



ORDINANCE NO. 3848

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, ARTICLE 2 “ZONING DISTRICTS AND USES” SECTION 2.4 “PERMITTED USES,” BY AMENDING SUBSECTION C “USE TABLE” TO ADD “MOBILE FOOD UNIT” AS PERMITTED IN SPECIFIED DISTRICTS; BY AMENDING ARTICLE 5 BY ADDING SECTION 5.8 “MOBILE FOOD UNIT OVERLAY DISTRICTS”; AND BY AMENDING ARTICLE 7, “DEFINITIONS,” SECTION 7.3 “DEFINITIONS OF USES” BY DELETING THE DEFINITION FOR “MOBILE FOOD PREPARATION VEHICLE” AND ADDING A DEFINITION FOR “MOBILE FOOD UNIT”; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1. Chapter 94 “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, (“the Comprehensive Zoning Ordinance” or “CZO”) is hereby further amended as follows:

- A.** Article 2 “Zoning Districts and Uses,” Section 2.4.C “Use Table” is amended by adding “Mobile Food Unit” under the section of said table titled “Retail and Service Type Uses,” designating the zoning districts in which such use is permitted as follows:

Use	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
Retail and Service Type Uses																				
Mobile Food Unit	Permitted within Mobile Food Unit Overlay Districts Only.																			5.8

- B. Article 5 “Special Districts,” is amended by adding Section 5.8 titled “Mobile Food Units Overlay District” to read as follows:

5.8 - MOBILE FOOD UNIT OVERLAY DISTRICTS

A. Purpose

The primary goals of the Mobile Food Unit Overlay Districts are to designate specific locations that are best suited for the operation of mobile food units in an effort to facilitate successful operations of mobile food units and economic growth within such districts but also create a diverse social land use, fostering new economic opportunities in targeted areas of the city.

B. Applicability

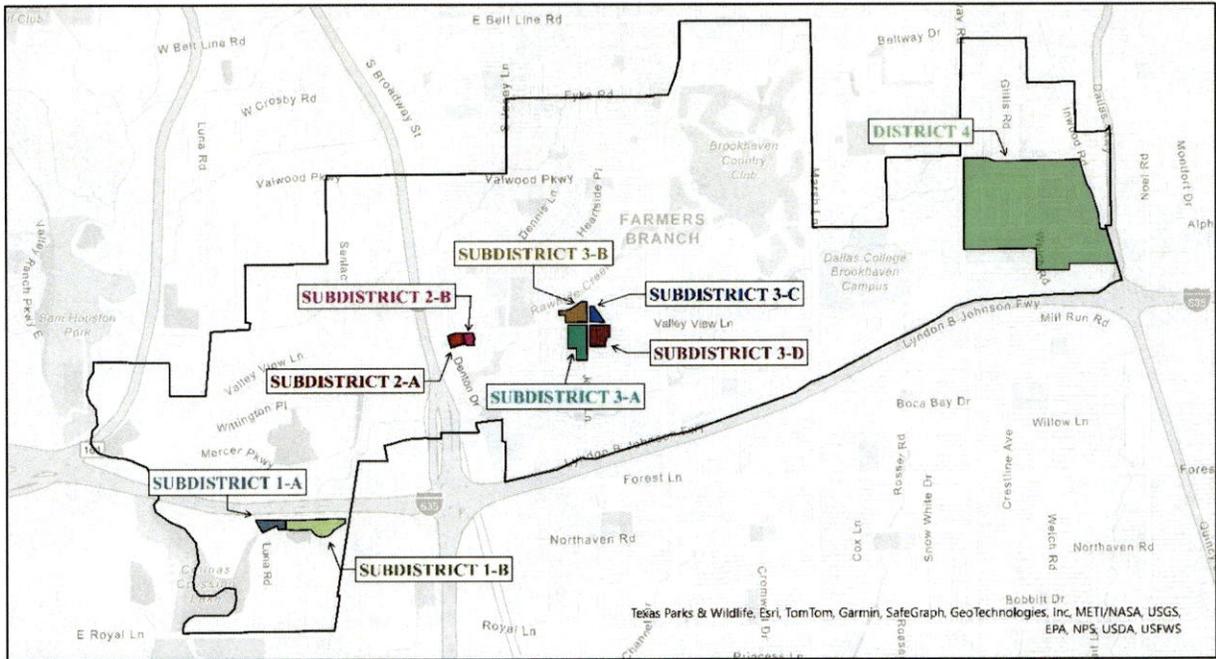
The regulations in this Section 5.8 shall apply only to property located within the Mobile Food Unit Overlay Districts described in Section 5.8.D.

C. Conflicts with Underlying Zoning

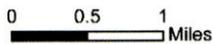
Except to the extent modified by this Section 5.8, property located within each Mobile Food Unit Overlay District shall be developed and used in accordance with the regulations applicable to the zoning district in which the property is located as shown on the Zoning District Map.

D. Locations

The Mobile Food Unit Overlay Districts shall consist of the properties located within the boundaries described in this Section 5.8.D and as depicted on Diagram 5.8.D.:



MOBILE FOOD UNIT OVERLAY DISTRICTS



	CITY LIMIT		DISTRICT 3
	DISTRICT 1		SUBDISTRICT 3-A
	SUBDISTRICT 1-A		SUBDISTRICT 3-B
	SUBDISTRICT 1-B		SUBDISTRICT 3-C
	DISTRICT 2		SUBDISTRICT 3-D
	SUBDISTRICT 2-A		DISTRICT 4
	SUBDISTRICT 2-B		

Diagram 5.8.D

Mobile Food Unit (MFU) Overlay District 1 (West Side)

MFU Subdistrict 1-A: Being an area that is bounded on the north by IH-635 and on the west by Luna Road and being that same 7.105 acre tract of land described as Tract IV - Pac Trust in a Trustee's Deed to Graham Mortgage Corporation, recorded as Document No. 201100087228, in the Deed Records, Dallas County, Texas, said property also known as Lot 1, Block 1, Park West Phase 5, in Volume 87007, Volume 3105, of the Deed Records of Dallas, Texas.

MFU Subdistrict 1-B: Being a 19.51± acre tract of land out of the H. C. Marsh Survey, Abstract No. 916, City of Farmers Branch, Dallas County, Texas, and being more particularly described by metes and bounds as follows (based on records and not an on-the-ground survey):

Beginning in the southerly right-of-way line of LBJ Freeway and the easterly boundary line of the same tract of land described in the deed to 2M Holdings, LP recorded as Document No. 201100225464 in the Official Public Records of Dallas County, Texas;

Thence South 08 degrees 37 minutes 58 seconds West with said easterly boundary line a distance of 163.72 feet;

Thence North 81 degrees 22 minutes 02 seconds West a distance of 23.44 feet;

Thence South 43 degrees 21 minutes 29 seconds West a distance of 28.27 feet;

Thence South 57 degrees 30 minutes 35 seconds West a distance of 335.55 feet;

Thence South 59 degrees 56 minutes 34 seconds West a distance of 53.53 feet;

Thence South 44 degrees 06 minutes 28 seconds West a distance of 28.07 feet;

Thence South 40 degrees 07 minutes 44 seconds West a distance of 188.06 feet;

Thence South 60 degrees 18 minutes 47 seconds West a distance of 112.39 feet;

Thence South 81 degrees 31 minutes 25 seconds West a distance of 165.26 feet;

Thence North 84 degrees 15 minutes 23 seconds West a distance of 117.80 feet;

Thence North 76 degrees 30 minutes 38 seconds West a distance of 31.33 feet;

Thence North 60 degrees 43 minutes 54 seconds West a distance of 124.96 feet;

Thence North 51 degrees 23 minutes 21 seconds West a distance of 30.47 feet;

Thence North 39 degrees 56 minutes 07 seconds West a distance of 180.19 feet;

Thence North 64 degrees 13 minutes 09 seconds West a distance of 29.69 feet;

Thence South 87 degrees 28 minutes 20 seconds West a distance of 520.79 feet;

Thence North 84 degrees 43 minutes 59 seconds West a distance of 200.96 feet;

Thence North 82 degrees 26 minutes 33 seconds West a distance of 138.67 feet to the westerly boundary line of said 2M tract;

Thence North 00 degrees 33 minutes 53 seconds West with said westerly boundary line a distance of 315.07 feet to said southerly right-of-way line;

Thence North 89 degrees 44 minutes 04 seconds East with said southerly right-of-way line a distance of 514.53 feet;

Thence North 85 degrees 23 minutes 28 seconds East continuing with said southerly right-of-way line a distance of 357.12 feet;

Thence North 87 degrees 59 minutes 30 seconds East continuing with said southerly right-of-way line a distance of 707.23 feet;

Thence South 89 degrees 25 minutes 45 seconds East continuing with said southerly right-of-way line a distance of 503.97 feet to the point of beginning.

Mobile Food Unit (MFU) Overlay District 2 (Station Area)

MFU Subdistrict 2-A: Beginning at a point at the intersection of the east right-of-way line of Denton Drive with the south right-of-way line of Pike Street;

Then, in a northwesterly direction, along the east right-of-way line of Denton Drive, crossing the Pike Street right-of-way, to a point at the southeast corner of Valley View Lane and Denton Drive;

Then, departing the east right-of-way line of Denton Drive, along the south right-of-way line of Valley View Lane, crossing the Rossford Street right-of-way and crossing the DART rail right-of-way, continuing east along said south right-of-way line of Valley View Lane, crossing the Bee Street right-of-way to a point for corner located at the northeast corner of a 0.788 acre tract of land conveyed to FB Land LTD by deed recorded as Instrument No. 201300240537, Official Public Records, Dallas County, Texas;

Then, departing said south right-of-way line of Valley View Lane and the northeast corner of said tract of land conveyed to FB Land LTD, in a southeasterly direction along the east line of said 0.788 acre tract, to a point at the northeast corner of Jenny Lynn Addition;

Then, in a southeasterly direction, along the east line of said Jenny Lynn Addition to the southeast corner of said addition, being a point in the north right-of-way line of Pepperwood Street;

Then, departing said southeast corner, in a westerly direction along the south side of said Jenny Lynn Addition and the north right-of-way line of said Pepperwood Drive to a point in the east right-of-way line of Bee Street;

Then, departing the north right-of-way line of Pepperwood Drive in a northwesterly direction along said east right-of-way line of Bee Street to a point that is at the eastward prolongation of the south right-of-way line of Pike Street with said east right-of-way line of Bee Street;

Then, departing said east right-of-way line of Bee Street, in a westerly direction along said prolongation line, to a point in the west right-of-way line of said Bee Street, and being the southwest corner of the intersection of said Bee Street and Pike Street rights-of-way;

Then, in a westerly direction, along said south right-of-way line of Pike Street, crossing the DART rail right-of-way and crossing the Rossford Street right-of-way to a point in the east right-of-way of Denton Drive, being the Point of Beginning.

MFU Subdistrict 2-B: Being an area bounded on the north by Valley View Lane; on the west by Bee Street; on the south by Pepperwood Street and Krause-Braack Addition; and bounded on the east by Lot 1, Block 1, First Baptist Church Addition and Goodland Street.

Mobile Food Unit (MFU) Overlay District 3 (Four Corners)

MFU Subdistrict 3-A (Southwest corner): Being an area bounded on the north by Valley View Lane; on the east by Josey Lane; on the south by Tara Place Addition; on the west by a north/south line located approximately 660 feet west of Josey Lane that extends from the north line of said Tara Place Addition a distance of approximately 800 feet northward to a point on the south right-of-way line of Valley View Lane that is approximately 660 feet west of Josey Lane.

MFU Subdistrict 3-B (Northwest corner): Being an area bounded on the south by Valley View Lane; on the west by Wilmington Drive and also bounded on the west by a 1.394 acre parcel of land at the northeast corner of Valley View

Lane and Wilmington Drive known as Tract 1, J.C. Whitten Addition; and bounded on the north by Lots 1 through 11, Block B, Revised Parkway South addition; and also bounded on the north by a 0.938 acre tract of land conveyed to the City of Farmers Branch by deed recorded in Volume 71024, Page 0882, Deed Records, Dallas County, Texas; and bounded on the east by Josey Lane.

MFU Subdistrict 3-C (Northeast corner): Being an area bounded on the west by Josey Lane; on the south by Valley View Lane; on the east by Green Meadows Estates addition; and on north by Shelly Square Addition.

MFU Subdistrict 3-D (Southeast corner): Being an area bounded on the north by Valley View Lane; on the west by Josey Lane; on the east by Veronica Road, and also bounded on the east by a 0.9811 acre tract of land described in deed recorded as Instrument No. 201000048029, Deed Records, Dallas County, Texas, said tract being part of the Valley View Village Shopping Center addition; and bounded on the south by Lots 1 through 8, Block E, Valley View Estates No. 1 Addition.

Mobile Food Unit (MFU) Overlay District 4 (East Side):

Beginning at a point at the intersection of the west right-of-way line of Inwood Road with the south right-of-way line of Spring Valley Road;

Then, in a westerly direction, along the south right-of-way line of Spring Valley Road to a point at the intersection of the south right-of-way line of Spring Valley Road with the east right-of-way line of Midway Road;

Then, in a southerly direction along the east right-of-way line of Midway Road to a point at the intersection of the north right-of-way line of Simonton Road with the east right-of-way line of Midway Road;

Then, in an easterly direction along the north right-of-way line of Simonton Road to a point at the intersection of the north right-of-way line of Simonton Road with the west right-of-way line of Welch Road;

Then, in a southerly direction along the west right-of-way line of Welch Road to a point at the intersection of the west right-of-way line of Welch Road with the north right-of-way line of McEwen Road;

Then, in an easterly direction along the north right-of-way line of McEwen Road to a point at the intersection of the north right-of-way line of McEwen Road with the west right-of-way line of Galleria Drive;

Then, in a northerly direction along the west right-of-way line of Galleria Drive and continuing in an easterly direction along the north right-of-way line of Galleria Drive to the City of Farmers Branch eastern city limit line;

Then, in a northerly direction along the City of Farmers Branch eastern city limit line to a point for corner located at the northeast corner of a 0.4837-acre tract of land described as Lot 1, Inwood Parkway Office Park Addition, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded in Volume 77180, Page 3083, Map Records, Dallas County, Texas;

Then, in a westerly direction along the north line of said Inwood Parkway Office Park Addition to a point at the intersection of the west right-of-way line of Inwood Road with the south right-of-way line of Alpha Road;

Then, in a northerly direction along the west right-of-way line of Inwood Road to a point at the intersection of the west right-of-way line of Inwood Road with the south right-of-way line of Spring Valley Road, being the Point of Beginning.

E. Parking

1. Mobile Food Units must be parked on an improved surface located on private property.
2. While operating, a Mobile Food Unit must be located on a developed tract or lot on which is located at least one primary structure occupied by a business holding a current and valid Certificate of Occupancy for such tract or lot.
3. A Mobile Food Unit shall not be parked in a manner that creates a hazard for any pedestrian, vehicle, patron, or emergency personnel.
4. The number of off-street parking spaces on which a Mobile Food Unit is parked shall be deducted from the number of off-street parking spaces required to be maintained for the property. An application for a Mobile Food Unit Location Permit shall include sufficient evidence that the minimum number of off-street parking spaces will be maintained even with the Mobile Food Unit located on the property.

F. Maximum Number Per Property

1. Except as provided in paragraph 2, below, no more than one (1) Mobile Food Unit may be located on a property with a single address.
2. One (1) Mobile Food Unit for each occupied unit on a non-residential property on which is located a building with multiple

units; provided, however, the number of Mobile Food Units located on the property shall not exceed the lesser of:

- (a) The number of occupied units within the building located on the property; and
- (b) Three (3).

G. Owner Consent

Location of a Mobile Food Unit on private property is prohibited unless the owner of the Mobile Food Unit has obtained the written consent of the owner of the property or a person authorized by the owner of the property to grant such consent. Such written consent shall include the days and times on which the Mobile Food Unit is authorized to be located on the property.

H. Restrooms

The owner of a Mobile Food Unit shall obtain written consent for customers of the Mobile Food Unit to use restrooms:

1. Located within the primary building located on the property on which the Mobile Food Unit is parked; or
2. Located within a building located within 100 feet of the location of the Mobile Food Unit.

This Section 5.8.H. shall not be applicable to a Mobile Food Unit parked on private property but within 100 feet of a public restroom located on or within a public park or other government owned building that allows for entry by the general public, but only of such public restroom may be accessed during the hours of operation of the Mobile Food Unit.

I. County Health Permit

The owner of a Mobile Food Unit engaged in selling food and beverages within the City pursuant to this Section 5.8 shall possess a valid mobile food unit health permit issued by the Environmental Health Division of the Dallas County Health and Human Services Department and be in full compliance all requirements listed in such permit.

J. Fire Permits. The owner of a Mobile Food Unit shall obtain all required inspections and obtain and comply with all required permits required by the Fire Code.

K. Mobile Food Unit Location Permit

1. *Permit Required.* Except as otherwise provided in this section, no person shall sell or serve any food or beverage from a Mobile Food Unit located within the City without first obtaining a Mobile Food Unit Location Permit pursuant to this Section 5.8.M.
2. *Application.* Application for a Mobile Food Unit Location Permit shall be made on a form provided by the City and shall contain the following information or be accompanied by the following:
 - (a) The name and address of the owner of the Mobile Food Unit;
 - (b) The name, address, phone number, and email address of the primary contact person for the owner of the Mobile Food Unit;
 - (c) If different than (b), the name, address, phone number, and email address of the person who will be operating the Mobile Food Unit during the operating hours and at the location identified in the application;
 - (d) The address of the property on which the Mobile Food Unit will be operating pursuant to the permit;
 - (e) The name, address, primary contact telephone number, and primary contact email address of the owner or, if applicable, authorized representative of the owner, of the property on which the Mobile Food Unit will be operating pursuant to the permit;
 - (f) The dates and times during which the Mobile Food Unit will be operating pursuant to the permit;
 - (g) A copy of the written consents required by Sections 5.8.G. and H;
 - (h) A copy of the Mobile Food Unit Health Permit issued by Dallas County for the Mobile Food Unit identified in the application;
 - (i) The description of the Mobile Food Unit, the number on the license plate affixed to the Mobile Food Unit, and the state of issuance of said license plate;

- (j) A diagram of the property on which the Mobile Food Unit will be located showing:
 - (1) the location on the property where the Mobile Food Unit will be parked while in operation, including the number of off-street parking spaces, if any, that will be occupied by the Mobile Food Unit; and
 - (2) the location of the restrooms that will be available and accessible for use by customers while the Mobile Food Unit is operating;
 - (k) A copy of a current fire inspection and any required permits issued pursuant to the Fire Code; and
 - (l) The permit application fee set forth in Appendix A of this Code.
3. *Application Deadline.* An application for a Mobile Food Unit Location Permit must be submitted not later than thirty (30) days prior to the first day on which the Mobile Food Unit will be operating on the property as set forth in the application; provided, however, the Planning Director shall have the authority to accept a late application provided:
- (a) The application is complete, contains all information required to be submitted, and is accompanied by the proper application fee; and
 - (b) There is sufficient and reasonable time between the date of delivery of the application and the first date of the event shown on the application to determine the operation of the Mobile Food Unit pursuant to the application will be in compliance with this section.

L. Operation Limited to District; Exemptions.

1. **Prohibited Conduct.** It is unlawful for any person to park a Mobile Food Unit within the City and, from such location, sell or serve food and/or beverages from such Mobile Food Unit unless:
- (a) The Mobile Food Unit is parked at a location within a Mobile Food Unity Overlay District;
 - (b) A Mobile Food Unit Location Permit has been issued to the owner and/or operator of the Mobile Food Unit;

- (c) The operation of the Mobile Food Unit is in full compliance with the Mobile Food Unit Location Permit that was issued and the provisions of this section.

2. **Exemptions.** This section shall not apply to Mobile Food Units operating within the City, even if operating outside of a Mobile Food Unit Overlay District, if:

- (a) The Mobile Food Unit is operating pursuant to a written agreement with the City in relation to an event sponsored in whole or in part by the City, whether or not located on property owned, leased, or controlled by the City;
- (b) The Mobile Food Unit is operating on property owned, leased, or otherwise under the control of the City that is operating pursuant to an agreement or permit through the Parks and Recreation Department or the Office of the City Manager;
- (c) The Mobile Food Unit is operating at a private event in compliance with the following criteria:
 - (1) The event is a private gathering held on private property, such as, but not limited to, wedding ceremonies, birthday parties, or at home gatherings;
 - (2) The Mobile Food Unit is parked on the private property on which the private event is being conducted and does not encroach on any public street, alley, or sidewalk;
 - (3) Attendance is limited to the invited guests or members of family or employees of the host conducted the private and is not open to the general public;
 - (4) Food is provided without any cost to the invited guests or members; and
 - (5) The Mobile Food Unit is not parked on the property for a period that exceeds the one hour prior to the start time for the private event or one hour following the conclusion of the private event;

(d) The Mobile Food Unit is operating during an event constituting a public gathering other than one described in (a) or (b), above, such as, but not limited to, a concert, sporting event, carnival, festival, or similar events, where food is sold from the Mobile Food Unit to attendees of the event, provided such operation is in compliance with the following criteria:

- (1) The Mobile Food Unit is parked on the private property on which the private event is being conducted and does not encroach on any public street, alley, or sidewalk;
- (2) The Mobile Food Unit is not parked on the property on which the public event is being conducted for a period that exceeds the one hour prior to the start time for the event or one hour following the conclusion of the private event;
- (3) The Mobile Food Unit does not operate for more than two (2) consecutive days during the event unless otherwise authorized in writing by the City Manager; and
- (4) No other public event has been conducted on the same property during which a Mobile Food Unit provided food service within the thirty (30) days prior to the date the Mobile Food Unit is to commence operations at the public event unless such restriction is waived by the City Manager.

C. Article 7 “Definitions,” Section 7.3 “Definitions of Uses” is amended by deleting the definition for “Mobile food preparation vehicle (hot/food truck)” and adding a definition for the phrase “Mobile Food Unit” to read as follows:

Mobile Food Unit - a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily moveable (including, but not limited to, catering trucks, trailers, and roadside vendors, but not including push carts or immobile roadside stands or booths) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

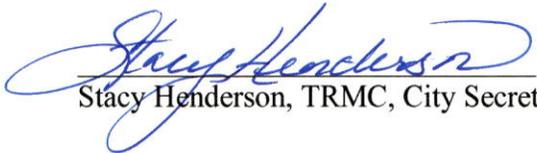
SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 20th DAY OF FEBRUARY 2024.

ATTEST:

APPROVED:


Stacy Henderson, TRMC, City Secretary


Terry Lynne, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:1/18/2024:4891-6691-3691 v1)