

ORDINANCE NO. 2987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS, AMENDING APPENDIX 2, ZONING ORDINANCE OF THE CITY OF TERRELL, ARTICLE IV, USE REGULATIONS, SECTION 32, USE CHARTS, BY THE ADDITION OF “MOBILE FOOD UNIT” AS AN APPROVED TYPE OF LAND USE; AMENDING ARTICLE V, DEVELOPMENT STANDARDS, SECTION 42, SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES, BY THE ADDITION OF SECTION 42.9, MOBILE FOOD UNIT; AND SECTION 44, DEFINITIONS AS SET FORTH IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on the 25th day of May, 2023, the Planning and Zoning Commission conducted a public hearing and approved the amendment of Appendix 2, Zoning Ordinance of the City of Terrell, Article IV, Use Regulations, Section 32, Use Charts, by the addition of “Mobile Food Unit” as an approved type of land use; Amending Article V, Development Standards, Section 42, Special Regulations for Certain Types of Uses by the addition of Section 42.9, Mobile Food Unit; and Section 44, Definitions as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS:

ARTICLE I.

THAT Appendix 2, Zoning Ordinance of the City of Terrell, Article IV, Use Regulations, Section 32, Use Charts be amended by the addition of “Mobile Food Unit” as an approved type of land use; Amending Article V, Development Standards, Section 42, Special Regulations for Certain Types of Uses by the Addition of Section 42.9, Mobile Food Unit; and Section 44, Definitions as set forth in Exhibit “A” attached hereto and made a part hereof for all purposes.

ARTICLE II.

All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE III.

It is hereby declared to be the intention of the City Council of the City of Terrell, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

ARTICLE IV.

All other provisions of Appendix 2 not expressly modified by this Ordinance shall remain in full force and effect.

ARTICLE V.

This Ordinance shall take effect immediately after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED on this the 27th day of June, 2023.

PASSED AND ADOPTED on this the 18th day of July, 2023.





E. Rick Carmona, Mayor

ATTEST:



Dawn Steil, City Secretary

Approved as to Form:



Mary Gayle Ramsey, City Attorney

EXHIBIT A

ARTICLE IV. USE REGULATIONS Section 32: Use Regulation (CHARTS)

Those uses listed for the O district in section 32, use charts as “P”, “S”, or “T” are authorized uses permitted by right, by specific use permit (which must be approved utilizing procedures set forth in section 31B) or by temporary use permit (which must be approved utilizing procedures set forth in subsection 38.10)

ACCESSORY and TEMPORARY USES	Residential Zoning District										
	AG	EE-32	EE-64	SF-16	SF-10	SF-7.5	SF-6	TX	TH-12	MF	MH
Mobile Food Unit (See section 42.9)											

ACCESSORY and TEMPORARY USES	Non-Residential Zoning District									
	O	NS	R	CB	HC	C	LI	DD	VC	RT
Mobile Food Unit (See section 42.9)	P	P	P	P	P	P	P	P	P	P

ARTICLE V. DEVELOPMENT STANDARDS SECTION 42.9 MOBILE FOOD UNIT

- A. A Mobile Food Unit may operate as part of a temporary special event (with a temporary food permit), as part of an approved land use.
- B. The Mobile Food Unit shall be located on private property where an existing business is currently operating with a valid Certificate of Occupancy (CO). The Mobile Food Unit shall be located on an improved surface (i.e. concrete or asphalt). Operation within the public right-of-way is prohibited.
- C. A Mobile Food Unit is not to be a permanent use at one location.

- D. Mobile Food Units shall only operate between the hours of 7:00 a.m. and 10:00 p.m. and the Mobile Food Unit shall be required to be removed from the property during non-operation hours (i.e. overnight storage on the site is prohibited unless otherwise approved with the Specific Use Permit).
- E. The Mobile Food Unit must obtain an annual mobile food establishment permit, which includes a health and fire inspection.
- F. A Mobile Food Unit health permit shall be issued upon approval of fire and health inspections.
- G. A mobile unit health permit shall be valid for a period of twelve (12) months following issuance thereof.
- H. The Mobile Food Unit shall be equipped with trash receptacles and outside storage of trash shall be prohibited. Water and/or wastewater may not be discharged onto the ground.
- I. The Mobile Food Unit shall have permanent restrooms available within 300 feet of the facility. Portable restroom facilities are not permitted to meet this requirement unless otherwise approved in conjunction with a special event.
- J. The Mobile Food Unit shall have access to a minimum of two (2) dedicated parking spaces and shall not reduce the required parking for the existing building / land use.
- K. All noise and lighting shall be subject to the requirements of the City of Terrell Code of Ordinances and the Zoning Ordinance. In addition, no lights associated with the operation of a Mobile Food Unit may be directed towards an adjacent property or onto a public right-of-way.
- L. All signage must be attached to the Mobile Food Unit, with the exception of one (1) freestanding menu board no greater than eight (8) square feet placed adjacent to the Mobile Food Unit.
- M. A Mobile Food Unit may operate on City of Terrell owned property at any time with written approval of the City Manager, or his designee. This request does require the appropriate food permit and inspection and payment.
- N. The following fee schedule applies to permits issued under this ordinance:

Mobile Food Unit (12-month permit)	\$50.00
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ARTICLE V. DEVELOPMENT STANDARDS SECTION 44 DEFINITIONS

166 MOBILE FOOD UNIT – a mobile food vendor that sells food and/or beverages that are either pre-packaged or prepared in the confines of a portable truck / trailer, which can be moved from place to place, but is typically in a fixed location for extended periods of time.