

ORDINANCE NO. 2024-5

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 3, "DEFINITIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING"; AMENDING SECTION 4, "ZONING DISTRICT REGULATIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING"; AND AMENDING SECTION 27, "SUPPLEMENTARY REGULATIONS" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO ADD NEW REGULATIONS FOR FOOD TRUCK PARKS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Azle 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 of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on February 15, 2024, and the City Council of the City of Azle, Texas held a public hearing on March 4, 2024, with respect to the zoning ordinance and subdivision changes described herein; and

WHEREAS, The Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

Section 3, "Definitions" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 3.2 to add a new definition to read as follows:

FOOD TRUCK PARK: A property used or designed to accommodate one or more

food trucks to offer food and/or beverages for sale to the public as the primary use of the property. Food Truck Parks must have a valid Certificate of Occupancy, in addition to all other applicable permits and inspections.

SECTION 2.

Section 4, “Zoning District Regulations” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to amend subsection 4.10 to add a new use category under "Commercial Uses" to read as follows:

	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	O	CBD	INS	C	HC	IND
Food Truck Park															S	S	P	S	S	S

SECTION 3.

Section 27, “Supplementary Regulations” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to add a new subsection 27.8 "Food Truck Parks" to read as follows:

Food Truck Parks. The purpose of this section is to regulate the operation of food truck parks in the City of Azle. Though the section does not regulate the use of food trucks for private events in residential areas, it does address the use of food truck parks on private commercial property and on City-owned and/or managed property.

A. Provisions for Private Commercial Property (Non-Residential Zoning Districts).

1. Food trucks shall obtain an annual Mobile Food Vendor permit from the City of Azle before operating in the food truck park.

2. A fire inspection must be conducted and passed annually per NFPA 96 (National Fire Protection Association).

3. A health inspection certificate must be provided from the County Health organization.

4. All Food trucks shall meet the City of Azle requirements of the most recently adopted applicable International Code Council building codes including the Fire and Electrical Codes.

5. All food trucks must be located on a parcel which is appropriately zoned for non-residential development and use.

6. Food trucks shall be located on an individual private parcel, adjacent to or where, within three hundred (300) feet, an existing permanent business operates in a building with a Certificate of Occupancy.

7. Food trucks shall not operate less than ten (10) feet from another food truck or structure.

8. Food trucks including any applicable seating, may operate in parking spaces if the required parking for the center remains in compliance with Azle Code of Ordinance, Section 28 Parking and Loading

9. The Certificate of Occupancy shall be obtained and maintained by the Food

Truck Park rather than individual vendors.

10. Electricity shall be from an electrical outlet or generator.
11. Hose hook-ups to potable water must be of food grade quality.
12. A trash receptacle must be placed outside next to the food trucks for use by the patrons of the unit. The area around the food trucks shall be kept clean and free from litter, garbage, and debris.
13. Food trucks may not stay overnight.

B. Provisions for City-Owned and/or Managed Property.

1. Food trucks shall obtain an annual Mobile Food Vendor permit from the City of Azle before operating in the food truck park.
2. A fire inspection must be conducted and passed annually per NFPA 96 (National Fire Protection Association).
3. A health inspection certificate must be provided from the County Health organization.
4. All Food trucks shall meet the City of Azle requirements of the most recently adopted applicable International Code Council building codes including the Fire and Electrical Codes.
5. A Hold-Harmless Agreement is required to be completed with the City of Azle if the food truck is to be located on City of Azle property.
6. Owners of any food truck must sign a notarized statement that they acknowledge and accept a minimum amount of \$1,000,000 liability insurance, that covers the food truck, must be maintained at all times and that proof of such insurance coverage can be required to be provided to the City upon three (3) working days' notice to the owner. This requirement may be met with an additional rider on the related automobile insurance.
7. The City Manager or his/her designee shall have the authority to manage the operation for Food Truck Parks on city-owned and/or managed property.
8. Electricity shall be from an electrical outlet. Generators may be used if approved by the City of Azle.
9. Food trucks shall not operate less than ten (10) feet from another food truck or structure.
10. Food trucks may not stay overnight unless approved by the City of Azle.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in

this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on March 4, 2024.

Mayor, Alan Brundrett
ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Andrea Russell, City Attorney