



KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
March 16, 2017
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 6:00 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION

- A. Discuss any item on the regular session agenda
- B. Discuss tiny house concept
- C. Discuss current regulations for shipping containers
- D. Discuss current regulations for tree protection

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from February 16, 2017 Planning and Zoning Commission meeting.

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Planning and Zoning Commission not scheduled on the Agenda may speak to the Commission, provided that an official 'Speaker's Request Form' has been completed and submitted to the Commission Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual commissioners or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

IX. REGULAR ITEMS

A. **CASE # PZ 17-03** to hold a public hearing and consider a request by Adlai Pennington for a replat and final plat of approximately 8.3 acres at 501 Corry A Edwards Dr and 260 3rd Street, legal description of Hilltop Addition Lots 1-15 and Jacob Prickett Survey A-1225, to create Hilltop Addition Lots 1-16 Block A and Lots 1-17 Block B, and two common area lots.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the Planning & Zoning Commission

B. **CASE # PZ 17-05** to hold a public hearing and consider approval of Ordinance 623 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend Article 3 Agricultural and Residential Districts, Article 4 Old Town Districts, Article 5 Village Districts, Article 6 Commercial and Industrial District, Article 7 Employment Center Districts, and Article 11 Specific Use Requirements to establish regulations for mobile food vendors, including permitted locations, hours of operations, proximity to single-family residential districts and schools, and permit requirements.

1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the Planning & Zoning Commission

X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the March 16, 2017, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: March 16, 2017

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the regular session agenda

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: March 16, 2017

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss tiny house concept

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

At this time, the Commission will here a brief presentation from Maria and John Thibodeau, who are interested in pursuing a tiny house development project in Kennedale. Before they undertake an official application, the Thibodeaus would like input from the Commission on any concerns you may have and feasibility of their approach to this kind of development. Please note that this is not an official request for development or rezoning, and no action or vote may be taken on the issue.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: March 16, 2017

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss current regulations for shipping containers

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Staff will provide the Commission with information about current regulations for use of shipping containers and will ask the Commission for input on whether any changes are needed.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: March 16, 2017

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss current regulations for tree protection

II. Originated by:

III. Summary:

The Commission has been discussing whether the city's current tree protection regulations are adequate. Last month, the Commission discussed the practice of allowing trees located within a right-of-way or easement on an approved plat to be exempt from tree protection requirements. To help with the Commission's discussion, a list of exemptions allowed in several other Tarrant County cities is provided below.

City of Arlington

Exempts trees in a dedicated right-of-way, utility easement, or drainage easement for non-residential development. It was not clear whether trees for residential developments were also exempted, but at a quick glance, it appears they are not.

City of Benbrook

Exempts trees located within the right-of-way and the adjacent utility easements, as well as trees located within drainage facilities (easements and detention ponds) as defined on a plat of record.

City of Keller

Exempts all trees within street rights-of-way, utility easements, or drainage easements as shown on an approved final plat/construction plans. The city and developer must have a development agreement, and an overall tree protection plan has to be approved by the Public Works Department in order for the trees to be exempt.

City of Mansfield

Exempts trees within rights-of-way, utility or drainage easements, and areas designated as cut/fill on the master construction plan for both residential and non-residential development. In addition, for non-residential development, trees within fire lanes, parking areas, and building pads as shown on an approved construction plan are also exempt.

City of North Richland Hills

Exempts trees located within street rights-of-way, utility easements, or drainage easements as shown on a preliminary plat approved by the planning and zoning commission.

City of Southlake

Exempts trees located in building pads, required parking areas, driveways, fire lanes, streets, and required utility and drainage infrastructure, but requires first getting approval of a tree conservation plan. Does not exempt utility easements.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: March 16, 2017

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from February 16, 2017 Planning and Zoning Commission meeting.

II. Originated by:

Alicia Santos, Permit Clerk

III. Summary:

The minutes from last month's meeting is attached for you to review.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	February 16, 2017 PZ Minutes	02.16.2017 PZ Minutes.doc
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KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
February 16, 2017
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Harvey called the meeting to order at 6:00 P.M.

II. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Carolyn Williamson	X	
2	Chris Pugh	X	
3	Stephen Brim		X
4	Thomas Pirtle, Vice-chair	X	
5	Harry Browne	X	
6	Ernest Harvey, Chair	X	
7	Patrick Filson	X	
8	Horace Young, Alternate	X	
9	Greg Adams, Alternate	X	

A quorum was present.

Mr. Pirtle was not present at the roll call. Alternates Horace Young and Greg Adams were asked to serve as regular members for the work session. Mr. Pirtle arrived at 6:11 P.M.

III. WORK SESSION

A. Discuss any item on the regular session agenda.

The Commission did not discuss items on the regular session agenda.

B. Discuss regulations for food trucks and other mobile food vendors

Ms. Roberts gave an overview of the suggested food truck regulations included in the staff report. The Commission provided feedback on the suggestions. The Commission asked Ms. Roberts to define what counts as mobile and to create a list of what would be prohibited. The commissioners said they would rather allow sandwich board signs for the vendors as long as the signs followed the same regulations for these signs that apply to non-mobile businesses. The Commission asked about health inspections. And Ms. Roberts said city staff does not conduct those inspections and that they are done by Tarrant County Public Health. The Commission would like the ordinance to allow outdoor seating as long as the seating was removed by the food vendor daily. Commissioners also recommended requiring a background check to be included as part of the permit application.

A. Discuss the city's tree protection and tree removal regulations

Mr. Harvey said the city's tree protection regulations seemed lacking. He asked what was the basis for the exemptions for streets and utilities. He was concerned about losing trees and not requiring them to be replanted. Mr. Young suggested maybe requiring a developer to leave a percentage of trees on site. Mr. Filson expressed concern about creating regulations that are too restrictive, which would steer development away from Kennedale. The Commission determined that it would need to look at this issue further.

Mr. Harvey closed the work session at 6:56 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey opened the regular session at 7:03 P.M.

VI. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Carolyn Williamson	X	
2	Chris Pugh	X	
3	Stephen Brim		X
4	Thomas Pirtle, Vice-chair	X	
5	Harry Browne	X	
6	Ernest Harvey, Chair	X	
7	Patrick Filson	X	
8	Horace Young, Alternate	X	
9	Greg Adams, Alternate	X	

A quorum was present.

VII. MINUTES APPROVAL

- A. Consider approval of minutes from the January 19, 2017 Planning & Zoning Commission regular meeting

Mr. Pirtle made a motion to approve the minutes as written. Seconded by Mr. Browne, the motion passed with all in favor except with Mr. Harvey, who abstained.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

- A. **CASE # PZ 17-04** to hold a public hearing and consider approval of Ordinance 622 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend Article 10 *General Provisions for All Districts*, Section 10.17 "Walls and Fences" and Article 13 *Landscaping, Screening, and Lighting*, Sections 13.6 "Buffering" and 13.8 "Screening."

Ms. Roberts gave the staff presentation. She said the Commission and City Council had asked for some changes to the screening regulations so that properties with changes in grading or topography would still be screened as required by code, and those changes were presented in the ordinance under consideration.

Mr., Pirtle made a motion to approve with a change from metal frame to metal brackets in Section 1 of the ordinance. Mr. Pugh seconded the motion. The motion passed with all in favor with the exception of Mr. Harvey, who abstained.

X. REPORTS/ANNOUNCEMENTS

Update on Planning & Zoning Commission cases

Ms. Roberts said the cases the Commission had recommended for approval in January were approved by the City Council.

XI. ADJOURNMENT

Mr. Filson made a motion to adjourn, Ms. Williamson seconded, and the motion passed unanimously. The meeting adjourned at 7:15P.M.

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: March 16, 2017

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # PZ 17-03 to hold a public hearing and consider a request by Adlai Pennington for a replat and final plat of approximately 8.3 acres at 501 Corry A Edwards Dr and 260 3rd Street, legal description of Hilltop Addition Lots 1-15 and Jacob Pricket Survey A-1225, to create Hilltop Addition Lots 1-16 Block A and Lots 1-17 Block B, and two common area lots.

II. SUMMARY

This staff report describes the current status of the property—including a brief history of recent zoning and platting activities—the requirements for approval, and the staff recommendation.

By state law, plats that comply with the city's comprehensive land use plan and with all applicable development regulations must be approved. Staff's assessment, provided below, is that the plat meets all requirements for approval. However, state law still requires a public hearing.

OVERVIEW	
Request	Replat and final plat
Applicant	Adlai Pennington
Location	Corry A Edwards Dr / 3 rd St
Surrounding Uses	Single family residential, commercial, civic/government (across the street)
Surrounding Zoning	Old Town sub-districts 2, 3, and 4
Future Land Use Plan Designation	Downtown Village
Staff Recommendation	Approve (required by state law)

CURRENT STATUS OF PROPERTY

The majority of this property was originally platted in the 1950s as a 15-lot subdivision. The replat, if approved, would eliminate the original 15-lot layout and create 33 residential lots and two common-area lots (one is a drainage easement lot). The Commission considered a replat for this property in 2013, but the case was withdrawn by the applicant in order to resolve some engineering issues. At that time, the proposed development had only one entrance, located off 3rd St, and included a cul-de-sac

street requiring a variance. The plat now includes one additional parcel of land that will provide a connection to Corry A Edwards Dr. With the addition of this parcel and the resulting through-street, no variance is needed.

The property is zoned as a combination of planned development district (approved in 2013) and Old Town sub-district 2 (approved in June 2016). The minimum lot width and depth required in the OT-2 district is the same as what was required under the previous zoning. The planned development district has the same lot width requirement but a larger lot depth requirement.

Standard/Regulation	Current zoning – PD	Current zoning – OT-2	Previous – Old Town
Lot Width	50'	50'	50'
Lot Depth	110'	80'	80'
Minimum Lot Area	5,500 sq ft	5,000 sq ft	5,000 sq ft
Minimum building size (livable area)	1,350 sq ft	1,500 sq ft	1,000 sq ft
Front Setback	15'	10'	20'
Side Setback, interior	5'	5'	5'
Side Setback, corner	15' (adjacent to r-o-w)	5'	5'
Rear Setback	5'	15'	15'

SURROUNDING PROPERTIES & NEIGHBORHOOD

Surrounding land uses are primarily single family residential, although there are some adjacent commercial uses. There are also a small number of duplex residential uses nearby. Zoning on surrounding properties is Old Town (sub-districts 2, 3, and 4).

STAFF REVIEW

COMPREHENSIVE LAND USE PLAN

The property is designated as Downtown Village in the Future Land Use Plan.

The plat complies with the zoning district requirements, which were created in recent years specifically to allow implementation of the Downtown Village character district.

SUMMARY

The plat complies with the comprehensive land use plan.

CITY DEVELOPMENT REQUIREMENTS

Replats and final plats must submit utility / engineering drawings and drainage plans meeting city development requirements.

City staff and the city's engineers reviewed the engineering and development plans for compliance with the city's regulations for subdivisions. The plat drawing was also checked for compliance with the city's technical requirements for plats. After revisions, the plans are now sufficient for plat approval.

PLANNING REQUIREMENTS

TECHNICAL SPECIFICATIONS FOR PLAT DRAWINGS. The plat drawing meets the technical requirements for plat drawings.

ZONING DISTRICT LOT REQUIREMENTS. The proposed plat meets the requirements of the Hilltop planned development district and the Old Town sub-district 2 single family residential zoning district.

SUBDIVISION REGULATIONS & PUBLIC WORKS DESIGN MANUAL

PLANS REQUIRED. All required plans were submitted by the applicant. The plans have been reviewed by Public Works Department staff and the city engineers and have been approved for plat approval.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the plat.

ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the plat meets city requirements for plats and make a motion to approve Case PZ 17-03.

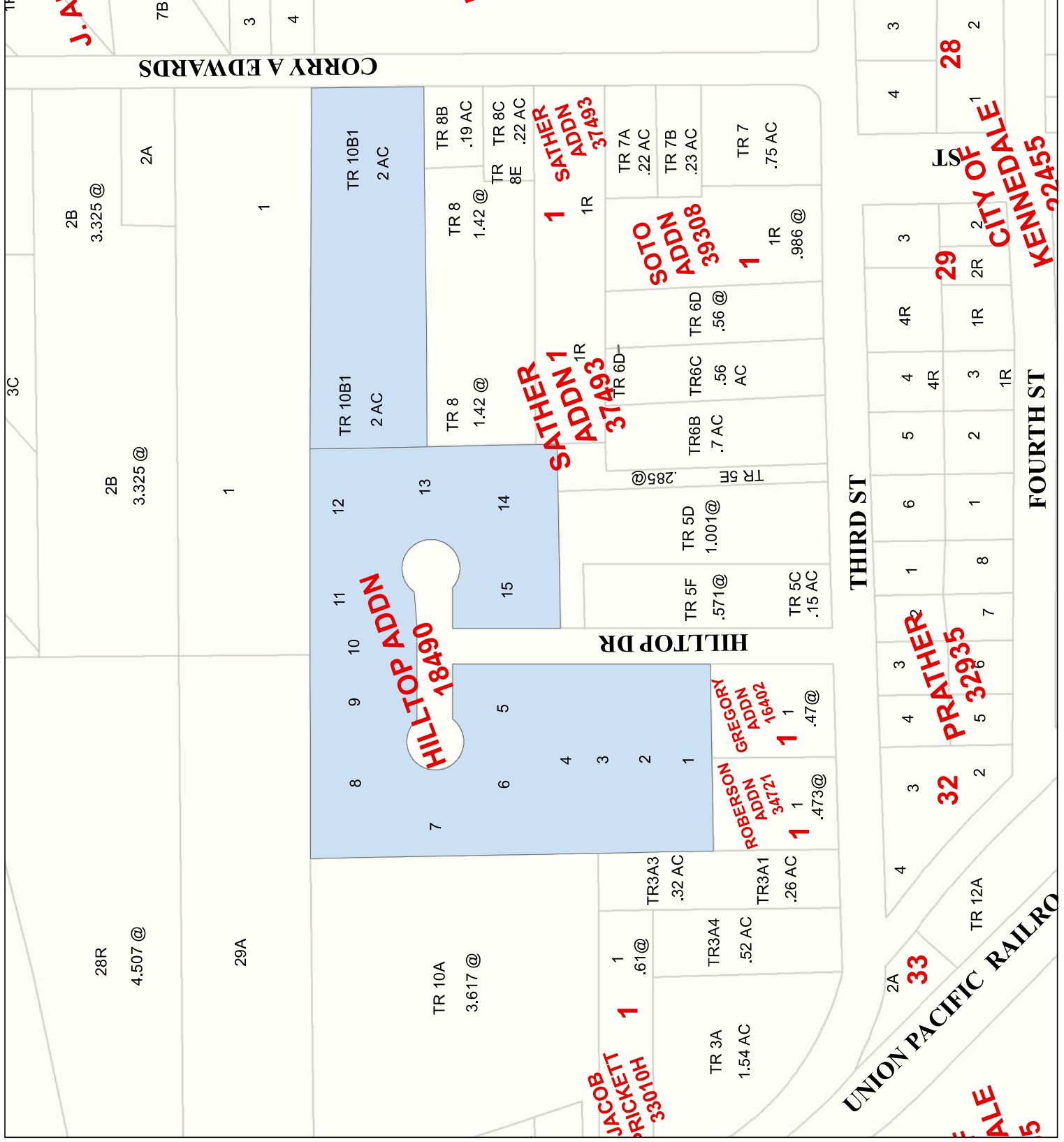
Approval with Conditions: Based on the information presented, I find that the request meets city requirements with the exception of [state what doesn't meet the requirements] and make a motion to approve Case PZ 17-03 with the following conditions [list conditions].

Deny: Based on the information presented, I find that the proposed plat does not meet [list standards or requirements not met] and make a motion to deny Case PZ 17-03.

City of
KENNEDALE.
Texas
EST. 1937

YOU'VE HERE  YOUR HOME

PZ 17-03 site of request



STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: March 16, 2017

Agenda Item No: REGULAR ITEMS (B)

I. SUBJECT

CASE # PZ 17-05 to hold a public hearing and consider approval of Ordinance 623 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend Article 3 Agricultural and Residential Districts, Article 4 Old Town Districts, Article 5 Village Districts, Article 6 Commercial and Industrial District, Article 7 Employment Center Districts, Article 11 Specific Use Requirements, and Appendix B Land Use Definitions to establish regulations for mobile food vendors, including permitted locations, hours of operations, proximity to single-family residential districts and schools, and permit requirements.

II. SUMMARY

This report describes proposed regulations that would allow food trucks and other mobile food vendors in Kennedale and also provides a staff recommendation. A draft of the proposed ordinance is included with this report.

After reviewing mobile food vendor regulations from Texas and other states, and after hearing feedback from the Planning & Zoning Commission last month, staff believes the ordinance addresses concerns about operations of these businesses without being overly restrictive. Staff recommends approval, with the understanding that the Commission may want to make some changes before the ordinance is presented to City Council.

BACKGROUND AND OVERVIEW

Request	Amend the UDC
Applicant	City of Kennedale
Staff Recommendation	Approve (or, if additional information or major changes are needed, postpone until next regular meeting)

In January, staff asked the Commission members if they would consider adopting regulations to allow

food trucks. The Commission indicated it would, so staff brought suggestions for regulations to the work session in February. The Commission provided comments on those suggestions, and the comments were used to draft the attached ordinance. The regulations fall primarily into three topic areas: public health, public safety, and economic competition. In addition, there is one set of regulations that apply to all mobile food establishments, regardless of type of product sold, and then separate regulations specific to each type. These regulations are described below.

SUMMARY OF PROPOSED REGULATIONS

REGULATIONS FOR ALL MOBILE FOOD ESTABLISHMENTS

Many of the proposed regulations would apply to all vendors. The regulations include requiring a permit for most kinds of mobile food vendors, requiring health permits and valid driver's license, vehicle registration, and insurance, controlling locations for traffic safety and fire safety, allowing sandwich board signs.

Regulations provided through the ordinance:

- City permit required, and must be renewed annually
- Health department permit required
- Current driver's license, vehicle registration, and insurance
- Hours of operation (prohibited during 1 AM and 7 AM in most cases)
- Lighting must be shielded so it doesn't intrude on residential uses
- Prohibits parking in the right-of-way (except for ice cream trucks stopping to make a sale) and adds other similar locational restrictions
- Requires food vendors operating from fixed locations to move offsite within one hour of close of business for the day
- Prohibits blocking fire lanes or hydrants
- Requires parking on an improved surface
- Requires vendor to remove trash and debris daily
- Permits sandwich board signs
- Requires submittal of sales tax affidavit
- Prohibits use of sound in excess of levels permitted by city code

REGULATIONS SPECIFIC TO DIFFERENT KINDS OF MOBILE FOOD ESTABLISHMENTS

After the general regulations, the ordinance adds regulations for specific kinds of mobile food vendors. The ordinance also restricts which kinds of food vendors may operate in which zoning districts. For example, mobile food preparation trucks (what we tend to think of as "food trucks") are allowed in any commercial or industrial zoning district. The ordinance also permits these vendors in single family and duplex residential districts, but only in the form of catering for special events.

Ice cream trucks and catering trucks would not be required to obtain a permit, but all other types of mobile food vendors would be required to do so. Mobile food establishments (except catering trucks) would be required to have written permission from the property owner in order to operate on a private property.

In addition, mobile food preparation vehicles ("food trucks") would also have to submit a site plan as part of the permit application. Outdoor seating would be permitted for these vendors operating at a fixed location, but the seating must be removed at the close of business each day. Each vendor will also be required to remove all trash generated by the food business or its customers.

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan calls for creating vibrant centers and establishing a sense of place (Principle # 3 – Thriving Community). Food trucks are commonly used now for helping areas create vibrancy and for drawing residents to an area on a regular basis. Staff considers an ordinance allowing food trucks to conform to the comprehensive land use plan.

STAFF RECOMMENDATION

Staff recommends approval.

ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the ordinance meets city requirements and make a motion to recommend approval of Ordinance 623 (Case PZ 17-05).

Approval with Conditions or Changes: Based on the information presented, I find that the ordinance meets city requirements and make a motion to recommend approval of Ordinance 623 (Case PZ 17-05) with the following changes [list changes].

Deny: Based on the information presented, I find that the ordinance does not meet city requirements [or is not in compliance with the comprehensive land use plan] and make a motion to deny Case PZ 17-05.

ORDINANCE NO. 623

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 3 AGRICULTURAL AND RESIDENTIAL DISTRICTS, ARTICLE 4 OLD TOWN DISTRICTS, ARTICLE 5 VILLAGE DISTRICTS, ARTICLE 6 COMMERCIAL AND INDUSTRIAL DISTRICT, ARTICLE 7 EMPLOYMENT CENTER DISTRICTS, ARTICLE 11 SPECIFIC USE REQUIREMENTS; AND APPENDIX B LAND USE DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has adopted a Unified Development Code that regulates the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan and that otherwise regulates the development and use of properties within the city limits of the City of Kennedale; and

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to amend the Unified Development Code as provided in this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on March 16, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on March 20, 2017, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, Article 22 of the Unified Development Code, and all other laws dealing with notice, publication, and procedural requirements for amending the Unified Development Code.

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

SECTION 1.

Article 33 Appendix B “Land Use Definitions” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to add the following definitions.

Mobile food establishment. A vehicle-mounted food establishment that is designed to be readily moveable at all times and from which food is distributed, sold, or served to an ultimate consumer. The term does not include pushcarts, booths, or stands. Categories of Mobile Food Establishments are catering truck, ice cream truck, lunch truck, mobile food preparation vehicle, and produce truck. Mobile food establishments shall be limited to edibles and hot and cold beverages containing no alcohol.

Catering truck. A mobile food establishment used to deliver food prepared offsite (not in the vehicle) to a catered operation.

Ice cream truck. A mobile food establishment that sells pre-wrapped and sealed ice cream, frozen dairy products, ice confection products, canned soft drinks, packaged candy, chips, and pickles.

Lunch truck. A lunch truck is a mobile food establishment from which only the following foods and beverages are served, sold, or distributed, in such a manner that no direct food contact results.

(A) Food that is prewrapped, bottled, or otherwise packaged in individual servings and intended for immediate consumption.

(B) Beverages that are not time/ temperature controlled for safety and are dispensed from covered urns or other protected equipment.

Mobile food preparation vehicle. A mobile establishment in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution.

Produce truck. A mobile food establishment from which only raw vegetables and fruits are served, sold, or distributed. The produce sold is in its original form and has not been altered or cooked in any other way inconsistent with it coming fresh from the fields and/or gardens in which it was grown. Slicing, dicing, and chopping of vegetables, fruits, or other food items for sale is prohibited.

SECTION 2.

Sub-section “Other” of Table 3.2 “Schedule of Uses: Agricultural and Residential Districts” of Article 3, Agricultural and Residential Districts of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as shown on Exhibit ‘A,’ attached.

SECTION 3.

Sub-section “Other” of Table 4.2 “Schedule of Uses: Old Town Districts” of Article 4 “Old Town Districts,” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as shown on Exhibit ‘B,’ attached.

SECTION 4.

Section 5.2.H.7 in “Development and Performance Standards” of Article 5, “Village Districts,” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to add sub-section 7.g, to read as follows:

g. Mobile food establishments. Mobile food establishments shall be subject to the requirements of Section 11.38. Ice cream trucks and catering trucks shall be permitted in any Village District sub-area. Lunch trucks, produce trucks, and mobile food preparation trucks shall be permitted in Center and General sub-areas only.

SECTION 5.

Sub-section “Other” of Table 6.2 “Schedule of Uses: Commercial and Industrial Districts” of Article 6 “Commercial and Industrial Districts,” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as shown on Exhibit ‘C,’ attached.

SECTION 6.

Sub-section “Other” of Table 7.2 “Schedule of Uses: Employment Center Districts” of Article 7 “Employment Center Districts,” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as shown on Exhibit ‘D,’ attached.

SECTION 7.

Section 11.38 “Temporary Uses” of Article 11 “Specific Use Requirements” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to add requirements for Mobile Food Establishments to read as follows.

E. *Temporary Use – Mobile Food Establishments.*

1. *General requirements for all mobile food establishments.*

a. Permit required. Any person desiring to operate as a mobile food establishment within the City of Kennedale must make a written application for a permit on forms provided by the City, except that ice cream trucks and catering trucks do not require a permit. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis. Each application for a mobile food establishment permit requires a non-refundable application fee of \$200. A mobile food establishment permit shall expire on December 31 on the calendar year it was issued.

b. Health Department license required. Every mobile food establishment is required to have a current Food Establishment Permit from the Tarrant County Public Health Department, except produce trucks (as defined by this code) unless Tarrant County Public Health requires such permit. Mobile food

establishments shall be subject to any applicable regulations from the Texas Food Establishment rules, including commissary requirements, as part of oversight by the Tarrant County Public Health Department. Any employee who handles food must complete a food handler's training class required by Tarrant County Public Health Department. A copy of the Food Establishment Permit shall be retained in the vehicle at all times.

c. Valid driver's license required. A mobile food establishment is required to have onsite, at all time, at least one employee or representative who has a valid driver's license to operate the vehicle and who is authorized to move the vehicle if required.

d. Vehicle requirements.

i. *Registration, license plates, and insurance.* Every mobile food establishment must have a current registration and insurance for any vehicle used in the establishment's operations within the city limits, and copies of the registration and insurance shall be submitted with any mobile food establishment permit application. Any vehicle used for the mobile food establishment must have current, valid license plates.

ii. *Name of business to be displayed.* The business name must be displayed on both sides of the unit/vehicle in at least three inch letters.

iii. *Permit to be displayed.* The permit must be clearly displayed in the vehicle at all times.

e. Drive-through service is prohibited for mobile food establishments.

f. Hours of operation. If permitted to operate from a fixed location by this code, no mobile food establishment shall operate from the same location for longer than eight (8) consecutive hours. No mobile food establishment may remain on a particular site after the end of the establishment's business day or after eight (8) consecutive hours. No mobile food establishment may operate between 1 AM and 7 AM. In addition, no mobile food establishment operating within 300 feet of a property in use as a single family or duplex residence may operate between the hours of 10 PM and 7 AM.

g. Lighting. Any mobile food establishment operating within 300 feet of a property in use as a residence shall shield exterior lighting so that light is not directly visible from inside the residence.

h. Location.

i. Mobile food establishments are not permitted to park in or operate in a public right-of-way or street, except that ice cream trucks are permitted to stop and serve customers from the right-of-way or public street when the customer has signaled for the ice cream truck to stop for a sale. This provision does not prohibit mobile food establishments from operating in a public-right-of-way or on public property during a special

event sponsored by the City, if permission has been obtained in writing from the City.

- ii.. Mobile food establishments are not permitted to operate:
 - a. within five (5) feet of any drive way or sidewalk;
 - b. within 300 feet of a school during school hours;
 - c. within 100 feet of an existing, lawfully-established permanent (non-mobile) eating establishment that is actively open for business serving customers unless the establishment provides documentation that the restaurant owner supports a closer proximity. For purposes of this requirement, establishments that sell food but for which food sales is not the primary purpose of the business shall not be considered permanent restaurants;
 - d. within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic.

i. Mobility required. Mobile food establishments must be mobile and able to be moved within one (1) hour of close of business or upon request by the City.

j. Obstructing fire lanes or hydrants prohibited. Mobile food establishments must not block or obstruct any fire lane or be located within fifteen (15) feet of a fire hydrant.

k. Parking on improved surface required. Mobile food establishments are permitted to locate on and operate from improved surfaces only. For purposes of this section, an improved surface means asphalt or concrete in good condition.

l. Removal of trash and debris. Mobile food establishments are responsible for collecting and disposing of all trash generated by their operations or their customers. Trash must be properly disposed of at the close of business each day.

m. Sales tax affidavit. Mobile food establishments are required to submit a notarized sales tax affidavit, on a form provided by the city, as part of a mobile food establishment permit application.

n. Signs. Mobile food establishments that are permitted to operate from a fixed location may use sandwich board signs in accordance with the requirements of Article 14 of this code.

o. Sound. It is prohibited to emit music or other sounds in violation of the city's nuisance regulations.

- 2. *Ice cream trucks and catering trucks.*
 - a. *Operational requirements.*

- i. Ice cream trucks must remain mobile at all time, except for periodic stops for short periods of time in order to make a sale. In no case shall an ice cream truck remain in one location for more than fifteen (15) minutes.
 - ii. The allowable hours of operation are between 9:00 AM and one half hour before sunset (as stated for that day for the Kennedale area by the National Weather Service) or 8 PM, whichever is earlier.
- 3. *Catering trucks.* Catering trucks are permitted to be parked at and operate only from the location specific to the event for which catering is provided. The vehicle shall be used strictly to transport the food and equipment to the catering site.
 - a. *Vehicle requirements.* The vehicle must be enclosed, such as a commercial van, with easily cleanable floors, walls, and ceilings.
 - b. *Operational requirements.* Food shall not be served from or sold from a mobile catering truck. Food may be provided only to guests of the event to be catered and not to the general public.
- 4. *Produce trucks.*
 - a. *Permit required.* A mobile food establishment permit is required for each lunch truck annually.
 - b. *Property owner permission required.* No produce truck shall be permitted to operate on any property unless permission, in writing and on a form supplied by the City, has been granted by the property owner.
 - c. *Operational requirements.*
 - i. The types of vehicles permitted for produce vending are pickup trucks, commercial vans, station wagons, and trailers that are continuously hitched to a tow vehicle.
 - ii. Produce can only be displayed on the body of the vehicle and on a maximum of one (1) table, which must be removed at the close of the business day. Placing produce on the ground is prohibited.
- 5. *Lunch trucks.*
 - a. *Permit required.* A mobile food establishment permit is required for each lunch truck annually.
 - b. *Property owner permission required.* No lunch truck shall be permitted to operate on any property unless permission, in writing and on a form supplied by the City, has been granted by the property owner.
 - c. *Vehicle requirements.* The vehicle must be enclosed, with easily cleanable floors, walls, and ceilings.
 - d. *Operational requirements.*
 - i. *Duration of stops.* A lunch truck may not operate from one location (property) for longer than thirty (30) minutes at a time.

- ii. *Sales to the general public prohibited.* Lunch trucks are not permitted to serve the general public and must serve only those employees working at the site visited by the lunch truck.

6. *Mobile food preparation vehicles.*

a. *Permit required.* Mobile food preparation vehicles are required to obtain a mobile food establishment permit annually. In addition, a site plan and location permit is required. A site plan and location permit shall be valid for three months from the date of issuance.

b. *Property owner permission required.* No mobile food preparation vehicle will be permitted to operate on a property unless permission, in writing and on a form supplied by the City, has been granted by the property owner. The property must have at least one existing, permanent business with a valid certificate of occupancy.

c. *Site plan required.* As part of the application for a mobile food establishment permit, the mobile food establishment shall submit a site plan showing the proposed location, the number and location of customer parking spaces for the mobile food establishment, the number and location of parking spaces reserved for the primary use onsite, the location of all drive ways, drive approaches, sidewalks, fire lanes, and fire hydrants. In addition, if single family or duplex residential uses are located within 300 feet of the proposed mobile food establishment location, then these uses must also be shown on the site plan. City permit staff may request additional information to be shown on the site plan if needed to determine compliance with city regulations.

d. *Vehicle requirements.* The vehicle must be enclosed, with easily cleanable floors, walls, and ceilings.

e. *Operational requirements.*

i. *Outdoor seating.* Outdoor seating may be provided with the following restrictions.

a. Outdoor seating must be totally removed from the site by the mobile food establishment at the close of business each day.

b. Outdoor seating shall not block any driveways, fire lanes, fire hydrants, dumpsters, or parking required for the main use of the property.

c. Outdoor seating shall not obstruct visibility of intersections or roadways.

ii. Sound amplification is not permitted.

iii. *Permission to use restrooms required.* For any mobile food establishment to be located on one property for at least two (2) hours, the mobile food establishment is required to have permission from the owner

of the primary business on site, in writing and notarized, allowing the food establishment's employees and customers to use the restroom facilities of the primary business. The mobile food establishment shall be open only during hours the primary business is also open, except the establishment may remain open one (1) hour after the primary business has closed for the day.

iv. *Operation restricted in single family and duplex residential districts.* Mobile food preparation vehicles are permitted in single family and duplex residential districts only as catering trucks, that is, only to provide food for residents or guests attending a catered event at a property within that district. Food shall not be sold to the general public. Only one mobile food preparation vehicle is permitted at a particular location for a catered event.

SECTION 8.

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 9.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clause, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 10.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 11.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of any ordinances governing development that 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 12.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, the penalty clause, the publication clause, and the effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

SECTION 13.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 20TH DAY OF MARCH, 2017.

MAYOR, BRIAN JOHNSON

ATTEST:

CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

EXHIBIT 'A'

Table 3.2 Schedule of Uses: Agricultural and Residential Districts								
Use	AG	R-1	R-2	R-3	D	MF	MH	Other
Other								
Similar uses	P,S C	P,S C	P,S C	P,S C	P,S C	P,S C	P,S C	2.7
Sexually oriented business								11.36
Temporary construction office	S	S	S	S	S	S	S	11.38
Temporary sales office	S	S	S	S	S	S	S	11.38
Temporary use – mobile food establishment								
catering truck	P	P	P	P	P	P	P	11.38
ice cream truck	P	P	P	P	P	P	P	11.38
lunch truck								11.38
mobile food preparation truck	P	P	P	P	P	P	P	11.38
produce truck								11.38
Temporary use- special function	S	S	S	S				11.38

EXHIBIT 'B'

Table 4.2 Schedule of Uses: Old Town Districts					
Use	OT-1	OT-2	OT-3	OT-4	Other
Other					
Similar uses	P,S C	P,S C	P,S C	P,S C	2.7
Sexually oriented business					11.36
Temporary construction office					11.38
Temporary sales office					11.38
Temporary use – mobile food establishment					11.38
catering truck	P	P	P	P	11.38
ice cream truck	P	P	P	P	11.38
lunch truck				P	11.38
mobile food preparation truck	P	P	P	P	11.38
produce truck			P		11.38
Temporary use- special function					11.38

EXHIBIT 'C'

Table 6.2 Schedule of Uses: Commercial and Industrial Districts					
Use	C-0	C-1	C-2	I	Other
Other					
Similar uses	P, S, C	P, S, C	P, S, C	P, S, C	2.7
Sexually oriented business			P	P	11.36
Temporary construction office		S	S	P	11.38
Temporary sales office	S	S	S	S	11.38
Temporary use – mobile food establishment					
catering truck	P	P	P	P	11.38
ice cream truck					11.38
lunch truck	P	P	P	P	11.38
mobile food preparation truck	P	P	P	P	11.38
produce truck	P	P	P	P	11.38
Temporary use- special function					11.38

EXHIBIT 'D'

Table 7.2 Schedule of Uses: Employment Center Districts				
Use	EC 1	EC 2	EC 3	Other
Other				
Similar uses	P,S C	P,S C	P,S C	2.7
Sexually oriented business				11.36
Temporary construction office	S	S	S	11.38
Temporary use – mobile food establishment				11.38
catering truck	P	P	P	11.38
ice cream truck			P	11.38
lunch truck	P	P		11.38
mobile food preparation truck	P	P	P	11.38
produce truck				11.38
Temporary sales office	S	S	S	11.38
Temporary use- special function				11.38