

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE XXVIII SPECIAL CONDITIONS AND DEVELOPMENT STANDARDS BY ADDING SUBSECTION 6 TO SECTION E. SPECIAL CONDITIONS TO ALLOW FOR FOOD TRUCKS; AMENDING ARTICLE XXXIV DEFINITIONS BY ADDING A DEFINITION FOR FOOD TRUCK; PROVIDING PENALTY, REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on September 1, 2016, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. 07-16ZT1 CZO Text Changes) and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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

Section 1.

Article XXVIII of the Comprehensive Zoning Ordinance, as amended, is hereby amended to add subsection 6 to section E to read as follows:

“6. FOOD TRUCKS:

Food trucks shall be permitted only in the (TC) Transit Center District.

A. Permitted Locations

1. To locate on a property in this district, the property must have a restaurant as the primary use. A stand-alone parking lot or an unimproved grass or dirt lot is not a primary use.
2. The food truck must be parked on a concrete or asphalt pad as constructed, per the General Design Standards.

3. The food truck may not conduct sales while parked on a public street.
4. The food truck must be located within one hundred (100) feet from an approved restroom providing access during the food truck's hours of operation.
5. Only one food truck permitted per property. Outdoor seating associated with a food truck must be provided on the primary lot and cannot be located in the required parking spaces.
6. Trash receptacles shall be provided to dispose of trash or waste.

B. Prohibitions

1. Audio amplification, bells, chimes, microphones, strobe lights, spot lights or any other similar audible or visual disturbance as part of the food truck operation is prohibited.
2. Drive-thru services are prohibited.
3. Free standing signage is prohibited.
4. No grease, waste or water can be disposed in the storm drains, public streets or sanitary sewer systems except as allowed by law with proper connections approved by the Public Works Department.

C. Required Permits

1. All necessary City permits shall be obtained from the appropriate City departments prior to locating the food truck on the property.
2. A signed agreement from the property owner authorizing the use of the owner's property for the food truck operation, including the use of restrooms, must be submitted with all applications.
3. A signed agreement from the on-site restaurant owner authorizing the use of the owner's restroom during the food truck hours of operation must be submitted with all applications."

Section 2.

Article XXXIV of the Comprehensive Zoning Ordinance is hereby amended as follows in order to add a definition for Food Truck:

- “145. FOOD OR Beverage, RETAIL WITH DRIVE-UP, DRIVE-THRU, OR DRIVE-IN SERVICE: Any establishment which provides the sale of food or beverages including alcoholic beverages for the purpose of off-premise consumption and includes the service of dispensing the food or beverage items through a window to a vehicle, bringing the items to the vehicle or allowing a vehicle to drive inside of the structure. (*Ord. No. 2938; 10/19/04*)
146. FOOD TRUCK: A licensed, self-propelled motorized vehicle which is temporarily located on a lot from which food items are sold.
147. FRATERNAL, CIVIC OR SOCIAL ORGANIZATION WITHOUT A PRIVATE CLUB: An organized group having a restricted membership and specific purpose related to the welfare of its members or the community. (*Ord. No.2281, 09/09/97*)
148. FRATERNAL ORGANIZATION WITH A PRIVATE CLUB: Domestic fraternal associations, operating under the lodge system, the net earnings of which are devoted exclusively to philanthropic, charitable, scientific, literary or educational purposes; and organizations in which 75% of the membership is composed of past or present members of the Armed Forces of the United States. Any such association or organization must be in active operation in not fewer than 31 states, have at least 300 local units in those 31 states and must have been in active, continuous existence for at least 20 years. (*Ord. No. 2281, 09/09/97*)
149. FREESTANDING BUILDING: A building, structure, or premises which stands independently and separately, and which is not connected to any other building, structure, or premises by any means of support or attachment, including but not limited to a common wall, roof, or breezeway.
150. FREEWAY: A continuous thoroughfare designed to give preference to through traffic by providing grade-separated connections only with selected arterials and by prohibiting crossings at grade and direct private driveway connections.
151. FRONT: That portion of a building, structure, lot or parcel of land which faces or abuts the street upon which such building, structure, lot or parcel of land is addressed.
152. FRONTAGE: All of the property measured along the property line abutting on one side of the street upon which such property is addressed.
- 153.-157. RESERVED FOR FUTURE USE”

Section 2.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 5.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 6.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Michael McCauley
Senior Planner