



MEETING DATE: April 16, 2025

PRESENTED BY: Xavier Cervantes, Director of Planning

AGENDA ITEM: To consider an ordinance amendment to the City of Mission Code of Ordinances Appendix A, Zoning, Section 1.2. Definitions. by defining Mobile Food Park; Article X. Conditional Use Permits, Section 1.56 Conditions of Conditional Use, Subsection (11) Mobile Food Unit, by establishing a radius for Mobile Food Units and Mobile Food Parks – Cervantes

NATURE OF REQUEST:

Project Timeline:

- March 19, 2025 – A directive was given by the City Council to staff to revisit the mobile food unit ordinance in regards to more restrictive distance limitation between units.
- March 27, 2025 - Consideration of amendment to the mobile food unit by the Ordinance Review Committee (ORC). The Ordinance Review Committee voted to amend the mobile food unit by establishing a one-mile radius of an existing and operational mobile food unit or mobile food truck park.
- April 4, 2025 – In accordance with State and local law, notice of the required public hearings published in the Progress Times.
- April 16, 2025 – Public Hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- April 28, 2025 – Public Hearing and consideration of the ordinance amendment by the City Council.

Summary:

- Staff was given a directive by the City Council to revisit the Mobile Food Unit Ordinance in regards to increasing the distance limitation between mobile food units and mobile food parks.
- Staff researched the distance limitation between units for other Valley cities and compared those results to Mission's. It was determined that only the City of Alton and the City of San Benito had a distance requirement. The City of Alton does not allow mobile food units to be within 300 feet of the front door to a restaurant or a food truck park. The City of San Benito does not allow a mobile food truck within 100 feet of an adjoining business primary entrance. In Harlingen, the mobile food unit is required to be moved out in the evening and brought back in the following day. The other cities do not have a distance limitation requirement or require a conditional use permit.
- Staff took this proposed amendment to the Ordinance Review Committee for their consideration and they voted in favor of establishing a one-mile radius minimum separation of an existing and operational mobile food unit and/or mobile food park.

- Staff took the Ordinance Review Committee's recommendation to the City Manager for his input and the suggestion given was to establish a one-mile radius minimum separation for mobile food units and a half-mile radius for mobile food parks.

RECORD OF VOTE:

APPROVED:

DISAPPROVED:

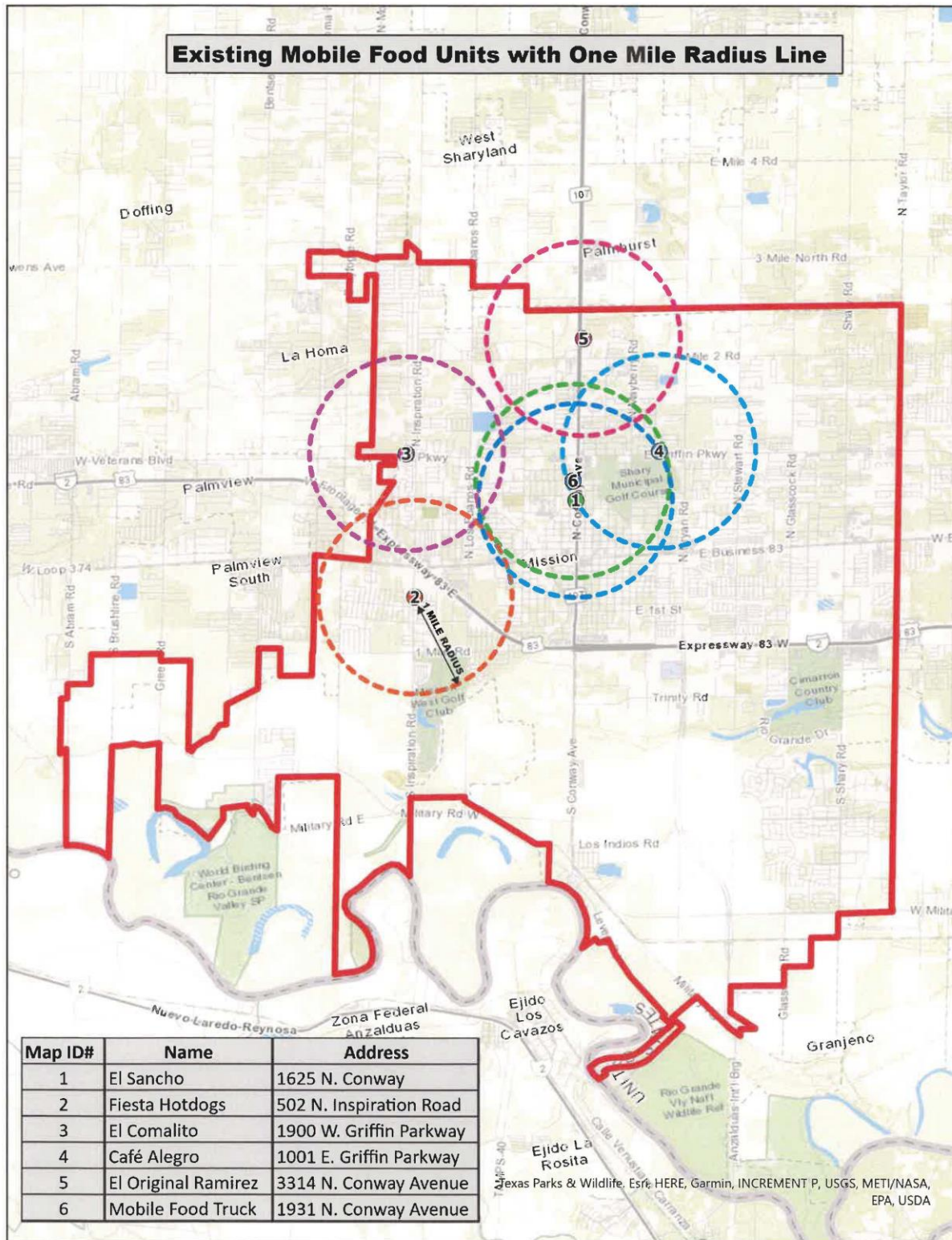
TABLED:

_____ AYES

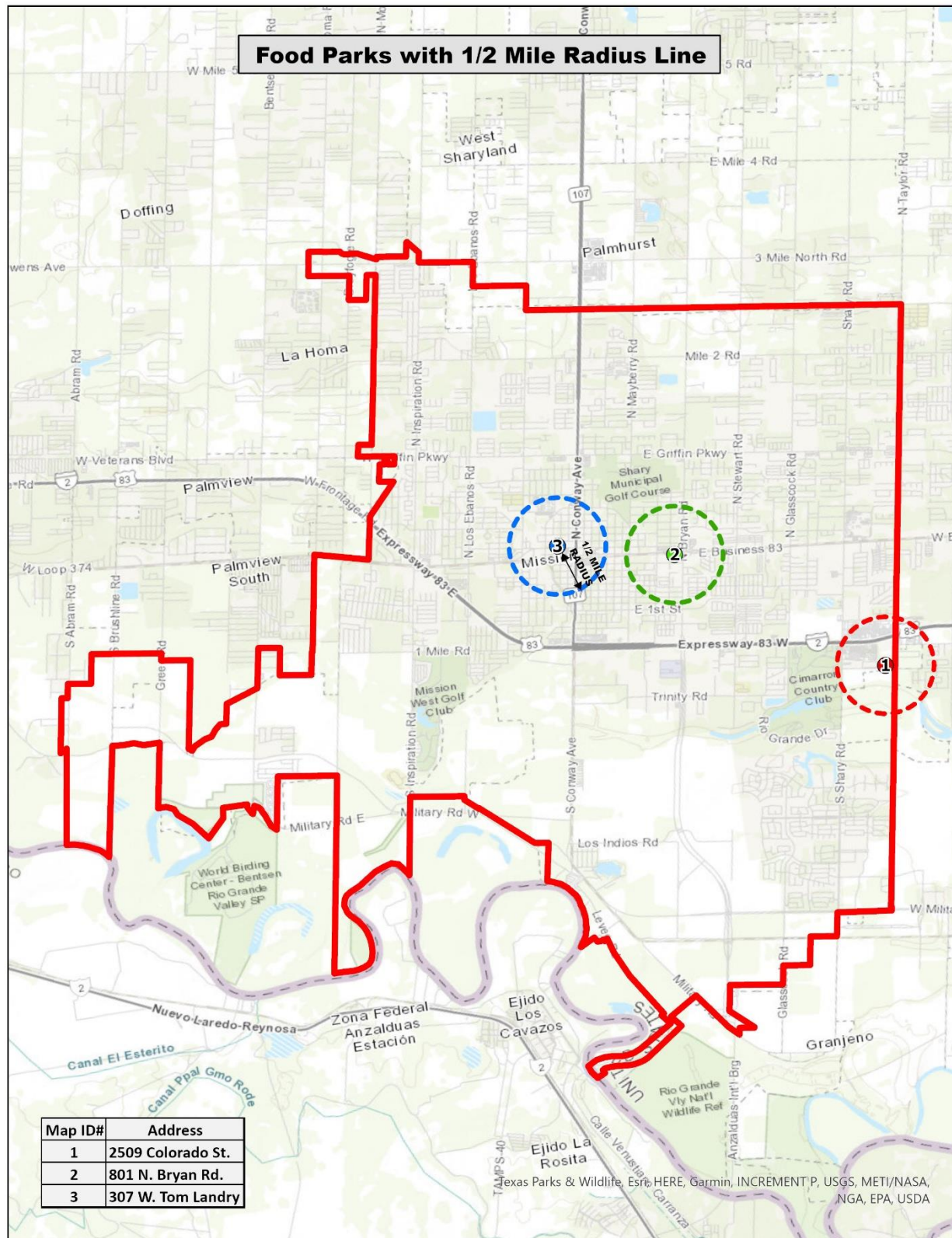
_____ NAYS

_____ DISSENTING _____

EXISTING MOBILE FOOD UNITS WITH ONE MILE RADIUS LINE



FOOD PARKS WITH 1/2 MILE RADIUS LINE



RIO GRANDE VALLEY MOBILE FOOD UNIT COMPARISON**MOBILE FOOD UNIT COMPARISON
MARCH 2025**

CITY	REGULATIONS
Alamo	Allowed with a conditional use permit in properties zoned C-3 for one year with options to renew.
Alton	They are allowed in commercial properties, without a conditional use permit with permission from the property owner. Must obtain a health permit. They are not allowed within 330 feet of the front door of a restaurant or a food truck park property.
Brownsville	One food truck may be established as an accessory use on private property where full-service restaurants are permitted by right. Allowed for 90 days only. \$2,000.00 bond required for unpaid taxes or fines.
Donna	
Edinburg	They are allowed in commercial properties without a conditional use permit with permission from the property owner. Must obtain a health permit.
Harlingen	They are allowed with permission from the business but the unit must be moved to the site in the morning and moved out in the evening.
La Feria	
McAllen	They are allowed in commercial properties without a conditional use permit with permission from the property owner. Must obtain a health permit.
Mercedes	
Mission	Allowed with a conditional use permit in properties zoned C-3
Pharr	
Rio Grande City	
San Benito	They are allowed in commercial properties, without a conditional use permit with permission from the property owner. Must obtain a

RIO GRANDE VALLEY MOBILE FOOD UNIT COMPARISON

	health permit. They are not allowed within 100 feet of the adjoining business primary entrance. The permits are for six months with options to renew. No continuous music is allowed.
San Juan	They are allowed with a conditional use permit with permission from the property and must obtain a health permit.
Weslaco	

STAFF RECOMMENDATION

- Staff recommends amending the mobile food unit ordinance by defining mobile food park and establishing a radius for mobile food units and mobile food parks.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MISSION CODE OF ORDINANCES APPENDIX A, ZONING, SECTION 1.2. DEFINITIONS. BY DEFINING MOBILE FOOD PARK; ARTICLE X. CONDITIONAL USE PERMITS, SECTION 1.56 CONDITIONS OF CONDITIONAL USE, SUBSECTION (11) MOBILE FOOD UNIT, BY ESTABLISHING A RADIUS FOR MOBILE FOOD UNITS AND MOBILE FOOD PARKS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING EFFECTIVE DATE.

WHEREAS, The City of Mission is a home-rule municipality possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the City Council has the authority to adopt an ordinance that, among other things, is for good government peace, or order of Mission; and

WHEREAS, mobile food parks and units are a prevalent business model that need to be properly regulated; and

WHEREAS, this ordinance amendment was reviewed and recommended by the City of Mission Ordinance Review Committee; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment and has recommended approval; and

WHEREAS, The City Council of the City of Mission finds that it is in the best interests of the citizens of Mission to amend the Code of Ordinances as set forth below;

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

SECTION 1: That the City of Mission Code of Ordinances, Appendix A, Zoning, Section 1.2. Definitions. is hereby amended to add the following:

Section 1.52 Definitions.

(33B) Mobile food park. Any parcel where two or more mobile food units congregate on a continuous, regular basis selling food, including prepackaged or beverages to the public.

SECTION 2: That the City of Mission Code of Ordinances, Appendix A, Zoning, Article X. Conditional Use Permits, Section 1.56 Conditions of Conditional Use, Subsection (11) Mobile Food Unit. is hereby amended as follows:

Section 1.56 Conditions of Conditional Use.

(11) Mobile food unit and Mobile food park:

- a. All mobile food units and mobile food parks shall comply with all appurtenant health codes of the State of Texas and all ordinances of the City of Mission, Texas.
- b. Mobile food units shall be placed on, at a minimum, compacted gravel base. Mobile food units shall not be parked on unimproved surfaces.
- c. Mobile food units shall not be allowed within one-mile of another mobile food unit or mobile food park. This subsection does not apply to mobile food units approved by City Council prior to enactment of this amendment.

- d. Mobile food parks shall not be allowed within half-mile of another mobile food park or within one-mile of a mobile food unit and may only be located on commercial zone properties.
- e. Each owner of a mobile food unit that satisfactorily meets the criteria for approval, will be allowed a one-year conditional use permit. Upon completion of the one-year initial permit, the owner may apply for subsequent renewals to City Council. This does not apply to mobile food units approved for use on city-owned property. The conditional use permit is not transferable as stated in Article X. Conditional Use Permits, Section 1.55.
- f. A mobile food unit may operate in all other use districts for the limited purpose of a public or private event for which the mobile food unit has written permission to operate on the owner's property. This does not apply to mobile food units approved for use on city-owned property.
- g. A mobile food unit shall not operate on a public property or right-of-way, unless permission has been granted by the city council.
- h. All mobile food units shall obtain a business permit/license in accordance with Appendix A-Zoning, Article IX.-Business Permit for each specified location where sales are to take place from a mobile food unit.
- i. All mobile food unit vendors must obtain a permit from the City of Mission health department to operate as a mobile food unit or mobile food park. All mobile food units and mobile food parks shall ensure appropriate grease traps are installed for the units/parks.
- j. All mobile food units participating in any City of Mission event are exempt from the conditional use permit process. However, a mobile food unit that is approved to participate in a City of Mission event must apply for a temporary permit with the health department, not to exceed three days, and comply with all other ordinances of the City of Mission, including health codes.
- k. The city council may designate certain areas within the city limits of the City of Mission as mobile food parks. Once designated, mobile food units authorized to-operate within the mobile food park, are exempt from the one-mile distance_separation requirement, but must comply with all other requirements of the business permit/license process.

SECTION 3. REPEALER All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and any remaining provision shall continue in effect notwithstanding the invalidity of such section, subsection, clause, phrase or portion.

SECTION 5. EFFECTIVE DATE This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED THIS ____ day of _____, 2025, at a regular meeting of the City Council Elective Commission of the City of Mission, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF MISSION

Norie Gonzalez Garza, Mayor

ATTEST:

| _____
Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Patricia A. Rigney, City Attorney

EXISTING MOBILE FOOD PARKS & MOBILE FOOD TRUCKS

