

Section 9.11 Supplemental Regulations

A. Front Yards.

1. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat (see Section 9.14 - Figure 4). Where single-family, duplex and townhome lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed (see Section 9.14 - Figure 6). The side and/or rear yards in the case of single-family, duplex and townhome uses shall be identified and the front of the structure shall not face the side or rear yard.
2. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Section 9.14 - Figure 5).
3. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Section 9.14 - Figure 8).
4. Minimum front yard setbacks and lot widths for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be as follows:

Zoning District	Minimum Lot Width*	Minimum Front Yard
SF-36	120'	40'
SF-30	120'	40'
SF-25	120'	40'
SF-20	100'	40'
SF-15	90'	40'
SF-12	80'	40'
SF-10	70'	30'
SF-8.4	60'	30'
Townhome (2F)	60'	30'

*Measured at the front building line

5. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:
 - a. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Section 9.14 - Figure 22).
 - b. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see Section 9.14 - Figure 22).
 - c. Shrubs and hedges three feet (3') or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

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6. Gasoline service station pump islands may not be located nearer than eighteen feet (18') to the property line adjacent to a public street. Pump islands for a gasoline filling station may extend beyond the front building line but shall not be closer than fifteen feet (15') to any property line not adjacent to a public street provided that other requirements of this Code are met.
 7. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.
 8. Satellite dishes are prohibited in the front yard area of any district. Only one satellite dish shall be permitted per residential lot or primary structure.

B. *Side Yards.*

1. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after July 6, 1960 except that where one street exposure is designated as a side yard. In such case, a building line shall be designated on an approved plat with a minimum side yard of fifteen feet (15') or more. On lots which were official lots of record prior to the effective date of this Code, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
2. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein (see Section 9.06 for exceptions) and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.

C. *Special Height Regulations.*

1. In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) stories towers, antennas, and architectural features may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building.
2. Amateur radio antennas and other transmitting and receiving devices of microwave or electromagnetic waves for broadcasting use, shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners. Satellite dishes and other similar antennas shall be permitted on the roof as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not exceed fifty feet (50') in height as measured from the ground.

D. *Seasonal/Temporary Uses.*

1. Temporary locations for sale of merchandise are prohibited in the city limits of Keller unless approved by a Specific Use Permit (SUP).
2. Temporary sale of merchandise may be allowed as part of a special event.
3. Seasonal uses and sale shall be limited to may be allowed for 30 days, twice annually by permit in all zoning districts.
4. The following information is required for submittal to the Community Development Department for review at the time of application:
 - a. The full name of the person(s) applying for a permit, address and telephone number, if any, and, if the merchant is selling on behalf of an organization, the name and address of the parent organization.

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- b. A letter from the property owner which authorizes the merchant to use the property for the purpose of temporary outdoor sales. Such letter shall bear the property owner's name, address, phone number and signature.
 - c. A copy of a limited sales tax permit issued by the state or proof that the goods are not subject to such sales tax.
 - d. A statement of the type of goods or wares to be sold.
 - e. Provide a copy of a current health certificate of merchandise of edible quality is to be sold; however, this shall not apply to the sale of candy, nuts or other edibles prepared and packaged by a nationally recognized manufacturer or a Texas manufacturer meeting standards imposed by state and local health codes, if such packages are unbroken.
 - f. Submittal of two (2) sets of a site plan, drawn to scale and legible, indicating the following:
 - 1) Stands, shelters, trailers, tents and buildings on the property.
 - 2) Lighting and electrical equipment (temporary power pole, generator, etc.)
 - 3) Location and number of parking spaces. Indicate if parking area is paved or unpaved. Indicate all drive approaches. Curb jumping or on-street parking is not permitted.
 - 4) Location, type and size of signage. One (1) temporary sign is allowed and requires a sign permit (32 square foot maximum).
 - 5) If a tent is to be erected, a separate tent permit is required.
 - 6) Electrical permit application for all proposed work. All electrical work shall be performed by a licensed master electrician and shall comply with the electrical Ordinance.
 - 7) Plumbing permit application for all proposed plumbing work. All plumbing work shall be performed by a licensed master plumber and shall comply with the plumbing Ordinance.
 - 5. All required permits and inspections shall be completed prior to any seasonal sales lot opening for business.
 - 6. At no time shall any fire lane or emergency access be blocked or obstructed.
 - 7. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by permit holder.
 - 8. Each temporary seasonal sales permit issued under this division shall be subject to cancellation for violation of any provisions applicable to this policy.
 - E. *Fruit/Vegetable Stands*. Fruit and vegetable stands shall be permitted only with a Specific Use Permit and shall follow the requirements of the Seasonal Use Permit prior to operation.
 - F. *Asphalt or Concrete Batching Plant (Temporary)*. A temporary asphalt or concrete batching plant permit may be approved by the Development Review Committee, subject to the following conditions. Any exceptions to the following conditions shall require approval of the City Council.
 - 1. The batching plant site shall comply with the applicable provisions of City, State and Federal laws.
 - 2. The batch plant shall not be located within six hundred feet (600') of any inhabited residence, whether in Keller or an adjacent municipality.
 - 3. Hours of operation will be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 9:00 a.m. to 5:00 p.m. Aggregate trucks shall be prohibited from hauling to or from the site on Sunday.
 - 4. No portion of the batch plant or its operation shall be located on a public street.

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5. The batch plant shall only furnish concrete, asphalt, or both to the specific project for which the temporary permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.
 6. The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintain driveways and parking areas free of dust).
 7. The site must be clear of all equipment, material and debris upon completion of the project.
 8. All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within thirty (30) days of completion of the project.
 9. Upon expiration of the temporary permit and cessation of activities, the Director of Public Works or his designee and permittee shall walk the site to verify compliance with these special conditions.
- G. *Carnival or Circus (Temporary)*. A temporary use permit for a carnival, circus or special event may be issued by the Building Official, subject to the following conditions:
1. Applications for a permit shall be made no less than ten (10) days prior to the date such temporary carnival, circus or special event shall commence operation.
 2. The fee for such permit shall be five hundred dollars (\$500.00). Non-profit organizations, school districts, and special events such as political rallies, tent meetings, festivals, revivals, bazaars, and other similar activities, shall be exempt from paying said fee.
 3. The application for permit shall contain the following:
 - a. Name, address and telephone number of person, organization or company conducting the event.
 - b. Date or dates of the carnival, circus, or special event.
 - c. A plan showing in detail the different component parts of the temporary carnival, circus, or special event, including all shows, concessions, amusements, businesses and the location of each on the property.
 - d. A written lease or agreement from the owner of such property stating permission to the applicant to operate a temporary carnival, circus or special event on said property.
 - e. Proposed location and size of parking area.
 - f. Location and quantity of sanitary facilities.
 - g. The appropriate number of persons who are attending and, if applicable, the number and types of animals and vehicles that will constitute such event.
 - h. The location and orientation of loudspeakers or sound amplification devices, if any.
 - i. Proof of public liability insurance with minimum combined limits of one million dollars (\$1,000,000). However, notwithstanding the foregoing, non-profit organizations, the Keller Independent School District, and special events, such as political rallies, tent meetings, festivals, revivals, bazaars, and other similar activities shall be exempt from providing proof of liability insurance, if there are no mechanical amusement rides or exotic animals, as defined in The City's Code of Ordinances.
 - j. Any other information that the City shall deem necessary under the standards for issuance.
 4. Safe and orderly movement of normal traffic shall not be substantially interrupted.
 5. The temporary use shall not impede the movement of fire fighting equipment or ambulances.

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6. Waste from animals shall be removed daily from the premises. Animals shall not be kept closer than three hundred feet (300') to any residence or commercial establishment during non-operating hours of such event.
 7. The application shall be reviewed by the Community Development, Police and Fire Departments for security, fire and safety related issues.
 8. The permit will be valid for a maximum of five (5) days.
- H. *Garage Sale.* A garage sale shall be subject to the following conditions:
1. A garage sale shall only be permitted as a temporary accessory use to a single-family detached or single-family attached dwelling.
 2. An individual garage sale shall not exceed three (3) consecutive days.
 3. The number of garage sales shall be limited to two (2) per calendar year per household.
 4. Subdivision/community wide garage sales shall be allowed two (2) per calendar year.
 5. Garage sale signs shall comply with sign regulations of this Code (see Section 9.05).
- I. *Radio, Television, Telecommunication, and Microwave Towers.*
1. Notwithstanding any other provision of this Code, telecommunications antennas, when such are permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:
 - a. *Telecommunications towers.*
 - 1) Telecommunications towers shall be permitted only with an SUP in any zoning district after the applicant has filed an application in the form required by the City of Keller for such use.
 - 2) The responses in the application to be submitted shall be complete and satisfy all of the requirements of the application before the application shall be considered to have been submitted and shall also include the following additional requirements:
 - a) Tower height, including antenna array, may not exceed one hundred twenty feet (120').
 - b) Telecommunications towers must be a minimum of two hundred feet (200') or three (3) to one (1) distance to height ratio, whichever is greater, from structures used for residential purposes.
 - c) New telecommunications towers must be a minimum distance of five thousand feet (5,000') from another telecommunications tower.
 - d) All guys and guy anchors are located within the buildable area of the lot according to the base zoning of the property on which the tower is proposed to be located and not within the front, rear, or side yard setbacks and no closer than five feet (5') to any property line.
 - e) The base of the tower is enclosed by security fencing.
 - f) Equipment buildings must be similar in color and character to the main or adjoining building or structure or blend with the landscaping and other surroundings immediately adjacent to it and be screened by a wrought iron fence with evergreen hedge, or a masonry wall.

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- g) The tower is erected and operated in compliance with current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.
 - h) A telecommunications tower must be:
 - i. Used by three (3) or more wireless communications providers; or
 - ii. Designed and built so as to be capable of use by three (3) or more wireless communications providers including providers such as cellular or PCS providers using antenna arrays of nine (9) to twelve (12) antennas each within fifteen vertical feet (15') of each other with no more than three degrees (3°) of twist and sway at the top elevation and the owner of the tower and the property on which it is located must certify to the City that the antenna is available for use by another wireless telecommunications provider on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If the property on which the tower is proposed to be located is to be leased, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the SUP zoning application.
 - i) All towers will be of a tapering monopole construction, except that another type tower shall only be allowed upon a showing that it would cause less visual impact on surrounding property than a similar monopole structure.
 - j) No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.
 - k) The need for the requested site and the nature of any existing sites shall be documented as set forth in the application.
 - l) Telecommunications towers should be constructed to minimize potential safety hazards. Telecommunications towers shall be constructed so as to meet or exceed the most recent EIA-222 standards and prior to issuance of a building permit the Building Official shall be provided with a Texas registered professional engineer's certification that the tower's design meets or exceeds those standards. Guyed towers shall be located in such a manner that if the structure should fall along its longest dimension, it will remain within property boundaries and avoid habitable structures, public streets, utility lines and other telecommunications towers.
 - m) Telecommunications towers and equipment buildings shall be located to minimize their number, height and obtrusiveness to minimize visual impacts on the surrounding area and in accordance with the following requirements:
 - i. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.
 - ii. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public rights-of-way. analyze the potential impacts from other vantage points in the

area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.

- iii. Site telecommunication facilities to minimize being visually solitary or prominent when viewed from residential areas and the public rights-of-way. the facility should be obscured by vegetation, tree cover, topographic features, and buildings or other structures to the maximum extent practicable.
 - iv. Place telecommunication facilities to ensure that historically significant buildings and landscapes are protected. the views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.
 - v. The commission may recommend a variance and the council may grant a variance to a requirement for telecommunications towers when it is determined that such a variance better accomplishes the city vision than would a strict application of the requirement. such variance shall be no greater than necessary to accomplish those policies.
 - n) No signals or lights or illumination shall be permitted on a monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City of Keller.
 - o) If any additions, changes, or modifications are to be made to the monopole, the Development Review Committee (DRC) shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the City of Keller.
 - p) Telecommunication tower owners shall submit an annual report of service providers using the tower to the Planning Manager. Telecommunication towers which have not been used for a period of one year shall be removed from a site. The last telecommunication service provider to use a tower shall notify the Planning Manager or designee within thirty (30) days that use of a tower has been discontinued.
 - q) Back haul providers shall be identified and have all necessary approvals to operate as such, including holding necessary franchises, permits and certificates and the method of providing back haul, wired or wireless, shall be identified.
 - r) The applicant shall fully and accurately complete a questionnaire supplied them by The City of Keller designed to gather information to assist in making a decision regarding the SUP application. In order to assist the staff, the commission and the council in evaluating visual impact the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.
 - s) The tower complies with all ordinances of the City not in conflict with this section.
- 3) In addition to the usual application fee, the applicant shall reimburse the City for the actual cost to the City for the services of an engineer should one be required to review the application and provide engineering expertise, up to a maximum of five thousand dollars (\$5,000.00).

b. *Antennas mounted on existing structures.*

1) *Antennas mounted on buildings.*

- a) Roof-mounted telecommunications antennas are allowed on non-residential buildings in all zoning districts without further zoning proceedings, provided a non-whip antenna does not exceed the height of the building by more than ten feet (10') and is screened from view from any adjacent public roadway and provided a whip antenna does not exceed the height of the building by more than fifteen feet (15') and is located no closer than fifteen feet (15') to the perimeter of the building. Prior to installation of a roof-mounted antenna, the department of building inspections shall be provided with an engineer's certification that the roof will support the proposed antenna and associated roof-mounted equipment. Roof-mounted antennas and associated equipment may be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so that they are not visible from an adjacent public roadway. The application process is required for roof-mounted antennas.
- b) Building-mounted telecommunications antennas of the nonwhip type are allowed on nonresidential buildings in all zoning districts without further zoning proceedings, provided the antenna is mounted flush with the exterior of the building so that it projects no more than thirty inches (30") from the surface of the building to which it is attached; and the antenna's appearance is such as to blend with the surrounding surface of the building. This may not be applicable if the extension of the antenna is fully incorporated into a steeple or other component of the building that exceeds thirty inches (30") and will be considered by the DRC on a case-by- case basis.
- c) Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials or blends with the landscaping and other surroundings immediately adjacent to the separate building housing the equipment. Associated equipment for roof-mounted antennas may be located on the roof of the building if it is screened from view from any adjacent public roadway.
 - i. Telecommunications antennas are allowed without further zoning on existing utility and telecommunications towers and structures exceeding fifty feet (50') in height, provided that the antenna does not exceed the height of the structure by more than ten feet (10') if a non-whip type or fifteen feet (15') if a whip type. Existing utility and telecommunications towers and structures may be rebuilt if necessary to support the load of the new antenna without further zoning if the rebuilt tower or structure is substantially similar in appearance to the existing tower or structure it replaces. Antennas installed on structures in the right-of-way require a license or other authorization from the City of Keller.
 - ii. Telecommunications antennas located on existing structures are not subject to the five-thousand-foot separation requirement.
 - iii. When an application for a building permit to locate a telecommunications antenna on an existing building or other structure is made, the applicant shall provide (as part of the application) the Department of Community Development with color photo simulations showing the site of the

existing structure with a photo-realistic representation of the proposed antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest residential property and from adjacent roadways. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed antenna.

3. Telecommunications antennas shall not be constructed or used within the City of Keller without all approvals and permits first having been secured.
 4. Within thirty (30) days of the enactment of this Code and as part of their annual report each January thereafter, providers of personal wireless services, as that term is defined by federal law, operating in the City of Keller shall provide the City with any updates to the above documents.
 5. It shall be an affirmative defense to prosecution for a violation of a provision of this section that compliance with the provision would prohibit or have the effect of prohibiting the provision of personal wireless services as defined by federal law. In addition, any entity that desires to erect or utilize telecommunication facilities that would be prohibited by the ordinances or regulations of the City dealing with zoning and land use may apply for such use and the City Council may, upon a showing that strict application of the regulation would prohibit or have the effect of prohibiting personal wireless service as defined by federal law, vary the subject regulation, consistent with the spirit and intent of this section, to the extent necessary to prevent the prohibition.
- J. *Handicap Accessibility.* All non-residential buildings and parking areas shall conform to the Americans with Disabilities Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards.
- K. *Minimum Dwelling Unit Area.* Minimum dwelling unit areas specified in this Code shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.
- L. *Performance Standards.*
1. In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by the City, County, State, or Federal agencies. All uses, including those, which may be allowed by Planned Development (PD) or Specific Use Permit (SUP), shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.
 2. All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.
- N. *Assisted Living Facilities (ALF) (7 or 8 residents) in Single-Family Residential Districts.* (Amended by Ord. No. 1809 on September 6, 2016)
1. *General Purpose and Description.* Assisted Living Facilities (ALF) in single-family residential areas are intended to promote and encourage alternative and suitable living environments for an aging population and provide another option to maintain family life in Keller. Assisted Living Facilities shall maintain its residential character to blend within residential neighborhoods.
 2. *Number of Residents.* The regulations listed within this section shall apply to Assisted Living Facilities consisting of more than six (6) residents. The maximum number of residents within an Assisted Living Facility shall be eight (8) persons.
 3. *Location of Assisted Living Facilities (ALF).*
 - a. A Specific Use Permit is required for Assisted Living Facilities consisting of 7 or 8 residents for all properties in any SF zoning districts.

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- b. No Assisted Living Facility shall be located within one-half (1/2) mile of another Assisted Living Facility, measured from property line to property line.
4. *Floor Area Requirements.*
 - a. Minimum house size for an Assisted Living Facility is two thousand four hundred (2,400) square feet.
 - b. A minimum bedroom floor area per person shall be required. Floor area requirements shall be measured from interior walls of all rooms, excluding closets, stairs, and thickness of walls, toilet rooms, mechanical rooms, laundry, and corridors.
 - c. A minimum of one hundred twenty (120) square feet of interior living space shall be provided per facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.
 - d. A full bathroom with toilet, lavatory, and tub or shower, shall be provided for every bedroom.
 5. *New Construction/Redevelopment.* All Assisted Living Facilities, either new construction or conversion of an existing single-family residence, shall meet all development standards listed under this section of the UDC.
 6. *Building Exterior.*
 - a. When located in a residential zoning district, all parts of the structure shall be maintained in a character consistent with the residential neighborhood in which it is located in terms of gross floor area, building design and lot coverage.
 - b. Assisted Living Facilities shall meet the residential construction standards for residential structures in Section 9.01 (A.1) of the UDC.
 - c. Assisted Living Facilities shall meet the height requirements within its respective zoning district.
 7. *Landscaping.*
 - a. A minimum of two (2) large canopy trees with a minimum three-inch (3") caliper shall be planted in the required front yard of all new single-family uses and in the required side yard adjacent to a street of all new single-family uses on corner lots. Existing trees of equal or greater size within the required front yard may be counted toward this requirement.
 - b. All Assisted Living Facilities shall comply with the tree preservation requirements for non-residential developments as stated in Section 10.01 (C.3) of the UDC.
 8. *Screening/Fencing.* Residential fencing shall be required and shall be in accordance with residential fencing standards in Section 9.07 of the UDC.
 9. *Accessory Uses.*
 - a. All accessory structures shall be constructed of materials complimentary to the main structure and shall be subject to the requirements stated in Section 9.06.
 - b. Open Space/garden.
 - c. No on-site dumpster shall be permitted on the property.
 10. *Parking.*
 - a. Driveways shall be paved with concrete or all-weather surface.
 - b. All parking shall be in accordance with the residential parking standards as stated in Section 9.02 of the UDC.

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- c. All residential structures shall be returned to its original state prior to its conversion to an Assisted Living Facility if being converted back to a single-family residence.
- 11. *Signage.*
 - a. No external (detached monument or attached building) signage shall be allowed. b. No temporary signage shall be allowed.
 - 12. *Site Lighting.* Lighting shall be in accordance with the residential lighting and glare standards in Section 9.12(C) of the UDC.
 - 13. *Dumpster.* No on-site dumpster shall be permitted on the property.
 - 14. *Fire Protection.*
 - a. Commercial kitchen are not required. A hood suppression system is required in all kitchens.
 - b. Fire suppression system shall be required for all Assisted Living Facilities, regardless of occupancy and/or building square footage. The type of fire suppression system shall be in accordance with International Fire Code (IFC) requirements.
 - c. Fire hydrant location and coverage requirements for residential structures as stated in Section 5.16 of the UDC shall be required.
 - 15. *Site Plan Requirement.*
 - a. All Assisted Living Facilities are required to submit a Site Plan application and meet the application requirements per Section 4.15 of the UDC.
 - b. All site plans shall be considered for approval by the City Manager or his/her designee if it complies with best professional practices and meets all applicable requirements of this Code for development.
 - c. Any variances would be required to be considered by the Planning and Zoning Commission for recommendation and City Council for approval.
- O. *Food Trucks, Food Truck Courts and Mobile Vendors.* The purpose of this ordinance is to encourage the operation of Food Trucks in the City of Keller. Though the ordinance does not regulate the use of Food Trucks for private events in residential areas, it does address the use of food trucks, mobile vendors, and food truck courts on private commercial property and on City-owned and/or managed property. To operate in residential areas, food trucks must obtain a state-required fire inspection and Keller Fire Department permit.
- Special Event Review Team (SPERT)* refers to the group of city employees responsible for reviewing and approving special event permit applications to ensure events are in keeping with city guidelines and policies.
- Overnight* for the purposes of this section shall mean that sales and/or the distribution of goods shall be limited to the hours between 6:00 a.m. and midnight. A food truck or mobile vendor may set up one (1) hour prior to 6:00 a.m. and must depart by no later than one (1) hour after midnight.
- A. *General Operating Requirements:*
 - 1. Food truck or mobile vendors shall obtain a renewable, annual Food Truck and Mobile Vendor Unit permit from the City of Keller before operating in the City.
 - 2. A fire inspection must be conducted and passed every six (6) months per NFPA 96 (National Fire Protection Association).
 - 3. Food trucks and mobile vending units may operate for up to eight (8) days per month at the same location unless approved by a Specific Use Permit to operate longer.

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4. All Food Trucks and Mobile Vendor Units shall meet the City of Keller requirements of the most recently adopted applicable International Code Council building codes including the Fire and Electrical Codes.
 5. Electricity shall be from a generator or an electrical outlet. The generator shall be located no less than twenty-five (25) feet from any other food truck, mobile vendor unit, and/or combustibles.
 6. Temporary connections to potable water are prohibited unless specifically designed for food truck hook-ups utilizing food grade water hoses (i.e. Bates Street). Otherwise, water shall be from an internal tank.
 7. A drive-through service is not permitted as part of Food Truck, Mobile Vendor, or Food Truck Court operations.
 8. Food Trucks and Mobile Vendor Units shall be removed from the location on a daily basis and may not be parked overnight unless approved by a SPERT permit. This provision applies to food trucks servicing residential areas as well as all other areas in the City. However, restaurants that also have a food truck service may store their food trucks (when not operating) on the same site as the restaurant as long as the food truck is parked to the side or behind the building and parking requirements for the restaurant can still be met.
 9. Food Trucks and Mobile Vendor Units shall not operate less than ten (10) feet from another food truck, mobile vendor unit or structure.
 10. Food Trucks and Mobile Vendor Units shall not operate:
 - a) Within twenty-five (25) feet of any intersection;
 - b) Within twenty-five (25) feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;
 - c) Within five (5) feet of any public driveway, wheelchair ramp or bicycle ramp;
 - d) In any manner that impedes an exit or entrance of an operating building.
 - e) In any manner that obscures traffic sight visibility. This includes placement of merchandise, advertising, and/or seating.
 - f) Further than one hundred fifty (150) feet from paved fire apparatus access.
 11. All Food Trucks and Mobile Vendor Units shall be equipped with a lidded trash receptacle. The trash receptacle must be placed outside next to the food trucks and mobile vendor units for use by the patrons of the unit. The area, including a 50-foot radius around the Food Trucks and Mobile Vendor Units, shall be kept clean and free from litter, garbage, and debris.
 12. Except as otherwise limited by the City of Keller Code of Ordinances or other City Codes, an individual food truck operator or mobile vendor may utilize outside seating consisting of a portable table and a seating capacity not to exceed eight (8). No furniture or any other objects can be placed in the street, sidewalk, or any right-of-way (ROW).
 13. Owners of any food truck or mobile vendor unit must sign a notarized statement that they acknowledge and accept a minimum amount of \$1,000,000 liability insurance, that covers the food truck or mobile vendor, 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.

B. *Food Truck Courts.*

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1. Food Truck Courts shall only be permitted by a specific use permit (SUP) in a commercially zoned district (NS, R, C, TC, OTK, KR, LI, and MU-PD). Food Truck Courts shall meet the zoning district regulations in which they are located. Developments that incorporate Food Trucks, Mobile Vendor Units, and/or Food Truck Courts shall be part of an approved Planned Development.
 2. The Certificate of Occupancy shall be obtained and maintained by the Food Truck Court rather than individual vendors.
 3. Water and wastewater hook-ups for all food trucks will be provided and must be utilized. Hose hook-ups to potable water must be of food grade quality.
 4. Food Truck Courts shall provide restrooms and seating for guests.
 5. If the Food Truck Court operates in conjunction with another facility with bathrooms, those bathrooms will suffice for this requirement as long as they meet the current building codes related to capacity for both the facility and the Food Truck Court at full capacity and are accessible during the same operating hours as the Food Truck Court vendors' operating hours.
- C. *Provisions for Private Commercial Property (Non-Residential Zoning Districts).*
1. All Food Trucks and Mobile Vendor Units must be located on a parcel which is appropriately zoned for commercial development and use.
 2. Food Trucks and Mobile Vendor Units may not stay overnight.
 3. Food Trucks and Mobile Vendor Units 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.
 4. Food Trucks and Mobile Vendor Units, including any applicable seating, may operate in parking spaces if the required parking for the center remains in compliance with Keller Unified Development Code Section 9.02 Off-Street Parking and Loading Requirements.
- D. *Provisions for City-Owned and/or Managed Property.*
1. A Hold-Harmless Agreement is required to be completed with the City of Keller if the food truck or mobile vendor unit is to be located on City of Keller property.
 2. The City Manager or his/her designee shall have the authority to manage the operation for Food Trucks and Mobile Vendor Units on city-owned and/or managed property. Such property includes but is not limited to Town Hall, Bates Street, Sports Park, Bear Creek Park, and Old Town.
 3. SPERT Permits (Special Permit for Events Review Team) identify the person responsible for each particular event. All Food Trucks and Mobile Vendor Units that are associated with each particular event come under the umbrella of the SPERT permit. Therefore, each vendor does not have to submit an individual permit request for a SPERT event. However, any trucks or vendors participating in a SPERT will need to be registered with the City. (See A.(1) and (2), above.)
- E. *Fees.* Food Truck and Mobile Vendor permit fees are located in Appendix C - Fee Schedule of the City of Keller Unified Development Code.

(Ord. No. 1891, 6-5-18; Ord. No. 2058, § 3(Exh. A), 4-5-2022; Ord. No. 2104, § 2, 12-6-22)