

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01, ARTICLE II, SECTION 3.03(B) (SCHEDULE OF USES), ARTICLE II, SECTION 3.04 (CONDITIONAL DEVELOPMENT STANDARDS) AND ARTICLE II, SECTION 4.02 (DEFINITIONS); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Article II, Section 3.03(B), Article II, Section 3.04 and Article II, Section 4.02 (Definitions) of the City of Frisco, Texas ("Frisco") Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Article II, Section 3.03(B) (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article II, Section 3.03(B) (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to add the following use:

- f) Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;
- g) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City's Thoroughfare Plan;
- h) Mobile food vendors may operate only during the business hours of the primary business on the property;
- i) The operator shall possess a City tax certificate showed as paid;
- j) A drive through is not permitted in conjunction with the mobile food vendor;
- k) Mobile food vendors shall not operate in parking spaces, driveways, fire lanes or public roads;
- l) Sales of food from a stationary vehicle excludes catering trucks; and
- m) Mobile food vendors are prohibited in a temporary building.

SECTION 4: Amendment to Article II, Section 4.02 (Definitions) of Frisco Comprehensive Zoning Ordinance No. 00-11-01. Article II, Section 4.02 (Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to add the following definition to be inserted alphabetically:

Mobile Food Vendor - Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the City of Frisco Health Ordinance as it exists or may be amended.

SECTION 5: Penalty Provision: Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Savings / Repealing Clause: Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a

prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 7: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 17 day of December, 2002.



E. Michael Simpson
E. MICHAEL SIMPSON, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

Nan Parker/dg
NAN PARKER
City Secretary

Julie Y Fort
ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
City Attorneys

DATE OF PUBLICATION: 12/22/02 12/26/02, Frisco Enterprise



TO: Applicant

FROM: Douglas C. Mousel, Zoning and Subdivision Administrator

SUBJECT: Results of the City Council meeting, November 5, 2002



Public Hearing: Zoning Case ZA2002-0019
 Applicant(s): City of Frisco

DESCRIPTION:

A request to amend the Comprehensive Zoning Ordinance to establish regulations for mobile vendors.

APPROVED: 6-0 DENIED: _____ TABLED: _____

ACTION:

The City Council directed staff to prepare an ordinance to amend the Comprehensive Zoning Ordinance to establish regulations for mobile vendors as follows.

Article II

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home	Section 3.03(B) Accessory and Incidental Uses
														Mobile Food Vendor

O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Office 1	Office 2	Neighborhood Services Retail		Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway
			33		33	33	33								

Section 3.04

33. Mobile Food Vendor

Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the City of Frisco Health Ordinance as it exists or may be amended. Mobile food vendors are subject to the following regulations:

- a.) Mobile food vendors are permitted in Retail, Commercial-1, Commercial-2, or Highway zoning districts or Planned Development with Business Center as the base zoning only;
- b.) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy;
- c.) Mobile food vendors shall provide written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
- d.) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Health and Food Safety Division, and a permit from Building Inspections prior to the operation of such use;
- e.) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Frisco;
- f.) Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;
- g.) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City's Thoroughfare Plan;
- h.) Mobile food vendors may operate only during the business hours of the primary business on the property;
- i.) The operator shall possess a City tax certificate showed as paid;
- j.) A drive through is not permitted in conjunction with the mobile food vendor;

- k.) Mobile food vendors shall not operate in parking spaces, driveways, or fire lanes or public roads;
- l.) Sales of food from a stationary vehicle excludes catering trucks; and
- m.) Mobile food vendors are prohibited in a temporary building.

LS/bj

cc: Frank Jaromin
Mack Borchardt
Nancy Jenkins

Donnie Mayfield
Umberto Allori
Julie Stallcup