

## **4.7 TEMPORARY USES, STRUCTURES, AND PERMITS**

### 4.7.1 General Provisions.

All temporary uses and structures shall comply with the following general provisions, as applicable.

- A. Temporary uses shall comply with all applicable City ordinances relating to public nuisances, noise, signage, lighting, building, plumbing, electrical, fire safety, temporary food establishments, peddlers and solicitors, etc. Notwithstanding the provisions of this section, additional development permits may be required depending on the scope of the temporary use or structure.
- B. Temporary uses, or components thereof, and temporary structures shall not be located within or cause interference with driveways, alleys, fire lanes, fire department connections (FDC), fire hydrants, public roads, or sidewalks.
- C. The property owner shall be responsible for ensuring the site is kept clear of litter and debris at all times, and the site is returned to its previous condition upon the cessation of the temporary use or structure.
- D. A temporary food establishment permit issued by the health department shall be required for any selling/handling of on-site prepared food to ensure the health, safety, and welfare of the public. These provisions do not apply to the sale of prepackaged, sealed food(s) or cottage food pursuant to State law.
- E. All tents or similar temporary structures that are 400 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed through a Temporary Use Permit.
- F. Off-street parking associated with a temporary use must be provided on an improved surface unless approved otherwise by the Planning Director and the fire marshal through a Temporary Use Permit. The Planning Director may only consider parking on an unimproved surface when provided with concurrence by the owner that any impacted soil resulting from parking on an unimproved surface will be cleaned for any spill/leak from a vehicle by removing all impacted soils and contain for proper disposal.

### 4.7.2 Types of Permitted Temporary Uses and Structures

The temporary uses and structures below are ~~allowed which permitted with~~ require certain controls in order to ensure compatibility with other uses in the zoning district within which ~~they the~~ temporary uses or structures are proposed to locate ~~for location~~. Temporary uses and structures not specifically articulated or classified in this section shall require a Temporary Use Permit or another applicable development permit. The particular following temporary uses and structures are permitted with conditions provided in this section: ~~permitted are:~~

- A. Garage Sales
- B. Temporary Outdoor ~~s~~ Sales of ~~s~~ Seasonal ~~p~~ Products

Temporary sales of seasonal products may be allowed subject to the following provisions:

1. Temporary outdoor sales of seasonal products do not require a Temporary Use Permit provided it satisfies the general provisions per Section 4.7.1 and the conditions in this section.
2. ~~Issuance of permits for temporary outdoor sales of seasonal products~~ It shall be permitted in limited areas with a base zoning of R, GB-1, GB-2, CL-4, and CL-5, or any public property or any place of worship property.
3. It shall be generally self-sufficient with regards to water, sewer, and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City.
4. ~~Proposed operations~~ It shall be subject to a maximum duration of 45 consecutive days per calendar year. ~~approval by a temporary permit issued by the Planning Director with a maximum duration of 45 consecutive days per calendar year with the exception of shaved ice operations which are limited to 120 days per calendar year.~~
  1. ~~Shade structures, seating, trash receptacles and similar associated appurtenances shall be provided, but not be located within or cause interference with required parking spaces, driveways, alleys, fire lanes, public roads or sidewalks.~~
  2. ~~During hours of operation, the permit holder shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times.~~
  3. ~~A drive thru shall not be permitted.~~
  4. ~~Signage must be provided in accordance with Chapter 154.~~
  5. ~~With exception of white or colored string lights, exterior lighting shall be downcast and shielded so that the light source is not directly visible to passersby.~~
  6. ~~The operation shall be generally self-sufficient with regards to water, sewer and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the Electrical Code as adopted by the City.~~
  7. ~~Off street parking must be provided on an improved surface and must not utilize more than 5 percent of the required spaces for any permanent businesses located on site.~~
  8. ~~Health permits and any other applicable county, state or federal permits shall be prominently displayed at all times.~~
  9. ~~Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City ordinances including, but not limited to nuisance, noise, signage, lighting, etc.~~
  10. ~~The application for a temporary use shall also display a true copy of the sales tax permit required by state law which designates the point of sale. If the City is not the designated point of sale for sales tax purposes, such information shall be noted on the application.~~
  11. ~~All tents or similar temporary structures that are greater than 10'x10', 100 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed.~~

~~12. When approved by the Planning Director, a temporary permit may be issued for a food vendor when associated with an approved temporary event. The of the property on which a temporary food vendor is located must apply for and obtain a temporary use permit prior to the temporary food vendor commencing the preparation or sale of any food on the property.~~

5. Display and sSales of Christmas trees may not begin prior to November 15th, and the property must be cleaned and vacated by January 1st.

### C. Nonprofit Seasonal Fundraisers

Nonprofit seasonal fundraisers hosted by a nonprofit or charitable group shall be permitted with the following provisions:

1. Nonprofit seasonal fundraisers do not require a Temporary Use Permit provided it satisfies the general provisions per Section 4.7.1 and the conditions in this section.
2. This section shall apply to only seasonal or periodic fundraisers conducted by nonprofit or charitable groups. Examples of fundraiser events permitted under this section are pumpkin sales, booster club carwashes, and public school-sponsored concessions.
3. It shall be generally self-sufficient with regards to water, sewer, and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City.
4. The outdoor sale of used clothing, accessories, furniture, household, or sporting goods is prohibited, except for places of worship or school-sponsored on-site events, not to exceed a duration of two (2) consecutive days.
5. Nonprofit seasonal fundraisers with the any temporary outdoor sale of seasonal products shall be subject to a maximum duration of 45 consecutive days per calendar year.

~~13. A general site plan is required with an application showing the following:~~

~~a. Adequate parking~~

~~b. Site location~~

~~c. Improved parking and driveway surfaces and must not interfere with the parking required for the existing retail or commercial use.~~

~~17. This provision does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services.~~

### D. Farmers' Markets

A farmers' market may be allowed; however, it shall require a Temporary Use Permit and satisfy the general provisions in Section 4.7.1 and the following provisions:

1. Farmers' markets shall be permitted on public properties and civic spaces approved by the Planning Director, and private property within the PF, A, R, GB-1, GB-2, CL4, or CL5 Districts and in the Downtown District Overlay;
2. It shall be certified by the Texas Department of Agriculture;

3. It shall be generally self-sufficient with regards to water, sewer, and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City;
4. Adequate on-site restroom facilities and solid waste containers shall be required; and
5. It shall be subject to a maximum duration of two days per week.

E. ~~Religious revival tents~~ Tents and Canopies

1. All tents, canopies, or similar temporary structures that are ~~greater than 10'x10', 100~~400 square feet or greater, or are enclosed, shall be approved by the fire marshal, prior to erection and will be required to be inspected once constructed through a Temporary Use Permit.
2. All tents, canopies, and other similar temporary structures may only be used pursuant to the Fire Code.
3. All tents, canopies, and other similar temporary structures shall not be within 20' of any lot line, building, a parked or moving car, or any internal combustion engine unless otherwise approved by the fire marshal.
- ~~4.~~ No open flame or grease-laden vapor appliances shall be used for heating or cooking under a tent or canopy or other similar temporary structures nor within 20' of the canopy or tent unless otherwise approved by the fire marshal.
- ~~2.~~ The location of the tent must be approved by the Planning Department prior to erection.

F. Temporary ~~uses,~~ buildings, ~~facilities,~~ and equipment ~~for uses~~ incidental to construction

1. Temporary uses incidental to construction do not require a Temporary Use Permit provided it satisfies the general provisions per Section 4.7.1 and the conditions in this section and are associated with approved development permit(s).
2. Temporary buildings and equipment for uses incidental to construction work on-premises are permitted in any zone but shall be removed upon the completion or abandonment of construction work. ~~None~~ Temporary buildings shall not be located on any public street or public right-of-way at any time during construction.
3. Temporary outdoor storage of inventory displaced by the expansion, remodel, or reconstruction shall only be authorized by a Temporary Use Permit.
- ~~4.~~ The parking of construction equipment or motor vehicles associated with construction shall comply with the provisions of Section 71.04 of the Code of Ordinances.

~~D. Temporary facilities for manufacturing concrete or concrete products~~

~~Temporary facilities for manufacturing concrete or concrete products may be located in any zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its preconstruction state following completion of the associated project.~~

## ~~E. Farmers' Markets~~

~~Temporary outdoor sales of products in an unrefined state, by a State Certified farmers' market may be operated for a maximum of two days per week and are permitted with the following provisions:~~

- ~~1. Farmers markets shall be permitted on public properties and civic spaces approved by the Administrator, and private property within the A, CL4, or CL5 Districts, and~~
- ~~2. Private property in zoning districts within the Downtown District Overlay that allow for retail sales as a permitted use.~~
- ~~3. The market is not required to be located within a paved parking lot but should be accessible to a paved parking lot for use by visitors of the market. When located within a paved parking lot, the market shall not occupy more than 10 percent of the required number of parking spaces on private property. The market may not be located within drive aisles, fire lanes or parking setbacks, and in no case shall the market be located within the public right-of-way.~~
- ~~4. The market must comply with Chapter 154 Signs of the City Code.~~  
~~The market must be approved by the City prior to location or sales.~~

## G. Temporary Portable Storage Units

Temporary portable storage units are subject to the following regulations:

### 1. Location.

- a. Shall be located on an improved paved surface such as a paved driveway or parking lot;
- b. Are prohibited in any right-of-way or easement;
- c. Shall not be situated in a sight triangle or in a location that will impair the line of sight for pedestrian and vehicular travel on a public street;
- d. Shall not be situated within a Fire Lane, obstruct access to a Fire Department Connection (FDC) or be located within three (3) feet of a fire hydrant; and
- e. Shall not be located within the Downtown District Overlay.

### 2. Residential Conditions.

- a. A temporary portable storage unit associated with a residential use shall not require a Temporary Use Permit provided that it satisfies the location requirements and conditions of use provided in this section.
- b. No more than one (1) temporary portable storage unit shall be allowed per dwelling unit on any residential lot and shall not remain on-site for more than seven (7) consecutive days.
- c. No more than four (4) temporary portable storage units may be placed on a residential lot per calendar year, and there shall be a minimum of sixty (60) days between such placement of each unit.
- d. Temporary portable storage units shall not be used in conjunction with a Home Occupation.
- e. No temporary portable storage unit shall exceed a height of eight feet (8'), a width of eight feet (8'), or floor area of 128 square feet unless otherwise authorized by the Planning Director through a temporary use permit.

### 3. Non-residential Conditions.

- a. A temporary, portable storage unit associated with a non-residential use shall require a Temporary Use Permit and satisfy the location requirements and conditions of use provided in this section.
- b. No more than four (4) temporary portable storage units may be placed on a non-residential lot per calendar year, and there shall be a minimum of sixty (60) days between such placement of each unit unless the site is undergoing active construction and then the unit(s) may remain while construction is ongoing.
- c. No temporary portable storage unit shall exceed a height of eight feet (8'), a width of eight feet (8'), or floor area of 128 square feet unless otherwise authorized by the Planning Director.

~~F.H.~~ Temporary Residential Sales Offices and Model Homes

The following regulations shall apply to ~~the conduct of~~ temporary residential sales offices and model homes within residential zoning districts:

- 1. A Temporary Use Permit is not required; however, other development permits shall be required, as applicable. (e.g., building, electrical, and plumbing permits.)
- ~~1.2. Temporary residential sales offices and model homes~~ May be located within a residential district as part of an ongoing residential development; however, they shall only be located on the periphery of a subdivision or at the entrance to a subdivision.
- ~~2.3.~~ Temporary residential sales offices, not otherwise serving as a model home, are not subject to design standards of this Chapter.
- ~~3.4. Must~~ Shall be either a model home or temporary structure that will operate for a period of time determined by the operator and the ~~Administrator~~ Building Official.
- ~~4.5. Any temporary residential sales office or model home~~ Shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to 95 percent of the associated residential units or when the use as a sales office or model home has ceased, whichever is earlier.
- 6. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon the sale of the home.

~~G. Nonprofit Seasonal Fundraisers~~

~~H. Nonprofit seasonal fundraisers are intended for local nonprofit, locally recognized charitable groups to conduct seasonal fundraisers with the following provisions:~~

~~I. This article shall apply to only seasonal or periodic fundraisers conducted by nonprofit or charitable institutions. At least eighty (80) percent of the net proceeds from each fundraiser must go directly to the nonprofit group or charitable cause represented. Examples of fundraiser events permitted under this article are pumpkin sales, booster club carwashes, and public school sponsored concessions.~~

~~J. Solicitation in the public right-of-way, including street medians, is prohibited.~~

~~K. The sale of used clothing and/or accessories, used furniture, used household and/or sporting goods is prohibited except for place of worship or school sponsored events located and managed at the school or place of worship location that is benefiting from the proceeds.~~

- ~~1. A permit issued by the city building inspection department shall be required for any nonprofit charitable fundraiser selling/handling onsite prepared food to ensure the~~

~~health, safety and welfare of the volunteers and of the public. These provisions do not apply to the sale of prepackaged, sealed food(s) (example, Girl Scout cookies). Any sponsor or organization making application for permit approval to conduct a fundraiser shall submit a written application for a permit that shall include:~~

- ~~a. The name and address of the applicant.~~
  - ~~b. The application shall show satisfactory written proof of the applicant's authority to represent the organization or sponsor the applicant represents.~~
  - ~~c. The name and address of the sponsor or organization represented by the applicant.~~
  - ~~d. The kinds of goods to be sold or services to be offered at the event.~~
  - ~~e. The dates and times of the event.~~
  - ~~f. The location of the event and the traffic access and circulation planned.~~
  - ~~g. Evidence that the required conditions of this article have been met.~~
- ~~5. Any fundraiser shall provide evidence to the city, upon request, that the following regulations have been met:~~
- ~~a. Written permission from the property owner for the dates, times, and activities approved by the owner to be conducted on the premises.~~
  - ~~b. A temporary access barrier is provided when necessary to prohibit pedestrian or vehicular traffic from imposing on any adjacent residential uses and approved by the fire marshal.~~
- ~~6. Nonprofit festivals shall provide the following site facilities for the duration of the event:~~
- ~~a. Adequate, available off-street parking.~~
  - ~~b. A safe access driveway and traffic circulation plan approved by the Planning Department.~~
  - ~~c. Electrical permits, plumbing permits, sign permits, and other permits as applicable that are required by code.~~
  - ~~d. Health permits (food handlers), any other county, state, or federal permits are prominently displayed.~~
  - ~~e. Bathroom facilities for employees/volunteers.~~
  - ~~f. Handicapped accessibility compliance when applicable.~~

~~Commercial Amusement: Commercial Amusement uses/activities may be allowed subject to the following provisions:~~

- ~~1. Issuance of permits for temporary commercial amusement shall be limited to areas zoned for retail or commercial uses or any public or place of worship property.~~

~~Proposed operations shall be subject to approval by a temporary permit issued by the Planning Director with a maximum duration of 14 consecutive days per event. A one-time extension of 14 days may be granted by the Planning Director.~~

- ~~1. Shade structures, seating, trash receptacles and similar associated appurtenances shall not be located within or cause interference with required parking spaces, driveways, alleys, fire lanes, public roads or sidewalks.~~
- ~~2. During hours of operation, the permit holder shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times.~~

- ~~3. Signage must be provided in accordance with Chapter 154.~~
- ~~4. Exterior lighting shall be downcast and shielded so that the light source is not directly visible to passersby.~~
- ~~5. The operation shall be generally self-sufficient with regards to water, sewer and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City.~~
- ~~6. Off street parking must be provided on an improved surface approved by the Administrator, and must not utilize the required spaces for any permanent businesses located on site.~~
- ~~7. Health permits and any other applicable county, state or federal permits shall be prominently displayed at all times.~~
- ~~8. Unless otherwise said within, approval of a temporary permit for said operation shall not exempt the use or permit holder from all applicable City ordinances including, but not limited to nuisance, noise, signage, lighting, etc.~~
- ~~9. All tents or similar temporary structures that are greater than 10'x10', 100 square feet or greater or are enclosed shall be approved by the fire marshal, prior to erection and inspected once constructed.~~
- ~~10. The owner of the property on which a temporary food vendor is located must apply for and obtain a temporary use permit prior to the temporary food vendor commencing the preparation or sale of any food on the property.~~
- ~~11. A general site plan is required with an application showing the following:~~
- ~~12. Parking sufficient for the proposed amusement as well as any existing permanent use on site~~
- ~~13. Site location and layout~~
- ~~14. Improved parking and driveway surfaces and must not interfere with the parking required for the existing retail or commercial use.~~

## I. Mobile Food Vendors

1. Mobile Food Vendors (MFV) shall be permitted as temporary uses in the following scenarios without a Temporary Use Permit provided it satisfies the general provisions of Section 4.7.1 and the conditions in this section:
  - a. As an authorized vendor at City-sponsored events and public park concessions;
  - b. As an authorized vendor or caterer at a special event for a maximum period of seventy-two (72) hours, but no more than twelve (12) hours per day; or
  - c. As a temporary shaved ice establishment limited to 180 days per calendar year at a particular location.
2. Mobile Food Vendors (MFV) shall be subject to the following general conditions:
  - a. A MFV shall provide proof of a valid mobile food permit or temporary food establishment permit from the City's public health provider and prominently displayed at all times;

- b. A MFV shall comply with all applicable requirements from the City, County, and State including, but not limited to the Texas Food Establishment Rules, and sales tax requirements;
- c. A MFV shall have written approval from the property owner or tenant to be located on-site, and such site shall be registered with the City to host mobile food vendors;
- d. All MFV vehicles shall clearly identify the business name and a valid contact telephone number on both sides of the vehicle;
- e. A MFV shall be generally self-sufficient with regards to water, sewer, and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the Electrical Code as adopted by the City. When portable extension cords are used, they shall not be installed or placed where they may be subject to pedestrian traffic unless provided with appropriate protection as approved by the field inspector;
- f. A MFV shall be required to have permission to utilize the restroom facilities of the principal use unless otherwise provided by an alternative means;
- g. A MFV shall arrange solid waste management with the principal use, or otherwise be solely responsible for the cleanup and proper disposal of all trash associated with the use;
- h. A MFV shall not provide for a drive-thru, drive-up window, or similar apparatus; however, this does not preclude a MFV from having a walk-up service window;
- i. A MFV shall not be permitted to: block a drive aisle, locate on or block a sidewalk, be parked on a public street unless otherwise approved by the City;
- j. A MFV may have one (1) "A-frame" sign, not to exceed three (3) feet in height, immediately adjacent to their vehicle for the purpose of displaying a menu or special advertisement;
- k. A MFV shall be permitted to utilize string lights or similar to enhance the customer ambience provided the connections shall adhere to the UL standards and shall not be placed in a manner which would create a safety issue. The following lighting types shall be prohibited: any wall pack light, any strobe, rotating, flashing, color-changing, up lighting not otherwise contained by an overhead awning, spotlight, fog light, headlight, or any similar lighting that may provide a commonly perceived distraction to entice patronage to a passerby as determined by the Planning Director;
- l. A MFV utilizing sound to encourage patronage shall be subject to and comply with noise requirements outlined in Chapter 94 of the Code of Ordinances. Use of a horn by a MFV to encourage patronage shall be prohibited and considered a nuisance; and
- m. A MFV shall be subject to Chapter 111. Peddlers and Solicitors of the Code of Ordinances.

3. Mobile Food Vendors (MFV) shall be subject to the following fire safety requirements:

- a. A MFV operating out of a motor vehicle or trailer shall provide proof of a fire inspection from Travis County, approved within the last year.

- b. A MFV shall not block or obstruct a designated fire lane, or impede access to a fire hydrant, a Fire Department Connection (FDC), or any other fire service features as determined by the Fire Department.
- c. There shall be a minimum of ten (10) feet of separation between each individual MFV, and a minimum of twenty (20) feet of separation between any MFV and a permanent on-site structure.
- d. Generators must be located so they cannot be accessed by the public. In situations with limited site layout, generators may be separated from the public by a physical guard/barrier. Generators must be shut down prior to refueling. Refueling must be conducted only during non-business hours. Refueling must be done at least 20' away from the food truck.
- e. A MFV shall have one 2A10BC fire extinguisher, properly maintained and affixed with a current inspection tag confirming its status.
- f. A MFV utilizing solid fuel cooking (wood, charcoal, pellets, etc.) or cooking methods that produce grease-laden vapors will be required to have a Class K fire extinguisher in addition to the 2A10BC fire extinguisher.
- g. A MFV utilizing propane fuel for cooking shall be limited to no more than an aggregate of 84 pounds of propane.
- h. A MFV utilizing propane fuel shall be equipped with a leak detection device.

#### J. On-Site Special Events

- 1. On-site special events shall be permitted as temporary uses without a Temporary Use Permit provided it satisfies the general provisions of Section 4.7.1 and the conditions provided in this section. This section does not apply to special events held by the City on publically-owned or managed land.
- 2. On-site special events shall be subject to the following conditions:
  - a. The event holder shall have permission from the property owner to hold the special event on-site;
  - b. The special event shall not interfere with the safe and orderly movement of pedestrian or vehicular travel within public rights-of-way near the site and on-site;
  - c. The event holder shall provide for adequate health and sanitation facilities;
  - d. With the exception of property within the Downtown District Overlay where on-street public parking is available, special events shall provide for adequate off-street parking to accommodate the event and other temporary and primary uses on-site;
  - e. The operation shall be generally self-sufficient with regards to water, sewer, and electricity. Temporary connections to potable water and sanitary sewer are prohibited. Electricity shall be from a generator or an approved electrical outlet via an approved portable cord that is in conformance with the electrical code as adopted by the City.
  - f. Adequate on-site restroom facilities solid and waste containers shall be required; and

- g. The duration of the special event shall be limited to a maximum period of seventy-two (72) hours, but no more than twelve (12) consecutive hours per day.
- 3. A Special Event shall require a Temporary Use Permit if such event
  - a. Will be conducted primarily outdoors; and
  - b. Interferes with the safe and orderly movement of pedestrian or vehicular travel within public rights-of-way near the site and on-site; or
  - c. Requires special city services, including but not limited to, street closure, provisions of barricades, traffic control, special parking arrangements, special electrical services or special police services.
- 4. Where the fire marshal determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire marshal shall have the authority to require the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items: 1.) Emergency vehicle ingress and egress, 2.) Fire Protection, 3.) Emergency egress or escape routes, 4.) Emergency medical services, 5.) Public assembly areas, 6.) The directing of both attendees and vehicles, including the parking of vehicles, 7.) Vendor and food concession distribution, 8.) The need for the presence of law enforcement, 9.) The need for fire and emergency medical services personnel.

#### K. Other Temporary Uses and Structures

Temporary uses and structures not specifically classified or that do not meet the conditions of the temporary uses and structures provided in the section may be authorized through a Temporary Use Permit with approval criteria in this section.

- 1. Land use compatibility. The temporary use shall be compatible with the purpose and intent of this Code and the zoning district in which it will be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use shall not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
- 2. Compliance with other regulations. All structures and the site as a whole shall meet all applicable building code, zoning district, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use).
- 3. Hours of operation and duration. The duration and hours of operation of the temporary use shall be consistent with the intent of the event or use and

compatible with the surrounding land uses. The duration and hours of operation shall be established by the Planning Director at the time of approval of the Temporary Use Permit.

4. Traffic circulation. The temporary use shall not cause undue traffic congestion or accident potential, as determined by the City Engineer, given anticipated attendance and the existing design of adjacent streets, intersections, and traffic controls.
5. Off-street parking. Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site. In the Downtown District Overlay, on-street parking may be used to address the adequacy of parking for the temporary use or event.
6. Public conveniences and litter control. Adequate on-site restroom facilities and waste containers may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the city.
7. Appearance and nuisances. The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

#### 4.7.3 Temporary Use Permit

A. Applicability. A Temporary Use Permit is required pursuant to Sections 4.7.1, 4.7.2 and 4.7.3, subject to approval by the Fire Marshal and the Planning Director.

#### B. Application Submittal Requirements

1. An application shall be made at least fifteen (15) days in advance of the requested start date for a temporary use or event.
2. A completed application providing for the following, as applicable:
  - a. The name and address of the applicant;
  - b. The name and address of the sponsor or organization represented by the applicant, as applicable;
  - c. Written permission from the property owner for the dates, times, and activities approved by the owner to be conducted on the premises;
  - d. The kinds of goods to be sold or services to be offered at the event or with the temporary use;
  - e. The dates and times of the event or temporary use;
  - f. The location of the event or temporary use; and
  - g. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the city.
3. A general site plan is required with a Temporary Use Permit application showing the following, as applicable:

- a. Adequate parking for temporary use;
- b. Site location and layout;
- c. Traffic access and circulation planned;
- d. Show locations of structures, fire lanes, fire department connections (FDC), fire hydrants, streets, alleys, drive aisles, driveways, and temporary fencing with entry and exit gates;
- e. Show the footprint of any building, location of building exits, sidewalks, and pathways;
- f. Location of tents or temporary structures including dimensions;
- g. Food trucks, vendors and merchandise areas;
- h. Location of outdoor grills, fryers, or smoker pad sites;
- i. Size and location of any stages;
- j. Dimensions and distances of proposed site elements from other site elements, as required by this Chapter and the Fire Code; and
- k. Any other details relating to the specifics of the temporary use or event.

### C. Review and Action

1. The Planning Director shall determine whether to approve, approve with conditions, or disapprove the permit within ten (10) days after the date of application and shall determine the length of time that the permit is valid.
2. The Planning Director may establish conditions of approval deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.
3. Where an application has been disapproved by the Planning Director, the applicant shall be notified in writing of the reasons for the disapproval.

## **4.9 MOBILE FOOD VENDOR (MFV) RESERVED**

~~A. Mobile Food Vendors (MFV) shall only be permitted in approved Mobile Food Parks (MFP) as provided within this Subchapter, with exception to the following:~~

- ~~1. Temporary shaved ice establishments, as otherwise permitted within this Subchapter;~~
- ~~2. Temporary vendors permitted by the of Pflugerville for concessions or at a temporary event;~~
- ~~3. Neighborhood "ice cream truck" vendor meeting the following standards:
  - ~~a. Retail sales of only pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, or similar frozen dessert products.~~
  - ~~b. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.~~~~

- ~~c. An ice cream vendor in a motor vehicle shall pull as far as practicable to the right side of traffic when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream vendor stopped for the purpose of making sales prevent the passage of other motor vehicles on the rights of way.~~
- ~~d. Each ice cream vendor shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator shall remove any litter left at the stop by customers.~~
- ~~e. Ice cream vendors may stop for the purpose of making sales only between the hours of 11:00 a.m. and 9:00 p.m. Monday— Sunday.~~
- ~~f. Use of sound to encourage patronage shall be subject to and comply with noise requirements outlined in Chapter 94 of the Code of Ordinances. Use of a horn to encourage patronage shall be prohibited and considered a nuisance.~~

~~B. The following shall be applicable to all MFVs:~~

- ~~1. Operators shall have a valid food establishment permit and must be annually permitted through the City of Pflugerville. They shall operate from a permitted commissary for food preparation, storage, and disposal.  
Operators shall comply with all applicable requirements from the City, County, and State including, but not limited to the Texas Food Establishment Rules, and sales tax requirements.~~
- ~~2. A MFV utilizing sound to encourage patronage shall be subject to and comply with noise requirements outlined in Chapter 94 of the Code of Ordinances. Use of a horn by a MFV however to encourage patronage shall be prohibited and considered a nuisance.~~
- ~~3. At no time shall a MFV conduct door to door sales. Solicitation for advertising purposes shall be subject to Chapter 111 of the Code of Ordinances.~~
- ~~4. Nothing written herein shall prevent a MFV from obtaining necessary permits when participating in a temporary event, and nothing written herein shall supersede another section of the Code of Ordinances.~~
- ~~5. All MFV vehicles shall clearly identify the business name and a valid contact telephone number on both sides of the vehicle.~~

#### **4.10 MOBILE FOOD PARK (MFP)**

A Mobile Food Park (MFP) is permitted as outlined in Tables 4.3.2 and 4.4.2, and subject to [the provisions outlined in 3.10.8 and](#) the following standards and limitations:

**A. Mobile Food Parks Generally**

- 1. A MFP [that sells alcohol](#) shall be allowed to remain open during times that the Texas Alcohol Beverage Control permits on-premise sale or service of alcoholic beverages. ~~At no point shall an MFP remain open for 24 hours.~~
- 2. The standards and limitations in this section are in addition to all other applicable standards within the Code of Ordinances. Any applicable standards not expressly detailed in this section shall apply.
- 3. If a MFP is proposed on a site that requires a new utility connection or if a permanent structure is being constructed, the property must be platted pursuant to Subchapter 15.

4. The commercial design standards in Subchapter 9 of this Code shall apply to any permanent structure on the site. These standards do not apply to any food truck and/or trailer.

~~4.5.~~ Mobile Food Vendors (MFV) shall comply with the fire safety requirements pursuant to Section 4.7.2., Subsection I.3.

#### B. Distance Requirements

With the exception of the Downtown District Overlay, no MFP shall be located within 200 feet of a conforming single-family residential dwelling unit, or fifty (50) feet of a restaurant establishment that is operating out of a permanent structure. The distances shall be measured as a buffer distance from the proposed MFP property lot lines.

#### C. Site Dimensional Standards

1. The number of MFV spaces allowed on a site shall be calculated at one (1) vendor space per 1,000 square feet of lot space. Only one (1) MFV is permitted to occupy each vendor space on a site. The minimum number of vendor spaces shall be two (2). The maximum number of vendor spaces allowed on any site shall be limited to ten (10), except that a request may be made to the Planning Director to approve an alternative number of vendors spaces. Vendor spaces do not need to be occupied at all times, but they must be shown and designed during the site plan process.

~~2. Only one (1) MFV is permitted to occupy each vendor space on a site. The maximum number of MFVs allowed on a site is ten (10), unless the Planning Director approves an alternative number to coincide with the alternative number of approved vendor spaces.~~

~~3.2.~~ No MFV, permanent structures, or seating areas shall be located within the required building setbacks of the applicable zoning district.

~~4.3.~~ There shall be a minimum of ten (10) feet of separation between each individual MFV, and a minimum of twenty (20) feet of separation between any MFV and a permanent on-site structure.

~~5.4.~~ A MFV shall remain outside of a required fire lane, be located a minimum of 3' from any site fire hydrant, and shall not block access to a Fire Department Connection (FDC). A MFV shall not block or obstruct a designated fire lane, or impede access to a fire hydrant, a Fire Department Connection (FDC), or any other fire service features as determined by the Fire Department.

~~6.5.~~ A MFP shall establish suite numbers in conformance with the City 911 Addressing requirements for each MFV space for locating and record keeping requirements.

~~7.6.~~ No vehicle drive-through services shall be permitted within a MFP.

~~8.7.~~ During hours of operation, each MFV shall be responsible for providing a trash receptacle for use by customers and shall ensure the area is kept clear of litter and debris at all times. A common dumpster may be provided within the MFP if the dumpster is screened in accordance with Subchapter 11 and is in ~~an approvable~~ permitted location.

~~9.8.~~ Nothing herein shall prohibit a MFP from establishing or utilizing a permanent structure for indoor seating, entertainment venue, or similar purposes provided the structures comply with all applicable requirements, including but not limited to building and fire department requirements.

~~10.9.~~ With exception of the Downtown District Overlay, a MFP shall obtain vehicle access from a collector or arterial street.

#### D. Site Design Standards

1. A detailed site plan shall be required for the approval of a mobile food park. At a minimum, the site plan must show the location of, and detail, the following items:
  - a. Each Mobile Food Vendor space with appropriate separation distances, which includes trucks, trailers, tents or other temporary structures;
  - b. Outdoor grills, fryers, or smoker pad sites;
  - c. Utility connections, including electric, gas, water, and sewer;
  - d. On-site lighting;
  - e. Activity areas, including playground, movie screen, stage or similar areas;
  - f. Restrooms and hand washing facilities;
  - g. Designated customer seating areas;
  - h. ADA access to parking, vendors, and restrooms;
  - i. Proposed parking areas including on-site and off-site spaces;
  - j. Fire lanes and apparatus routes;
  - k. Dumpsters and service vehicle access for waste removal, moving vendor trailers, etc.
2. Access to a MFP shall be through a single, all weather surface driveway directly connected to a public street, with a maximum driveway width of 35 feet. Where on-site parking is proposed near a driveway, a minimum throat distance of 50 feet shall be provided unless otherwise reduced by the City Engineer.
3. All mobile food vendors, outdoor fryers, grills, and smokers shall be placed on an approved all-weather surface and identified on the site plan.
4. Venues for live music, art performances, movies or similar activities shall be subject to the provisions provided herein, with the proposed location identified on the site plan.
5. In order to improve safety, individual electrical generators ~~shall be prohibited~~ are discouraged. All electrical services necessary to serve a MFV or MFP shall be provided through permanent on-site connections. Aerial electrical line extensions shall be prohibited.
6. A MFP ~~shall~~ is encouraged to be designed with individual electric connections installed at each MFV space. When provided, ~~if~~ individual electric service outlets with lockable connection boxes shall be installed at each space through approved underground utility line extensions.
7. Where individual propane tanks will be utilized, a valid invoice from a Certified Master Plumber indicating an annual pressure test has been successfully completed shall be provided for each MFV. In lieu of individual tanks, a centralized propane tank may be considered within an MFP if the Planning Director and Fire Department approve the location, and it is designed to provide individual service to all MFV spaces through underground extensions.
8. Customer seating shall be provided at a minimum rate of four (4) seats per individual vendor, and may be grouped within the MFP. Seating areas may be located within a permanent building or under a shade structure, provided said building or structure meets all minimum building and fire code requirements. Where outdoor seating is proposed, the surface shall consist of turf grass, crushed granite, pavement, mulch, or other improved surface, as approved by the Planning Director.
9. Use of temporary tents are subject to the requirements outlined in 4.7.2(E) and shall require ~~individual~~ approval from the Fire Department.

10. Nothing provided herein shall exempt or preclude compliance with all other provisions of the Code of Ordinances, International Building Code, or other requirements (e.g. Fire Department) to protect health, safety and general welfare.

#### E. Lighting

On-site lighting shall be provided within a MFP and shall be in accordance with Subchapter 13, with exception that string lights shall be permitted throughout a ~~MFC-MFP~~ when a colored or warm white light is utilized. String lights shall adhere to the UL standards and shall not be placed in a manner which would establish a safety issue.

#### F. Parking

1. The required number of off-street parking spaces shall be calculated at a rate of two (2) parking spaces per Mobile Food Vendor, provided however that an alternate parking plan may be completed pursuant to Subchapter 10. In the Downtown District, spaces in the right of way within 200 feet of the site, or public surface lots within 400 feet of the site may be used in obtaining the required spaces. Where right of way parking within 200 feet of the site is not currently provided, but could be established to meet the minimum required parking spaces for a MFP, those spaces shall be constructed with the mobile food park.
2. If the MFP site plan identifies available space on-site for employees and/or towing vehicles to park, then the Planning Director may approve a reduced number of required parking spaces.
3. All patron vehicular parking shall be provided on an all-weather surface as approved by the Planning Director.

#### G. Signage

1. One (1) monument sign shall be permitted for the entrance to the site. This sign shall comply with all applicable City requirements.
2. Each mobile food vendor within a MFP may have signs mounted to their vehicle and/or trailer. All vehicle and trailer signage shall be mounted flush to the outside surface of the vehicle.
3. Each mobile food vendor within a MFP may have one (1) "A-frame" sign, not to exceed three (3) feet in height, immediately adjacent to their vehicle for the purpose of displaying a menu or special advertisement.
4. If the MFP is located within any special zoning district, additional standards may apply pursuant to the requirements of that zoning district.

#### H. Restroom facilities

1. Each MFP shall provide facilities to accommodate for a minimum of two (2) restrooms. Where portable restroom facilities are utilized, said facilities shall be professionally cleaned a minimum of three times per week. Preference is given to self-contained, portable restroom facilities constructed within an enclosed cargo trailer or similar enclosed structure or facility. Other temporary portable restroom facilities may be considered by the Planning Director.
2. The restroom facilities should be equipped with hand washing facilities, or at a minimum, hand sanitation stations shall be provided at the restroom facility and throughout the MFP.

#### I. Venues

1. Playgrounds, movie areas, stages for musical or art performances, or similar are encouraged within a MFP. Said areas shall be oriented away from neighboring [less intensive](#) uses to reduce noise and light, and potential nuisance.
2. Nothing stated herein shall exempt the venue from complying with Chapter 94 [Noise Control](#) of the Code of Ordinances.