

AN ORDINANCE OF THE CITY OF MARTINEZ
AMENDING CHAPTER 22 TO PERMIT LUNCH WAGONS ON PRIVATE PROPERTY
WITH A USE PERMIT IN THE PROFESSIONAL AND ADMINISTRATIVE OFFICE,
COMMERCIAL AND INDUSTRIAL DISTRICTS

The City Council of the City of Martinez does ordain as follows:

SECTION 1: New sections 22.04.355, 22.14.040F, 22.16.080M,
22.18.060I are added to the Martinez Municipal Code as follows:

22.04.355 Lunch Wagon.

A cart or motor vehicle from which beverages and ready-to-eat food items are sold.

22.14.040 Conditional Uses.

F. Lunch wagons, except Downtown (north of Green Street, south of Marina Vista, between Berrellesa and Court Streets), provided that on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings:

1. The use will not be detrimental to other businesses in the area.
2. The use will not create a safety hazard.
3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.
4. The use will not be a nuisance to neighboring properties especially residences.

22.16.080 Conditional Uses.

M. Lunch wagons, except Downtown (north of Green Street, south of Marina Vista, between Berrellesa and Court Streets) provided that on the basis of the use permit application and the evidence submitted, the Planning commission makes the following findings:

1. The use will not be detrimental to other businesses in the area.
2. The use will not create a safety hazard.
3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.
4. The use will not be a nuisance to neighboring properties especially residences.

22.18.060 Conditional Uses.

I. Lunch wagons, provided that on the basis of the use permit application and the evidence submitted, the Planning commission makes the following findings:

1. The use will not be detrimental to other businesses in the area.
2. The use will not create a safety hazard.
3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.
4. The use will not be a nuisance to neighboring properties especially residences.

*Office
Districts*

*Commercial
Districts*

*Industrial
Districts*

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 3. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 4. Posting. The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

APPROVED: 
Michael Menesini, Mayor

ATTEST 
City Clerk

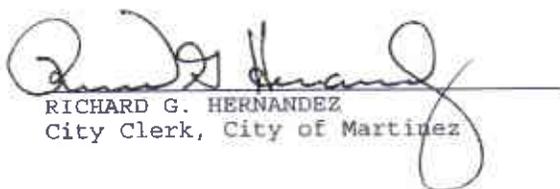
This ordinance was introduced on the 17th day of September, 1997, and adopted on the 1st day of October, 1997, by the following vote:

AYES: City Council Members Farley, Ross, Schroder, Vice Mayor Woodburn and Mayor Menesini

NOES: None

ABSENT: None

ABSTAIN: None


RICHARD G. HERNANDEZ
City Clerk, City of Martinez

LUNCH WAGONS

Lunch wagons, carts or motor vehicles from which beverages and ready-to-eat food items are sold, are permitted in the PA, Commercial and Industrial zone districts with a conditional use permit, except Downtown (north of Green Street, south of Marina Vista, between Berrellesa and Court Streets), provided that on the basis of the use permit application and the evidence submitted, the Planning Commission makes the following findings:

1. The use will not be detrimental to other businesses in the area.
2. The use will not create a safety hazard.
3. The use will meet the Design Review Criteria and Standards, Chapter 22.34.045.
4. The use will not be a nuisance to neighboring properties especially residences.