



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
October 18, 2022, 6:00 P.M.
205 S. Main St.**

WATCH THE LIVE BROADCAST

This meeting will be broadcast live through the City's website. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "[click here](#)" link that is located to the right of "LIVE STREAMING."

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. PUBLIC HEARINGS

- A.** "Public Hearing to consider discuss and act upon an application requesting an amendment to Ordinance #2021-0928-001 to make certain amendments to the Site Plan, Elevations, and Landscape Plan adopted by and made a part of said Ordinance thereby allowing certain structures and facilities identified on the Site Plan to be constructed of different materials, expanded or reduced in size, and/or

moved or relocated within the approximately 5.050 acres of land, more or less, that is zoned HI – 2 - Heavy Industrial District– 2 Uses with a Specific Use Permit to allow a Concrete/Asphalt Batching (Not Temporary) which land is also subject to the Highway Commercial (HC) Overlay District based on its location. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A - 954, of Farmersville, Collin County, Texas. “

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss, and act upon P&Z minutes from the September 20, 2022, meeting.
- B. Consider, discuss and act upon certain amendments to the Site Plan, Elevations and Landscape Plan of approximately 5.050 acres (Nelson Bros Concrete).
- C. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-1025-001, amendment of Chapter 77 “Zoning”, by adopting a new section entitled “Food Trucks and Operation sites.” That establishes regulations governing “Food Trucks or Mobile Food Establishments.”

ADJOURNMENT

The Planning and Zoning Commission reserves the right adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda items requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government Code Section 551.071(a) (“Consultation with Attorney, Closed Meeting”).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on October 14, 2022, by 11:00 A.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 14th day of October 2022.


Tabatha Monk, City Secretary



I. PRELIMINARY MATTERS

III. PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Farmersville Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 18, 2022, at 6:00 p.m. in the Council Chambers at Farmersville's City Hall, 205 S. Main Street, Farmersville, TX 75442 to consider, discuss and act upon an application requesting an amendment to Ordinance #2021-0928-001 to make certain amendments to the Site Plan, Elevations, and Landscape Plan adopted by and made a part of said Ordinance thereby allowing certain structures and facilities identified on the Site Plan to be constructed of different materials, expanded or reduced in size, and/or moved or relocated within the approximately 5.050 acres of land, more or less, that is zoned HI – 2 - Heavy Industrial District– 2 Uses with a Specific Use Permit to allow a Concrete/Asphalt Batching (Not Temporary) which land is also subject to the Highway Commercial (HC) Overlay District based on its location. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A - 954, of Farmersville, Collin County, Texas.

This hearing is open to any interested persons. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

The Farmersville City Council will hold a Public Hearing on Tuesday, October 25 2022, at 6:00 p.m. in the Council Chambers at Farmersville's City Hall, 205 S. Main Street, Farmersville, TX 75442 to consider, discuss and act upon an application requesting an amendment to Ordinance #2021-0928-001 to make certain amendments to the Site Plan, Elevations, and Landscape Plan adopted by and made a part of said Ordinance thereby allowing certain structures and facilities identified on the Site Plan to be constructed of different materials, expanded or reduced in size, and/or moved or relocated within the approximately 5.050 acres of land, more or less, that is zoned HI – 2 - Heavy Industrial District– 2 Uses with a Specific Use Permit to allow a Concrete/Asphalt Batching (Not Temporary) which land is also subject to the Highway Commercial (HC) Overlay District based on its location. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A - 954, of Farmersville, Collin County, Texas.

This hearing is open to any interested persons. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss, and act upon P&Z minutes from the September 20, 2022, meeting.



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
September 20, 2022, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Chairman Joe Helmberger presided over the meeting which was called to order at 6:00 p.m. Commissioners Sue Williams, Michael Hesse, John Klostermann and Lauren Shambeck were present. Commissioners James Riley II and Adam White were absent. Also in attendance were City Manager, Ben White, City Secretary, Tabatha Monk, Warrant Officer, Rick Ranspot and City Attorney Alan Lathrom.
- Chairman Hesse led the prayer and Chairman Joe Helmberger led the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward to speak.

III. PUBLIC HEARING

- A.** Public Hearing to consider discuss and act upon a request to consider an amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District that will allow for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures;

prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures. The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District."

Chairman Helmberger opened the public hearing at 6:03 p.m.

- Jim Foy came forward to speak on this item.

Chairman Helmberger closed the public hearing at 6:09 p.m.

- B. Public Hearing to consider discuss and act upon text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by amending Section 77-49, "Use Specific Regulations," to add a new Subparagraph (n) entitled "Food Trucks and Operation Sites," establishing regulations governing "food trucks," "operation sites" for food trucks, and the use of property or a tract of land for use as a "food truck court."

Chairman Helmberger opened the public hearing at 6:09 p.m.

- No one came forward to speak either for or against this item.

Chairman Helmberger closed the public hearing at 6:10 p.m.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. "Consider, discuss and act upon the minutes from July 19, 2022, meeting."
- **Commissioner Hesse made a motion to approve.**
 - **Commissioner Klosterman seconded the motion to approve.**
 - **The motion carried unanimously (5-0).**
- B. "Consider, discuss and act upon a minor replat for Fowler Addition (316 S. Johnson)."
- **Commissioner Hesse made a motion to approve.**
 - **Commissioner Klosterman seconded the motion to approve.**
 - **The motion carried unanimously (5-0).**
- C. "Consider, discuss and act upon a minor plat for Gaddy South Addition Lot 1 Block A."
- **Commissioner Klosterman made a motion to approve.**
 - **Commissioner Williams seconded the motion to approve.**
 - **The motion was carried unanimously (5-0).**
- D. "Consider discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0927-001, amendment of Chapter 77 "Zoning", by adopting a new article that will create a Historic Preservation Overlay Zoning District."

- Discussions took place between the P&Z Board, City Attorney and Mr. Foy.
- **Commissioner Hesse made a motion to recommend approval to City Council with the striking of Section 77-121, (Designation of other Historic Districts), from the document.**
- **Commissioner Klosterman seconded the motion.**
- **The motion carried unanimously (5-0).**

E. "Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #0-2022-0927-002, amendment to Chapter 77 "Zoning", by adopting a new section entitled "Food Trucks and Operation sites." That establishes regulations governing "Food Trucks or Mobile Food Establishments."

- Mr. White updated the board on this Ordinance.
- Conversation was had between the P&Z Board, City Attorney and City Manager.
- The P&Z would like to take no action on this item at this meeting
- This item will be brought back to the next meeting for discussion and possible recommendation.

V. ADJOURNMENT

Chairman Joe Helmberger adjourned the meeting at 6:52 p.m.

ATTEST:

APPROVE:

Tabatha Monk, City Secretary

Joe Helmberger, Chairman

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

B. Consider, discuss and act upon certain amendments to the Site Plan, Elevations and Landscape Plan of approximately 5.050 acres (Nelson Bros Concrete).



DEVELOPMENT APPLICATION

- | | | |
|---|--|---|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Amended Plat | <input type="checkbox"/> Minor Plat | <input type="checkbox"/> Development Plat |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Specific Use Permit | <input checked="" type="checkbox"/> Site Plan |
| <input type="checkbox"/> Annexation | | <input type="checkbox"/> Rezoning |

Fees:

A retainer fee of \$1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the \$1,000.00 is not used and will be billed if the amount exceeds the initial \$1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)

The application fee of \$ _____, to be paid to the City of Farmersville, is enclosed with this application.

A. Description of Property

1. Addition Name Nelson Bros. Ready mix plant
2. Total Acreage ~5
3. Current Zoning Classification(s) Heavy Industrial
4. Proposed Zoning Classification(s) N/A
5. Total Number of Lots, by Type 1
6. Proposed Use of Property Ready mix concrete production
7. Location of Property CR 699 + 380
8. Geographic (Tax) ID Number R- _____ R- _____

B. Applicants: (List those persons you wish to be contacted about this request.) **PLEASE PRINT**

- | | |
|--|---|
| 1. Owner <u>Nelson Bros. Ready Mix, LTD</u> | 2. Applicant/Representative <u>Trident Structures LLC</u> |
| Address <u>PO Box 338</u> | Address <u>3348 Peden Rd STE 700</u> |
| City, State, Zip <u>Lewisville, TX 75067</u> | City, State, Zip <u>Fort Worth, TX 76179</u> |
| Phone <u>972-436-6558</u> | Phone <u>817-739-8144</u> |
| Email <u>info@nbreadymix.com</u> | Email <u>ttrantham@trident-structures.com</u> |

C. Variance Request: ☐ Yes ☐ No If yes, describe: _____

"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: Dil Shyff Date: 8/12/22

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Farmersville Plant LLC
123 County Road 699
Farmersville, TX, 75442

Farmersville ISD
Attn: Admin Office
501 A. Hwy. 78 N.
Farmersville, TX 75442

City of Farmersville
205 S. Main Street
Farmersville, TX 75442

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Farmersville Plant LLC
123 County Road 699
Farmersville, TX, 75442



IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

C. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-1025-001, amendment of Chapter 77 "Zoning", by adopting a new section entitled "Food Trucks and Operation sites." That establishes regulations governing "Food Trucks or Mobile Food Establishments."

**CITY OF FARMERSVILLE
ORDINANCE # O-2022-1025-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF SECTION 77-49, "USE SPECIFIC REGULATIONS," BY ADOPTING A NEW SUBSECTION (N) ENTITLED "FOOD TRUCKS AND OPERATION SITES" THAT ESTABLISHES REGULATIONS GOVERNING "FOOD TRUCKS" OR "MOBILE FOOD ESTABLISHMENTS," THE "OPERATION SITES" FOR FOOD TRUCKS, AND THE USE OF PROPERTY OR A TRACT OF LAND FOR A "FOOD TRUCK COURT"; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the City Council of the City of Farmersville ("City Council") has previously adopted a Zoning Ordinance under the authority of Chapter 211 of the Texas Local Government Code, which Zoning Ordinance is codified as Chapter 77 of the Farmersville Code; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended the adoption of regulations regarding Food Trucks or Mobile Food Establishments; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to these matters coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, that regulations regarding Food Trucks or Mobile Food Establishments should be adopted as provided herein; and

WHEREAS, the City Council of the City of Farmersville, Texas, does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals, and general welfare of the City of Farmersville.

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

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF THROUGH THE AMENDMENT OF SECTION 77-49, "USE SPECIFIC REGULATIONS," BY ADOPTING A NEW SUBSECTION (N) ENTITLED "FOOD TRUCKS AND OPERATION SITES" THAT ESTABLISHES REGULATIONS GOVERNING "FOOD TRUCKS" OR "MOBILE FOOD ESTABLISHMENTS," THE "OPERATION SITES" FOR FOOD TRUCKS, AND THE USE OF PROPERTY OR A TRACT OF LAND FOR A "FOOD TRUCK COURT"

From and after the effective date of this Ordinance Chapter 77, "Zoning Ordinance," of the Farmersville Code is amended through the amendment of Section 77-49, "Use Specific Regulations," by adopting a new Subsection (n) entitled "Food Trucks and Operation Sites" to read as follows:

"77-49 – USE SPECIFIC REGULATIONS

[Subparagraphs (a) through (m) remain unchanged.]

(n) *Food Trucks and Operation Sites.*

(1) *Purpose.*

The purpose of this section is to establish regulations governing mobile food establishments that are commonly referred to as "food trucks," the parameters for operation sites for food trucks, and the land use classifications within which a food truck court might be established. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a food truck, an operation site for a food truck or a food truck court.

(2) *Operation of a Food Truck or Mobile Food Establishment*

- a. It shall be unlawful for any person to operate a food truck or mobile food establishment as defined in this Code of Ordinances upon any street, public street, street right-of-way, sidewalk, parking lot, or city-owned, leased or controlled property unless such person has first obtained all of the permits required by this Chapter and Chapters 32 and 53 of the Farmersville Code.
- b. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless such person has in their immediate possession a valid solicitor's permit and health permit issued to them by the city.
- c. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless the vehicle is constructed and operated in accordance with the Texas Food Establishment Rules.
- d. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless proof of access to a commissary or central preparation facility is provided on demand.
- e. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment shall comply with the City's Fire Code.
- f. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment shall ensure that all food preparation, cooking, service, or other food service-related activities take place within the confines of the vehicle.
- g. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment on any public street which includes four or more marked traffic lanes unless specifically designated for such purpose by the City.
- h. Any person engaged in or who attempts to engage in the operation of a food truck or mobile food establishment on any public street shall stop his motor

vehicle only in immediate response to a direct request from a potential customer and for a period not to exceed 15 minutes.

- i. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment on private property, exclusive of those operating in conjunction with duly permitted temporary or special events, open air markets, or food truck courts, shall:
 1. Only engage in food truck or mobile food establishment operations in areas which are non-residential in nature, and shall include, but is not limited to, areas used for non-residential purposes and any areas with any one or more of the following zoning district classifications: NS — Neighborhood Service District, GR — General Retail District, C — Commercial District, LI — Light Industrial District, HI-1 — Heavy Industrial District-1, and HI-2 — Heavy Industrial District-2.
 2. Only do so as an accessory use to the primary uses located on the same property, and as such, shall, to the extent practicable, locate and orient the food truck or mobile food establishment and appurtenances on-site in a manner that clearly serves employees and patrons of the primary use of the property and not to attract or solicit business from neighboring streets or the public in general.
 3. Do so only from a motorized vehicle.
 4. Be allowed to utilize temporary tables and chairs placed on the non-residential property in close proximity to the motor vehicle for a period of time not to exceed eleven (11) consecutive hours.
 5. Demonstrate that the motorized vehicle is moveable and operable upon demand by the city.
 6. Not alter or modify the motorized vehicle or the premises adjacent to the motorized vehicle that would prevent the operation or mobility of the

motorized vehicle from which the mobile food establishment operation is conducted.

7. Have access to restrooms within 1,000 feet of the vending location to be utilized for both the vendor and patrons.
 8. Obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
 9. Not be permitted to have more than two food trucks or mobile food establishments conducting operations at any one time on private property that is non-residential in nature.
- j. Notwithstanding the provisions of this section, a person may operate a food truck or mobile food establishment within the limits of any city park if such person has a written agreement or a permit issued by the City Manager or their designee.
- k. Any property owner wishing to host food truck or mobile food establishment on their property and allow them to operate outside the parameters set forth herein shall only do so on properties where the City Council has approved a special permit for that express purpose.
- l. Any person or firm that operates a food truck or mobile food establishment as defined in this Code of Ordinances shall not operate such establishment within:
1. Any area zoned for residential land uses;
 2. The City's designated Main Street area;
 3. The City's Central Area zoning district and particularly the Downtown Square; and
 4. One block of any block containing an elementary school, junior high school, or middle school.

- m. No food truck or mobile food establishment may enter any City park containing a concession stand for the purpose of vending without first receiving written permission from the City Manager or their designee.
- n. A mobile food establishment shall not stop to sell or serve food for a period of time exceeding thirty (30) minutes.
- o. A food truck or mobile food establishment may only operate in excess of thirty (30) minutes when it is operating:
 - 1. in conjunction with a City-sponsored event or a permitted event authorized by the Farmersville Code, as amended, and only for the duration of that event; or
 - 2. as an accessory use to an existing business with a valid mobile food establishment certificate of occupancy, as authorized by the Farmersville Code, as amended.
- p. Food for public consumption must be prepared and stored at the central preparation facility or on the food truck or mobile food establishment. Food for public consumption may not be prepared or stored at any other location, including but not limited to an unpermitted or residential kitchen, pursuant to Title 25, Texas Administrative Code Section 228.62(a), as amended.
- q. Only food items previously approved by the City Manager, or their designee may be sold on a food truck or mobile food establishment. Non-food items such as toys, fireworks, or any hazardous substances such as stink bombs are prohibited.

(3) *Definitions.*

- a. *Food Truck*, which is also known as a *Mobile Food Establishment*, means an operational vehicle mounted, self-propelled, self-contained food establishment designed to be readily moveable and used to store, prepare, display, serve or sell food and associated non-alcoholic beverages, which food and beverages

are not typically tied to a single season of the year. Food trucks must completely maintain their mobility at all times. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation and/or use. All references to a food truck in this Code of Ordinances shall mean and include a mobile food establishment. Unless otherwise provided, a food truck does not mean a stand, booth, pushcart, or a trailer (that is not capable of immediate mobility by use of a licensed motor vehicle to which the trailer is currently connected).

- b. *Food Truck Court* means a property that is properly zoned for and used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.
- c. *Mobile Food Establishment*, commonly referred to as a "food truck," is a vehicle mounted food service operation designed to be readily movable. A mobile food establishment shall be capable of immediate mobility by use of a licensed motor vehicle. This definition shall include the term "mobile food unit" under state law, including the Texas Food Establishment Rules, or its successor statute.
- d. *Operation Site* means the geographic area, not located within a food truck court, within which area the food truck will park and prepare and sell food and/or associated non-alcoholic beverages. This term also includes areas where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise other than food and non-alcoholic beverages shall be prohibited. Operation sites must have a valid food truck temporary site permit in addition to all other applicable permits and inspections.

(4) *Required permits, plans and inspections.*

a. *Certificate of occupancy (food truck courts only).*

1. Each food truck court shall be required to receive a certificate of occupancy from the chief building official or their designee subsequent to the approval of a specific use permit and corresponding site plan. As part of the request for a certificate of occupancy, the following information, at a minimum, shall be provided:
 - i. The name and address of the owner and/or operator;
 - ii. A description of the owner and/or operator;
 - iii. If the applicant represents a corporation, association, partnership or any other business entity, the names and addresses of the officers, partners or principals;
 - iv. The address and name under which the mobile food court will be operated; and
 - v. Any other information reasonably required by the chief building official to document the use and operation of the food truck court.

b. *Food truck temporary site permit (for an operation site).*

1. The owner or the owner's authorized representative of a property containing an operation site where a food truck may be located from time to time must apply for a food truck temporary site permit from the Building Inspections Department prior to allowing a food truck to operate on their property.
2. The permit application, which shall be verified in the same manner as required for a deed, shall include information that details where the food truck will be located on the property along with

the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on and about the operation site. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Authorization letters that limit the allowance of food trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the Chief Building Official to thoroughly review the request shall also be submitted as part of the permit application.

3. A food truck temporary site permit for an operation site issued by the Building Inspections Department shall only remain valid for a maximum of six (6) months **and regardless of the date of issuance shall expire on June 30 or December 31 of such calendar year**, whichever date occurs first following the issuance of the initial permit and then every six months thereafter. There shall be no pro-ration of fees assessed after the first month of each period.
4. A food truck temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable for an operation site.
5. The Chief Building Official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter.
6. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which revocation, such temporary use shall immediately cease, and all

temporary structures shall be removed within ten days of notification of such finding.

- c. *Food truck log.* Each food truck and mobile food establishment operator shall maintain a log that contains each date of servicing and the signature of the commissary operator certifying that servicing occurred at the commissary. In lieu of a log, receipts showing the type of purchases, date and time of purchases, and the location of the commissary where purchases were made may be accepted in lieu of a food truck log. The food truck log or receipts shall be made available to city personnel for inspection upon request.
- d. *Food truck vendor permit.* All food trucks shall be required to register and obtain all applicable permits from the City in accordance with Chapters 32 and 53 of the Farmersville Code prior to operation.
- e. *Health permit.* All food trucks must obtain a permit from the City for the operation of a mobile food unit in accordance with Chapter 32 of the Farmersville Code prior to operating a food truck or a food truck court. All such health permits must be prominently displayed in accordance with all applicable rules, regulations, ordinances and statutes.
- f. *Inspections.* Food trucks and operation sites may be inspected from time to time by appropriate City or County personnel. Food truck courts, operation sites and food trucks shall immediately be made available for inspection upon request of such City or County personnel.
- g. *Other permits required.* Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations. Property owners shall be responsible for ensuring that any food truck which operates as part of a food truck court or a temporary site permit for any operation site obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.

- h. *Safety.* The Chief Building Official, Fire Marshal, Health Inspector, and/or the City Manager shall have the authority to require that additional safety measures be provided at a food truck or operation site to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.
- i. *Site plan required (food truck court only).* A site plan as specified in Sections 77-81 and/or 77-82 (site plan approval) of the Farmersville Code shall be required to be submitted and approved prior to the issuance of any permits for a food truck court.
- j. *Specific use permit required (food truck court only).* A specific use permit as specified in Section 77-44 (specific use permits) of the Farmersville Code shall be required to be submitted and approved by the city council prior to the issuance of any permits for a food truck court.

(5) *Acceptable locations.*

a. *Food truck operation sites.*

- 1. Subsequent to all permits being issued, operation sites for food trucks may be located within any non-residential zoning district assuming all applicable locational criteria and the following requirements are satisfied:
 - i. No food truck operation site including, but not limited to food preparation, sales, or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the owner or authorized representative all such restaurants or food service establishments.

- ii. Only one food truck shall be permitted on each permitted food truck operation site.
 - iii. Food truck courts may only have that number of food trucks within, on and about the food truck court as is specifically through a specific use permit therefore as approved by the City Council for the particular lot or property.
 - iv. Food trucks shall not be allowed to engage in sales operations within 100 feet of any property that is used or zoned for residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided.
- 2. Food trucks and their customers shall be prohibited from utilizing the public rights-of-ways for food sales, preparation, and/or consumption save and except to the extent specifically authorized and permitted by and through the City Manager or their designee.
 - 3. Food truck courts and operation sites shall only be permitted on private property.
 - 4. All portions of a food truck and its associated operation site shall be located within 150 feet of a dedicated fire lane easement, or a public street as determined by the City Manager or Fire Marshal.
 - 5. Food trucks must be parked, situated, and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
 - 6. Food trucks and operation sites may not occupy required off-street parking spaces or loading spaces.

7. All food trucks participating in a food truck court shall remain fully mobile and operational unless a commissary is provided on site and said food truck is authorized to utilize the on-site commissary.
8. Food trucks shall report to their designated commissary at least once per day for food, supplies, cleaning, and servicing.

(6) *Hours of operation.*

a. *Food truck operation sites.*

1. Food trucks shall only be allowed to engage in sales operations between the hours of 6:00 am and 12:00 a.m.

(7) *Noise.*

- a. Food trucks and operation sites shall be subject to the noise requirements of Chapter 44, Article II (Noise Regulation) of the Farmersville Code.
- b. No amplified sound shall be permitted after 10:00 p.m.

(8) *Refuse, recycling, litter and food preparation byproducts.*

a. *Food truck operation sites.*

1. Food trucks shall provide, on or within 20 feet of the food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.
 - a. City-provided refuse and recycling containers shall not be used for the food truck's or operation site's refuse and/or recycling needs unless written authorization has first been obtained from the City for such use.

- b. Any refuse, recycling and/or litter on the ground at, around and about the food truck or operation site shall be immediately picked up and discarded appropriately by the food truck operator. Refuse and/or recycling must be removed from the operation site at least daily or more frequently as needed to remove litter, refuse and/or recycling from the property thereby avoiding the creation of an unsanitary or unhealthy condition or nuisance.
- c. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping, or the improper disposal, of food preparation byproducts onto the ground, pavement or other surface or into a storm water collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the food truck and/or operation site in addition to the performance of any necessary remediation and the issuance of citations and fines.
- d. Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

(9) *Signage.*

All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. There shall be no limit to the amount of signage that is allowed on a food truck while the food truck is parked at a food truck court or operation site. A food truck shall not be outfitted with a "changeable electronic variable message sign" or any manner of "prohibited signage" as defined and/or set forth in Chapter 56 (Signs and Advertising) of the Farmersville Code. Signage for the food truck court shall be permitted as outlined in Chapter

56 (Signs and Advertising) of the Farmersville Code. Signage containing profanity or lewd or obscene images shall be prohibited.

(10) *Off-street vehicle parking.*

a. *Food Truck Operation Sites.*

1. One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. If no tables are provided, no off-street vehicle parking shall be required. Any customer parking that is provided must be finished with concrete or asphaltic surface materials.
2. Required off-street vehicle parking and maneuvering shall adhere to the requirements of Chapter 71 (Traffic and Vehicles) of the Farmersville Code, except as otherwise specified herein.
3. Food trucks and operation sites must feature an area of sufficient size that is finished with a compacted gravel base, concrete or asphaltic surface materials on which any food trucks may park and operate. Customer parking must be finished with concrete or asphaltic surface materials.

(11) *Restrooms required.*

a. *Food Truck Operation Sites.*

1. Restrooms for each sex, or a gender-neutral restroom(s), located within a permanent building that has been issued a valid certificate of occupancy shall be provided for the use of the food truck's customers, operators and employees. Such restroom(s) must remain open and available for use at all times during which the food truck is situated on the operation site. No portable or temporary restrooms shall be allowed.

(12) *Exceptions.*

- a. These regulations shall not apply to food trucks that operate:
 - 1. At a special event that is properly licensed pursuant to a special event permit issued by the City, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or
 - 2. As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or
 - 3. On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.
- b. A food truck or mobile food establishment is not the equivalent of a "Restaurant (drive-in type)" or a "Restaurant or food shop, take-out and delivery" identified in the Zoning Use Charts.

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 4. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 5. PENALTY

Any person, firm, corporation, or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Farmersville from filing suit to enjoin the violation. The City of Farmersville retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 7. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 8. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. EFFECTIVE DATE

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Farmersville, and this Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Farmersville, Texas

[Signatures begin on following page.]

PASSED on first and only reading on the ____ day of _____, 2022,
at a properly scheduled meeting of the City Council of the City of Farmersville, Texas,
there being a quorum present and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2022.

APPROVED:

BY: _____
BRYON WIEBOLD
Mayor

ATTEST:

TABATHA MONK
City Secretary

APPROVED AS TO FORM AND LEGALITY:

ALAN D. LATHROM
City Attorney

ADJOURNMENT