORNER HEREOF,
- 3) **S 13° 57' 21" W** FOR A DISTANCE OF **158.41 FEET** TO A 1/2" IRON ROD FOUND, FOR AN ANGLE POINT HEREOF,
- 4) **S 28° 45' 49" W** FOR A DISTANCE OF **147.56 FEET** TO A 1/2" IRON ROD FOUND, FOR THE SOUTHEAST CORNER HEREOF, AND
- 5) **S 84° 01' 18" W** FOR A DISTANCE OF **110.61 FEET** TO A 1/2" IRON ROD FOUND ON THE COMMON SOUTHWEST CORNER OF SAID 3.552 ACRE TRACT AND THE MOST WESTERLY NORTHWEST CORNER OF SAID LOT 49, BEING ON THE EAST LINE OF A CALLED 6.568 ACRE TRACT OF LAND DESCRIBED TO GEORGE M. SHANKS, JR. AND RECORDED IN VOLUME 1150, PAGE 459, OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, FOR THE SOUTHWEST CORNER HEREOF;

THENCE WITH THE WEST LINE OF SAID 3.552 ACRE TRACT AND THE EAST LINE OF SAID 6.568 ACRE TRACT, **N 01° 23' 02" W** FOR A DISTANCE OF **245.54 FEET** TO A NAIL FOUND IN CONCRETE AT THE BASE OF FENCE POST ON THE NORTHEAST CORNER OF SAID 6.568 ACRE TRACT, FOR AN INTERIOR CORNER HEREOF,

THENCE WITH THE WEST LINE OF SAID 3.552 ACRE TRACT AND THE NORTH LINE OF SAID 6.568 ACRE TRACT, **(L-1) S 88° 07' 25" W** FOR A DISTANCE OF **16.58 FEET** TO A 1/2" IRON ROD FOUND ON THE COMMON ANGLE POINT ON NORTH LINE OF SAID 6.568 ACRE TRACT AND SOUTH LINE OF SAID 1.671 ACRE TRACT, FOR AN EXTERIOR CORNER HEREOF,

THENCE WITH THE COMMON WEST LINE OF SAID 3.552 ACRE TRACT AND THE EAST LINE OF SAID 1.671 ACRE TRACT, THE FOLLOWING THREE (3) CALLS:

- 1) **(L-2) N 02° 13' 40" W** FOR A DISTANCE OF **32.02 FEET** TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CP&Y" SET, FOR AN EXTERIOR CORNER HEREOF,
- 2) **(L-3) S 89° 54' 40" E** FOR A DISTANCE OF **16.41 FEET** TO A 1/2" IRON ROD FOUND, FOR AN INTERIOR CORNER HEREOF, AND
- 3) **N 02° 09' 40" W** FOR A DISTANCE OF **322.75 FEET** TO THE **POINT OF BEGINNING** HEREOF AND CONTAINING 3.553 ACRES OF LAND.

LEGEND

- = 5/8" IRON ROD WITH PLASTIC YELLOW CAP STAMPED "CP&Y" SET
- = NAIL FOUND IN CONCRETE AT BASE OF FENCE POST
- = 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ◆ = BENCHMARK

O.P.R.H.C.T. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

P.R.H.C.T. = PLAT RECORDS, HAYS COUNTY TEXAS

() = RECORD BEARING AND DISTANCE PER DEED RECORDED IN DOCUMENT NO. 2016-16009605 O.P.R.H.C.T.

Kimley»Horn

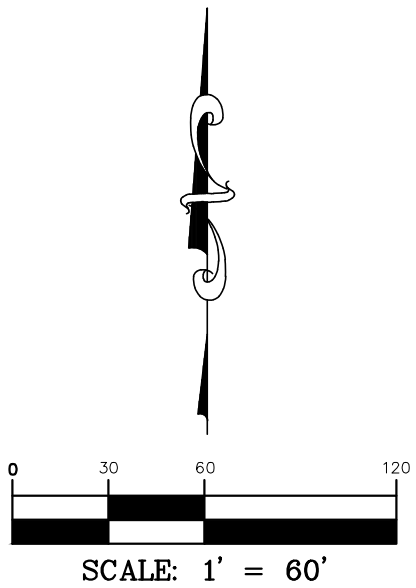
2600 VIA FORTUNA, TERRACE I, SUITE 300 AUSTIN, TX 78746
PHONE: 737-241-8994
WWW.KIMLEY-HORN.COM
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TBPE Firm No. 928

CP&Y

1 Chisholm Trail, Suite 130,
Round Rock, Texas 78681
512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPELS 10194125

Proj. No. 2000111	Sheet 1	C-1701
Date: 01-19-2021	of 3	
Drawing: 2000111-SURVEY		
Scale: 1" = 60'		

FINAL PLAT OF:
THE WELL SUBDIVISION
3.553 ACRES OUT OF THE
S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5
BUDA, TEXAS



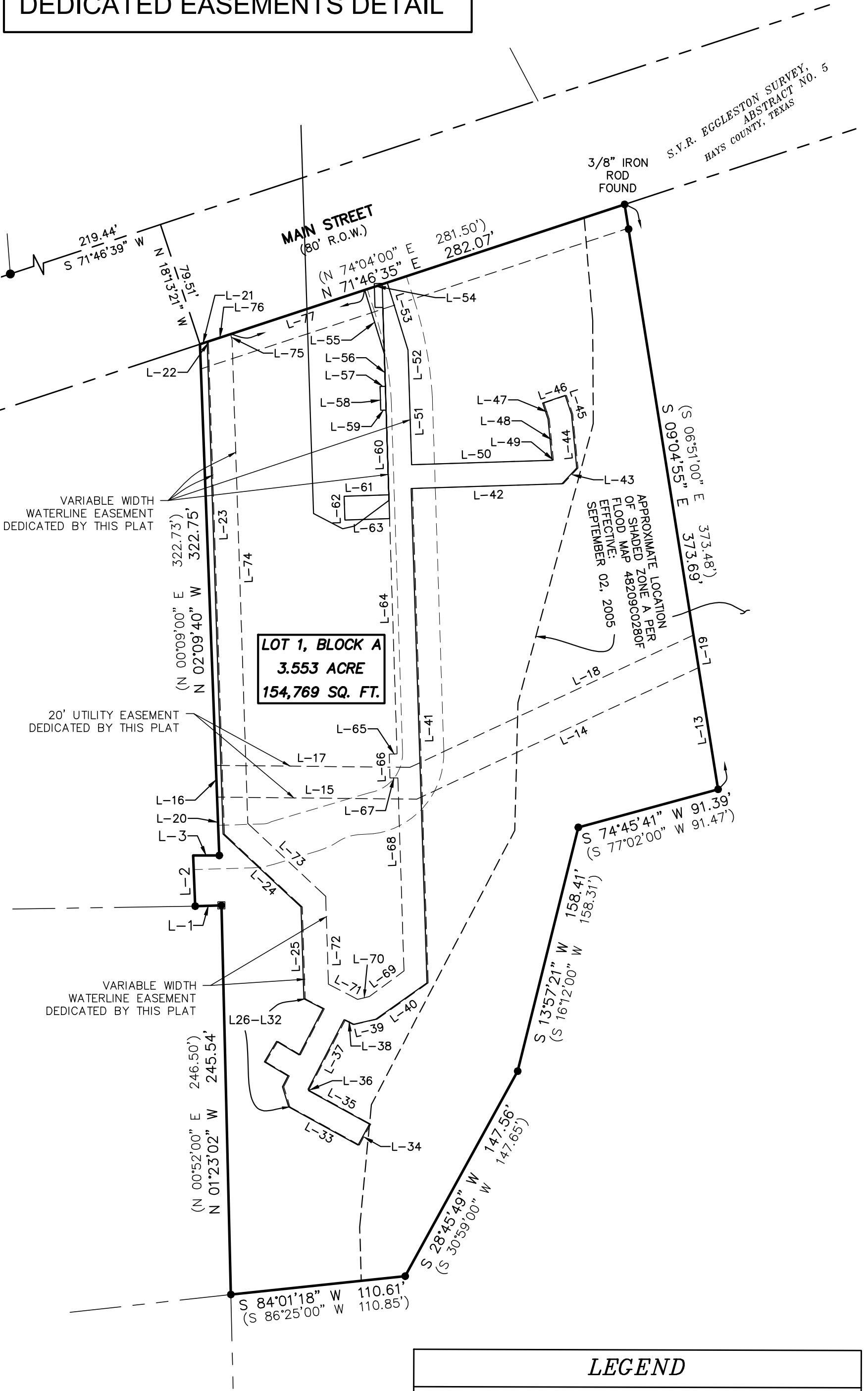
LINE TABLE (RECORD INFORMATION)			
LINE	BEARING	LENGTH	(RECORD)
L-1	S 88°07'25" W	16.58'	(S 87°51'00" W 16.72')
L-2	N 02°13'40" W	32.02'	(N 00°05'00" E 31.74')
L-3	S 89°54'40" E	16.41'	(S 87°36'00" E 16.78')

DEDICATED EASEMENTS DETAIL

LINE TABLE		
LINE	BEARING	LENGTH
L-4	N 88°10'35" E	28.84'
L-5	N 73°36'03" E	64.62'
L-6	N 01°50'50" W	223.22'
L-7	N 18°13'25" W	14.38'
L-8	S 18°13'25" E	14.38'
L-9	S 01°50'50" E	223.59'
L-10	S 86°38'59" W	9.93'
L-11	S 73°00'42" W	29.57'
L-12	S 88°10'35" W	37.51'
L-13	N 09°04'55" W	77.75'
L-14	S 64°59'35" W	196.23'
L-15	N 89°24'06" W	126.03'
L-16	N 02°09'40" W	20.02'
L-17	S 89°24'06" E	122.45'
L-18	N 64°59'35" E	197.39'
L-19	S 09°04'55" E	20.80'
L-20	N 02°09'40" W	36.89'
L-21	N 71°46'35" E	5.39'
L-22	S 13°06'37" E	1.03'
L-23	S 01°51'37" E	309.81'
L-24	S 46°51'37" E	67.35'
L-25	S 01°49'29" E	57.93'
L-26	S 62°30'17" E	13.61'
L-27	S 27°29'43" W	32.74'
L-28	N 59°05'57" W	16.51'
L-29	S 30°54'03" W	15.00'
L-30	S 59°05'57" E	17.41'
L-31	S 27°29'43" W	7.63'
L-32	S 16°51'18" E	13.26'
L-33	S 61°12'20" E	50.03'
L-34	N 28°47'40" E	15.00'
L-35	N 61°12'20" W	43.91'
L-36	N 16°51'18" W	1.04'
L-37	N 27°29'43" E	49.28'
L-38	S 62°30'17" E	6.45'
L-39	N 76°55'35" E	14.66'
L-40	N 54°37'16" E	39.54'

LINE TABLE		
LINE	BEARING	LENGTH
L-41	N 01°49'25" W	312.05'
L-42	N 88°10'35" E	95.23'
L-43	N 43°10'35" E	13.58'
L-44	N 05°37'39" W	34.06'
L-45	N 18°32'25" W	12.57'
L-46	S 71°02'27" W	15.00'
L-47	S 18°32'25" E	10.76'
L-48	S 05°37'39" E	25.56'
L-49	S 43°10'35" W	0.56'
L-50	S 88°10'35" W	89.02'
L-51	N 01°49'25" W	53.85'
L-52	N 01°49'25" W	18.46'
L-53	N 17°05'12" W	44.62'
L-54	S 71°46'35" W	15.00'
L-55	S 17°05'12" E	42.31'
L-56	S 01°49'25" E	20.34'
L-57	S 88°10'49" W	3.38'
L-58	S 01°49'11" E	15.00'
L-59	S 90°00'00" E	3.39'
L-60	S 01°49'25" E	53.41'
L-61	S 88°10'35" W	28.18'
L-62	S 01°51'37" E	15.00'
L-63	N 88°10'35" E	28.17'
L-64	S 01°49'25" E	148.49'
L-65	S 88°10'49" W	4.95'
L-66	S 01°49'11" E	15.00'
L-67	S 90°00'00" E	4.95'
L-68	S 01°49'25" E	121.81'
L-69	S 53°26'15" W	27.17'
L-70	S 76°55'35" W	7.63'
L-71	N 62°30'17" W	20.73'
L-72	N 01°49'29" W	55.37'
L-73	N 46°51'37" W	67.35'
L-74	N 01°51'37" W	305.08'
L-75	N 13°06'37" W	3.85'
L-76	S 71°46'35" W	15.06'
L-77	N 71°46'35" E	88.98'

CURVE TABLE					
CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD
C-1	10.00'	5.09'	029°09'04"	N 73°36'03" E	5.03'
C-2	25.00'	35.83'	082°07'40"	N 39°14'25" E	32.84'
C-3	220.00'	56.61'	014°44'33"	N 10°51'08" W	56.45'
C-4	246.00'	63.68'	014°49'53"	S 10°48'29" E	63.50'
C-5	51.00'	75.20'	084°28'46"	S 40°24'58" W	68.57'
C-6	25.00'	12.58'	028°49'22"	S 71°09'08" W	12.44'
C-7	50.00'	14.20'	016°16'15"	S 64°52'34" W	14.15'
C-8	50.00'	13.23'	015°09'53"	S 80°35'38" W	13.20'



LEGEND	
○	= 5/8" IRON ROD WITH PLASTIC YELLOW CAP STAMPED "CP&Y" SET
■	= NAIL FOUND IN CONCRETE AT BASE OF FENCE POST
●	= 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
⬢	= BENCHMARK
O.P.R.H.C.T. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS	
P.R.H.C.T. = PLAT RECORDS, HAYS COUNTY TEXAS	
() = RECORD BEARING AND DISTANCE PER DEED RECORDED IN DOCUMENT NO. 2016-16009605 O.P.R.H.C.T.	

Kimley»Horn

2600 VIA FORTUNA, TERRACE I, SUITE 300 AUSTIN, TX 78746
PHONE: 737-241-8994
WWW.KIMLEY-HORN.COM
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TBPE Firm No. 928

CP&Y

1 Chisholm Trail, Suite 130,
Round Rock, Texas 78681
512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPELS 10194125

Proj. No. 2000111	Sheet 2	C-1701
Date: 01-19-2021	of 3	
Drawing: 2000111-SURVEY		
Scale: 1" = 60'		

FINAL PLAT OF:
THE WELL SUBDIVISION
3.553 ACRES OUT OF THE
S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5
BUDA, TEXAS

PLAT NOTES:

STATE OF TEXAS §
COUNTY OF HAYS §

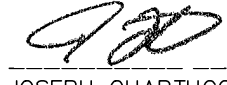
KNOW ALL MEN BY THESE PRESENTS: THAT, JOSEPH QUARTUCCI, MANAGING MEMBER, OF 589 PROPERTIES, LLC, OWNER OF 3.553 ACRE TRACT, BEING ALL OF THAT CALLED 3.552 ACRE TRACT OF LAND, OUT OF THE S.V.R. EGGLESTON SURVEY, ABSTRACT NO. 5, AS DESCRIBED IN A DEED TO 589 PROPERTIES, LLC AND RECORDED IN DOCUMENT NUMBER 2016-16009605 OF THE OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

DO HEREBY SUBDIVIDE SAID 3.553 ACRES, IN ACCORDANCE WITH THE MAP OR PLAT SHOWN HEREON TO BE KNOWN AS:

THE WELL SUBDIVISION

SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 20th DAY OF JANUARY, 2021 A.D.


JOSEPH QUARTUCCI
MANAGING MEMBER
589 PROPERTIES, LLC
165 ELMHURST
KYLE, TX 78640

STATE OF TEXAS §
COUNTY OF HAYS §

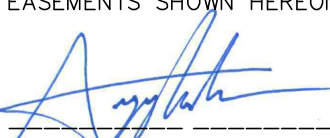
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED JOSEPH QUARTUCCI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____ A.D.

NOTARY PUBLIC IN AND FOR
HAYS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

I, ANGGA A WIDODO, A PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT A PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD ZONE AREA, AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) NO. 48209C028CF OF HAYS COUNTY TEXAS, DATED SEPTEMBER 2, 2005, AND SHALL BE CONTAINED WITHIN THE RIGHT-OF-WAY AND DRAINAGE EASEMENTS SHOWN HEREON.

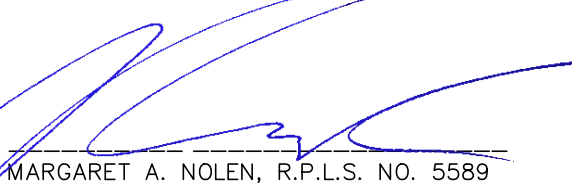

ANGGA A WIDODO, P.E. NO. 131523
KIMLEY-HORN
2600 VIA FORTUNA, TERRACE 1, SUITE 300
AUSTIN, TX 78746
PHONE: (512) 646-2237
FIRM NO. 928

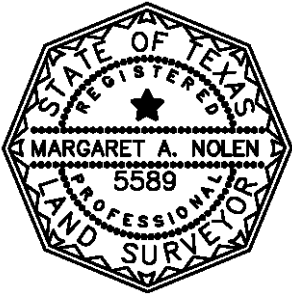


STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARGARET A. NOLEN, A REGISTERED PROFESSIONAL LAND SURVEYOR, AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED PORTIONS OF TITLE 25, IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND WAS PREPARED FROM AN ON THE GROUND SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION DURING NOVEMBER, 2019.


MARGARET A. NOLEN, R.P.L.S. NO. 5589



SURVEYING BY:
CP&Y, INC.
ONE CHISHOLM TRAIL, SUITE. 130
ROUND ROCK, TEXAS 78681
PHONE: (512) 248-0065
TBPELS FIRM LICENSE NO. 10194125

- 1) PORTION OF THIS TRACT IS ENCROACHED BY THE SPECIAL FLOOD HAZARD AREAS ZONE "A", IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP (FLOOD INSURANCE RATE MAP) COMMUNITY PANEL NUMBER 48209C0280F, EFFECTIVE DATE SEPTEMBER 02, 2005, FOR HAYS COUNTY, TEXAS.
- 2) BUILDING SETBACK SHALL BE IN ACCORDANCE WITH THE 2017 CITY OF BUDA ZONING ORDINANCE REQUIREMENTS.
- 3) SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2017 CITY OF BUDA UNIFIED DEVELOPMENT CODE.
- 4) A TEN FOOT (10') P.U.E. AND SIDEWALK EASEMENT ABUTTING AND ALONG THE STREET SIDE PROPERTY LINE IS HEREBY CONVEYED FOR ALL STREET SIDE PROPERTY LOTS SHOWN HEREON.
- 5) BASIS OF BEARINGS IS GRID NORTH FOR THE TEXAS CENTRAL STATE PLANE COORDINATES NAD '83 (HARN '93).
- 6) ONE CALL NOTE: CONTRACTOR MUST CALL TEXAS 811 FOR LOCATION OF UTILITIES.
- 7) FLOODPLAIN EASEMENT RESTRICTION: CONSTRUCTION WITHIN THE FLOODPLAIN MAY ONLY OCCUR WITH THE WRITTEN APPROVAL OF THE CITY. A REQUEST FOR CONSTRUCTION WITHIN THE FLOODPLAIN EASEMENT MUST BE ACCOMPANIED WITH DETAILED CONSTRUCTION PLANS AND STUDIES INDICATING THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL RESULT; AND SUBJECT TO ALL OWNERS OR THE PROPERTY AFFECTED BY SUCH CONSTRUCTION BECOMING A PARTY TO THE REQUEST. WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF TWO (2) FEET ABOVE THE 100-YEAR FLOOD ELEVATION AS DETERMINED BY ANALYZING THE ULTIMATE BUILD-OUT CONDITIONS OF THE ENTIRE DRAINAGE BASIN.
- 8) EASEMENTS: ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THE PLAT (OR FILED BY SEPARATE INSTRUMENT THAT IS ASSOCIATED WITH SAID PROPERTY); AND ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL BE MAINTAINED BY PROPERTY OWNERS. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENTS AND DOES NOT HAVE THE RESPONSIBILITY TO REPLACE THEM.
- 9) EMERGENCY SERVICES: HAYS COUNTY, EMERGENCY SERVICE DISTRICT NO. 2 AND HAYS COUNTY, FIRE & RESCUE DISTRICT NO. 8
- 10) THIS SUBDIVISION DOES NOT LIE WITHIN THE EDWARDS AQUIFER ZONES.
- 11) THIS SUBDIVISION LIES WITHIN THE BOUNDARY OF THE HAYS INDEPENDENT SCHOOL DISTRICT.
- 12) THE CITY OF BUDA WILL PROVIDE WATER AND WASTEWATER SERVICE.
- 13) A BLANKET TYPE ELECTRIC TRANSMISSION AND DISTRIBUTING EASEMENT TO THE TEXAS POWER AND LIGHT COMPANY PER VOL. 104, PAGE 297 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, MAY AFFECT THIS TRACT.
- 14) AN ELECTRIC TRANSMISSION AND DISTRIBUTING LINE EASEMENT TO THE TEXAS POWER AND LIGHT COMPANY PER VOL. 110, PAGE 459 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, MAY AFFECT THIS TRACT.
- 15) A CHANNEL EASEMENT TO THE STATE OF TEXAS PER VOL. 131, PAGE 36 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, MAY AFFECT THIS TRACT.
- 16) THE TELEPHONE PROVIDER IS VERIZON (800) 922-0204.

STATE OF TEXAS §
COUNTY OF HAYS §

I, ELAINE CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT, ON THE _____DAY

OF _____, A.D. 20____, THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF THE SAID COURT RESOLUTION # _____

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____ A.D.

ELAINE CARDENAS
COUNTY CLERK, HAYS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

I, ALICIA RAMIREZ, CITY CLERK WITH THE CITY OF BUDA, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS APPROVED ON BEHALF OF THE BUDA CITY COUNCIL ON THE _____ DAY OF _____, 20____ A.D., AT _____ O'CLOCK _____ M.,

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____ A.D.

ALICIA RAMIREZ
CITY CLERK, BUDA, TEXAS

Kimley»Horn

2600 VIA FORTUNA, TERRACE 1, SUITE 300 AUSTIN, TX 78746
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Round Rock, Texas 78681
512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPELS 10194125

Proj. No. 2000111	Sheet	3 of 3 C-1701
Date: 01-19-2021		
Drawing: 2000111-SURVEY		
Scale: 1" = 60'		



Planning and Zoning Commission Agenda Item Report

Date: Tuesday, January 26, 2021

Agenda Item No. 2021-62- #F.1

Contact: Melissa McCollum

Subject: Continuation of the discussion and possible action regarding the Mobile Food Vendor (MFV) Ad Hoc Committee recommendations regarding the ordinance changes related to Article 8.05 Mobile Food Vendors of the Code of Ordinances. (Director of Planning Melissa McCollum) [PUBLIC TESTIMONY]

1. Executive Summary

This is a continuation of the previous discussion regarding MFV ordinance revisions from the January 12, 2021 meeting. The creation of the Ad Hoc Committee was formed to alleviate the current ambiguities regarding permitting and placement of MFV and the previous code did not address the traveling/transient MFV.

This ordinance will apply to those locate/park on sites/properties for more than two (2) hours (semi-stationary) and those that travel through neighborhoods (transient).

The proposed ordinance continues to address Temporary Food Events and Special Events that still apply to one off/unique cases and circumstances. Such as the school/church festival/fair, community events etc.

The majority of this ordinance was amended/revised to address mobile foods that travel on our streets (transient) and park at our current business (semi-stationary) and operate a certain number of hours.

2. Background/History

On August 4, 2020 City Council appointed the MFV Ad Hoc Committee. This committee has met through Zoom to review the current Code of Ordinances related to MFV.

The MFV ordinance was adopted and placed in the Buda Code of Ordinances (Franklin) Article 8.05 Mobile and Portable Food Vendors (8.05.001-8.05.008) in May of 2014. The Unified Development Code (UDC) also has standards and requirements regarding mobile food vendors but is titled as "Food Truck Park" within the UDC. A Food Truck Park is defined as four (4) or more food trucks

parked and operating on a single lot and requires a Specific Use Permit (SUP) in all allowed zoning categories.

No changes at this time are recommended to the UDC, but this will be a complete re-write of the MFV section 8.05. Attached is the current 2014-15 MFV Ordinance.

3. Staff's review and analysis

This is a DRAFT revisions to the current Code of Ordinances, Section 8.05. The MFV Committee met on January 7, 2021 and recommended that each board/commission/corporation member get input from current stakeholders. This is an opportunity for the P&Z to comment on the current DRAFT.

The MFV Ad Hoc Committee will combine/analyze comments from stakeholders at their next meeting scheduled February 11, 2021 and then proceed to City Council for consideration.

4. Financial Impact

5. Summary/Conclusion

6. Pros and Cons

7. Alternatives

8. Recommendation

Provide input and recommendation/changes to current DRAFT. Attached MFV P&Z Comments combines the comments received from P&Z commissioners (pink) with general responses from staff (blue). Please be ready to discuss.

ARTICLE 8.05 MOBILE FOOD VENDORS (MFVs)

Section 8.05.010 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

(a) *Accessory Trailer* means any mobile unit not used for food preparation (e.g. storage, portable bathroom facilities, etc.). Accessory trailers count towards the mobile food vending units on a single location.

(b) *Approved Source* means a source of food found to be safe, unadulterated and honestly presented, as further described in Section 229.164 of the Texas Food Establishment Rules, as amended.

(c) *Commissary* means a central preparation facility or other fixed food establishment that stores, prepares, packages, serves, vends or otherwise provides food for human consumption to mobile, temporary and portable food vendors.

(d) *Health Authority* means the City of Buda (the “City”), or its designee, and/or any other entity charged with enforcement of regulations applicable to establishments regulated under this Article.

(e) *IFC* means the 2018 International Fire Code published by the International Code Council.

(f) *Mobile Food Truck Park* means a single location with 4 or more mobile food vending units, including accessory units.

(g) *Mobile Food Vendor (MFV)* means a food establishment designed to be readily movable. It may be a motor vehicle, cart or trailer which operates or sells food for human consumption, hot or cold, with an engine for propulsion and that is readily moveable upon request. “Special Event” and “Peddler and Solicitors” as defined by Sections 18.07.031 and 14.02.007 respectively, of this Code, are exempted from MFVs.

(h) *Residential District* means a residentially zoned district as defined by the Uniform Development Code (“UDC”) of the City, including multi-family residential.

(i) *Residential use* means a single-family, townhouse, duplex, mobile home, or multi-family use as defined in the UDC of the City.

(j) *Semi-Stationary MFV* means an MFV which remains in a single location for in excess of 2 hours. MFVs shall be considered an accessory use, unless operating within an approved Mobile Food Truck Park. MFVs shall not be considered an accessory structure. No more than three (3) mobile food vending units (whether food preparation or Ancillary Trailers) shall be permitted/located on a single location not permitted as a Mobile Food Truck Park.

Commented [ND1]: Should Semi Stationary and Transient be included in 1 definition?

Commented [MM2R1]: They were separated, as one travels through the neighborhood (transient) and those that are parked onsite (stationary). They also have different hours of operation. The single definition was for MFV in general.

Commented [ND3]: Explanation of Accessory Units? Vendors should be Mobile.

Commented [MM4R3]: We have had some MFV have more than one “trailer” or “accessory unit for each business. We are trying to spell out that each trailer, will count to the number of units allowed.

Commented [ND5]: Needs more info in UDC regarding Parks. – what is needed for a Park. Reference the UDC in ordinance for the requirements.

Commented [MM6R5]: This was to show the limitation of 3 and under per lot could apply through this permit. 4+ had to meet Food Truck Park. Yes, we could add a reference 2.06.05

Commented [ND7]: No trailers? Spell out what propulsion is needed if a trailer.

Commented [MM8R7]: Trailers are allowed. Old definition mandated connected to a vehicle, tried to revise to be close by or readily movable. Will add clearer language to define “propulsion.”

Commented [ND9]: Difference of Semi Stationary and Transient- Why 2 hours?

Commented [MM10R9]: Transient moves on City Streets. Only wanted the MFV to park in any one place for a maximum of 2 hours.

(k) *Special Event* means the promotion or attraction for a common purpose including but not limited to, street fairs, arts and craft shows, and other happenings as defined in Section 18.07.031 of this Code.

(l) *Temporary Food Event* means an organized event on private property of limited duration, operating within 500 feet of the site of an approved special event application under Sections 18.02.066 (*Parks and recreation rental application guidelines*) and 18.07.031 (*Special Events*) of this Code, involving the sale of food and/or beverages for human consumption.

(m) *Texas Food Establishment Rules* or *Rules* means 25 Texas Administrative Code §§ 229.161 – 229.171, 229.173 - 229.175, as amended.

(n) *Transient MFV* means an MFV which is not stationary in any single location for greater than 120 minutes or 2 hours.

Section 8.05.020 Purpose

This entire Article is and shall be deemed an exercise of the police power of the state, and the City for the public safety, convenience and protection of the City and the citizens of the City, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(a) This Article is intended to provide a safe, orderly means for mobile food establishments (“MFVs”) to conduct business within the corporate limits of the City. All regulations of this Article are deemed necessary for the protection of the health, safety and general welfare of the businesses as well as the citizens of the City and general public.

(b) No MFV shall operate without an MFV permit issued by the City of Buda (“City”) subject to this Article.

(c) Operating without a valid MFV permit as required by this Article shall be in violation of this Article and subject to all penalties provided for herein.

(d) The provisions of this Article shall be administered by the Director of Planning or their designee (“Director”).

Section 8.05.030 Requirements Applicable to all MFVs

(a) It shall be unlawful for an MFV to operate within the City limits, without having first applied for and obtained a permit from the City as provided for in this Article. It shall be unlawful for a permit holder to fail to comply with any condition of such permit or requirement of this Article.

(b) MFVs shall comply with all applicable state and local laws and regulations, including but not limited to Texas Food Establishment Rules.

Commented [ND11]: Should the Health Dept be the one to suspend? Administered by Planning only?

Commented [MM12R11]: Yes, Health Department can suspend. Planning is the head of the permitting department. A general reference to how permits are pulled.

(c) MFVs shall comply with all fire suppression requirements of IFC Section 319, *Mobile Food Preparation Vehicles*.

(d) MFVs conducting business within the unincorporated areas of Hays County (including the city limits of Buda) shall have their food trucks and/or trailers registered, inspected and permitted by Hays County Fire Marshal's Office on an annual basis.

(e) MFVs must operate from an approved commissary in good standing as defined and required in the Rules. An existing food establishment may serve as a commissary if approved by the City. The commissary and/or existing food establishment would be required to have an approved vehicle storage facility, approved potable water hookups, approved wastewater drainage facilities, approved grease interceptor hookups and size, and any other accommodations as determined necessary by the City to ensure compliance with all regulatory codes. The commissary shall comply with all Texas Food Establishment Rules and hold all current licenses and permits as required by the Rules. Valid copies of the commissary's licenses and permits used under the Food Establishment Rules and most recent health inspection report must be kept on file with the City. MFVs shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the City. MFVs that are required to operate from a commissary under the Rules must complete a commissary certification letter.

(f) MFVs must be equipped with commercial mechanical facilities sufficient to provide proper cooking ventilation and fire suppression for an eating establishment, as established under the City's adopted building codes. All equipment on the vehicle is to be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.

(g) The MFV shall provide covered garbage and storage facilities for employee and customer use of sufficient size so that refuse is fully contained in a manner that prevents litter and remains insect and rodent-proof.

(h) Plumbing. The MFV unit or vehicle must meet the following standards:

- (1) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be discharged to any unauthorized food establishment grease interceptor.
- (2) Liquid waste shall not be discharged from the retention tank when the MFV unit or vehicle is open to the public or in the process of preparing food.
- (3) The waste connection shall be located below the water connection to preclude contamination of the potable water system.
- (4) Connections to a water or sewage system at an operation location is prohibited.

Commented [ND13]: Rather than APPROVED Perhaps "registered with a commissary", or that "food is prepared and stored at a commissary"... Is this something the state health department already speaks to that we can reference?

Commented [MM14R13]: Commissary is the prep area traditionally. MFV submit their commissary info in the permit application as an approved commercial kitchen facility. This is part of the current code which MFV didn't seem to question.

Commented [ND15]: State Licensed Commissary?

Commented [MM16R15]: I will need to look more how these facilities are licensed. Most current MFV use a current commercial restaurant facility.

Commented [ND17]: Clarification of "Rules"- "this Ordinance" maybe?

Commented [MM18R17]: Yes, this can be clarified.

Commented [ND19]: Add "Approved" Commissary "State Licensed. Do not contradict 1st sentence

Commented [MM20R19]: Will look into.

Commented [ND21]: What about Transient? What size is sufficient?

Commented [MM22R21]: I don't think this was thought about for transient as much since they would usually be traveling through the neighborhood, people would take trash home and the MFV would dispose as needed. Size too was not specified as some places have dumpsters that they would share with the primary user/business. Wanted to make sure that litter would not be allowed and could point to a section of this ordinance.

Commented [ND23]: Resistant? Or "to the best ability of operator"?

Commented [MM24R23]: I think we just kept general.

Commented [ND25]: Maybe state why connections are prohibited?

Commented [MM26R25]: Yes. We could state here, but generally you do not want to set up connections for temporary users. (Building/ Plumbing Code) A Food Truck Park a site plan and SUP is needed and connections are defined if planned.

- (i) All employees of the MFV must have a valid food handler's training certificate.
- (j) The MFVs shall secure and display a health permit from Hays County, and a permit issued under this Article, prior to the operation of such use.
- (k) The MFVs shall display and provide the City with a copy of the Texas sales tax and use certificate and shall be billed as taxable to the City. The City reserves the right to perform audits to ensure that Buda is the location for sales tax revenue and, the City reserves the right to immediately revoke the MFV permit for non-compliance;
- (l) Any vehicles integral to the MFV unit shall provide evidence of current state vehicle registration, inspection and insurance.
- (m) If the unit used for the MFV is not commercially designed, then a plan or drawing showing the layout of the mobile unit must be submitted to the City for review with the application for permit.
- (l) MFVs shall be separated from existing buildings and other mobile food vehicles by a minimum of ten (10) feet or other fire-regulation required separation. MFVs shall be subject to all current UDC and front setback regulations of the City and be placed on an approved all-weather surface. MFVs shall not set up in fire lanes or parking spaces that are required by the Certificate of Occupancy (CO) of an existing business. MFVs shall not:
 - (1) Cause adverse on-site or off-site traffic impacts;
 - (2) Encroach on a water quality/ landscape/pedestrian setback;
 - (3) Include drive-through service; or,
 - (4) Operate in required off-street parking spaces, driveways, or fire lanes.
- (m) Each MFV shall be clearly marked with the food establishment's name or a distinctive identifying symbol. The lettering shall be at least three (3) inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least twelve (12) inches in diameter or of an equivalent size.
- (n) No non-mobile or stationary structures are permitted to be erected by mobile food vendors.
- (o) Each MFVs shall display the City of Buda permit and permit number.

Commented [ND27]: Define what qualifies as a commercially designed?

Commented [MM28R27]: I will research this. Most MFV are much like RV's that have been designed for food sales. These still will need to be inspected by the Fire Department and Hays Health District.

Commented [ND29]: Why 10 feet from previous 12 feet?

Commented [MM30R29]: Building Code requires 10, feet and many felt the previous 12 was arbitrary.

Commented [ND31]: Define what are approved all weather surfaces.

Commented [MM32R31]: Asphalt, concrete or in some cases pervious concrete surfaces. Essentially the same materials we would allow for vehicle parking. This was a portion of the code planning/permitting wanted clarified.

Commented [ND33]: Why no drive thru?

Commented [MM34R33]: These being temporary, did not want to redesign the sites to allow drive through service from MFV vehicle to vehicle.

Commented [ND35]: Why 3"- seems small?

Commented [MM36R35]: These are the required minimum sizes per Fire Code

Commented [ND37]: Any way we can restrict light brightness/ neon?

Commented [MM38R37]: Our current UDC does restrict/prohibit flashing/movable signs 4.02.04

Section 8.05.040 Semi-Stationary MFV

In addition to the requirements of Section 8.05.030, above, Semi-Stationary MFV shall comply with the following requirements:

- (a) A Semi-stationary MFV must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee to do so.

Commented [ND39]: Extend what this means? More concrete qualifiers?

Commented [MM40R39]: We can clarify additionally. Many MFV are trailers not attached to vehicles, but we want them to be able to move if needed.

(b) Unless specified herein, the operator of a Semi-Stationary MFV shall prepare, serve, store and display food and beverages on or in the Semi-Stationary MFV unit itself.

Commented [ND41]: Contradictory of commissary statement.

(c) A Semi-Stationary MFV shall not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing or displaying capacity of the Semi-Stationary MFV.

Commented [MM42R41]: This was more to have additional storage in an outside refrigeration unit etc. Not to enlarge the unit storage area outside of the unit.

(d) A Semi-Stationary MFV shall not provide or allow any sign or banner to remain that is not attached and solely supported by the Semi-Stationary MFV unit, except;

(1) If remaining in one location on private property for greater than two (2) hours, one (1) sandwich board is permitted which may be placed during business hours, but must be removed daily;

(2) Sell food outside of the Semi-Stationary MFV unit; for example, from a table under a free-standing canopy. All food vending shall be done from the Semi-Stationary MFV unit.

Commented [ND43]: What does this have to do with unattached signs or banners?

(e) Electrical. Electricity shall be provided from a generator and/or electrical cords in conformance with the National Electrical Code as adopted by the City, including amendments thereto.

Commented [MM44R43]: Agree. This should be the new (e) and will revise

(f) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a Semi-Stationary MFV unit shall submit to the City and comply with the following:

(1) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the Semi-Stationary MFV's employees and customers, located in a business establishment within three hundred (300) feet of each location or on the same lot where the Semi-Stationary MFVs unit will be in operation for more than two (2) hours in any single day.

(2) Restroom facilities may be provided by an approved and licensed portable unit vendor providing hand sanitation and sewage evacuation services. Such portable units constitute as an Accessory Trailers at the Semi-Stationary MFV location.

Commented [ND45]: How many per MFV unit? Can multiple Units share 1?

Commented [MM46R45]: YES. Potentially. If a MFV could not achieve a bathroom lease. This could be an option, however it would apply to one of the allowable "trailers".

(g) All Semi-Stationary MFVs are subject to the hours of operation allowed for food establishments in the zoning district they are operating in, but in no case shall the Semi-Stationary MFV operate:

Commented [ND47]: Why MFV have defined hours different than their zoning?

Commented [MM48R47]: We really don't have "zoning hours" but some of these MFV vendors operate on office/retail settings that might have different hours than the main/primary business on site. We did want to define these hours.

(1) prior to 6:00 a.m. or after 10:00 p.m., Mondays through Thursday; and,
(2) prior to 6:00 a.m. or after 12:00 a.m., Friday, Saturday, Sunday and/or Holidays).

Commented [ND49]: Definition? Zoning for Churches? Ball fields? Ground Breaking Ceremonies?

(h) Operation locations on private property at which the Semi-Stationary MFVs will remain for more than two (2) hours shall comply with the following:

Commented [MM50R49]: Yes. We would only want "semi stationary" MFV to be located on commercially zoned property. However, if a church, ball field etc, wanted to have a "fair/carnival" they would probably apply for a Special Event permit and/or a Temporary Food Event.

- (1) Be located in a zoning district that allows eating establishments;
- (2) The private property must be developed and improved, and contain an existing, permanent business operating in a building with a Certificate of Occupancy (CO) at all times while the Semi-Stationary MFV occupies the property;
- (3) The Semi-Stationary MFV must not be located in such a manner as to cause the site to no longer comply with **minimum parking requirements**;
- (4) Submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the Semi-Stationary MFV operating on said property.

Commented [ND51]: Should they have temp barricades for safety measures?

Commented [MM52R51]: This could be an options.

(i) Semi-Stationary MFVs shall not operate within a public park or publicly owned property or site without written permission from the City Manager or the City Manager's Designee.

(j) Permit renewal and fees

- (1) MFVs permits expire at the end of every half calendar year (semiannually) in which they were issued and must be renewed every six (6) months.
- (2) Renewal of permits shall be treated as a new application.
- (3) Fees for the Mobile Food Vendor- are provided- for in Appendix A of this Code and payable in advance.
- (4) Permits shall not be prorated.

Section 8.05.050 **Transient MFVs**

In addition to the requirements of Section 8.05.030, above, Transient MFVs shall comply with the following requirements:

(a) Transient MFVs shall only be permitted:

- (1) Outside of dedicated right-of-way or in rights-of-way that are not identified by the City as arterial roadways on the Transportation Mobility and Master Plan (TMMP);
- (2) To operate at any time between thirty (30) minutes prior to sunrise and thirty (30) minutes after sunset.

(b) Transient MFVs shall not:

- (1) **Remain stationary at any one location for more than 2 hours; or**
- (2) Be located within a residential zoning district unless within a right-of-way.

Commented [ND53]: Does this now require all types of food trucks to have a City permit?

Commented [MM54R53]: Yes, this is new. We previously had Peddlers and Solicitors permits, (Section 14.02.007 Code of Ordinances) but not the ice cream truck through the neighborhood. But now they will need to obtain a MFV permit.

Commented [ND55]: Between a 24 hr period? Or can a transient show up every day?

Commented [MM56R55]: They could technically show up everyday, or multiple times a day. We could add additional clarification if needed/wanted.

Section 8.05.060 **Temporary Food Event (TFE)**

In addition to the requirements of Section 8.05.030, above, Temporary Food Events ("TFEs") shall comply with the following requirements:

(a) If any temporary structure is equal to or larger than two hundred (200) square feet ~~in diameter~~, a certificate confirming the use of flame-retardant material shall be provided by applicant.

Commented [ND57]: Should be 200 feet diameter- not square feet

(b) TFEs are permitted in any zoning districts within which eating establishments are permitted, where each of the following conditions are met:

Commented [MM58R57]: Yes. Recommend deleting diameter and keep square feet

- (1) A TFE shall operate no more than six (6) calendar days in a calendar year on a given parcel, excluding the time necessary to setup and takedown;
- (2) Food vendors at TFEs shall comply with the standards for MFVs, whether Semi-Stationary or Transient, set forth in this Article;
- (3) The TFE shall not be located in such a manner as to cause the site to no longer comply with minimum parking requirements. The site must continue to have sufficient parking meeting City standards for the permanent business, if present; and,
- (4) Submit with the TFE permit application written authorization or other suitable documentation showing that the owner of the property consents to the TFE operating on said property.

(c) TFEs may operate only during the hours allowed by the zoning district they are located in so long as restroom access remains available during all operating hours.

Commented [ND59]: Why no hour restrictions like Semi-Stationary?

(d) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a TFE shall submit to the City and comply with one of the following:

Commented [MM60R59]: TFE are attached to carnivals or special occasions. Hours would be part of the Special Event permit, or we could additionally define.

- (1) A sufficient number of portable sanitation facilities be provided based on the Portable Sanitation Association International (PSAI) policy, city policies, and city codes, including quantity that will be ADA accessible; or
- (2) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the portable food vendor employees & customers located in a business establishment within 500 feet of the parcel hosting the TFE.
 - a. Proof of availability of adequate facilities shall be in the form of a written and notarized statement from the owner, or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for the use of the facilities.
 - b. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers. A copy of the notarized statement shall be immediately available for inspection by the City on the portable food vendor unit.

(e) If alcohol will be served, TFEs shall obtain all required and applicable Texas Alcoholic Beverage Commission (or successor agency) permits.

Section 8.05.070 Inspection.

- (a) The Health Authority may inspect an MFV and/or TFE during regular business hours or at another reasonable time to determine compliance with this Article.
- (b) The Health Authority may examine or sample food that is stored, prepared, packaged, served or otherwise provided for human consumption.
- (c) The Health Authority may examine the records limited to obtaining information related to food and supplies purchased, received or used; or an employee.
- (d) After inspecting, the Health Authority shall inform the MFV or TFE of findings.
- (e) The Health Authority shall immediately condemn food or render food unsalable as human food if the Health Authority's inspection finds that the food:
 - (1) Contains a filthy, decomposed or putrid substance;
 - (2) May be poisonous; or
 - (3) Is otherwise unsafe.
- (f) If a violation is found, the Health Authority shall:
 - (1) Prescribe a reasonable time period for correction of violations; or
 - (2) Perform re-inspections at reasonable time intervals to determine whether required corrections are made;
- (g) The MFV or Temporary Food Event shall correct a violation:
 - (1) As soon as possible; or
 - (2) If the Health Authority approves, on or before the tenth (10th) day after the date of the inspection.
- (h) The City Manager, Health Authority and the Police Department may immediately suspend or revoke an MFV permit (an "Emergency Shutdown") if the City Manager, Health Authority and/or Police Department's inspection determines any of the following:
 - (1) An applicant obtained a MFV permit by knowingly providing false information on the application;
 - (2) A person is infected with or is the carrier of any foodborne communicable disease;
 - (3) The continuation of the person's MFV unit presents a significant public health risk;
 - (4) The Health Authority receives reports and confirms traffic or criminal convictions or sex offender registration of an operator or employee of an MFV which may put the public at risk; or
 - (5) The MFV violates the terms and conditions of any written agreement submitted to the Health Authority as required by this Article.

Commented [ND61]: Maybe reference relevant sections of Health Dept Standards?

Commented [MM62R61]: Yes. If more specificity is desired, we can reference additional codes.

Section 8.05.080 Permit Denial, Revocation and Appeal.

(a) The City Manager, Health Authority or City Manager's Designee may deny or revoke a permit issued under this Article by a MFV or Temporary Food Event if the permit holder or the permit holder's employee:

- (1) Commits critical or repeated violations of applicable law;
- (2) Knowingly provides false information on an application; or
- (3) Interferes with the Health Authority in the performance of the Health Authority's duties; or
- (4) If a permitted establishment under this Article changes ownership and there are violations that must be corrected to meet applicable standards,

(b) Before denying or revoking a permit, unless an Emergency Shutdown is necessary, the Health Authority shall provide the permit holder or person in charge with written notice of the pending permit revocation or denial. The written notice shall include:

- (1) The reason the permit is subject to denial or revocation; and
- (2) If applicable:
 - a. The date on which the permit is scheduled to be revoked; and
 - b. a statement that the permit will be revoked on the scheduled date unless the permit holder files a written request for a hearing with the Health Authority not later than the 10th day after the date the notice is served.

(c) The former permittee may appeal the revocation or denial of a permit by submitting a written request for appeal along with any evidence supporting the appeal to the City Manager within ten (10) days of receiving the notice of revocation.

- (1) The City Manager shall decide within a reasonable time of receipt of the appeal, but no later than thirty (30) days after receipt.
- (2) The City Manager's decision shall be final.

(d) If the City Manager, Health Authority or Police Department conducts an Emergency Shutdown of an MFV, the Health Authority shall provide an appeal hearing to the operator of the MFV within five (5) business days to establish all necessary corrections have occurred, the MFV complies with this Article, and the parties reach an agreed settlement for return of the MFV permit.

- (1) In the event of an Emergency Shutdown due to confirmed traffic violations in connection with the MFV, sex offender registration or criminal convictions of an operator or employee, the MFV permit holder would not be eligible to reapply until one (1) year after the MFV permit revocation date.

Section 8.05.020 Penalty

A violation of this article is considered a violation pertaining to fire safety, zoning, public health and/or sanitation and is punishable by a fine not to exceed two thousand dollars (\$2,000.00) in

accordance with Section 1.01.009(b) of this Code of Ordinances.

Section 2: Appendix A, Fee Schedule is hereby amended to add the following fees:

Temporary Food Event Fee	\$300
Mobile Food Vendor	\$250 (semiannual)
Each Accessory Trailer	\$250 (semiannual)

ARTICLE 8.05 MOBILE FOOD VENDORS (MFVs)

Section 8.05.010 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

- (a) *Accessory Trailer* means any mobile unit not used for food preparation (e.g. storage, portable bathroom facilities, etc.). Accessory trailers count towards the mobile food vending units on a single location.
- (b) *Approved Source* means a source of food found to be safe, unadulterated and honestly presented, as further described in Section 229.164 of the Texas Food Establishment Rules, as amended.
- (c) *Commissary* means a central preparation facility or other fixed food establishment that stores, prepares, packages, serves, vends or otherwise provides food for human consumption to mobile, temporary and portable food vendors.
- (d) *Health Authority* means the City of Buda (the “City”), or its designee, and/or any other entity charged with enforcement of regulations applicable to establishments regulated under this Article.
- (e) *IFC* means the 2018 International Fire Code published by the International Code Council.
- (f) *Mobile Food Truck Park* means a single location with 4 or more mobile food vending units, including accessory units.
- (g) *Mobile Food Vendor (MFV)* means a food establishment designed to be readily movable. It may be a motor vehicle, cart or trailer which operates or sells food for human consumption, hot or cold, with an engine for propulsion and that is readily moveable upon request. “Special Event” and “Peddler and Solicitors” as defined by Sections 18.07.031 and 14.02.007 respectively, of this Code, are exempted from MFVs.
- (h) *Residential District* means a residentially zoned district as defined by the Uniform Development Code (“UDC”) of the City, including multi-family residential.
- (i) *Residential use* means a single-family, townhouse, duplex, mobile home, or multi-family use as defined in the UDC of the City.
- (j) *Semi-Stationary MFV* means an MFV which remains in a single location for in excess of 2 hours. MFVs shall be considered an accessory use, unless operating within an approved Mobile Food Truck Park. MFVs shall not be considered an accessory structure. No more than three (3) mobile food vending units (whether food preparation or Ancillary Trailers) shall be permitted/located on a single location not permitted as a Mobile Food Truck Park.

(k) *Special Event* means the promotion or attraction for a common purpose including but not limited to, street fairs, arts and craft shows, and other happenings as defined in Section 18.07.031 of this Code.

(l) *Temporary Food Event* means an organized event on private property of limited duration, operating within 500 feet of the site of an approved special event application under Sections 18.02.066 (*Parks and recreation rental application guidelines*) and 18.07.031 (*Special Events*) of this Code, involving the sale of food and/or beverages for human consumption.

(m) *Texas Food Establishment Rules or Rules* means 25 Texas Administrative Code §§ 229.161 – 229.171, 229.173 - 229.175, as amended.

(n) *Transient MFV* means an MFV which is not stationary in any single location for greater than 120 minutes or 2 hours.

Section 8.05.020 Purpose

This entire Article is and shall be deemed an exercise of the police power of the state, and the City for the public safety, convenience and protection of the City and the citizens of the City, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(a) This Article is intended to provide a safe, orderly means for mobile food establishments (“MFVs”) to conduct business within the corporate limits of the City. All regulations of this Article are deemed necessary for the protection of the health, safety and general welfare of the businesses as well as the citizens of the City and general public.

(b) No MFV shall operate without an MFV permit issued by the City of Buda (“City”) subject to this Article.

(c) Operating without a valid MFV permit as required by this Article shall be in violation of this Article and subject to all penalties provided for herein.

(d) The provisions of this Article shall be administered by the Director of Planning or their designee (“Director”).

Section 8.05.030 Requirements Applicable to all MFVs

(a) It shall be unlawful for an MFV to operate within the City limits, without having first applied for and obtained a permit from the City as provided for in this Article. It shall be unlawful for a permit holder to fail to comply with any condition of such permit or requirement of this Article.

(b) MFVs shall comply with all applicable state and local laws and regulations, including but not limited to Texas Food Establishment Rules.

- (c) MFVs shall comply with all fire suppression requirements of IFC Section 319, *Mobile Food Preparation Vehicles*.
- (d) MFVs conducting business within the unincorporated areas of Hays County (including the city limits of Buda) shall have their food trucks and/or trailers registered, inspected and permitted by Hays County Fire Marshal's Office on an annual basis.
- (e) MFVs must operate from an approved commissary in good standing as defined and required in the Rules. An existing food establishment may serve as a commissary if approved by the City. The commissary and/or existing food establishment would be required to have an approved vehicle storage facility, approved potable water hookups, approved wastewater drainage facilities, approved grease interceptor hookups and size, and any other accommodations as determined necessary by the City to ensure compliance with all regulatory codes. The commissary shall comply with all Texas Food Establishment Rules and hold all current licenses and permits as required by the Rules. Valid copies of the commissary's licenses and permits used under the Food Establishment Rules and most recent health inspection report must be kept on file with the City. MFVs shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the City. MFVs that are required to operate from a commissary under the Rules must complete a commissary certification letter.
- (f) MFVs must be equipped with commercial mechanical facilities sufficient to provide proper cooking ventilation and fire suppression for eating establishment, as established under the City's adopted building codes. All equipment on the vehicle is to be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.
- (g) The MFV shall provide covered garbage and storage facilities for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect and rodent-proof.
- (h) Plumbing. The MFV unit or vehicle must meet the following standards:
- (1) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be discharged to any unauthorized food establishment grease interceptor.
 - (2) Liquid waste shall not be discharged from the retention tank when the MFV unit or vehicle is open to the public or in the process of preparing food.
 - (3) The waste connection shall be located below the water connection to preclude contamination of the potable water system.
 - (4) Connections to a water or sewage system at an operation location is prohibited.

- (i) All employees of the MFV must have a valid food handler's training certificate.
- (j) The MFVs shall secure and display a health permit from Hays County, and a permit issued under this Article, prior to the operation of such use.
- (k) The MFVs shall display and provide the City with a copy of the Texas sales tax and use certificate and shall be billed as taxable to the City. The City reserves the right to perform audits to ensure that Buda is the location for sales tax revenue and, the City reserves the right to immediately revoke the MFV permit for non-compliance;
- (l) Any vehicles integral to the MFV unit shall provide evidence of current state vehicle registration, inspection and insurance.
- (m) If the unit used for the MFV is not commercially designed, then a plan or drawing showing the layout of the mobile unit must be submitted to the City for review with the application for permit.
- (1) MFVs shall be separated from existing buildings and other mobile food vehicles by a minimum of ten (10) feet or other fire-regulation required separation. MFVs shall be subject to all current UDC and front setback regulations of the City and be placed on an approved all-weather surface. MFVs shall not set up in fire lanes or parking spaces that are required by the Certificate of Occupancy (CO) of an existing business. MFVs shall not:
 - (1) Cause adverse on-site or off-site traffic impacts;
 - (2) Encroach on a water quality/ landscape/pedestrian setback;
 - (3) Include drive-through service; or,
 - (4) Operate in required off-street parking spaces, driveways, or fire lanes.
- (m) Each MFV shall be clearly marked with the food establishment's name or a distinctive identifying symbol. The lettering shall be at least three (3) inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least twelve (12) inches in diameter or of an equivalent size.
- (n) No non-mobile or stationary structures are permitted to be erected by mobile food vendors.
- (o) Each MFVs shall display the City of Buda permit and permit number.

Section 8.05.040 Semi-Stationary MFV

In addition to the requirements of Section 8.05.030, above, Semi-Stationary MFV shall comply with the following requirements:

- (a) A Semi-stationary MFV must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee to do so.

- (b) Unless specified herein, the operator of a Semi-Stationary MFV shall prepare, serve, store and display food and beverages on or in the Semi-Stationary MFV unit itself.
- (c) A Semi-Stationary MFV shall not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing or displaying capacity of the Semi-Stationary MFV.
- (d) A Semi-Stationary MFV shall not provide or allow any sign or banner to remain that is not attached and solely supported by the Semi-Stationary MFV unit, except;
 - (1) If remaining in one location on private property for greater than two (2) hours, one (1) sandwich board is permitted which may be placed during business hours, but must be removed daily;
 - (2) Sell food outside of the Semi-Stationary MFV unit; for example, from a table under a free-standing canopy. All food vending shall be done from the Semi-Stationary MFV unit;
- (e) Electrical. Electricity shall be provided from a generator and/or electrical cords in conformance with the National Electrical Code as adopted by the City, including amendments thereto.
- (f) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a Semi-Stationary MFV unit shall submit to the City and comply with the following:
 - (1) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the Semi-Stationary MFV's employees and customers, located in a business establishment within three hundred (300) feet of each location or on the same lot where the Semi-Stationary MFVs unit will be in operation for more than two (2) hours in any single day.
 - (2) Restroom facilities may be provided by an approved and licensed portable unit vendor providing hand sanitation and sewage evacuation services. Such portable units constitute Accessory Trailers at the Semi-Stationary MFV location.
- (g) All Semi-Stationary MFVs are subject to the hours of operation allowed for food establishments in the zoning district they are operating in, but in no case shall the Semi-Stationary MFV operate:
 - (1) prior to 6:00 a.m. or after 10:00 p.m., Mondays through Thursday; and,
 - (2) prior to 6:00 a.m. or after 12:00 a.m., Friday, Saturday, Sunday and/or Holidays).
- (h) Operation locations on private property at which the Semi-Stationary MFVs will remain for more than two (2) hours shall comply with the following:

- (1) Be located in a zoning district that allows eating establishments;
 - (2) The private property must be developed and improved, and contain an existing, permanent business operating in a building with a Certificate of Occupancy (CO) at all times while the Semi-Stationary MFV occupies the property;
 - (3) The Semi-Stationary MFV must not be located in such a manner as to cause the site to no longer comply with minimum parking requirements;
 - (4) Submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the Semi-Stationary MFV operating on said property.
- (i) Semi-Stationary MFVs shall not operate within a public park or publicly owned property or site without written permission from the City Manager or the City Manager's Designee.
- (j) Permit renewal and fees
- (1) MFVs permits expire at the end of every half calendar year (semiannually) in which they were issued and must be renewed every six (6) months.
 - (2) Renewal of permits shall be treated as a new application.
 - (3) Fees for the Mobile Food Vendor- are provided for in Appendix A of this Code and payable in advance.
 - (4) Permits shall not be prorated.

Section 8.05.050 Transient MFVs

In addition to the requirements of Section 8.05.030, above, Transient MFVs shall comply with the following requirements:

- (a) Transient MFVs shall only be permitted:
- (1) Outside of dedicated right-of-way or in rights-of-way that are not identified by the City as arterial roadways on the Transportation Mobility and Master Plan (TMMP);
 - (2) To operate at any time between thirty (30) minutes prior to sunrise and thirty (30) minutes after sunset.
- (b) Transient MFVs shall not:
- (1) Remain stationary at any one location for more than 2 hours; or
 - (2) Be located within a residential zoning district unless within a right-of-way.

Section 8.05.060 Temporary Food Event (TFE)

In addition to the requirements of Section 8.05.030, above, Temporary Food Events (“TFEs”) shall comply with the following requirements:

- (a) If any temporary structure is equal to larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant.
- (b) TFEs are permitted in any zoning districts within which eating establishments are permitted, where each of the following conditions are met:
- (1) A TFE shall operate no more than six (6) calendar days in a calendar year on a given parcel, excluding the time necessary to setup and takedown;
 - (2) Food vendors at TFEs shall comply with the standards for MFVs, whether Semi-Stationary or Transient, set forth in this Article;
 - (3) The TFE shall not be located in such a manner as to cause the site to no longer comply with minimum parking requirements. The site must continue to have sufficient parking meeting City standards for the permanent business, if present; and,
 - (4) Submit with the TFE permit application written authorization or other suitable documentation showing that the owner of the property consents to the TFE operating on said property.
- (c) TFEs may operate only during the hours allowed by the zoning district they are located in so long as restroom access remains available during all operating hours.
- (d) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a TFE shall submit to the City and comply with one of the following:
- (1) A sufficient number of portable sanitation facilities be provided based on the Portable Sanitation Association International (PSAI) policy, city policies, and city codes, including quantity that will be ADA accessible; or
 - (2) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the portable food vendor employees & customers located in a business establishment within 500 feet of the parcel hosting the TFE.
 - a. Proof of availability of adequate facilities shall be in the form of a written and notarized statement from the owner, or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for the use of the facilities.
 - b. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers. A copy of the notarized statement shall be immediately available for inspection by the City on the portable food vendor unit.
- (e) If alcohol will be served, TFEs shall obtain all required and applicable Texas Alcoholic Beverage Commission (or successor agency) permits.

Section 8.05.070 Inspection.

- (a) The Health Authority may inspect an MFV and/or TFE during regular business hours or at another reasonable time to determine compliance with this Article.
- (b) The Health Authority may examine or sample food that is stored, prepared, packaged, served or otherwise provided for human consumption.
- (c) The Health Authority may examine the records limited to obtaining information related to food and supplies purchased, received or used; or an employee.
- (d) After inspecting, the Health Authority shall inform the MFV or TFE of findings.
- (e) The Health Authority shall immediately condemn food or render food unsalable as human food if the Health Authority's inspection finds that the food:
 - (1) Contains a filthy, decomposed or putrid substance;
 - (2) May be poisonous; or
 - (3) Is otherwise unsafe.
- (f) If a violation is found, the Health Authority shall:
 - (1) Prescribe a reasonable time period for correction of violations; or
 - (2) Perform re-inspections at reasonable time intervals to determine whether required corrections are made;
- (g) The MFV or Temporary Food Event shall correct a violation:
 - (1) As soon as possible; or
 - (2) If the Health Authority approves, on or before the tenth (10th) day after the date of the inspection.
- (h) The City Manager, Health Authority and the Police Department may immediately suspend or revoke an MFV permit (an "Emergency Shutdown") if the City Manager, Health Authority and/or Police Department's inspection determines any of the following:
 - (1) An applicant obtained a MFV permit by knowingly providing false information on the application;
 - (2) A person is infected with or is the carrier of any foodborne communicable disease;
 - (3) The continuation of the person's MFV unit presents a significant public health risk;
 - (4) The Health Authority receives reports and confirms traffic or criminal convictions or sex offender registration of an operator or employee of an MFV which may put the public at risk; or
 - (5) The MFV violates the terms and conditions of any written agreement submitted to the Health Authority as required by this Article.

Section 8.05.080 Permit Denial, Revocation and Appeal.

(a) The City Manager, Health Authority or City Manager's Designee may deny or revoke a permit issued under this Article by a MFV or Temporary Food Event if the permit holder or the permit holder's employee:

- (1) Commits critical or repeated violations of applicable law;
- (2) Knowingly provides false information on an application; or
- (3) Interferes with the Health Authority in the performance of the Health Authority's duties; or
- (4) If a permitted establishment under this Article changes ownership and there are violations that must be corrected to meet applicable standards,

(b) Before denying or revoking a permit, unless an Emergency Shutdown is necessary, the Health Authority shall provide the permit holder or person in charge with written notice of the pending permit revocation or denial. The written notice shall include:

- (1) The reason the permit is subject to denial or revocation; and
- (2) If applicable:
 - a. The date on which the permit is scheduled to be revoked; and
 - b. a statement that the permit will be revoked on the scheduled date unless the permit holder files a written request for a hearing with the Health Authority not later than the 10th day after the date the notice is served.

(c) The former permittee may appeal the revocation or denial of a permit by submitting a written request for appeal along with any evidence supporting the appeal to the City Manager within ten (10) days of receiving the notice of revocation.

- (1) The City Manager shall decide within a reasonable time of receipt of the appeal, but no later than thirty (30) days after receipt.
- (2) The City Manager's decision shall be final.

(d) If the City Manager, Health Authority or Police Department conducts an Emergency Shutdown of an MFV, the Health Authority shall provide an appeal hearing to the operator of the MFV within five (5) business days to establish all necessary corrections have occurred, the MFV complies with this Article, and the parties reach an agreed settlement for return of the MFV permit.

- (1) In the event of an Emergency Shutdown due to confirmed traffic violations in connection with the MFV, sex offender registration or criminal convictions of an operator or employee, the MFV permit holder would not be eligible to reapply until one (1) year after the MFV permit revocation date.

Section 8.05.020 Penalty

A violation of this article is considered a violation pertaining to fire safety, zoning, public health and/or sanitation and is punishable by a fine not to exceed two thousand dollars (\$2,000.00) in

accordance with Section 1.01.009(b) of this Code of Ordinances.

Section 2: Appendix A, Fee Schedule is hereby amended to add the following fees:

Temporary Food Event Fee	\$300
Mobile Food Vendor	\$250 (semiannual)
Each Accessory Trailer	\$250 (semiannual)

ORDINANCE NO. 2014-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, HAYS COUNTY, TEXAS, SETTING FORTH REQUIREMENTS FOR MOBILE FOOD VENDORS AND TEMPORARY FOOD EVENTS; PROVIDING FOR A PENALTY; PROVIDING FOR ASSOCIATED FEES; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City Council finds the City of Buda is a Texas Home-Rule Municipality as that term is defined by Texas law; and

WHEREAS, the City Council finds amending the Code of Ordinances as more specifically set forth herein with the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Buda and its surrounding areas; and

WHEREAS, this Ordinance was adopted at a meeting held in strict compliance with the Texas Open Meetings Act;

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

Section 1: The City of Buda Code of Ordinances Chapter 8 is amended to add the following article 8.05 regarding the regulation of Mobile and Temporary Food Vendors:

ARTICLE 8.05 MOBILE AND PORTABLE FOOD VENDORS

Section 8.05.010 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Approved Source means a source of food found to be safe, unadulterated and honestly presented, as further described in Section 229.164 of the Texas Food Establishment Rules, as amended.

Commissary means a central preparation facility or other fixed food establishment that stores, prepares, packages, serves, vends or otherwise provides food for human consumption to mobile, temporary and portable food vendors.

Health authority means the City of Buda, or its designee, and/or any other agency charged with enforcement of regulations applicable to establishments regulated under this Article.

Mobile food vendor means a vendor who operates or sells food for human consumption, hot or cold, from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Mobile food vendor—cold means a vendor who operates or sells cold food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Mobile food vendor—hot means a vendor who operates or sells hot food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Residential district means a residentially zoned district as defined by the zoning ordinance of the city, including multiple-family residential.

Residential use means a single-family, townhouse, duplex, mobile home, or multiple-family use as defined in the zoning ordinance of the city.

Temporary food event means an organized event on vacant private property of limited duration, operating within 500 feet of the site of an approved special event application under 18.02.066 of this Code, involving the sale of food and/or beverages for human consumption.

Texas Food Establishment Rules or Rules means 25 Texas Administrative Code 229, Subchapter K, as amended.

Section 8.05.020 Purpose

This entire article is and shall be deemed an exercise of the police power of the state, and the City for the public safety, convenience and protection of the City and the citizens of the City, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Section 8.05.030 Requirements Applicable to all Mobile Food Vendors and Temporary Food Events

- (a) It shall be unlawful for Mobile Food Vendors and Temporary Food Events to operate within the city limits, without having first applied for and obtained a permit from the City as provided for in this Article. It shall be unlawful for a permit holder to fail to comply with any condition of such permit or requirement of this Article.

- (b) Mobile Food Vendors and Temporary Food Events must meet all applicable state and local laws and regulations, including but not limited to 25 Texas Administrative Code 229, Subchapter K, as amended (the “Texas Food Establishment Rules” or the “Rules”).
- (c) Mobile Food Vendors and Temporary Food Events must operate from an approved commissary in good standing as defined and required in the Rules. An existing food establishment may serve as a commissary if approved by the City. The commissary and/or existing food establishment would be required to have an approved vehicle storage facility, approved potable water hookups, approved wastewater drainage facilities, approved grease interceptor hookups and size, and any other accommodations as determined necessary by the City to ensure compliance with all regulatory codes. The commissary shall comply with all Food Establishment Rules, and hold all current licenses and permits as required by the Rules. Valid copies of the commissary’s licenses and permits used under the Food Establishment Rules and most recent health inspection report must be kept on file with the City. Mobile Food Vendor, and Temporary Food Events shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the City. Mobile Food Vendors and Temporary Food Events required to operate from a commissary under the Rules must complete a commissary certification letter.
- (d) Mobile Food Vendors and Temporary Food Events must be equipped with commercial mechanical facilities sufficient to provide proper cooking ventilation and fire suppression for eating establishment, as established under the City’s adopted building codes. . All equipment on the vehicle is to be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.
- (e) The Mobile Food Vendor and Temporary Food Event shall provide covered garbage and storage facilities for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect and rodent-proof.
- (f) Plumbing. The Mobile Food Vendor and Temporary Food Event unit or vehicle must meet the following standards:
 - (1) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be discharged to any unauthorized food establishment grease interceptor.
 - (2) Liquid waste shall not be discharged from the retention tank when the Mobile Food Vendor and Temporary Food Event unit or vehicle is open to the public or in the process of preparing food.
 - (3) The waste connection shall be located below the water connection to preclude contamination of the potable water system.

- (4) Connections to a water or sewage system at an operation location is prohibited.
- (g) All employees of the permit holder must have a valid food handler's training certificate.
- (h) The Mobile Food Vendor and Temporary Food Event shall secure and display a health permit from Hays County, and a permit issued under this article, prior to the operation of such use.
- (i) The Mobile Food Vendor and Temporary Food Event shall display and provide the City with a copy of the Texas sales tax and use certificate.
- (j) Any vehicles integral to the Mobile Food Vendor and Temporary Food Event shall provide evidence of current state vehicle registration, inspection and insurance.
- (k) If the unit used for the Mobile Food Vendor and Temporary Food Event is not commercially designed, then a plan or drawing showing the layout of the mobile unit must be submitted to the city for review with the application for permit.
- (l) Mobile Food Vendor and Temporary Food Event facilities shall be separated from existing buildings and other mobile food vehicles by a minimum of 12 feet. Mobile Food Vendors and Temporary Food Events shall be subject to all current zoning and front setback regulations of the City. Mobile Food Vendors and Temporary Food Events shall not set up in fire lanes or parking spaces that are required by the Certificate of Occupancy of an existing business.
- (m) Each Mobile and Portable Food Vendor, and Temporary Food Event shall be clearly marked with the food establishment's name or a distinctive identifying symbol. The lettering shall be at least three (3) inches in height and of a color contrasting with the background color. If a symbol is used, it shall be at least twelve (12) inches in diameter or of an equivalent size.
- (n) Each Mobile Food Vendor and Temporary Food Event shall display the City of Buda permit and permit number.

Section 8.05.040 Mobile Food Vendors

In addition to the requirements of Section 8.05.030, above, Mobile Food Vendors shall comply with the following requirements:

- (a) A Mobile Food Vendor must demonstrate mobility at any reasonable time if requested by any peace officer, health officer, or designated city employee
- (b) Operation capacity limited. Unless specified herein, the operator of a Mobile Food Vendor shall prepare, serve, store and display food and beverages on or in the mobile food unit itself; and shall not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing or displaying capacity of the Mobile Food Vendor. It shall be unlawful for the operator of a Mobile Food Vendor to:

- (1) Provide or allow any sign or banner to remain that is not attached and solely supported by the mobile food vendor unit;
 - (2) If remaining in one location on private property for greater than one hour, one sandwich board is permitted which may be placed during business hours, but must be removed daily;
 - (3) Sell food outside of the vehicle, for example, from a table under a free standing canopy. All food vending shall be done from the mobile food vendor unit;
- (c) Electrical. Electricity shall be from a generator and utilize cords in conformance with the National Electrical Code as adopted by the City, including amendments thereto.
- (d) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a mobile food vendor shall submit to the City and comply with the following:
- (1) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the Mobile Food Vendor employees and customers located in a business establishment within 150 feet of each location where the Mobile Food Vendor unit will be in operation for more than one (1) hour in any single day.
 - (2) Proof of availability of adequate facilities shall be in the form of a written and notarized statement from the owner, or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for the use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers.
 - (3) A copy of the notarized statement shall be immediately available for inspection by the City on the Mobile Food Vendor unit.
- (e) All Mobile Food Vendors are subject to the hours of operation allowed for food establishments in the zoning district they are operating in, but in no case shall the Mobile Food Vendors operate prior to 6:00 a.m. or after 30 minutes past dusk within 200 feet of a property within a Residential Zoning District or containing a Residential Use.
- (f) Operation locations on private property at which the Mobile Food Vendor will remain for more than one hour shall comply with the following:
- (1) Be located in a zoning district that allows eating establishments;

- (2) The private property must be developed and improved, and contain an existing, permanent business operating in a building with a Certificate of Occupancy at all times while the Mobile Food Vendor occupies the property.
- (3) The Mobile Food Vendor must not be located in such a manner as to cause the site to no longer comply with minimum parking requirements. The site must have sufficient parking meeting City standards for the permanent business as well as the Mobile Food Vendor and the Mobile Food Vendor's customer waiting and/or seating area.
- (4) Submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the Mobile Food Vendor operating on said property.
- (5) Provide written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the portable food vendor employees & customers, if customer seating is provided, located in a business establishment on the parcel hosting the Mobile Food Vendor. Proof of availability of adequate facilities shall be in the form of a written and notarized statement from the owner, or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for the use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers.
- (g) Mobile Food Vendors shall not operate within a public park or publicly owned property or site without written permission from the City Manager or the City Manager's Designee.
- (h) Permit renewal and fees
 - (1) Mobile Food Vendor permits expire at the end of the calendar quarter in which they were issued and must be renewed every calendar quarter. Renewal of permits shall be treated as a new application.
 - (2) Fees for the Mobile Food Vendor—Hot and Mobile Food Vendor—Cold are provided for in Appendix A of this Code and payable in advance. Where both hot and cold food are offered, only one permit is required, and the permit for hot food will prevail. Permits will not be prorated.

Section 8.05.050 Temporary Food Event

In addition to the requirements of Section 8.05.030, above, Temporary Food Events shall comply with the following requirements:

- (a) If any temporary structure is equal to larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant.

- (b) Temporary Food Events are permitted in any zoning districts within which Eating Establishments are permitted, where each of the following conditions are met:
 - (1) A Temporary Food Event shall operate no more than six (6) calendar days in a calendar year on a parcel, excluding the time necessary to setup and takedown.
 - (2) Food vendors at Temporary Food Event shall comply with the standards for mobile and/or portable food vendors set forth in this Article, as applicable, except that a Temporary Food Event may utilize vacant property.
 - (3) The Temporary Food Event must not be located in such a manner as to cause the site to no longer comply with minimum parking requirements. The site must have sufficient parking meeting City standards for the permanent business, if present.
 - (4) Submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the Temporary Food Event operating on said property.
- (c) Temporary Food Event may operate only during the hours allowed by the zoning district they are located in so long as restroom access is still available.
- (d) Access to Restroom Facilities. Prior to the issuance of a permit, the operator of a Temporary Food Event shall submit to the City and comply with the following:
 - (1) A sufficient number of portable sanitation facilities be provided based on the Portable Sanitation Association International (PSAI) policy, city policies, and city codes, including quantity that will be ADA accessible; or
 - (2) Written proof of availability of restrooms with flushable toilets connected to a public water and wastewater system for the use of the portable food vendor employees & customers located in a business establishment within 500 feet of the parcel hosting the temporary food event. Proof of availability of adequate facilities shall be in the form of a written and notarized statement from the owner, or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for the use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one of the partners or officers. A copy of the notarized statement shall be immediately available for inspection by the City on the portable food vendor unit.
- (e) If alcohol will be served, Temporary Food Events shall obtain applicable Texas Alcoholic Beverage Commission or successor agency permits.

Section 8.05.060 Inspection.

- (a) The Health Authority may inspect a Mobile Food Vendor and Temporary Food Event during regular business hours or at another reasonable time to determine compliance with this Article.
- (b) The Health Authority may examine or sample food that is stored, prepared, packaged, served or otherwise provided for human consumption.
- (c) The Health Authority may examine the records limited to obtaining information related to food and supplies purchased, received or used; or an employee.
- (d) After inspecting, the Health Authority shall inform the Mobile Food Vendor or Temporary Food Event of findings.
- (e) If a violation is found, the Health Authority shall:
 - (1) Prescribe a reasonable time period for correction of violations; or
 - (2) Perform re-inspections at reasonable time intervals to determine whether required corrections are made;
- (f) The Mobile Food Vendor or Temporary Food Event shall correct a violation:
 - (1) As soon as possible; or
 - (2) If the Health Authority approves, not later than the 10th day after the date of the inspection

Section 8.05.070 Permit Denial, Revocation and Appeal.

- (a) The City Manager or City Manager's Designee may deny or revoke a permit issued under this Article by a Mobile Food Vendor or Temporary Food Event if the permit holder or the permit holder's employee:
 - (3) Commits critical or repeated violations of applicable law;
 - (4) Knowingly provides false information on an application; or
 - (5) Interferes with the Health Authority in the performance of the Health Authority's duties; or
 - (6) If a permitted establishment under this Article changes ownership and there are violations that must be corrected to meet applicable standards,

(b) Before denying or revoking a permit, the Health Authority shall provide the permit holder or person in charge with written notice of the pending permit revocation or denial. The written notice shall include:

(1) The reason the permit is subject to denial or revocation; and

(2) If applicable:

(A) The date on which the permit is scheduled to be revoked; and

(B) a statement that the permit will be revoked on the scheduled date unless the permit holder files a written request for a hearing with the health authority not later than the 10th day after the date the notice is served.

(c) The former permittee may appeal the revocation or denial of a permit by submitting a written request for appeal along with any evidence supporting the appeal to the City Manager within ten days of receiving the notice of revocation. The City Manager will make a decision within a reasonable time of receipt of the appeal, but no later than 30 days after receipt. The City Manager's decision shall be final.

Section 8.05.020 Penalty

A violation of this article is considered a violation pertaining to fire safety, zoning, public health and/or sanitation and is punishable by a fine not to exceed two thousand dollars (\$2,000.00) in accordance with Section 1.01.009(b) of this Code of Ordinances.

Section 2: Appendix A, Fee Schedule is hereby amended to add the following fees:

Temporary Food Event Fee	\$300
Mobile Food Vendor – Hot Fee	\$55 (Quarterly)
Mobile Food Vendor – Cold Fee	\$45 (Quarterly)

Section 3: If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

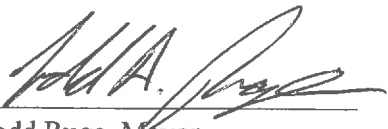
Section 4. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

Section 5: Passage. Pursuant to Section 3.11(A) of the City Charter, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 6. Effective Date. Pursuant to Section 3.11(D) of the City Charter, this ordinance is effective upon adoption, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in a newspaper designated as the official newspaper of the City. An ordinance required by the Charter to be published shall take effect when the publication requirement is satisfied..


PASSED, APPROVED AND ADOPTED by the City Council of the City of Buda, on this the 20th day of May, 2014.

APPROVED:



Todd Ruge, Mayor

ATTEST:



City Secretary
City of Buda, Texas





Planning and Zoning Commission Agenda Item Report

Date: Tuesday, January 26, 2021

Agenda Item No. 2021-101- #F.2

Contact: David Fowler

Subject: Staff update on 2021 expiring board/commission member terms and update on required trainings (Director of Planning Melissa McCollum)

- 1. Executive Summary**
- 2. Background/History**
- 3. Staff's review and analysis**
- 4. Financial Impact**
- 5. Summary/Conclusion**
- 6. Pros and Cons**
- 7. Alternatives**
- 8. Recommendation**