

CITY OF THE COLONY, TEXAS

**ORDINANCE NO. 2013-~~2022~~
TEMPORARY USES**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, BY REMOVING SECTIONS 4-40 THROUGH 4-60, “TEMPORARY CIRCUSES AND CARNIVALS,” FROM CHAPTER 4, “AMUSEMENTS;” BY REMOVING SECTION 4-90 THROUGH 4-93, “SPECIAL EVENTS” FROM CHAPTER 4, “AMUSEMENTS;” BY REMOVING SECTIONS 13-20 THROUGH 13-27, “PARADES” FROM CHAPTER 13, “OFFENSES AND MISCELLANEOUS PROVISIONS;” BY REMOVING SECTION 15-12, “TEMPORARY OUTSIDE SALES” FROM CHAPTER 15, “PEDDLERS AND SOLICITORS;” BY REMOVING SECTION 10-1200, “TEMPORARY SUBDIVISION SALES OFFICE,” SECTION 10-1300, “TEMPORARY CONSTRUCTION OFFICE,” SECTION 10-1300A, TEMPORARY BUILDINGS,” SECTION 10-1350, “MOBILE FOOD VENDORS,” SECTION 10-1360, “SNOW CONE ESTABLISHMENTS (SEASONAL),” AND SECTION 10D-100, “GARAGE SALES” FROM APPENDIX A, “ZONING;” AND BY AMENDING THE CODE OF ORDINANCES, APPENDIX A, BY ADDING A NEW SECTION 10D, ENTITLED “SPECIAL REGULATIONS FOR CERTAIN TYPES OF TEMPORARY USES;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

WHEREAS, Appendix A, Section 24-101(4) of the Code of Ordinances of the City of The Colony, Texas, provides the following, “A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of The Colony stating the time and place of such hearing which time shall not be earlier than fifteen (15) days from the date of publication;” and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

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

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

SECTION 2. That Sections 4-40 through 4-60, “Temporary Circuses and Carnivals” is removed from Chapter 4, “Amusements” of the Code of Ordinances.

SECTION 3. That Sections 4-90 through 4-93, “Special Events” is removed from Chapter 4, “Amusements” of the Code of Ordinances.

SECTION 4. That Sections 13-20 through 13-27, “Parades” is removed from Chapter 13, “Offenses and Miscellaneous Provisions” of the Code of Ordinances.

SECTION 5. That Section 15-12, “Temporary Outside Sales” is removed from Chapter 15, “Peddlers and Solicitors” of the Code of Ordinances.

SECTION 6. That Section 10-1200, “Temporary Subdivision Sales Office” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 7. That Section 10-1300, “Temporary Construction Office” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 8. That Section 10-1300A, “Temporary Buildings” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 9. That Section 10-1350, “Mobile Food Vendors” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 10. That Section 10-1360, “Snow Cone Establishments (Seasonal)” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 11. That Section 10D-100, “Garage Sales” is removed from Appendix A, “Zoning” of the Code of Ordinances.

SECTION 12. That a new Section 10D, entitled “Special Regulations for Certain Types of Temporary Uses” is added to Appendix A, “Zoning” of the Code of Ordinances (Exhibit A).

SECTION 13. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 14. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 15. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 16. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 3rd day of September , 2013.

/s/Joe McCourry, Mayor

ATTEST:

/s/Christie Wilson, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney

Exhibit A

**SPECIAL REGULATIONS FOR CERTAIN TYPES OF
TEMPORARY LAND USES**

Sec. 10D-100. Purpose.

The purpose of this Section is to regulate the location, size, construction and duration of temporary uses within the corporate city limits of the City of The Colony. The general objectives of this Section are to allow flexibility to businesses, organizations and groups to have special events of a temporary nature, allow sales of seasonal merchandise, allow the use of temporary structures, and ensure the health, safety and welfare of the citizens of the City of The Colony.

Sec. 10D-200. Authority and Jurisdiction.

The provisions of this Section shall apply within the corporate city limits of the City of The Colony, as defined by the Texas Local Government Code, Chapters 9, 26, and 42, and pursuant to the express authority and limitations provided in Chapter 216.

Sec. 10D-300. Permit, Application and Fee Required.

- (a) *Permit required.* In the event that a temporary use desires to operate in the City at a particular location, the owner or operator shall apply in writing to the City Manager or his designee for the required permit(s).
- (b) *Application.* Applications for a temporary use shall be submitted to the City Manager or his designee on a form to be provided by said official. The City Manager or his designee, after review of the application, shall make a determination as to whether the application shall be granted or refused. Any person, corporation, partnership, sole proprietorship or any other legal entity whose application is refused by City Manager or his designee may then appeal the decision to City Council for its review and final determination.

The application shall contain the following information:

- (1) *Application form.* The applicant shall submit a written application, using the form provided by the Customer Services Department. An incomplete form will not be processed.
- (2) *Addressing.* If the location has not previously been assigned an address, upon receipt of the permit application, an address (whether temporary or permanent) shall be assigned by the Geographic Information Systems (GIS) Department for emergency purposes.
- (3) *Site Plan.* When required, the applicant shall submit a site plan drawn to scale at a minimum size of 11" X 17", showing in detail, including but not limited to those listed

below, the different component parts of the temporary use and the location of each on the site. See specific temporary uses for whether or not this regulation applies.

- (A) *Location map.* The site plan shall include a location map detailing the location of the land or property where the temporary use is proposed to occur.
 - (B) *Parking.* The site plan shall show the parking spaces and include a table that indicates the parking spaces required by the Zoning Ordinance for the existing use, the number of parking spaces provided and the number of spaces in excess of the requirement.
 - (C) *Utilities.* The site plan shall show connections to utilities and the means by which the connection shall be made or show the location of a generator for provision of electricity.
 - (D) *Restroom facilities.* The site plan shall show the layout of the temporary use and the location of any portable toilets, if applicable. If an adjacent building is proposed to be used for restroom facilities, a notarized letter of agreement between the temporary use applicant and the owner/manager of the building shall be provided with the application.
- (4) *Lease Agreement.* The applicant shall provide a signed and notarized written lease or agreement from the owner of the host property giving permission to the applicant to operate the temporary use on said property, if applicable.
- (5) *Sign Permits.* Use of temporary signage on site shall be applied for using a Sign Permit Application. All the rules and regulations of Chapter 6, Article XI, “Signs” of the Code of Ordinances shall apply.
- (c) *Fee required.* An application fee, if applicable, for the required permit(s) shall be paid at the time of application, according to the City Master Fee Schedule.

Sec. 10D-400. General Regulations for Temporary Uses.

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated in this Section:

- (a) *Permanent changes to the site are prohibited.*
- (b) *Signs.* Permanent signs relating to the temporary use are prohibited. Temporary signs shall be allowed only through the permit application and approval from the Customer Services Department and must be removed prior to the expiration of the permit.
- (c) *Restrictions on principal use apply to temporary use.* Temporary uses shall not violate any applicable conditions of approval that apply to the principal and/or secondary uses on the site.
- (d) *Other permits required.* The temporary use regulations of this Section do not exempt the applicant or operator from obtaining other required permits including, but not limited to,

health permits, alcohol sales permits, sign permits, placement permits, food handler cards and tent permits.

- (e) *Extension process.* Prior to the expiration of the original time period for the temporary use or any subsequent extension period, a written request shall be filed by the applicant or owner to the City Manager or his designee for consideration. The request shall provide a reason for the extension and a schedule for the removal of the temporary building and/or plans for the development of a permanent building on the site. The request shall be considered by the City Manager or governing body that approved the original temporary use. At the expiration of the temporary period, including any extensions, the temporary building and/or use shall be removed and the property returned to its original condition.
- (f) *Use of City property.* Should the applicant request the use of property owned by or under control of the City, the permit application shall be approved by the City Manager or his designee. The City Manager may elect to bring any request for the use of City property to the City Council for their decision.
- (g) *Sanitary facilities.* Temporary uses that require sanitary facilities shall provide a minimum of two (2) portable toilet facilities or access to restrooms within 200 feet of the temporary use. Such facilities shall be provided on the premises or on adjacent property with permission of the owner and the City Manager or his designee. Additional facilities may be required depending on the expected attendance of the event or temporary use. See specific temporary uses for applicability.
- (h) *Tents.* Any temporary use which is to utilize a tent or a canopy in excess of 100 square feet shall first receive approval of the tent or canopy by the Fire Marshal.
- (i) *Uses not applicable.* This Section does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, bookmobiles or similar uses.
- (j) *Uses not requiring a temporary permit.* Sales of certain merchandise or products that are also typically sold within a store may be displayed in the apron area adjacent to the entrance from time-to-time without requiring a separate permit. Examples of this type of sale are grills, firewood, plants or outdoor items at a home improvement store; firewood or plants at a grocery or general merchandise store and seasonal items, such as kiddie pools and bikes at a discount store. The City Manager or his designee has the final decision as to the appropriateness of these outdoor sales.

Sec. 10D-500. Enforcement Authority.

- (a) *Authority.* The City Manager or his designee is hereby authorized to enforce any permit for a temporary use. In addition, the City Manager or his designee may require the immediate discontinuance of any activity that normally would require a permit for its use upon discovery of the activity without the proper permit.
 - (1) The City Manager or his designee is authorized to make determinations and render interpretations of this ordinance, including but not limited to, determination of any

- citation and/or penalty that may ensue from the lack of a permit, the improper use of a permit or the expiration of a permit.
- (2) The City Manager may designate appropriate person(s) who shall carry out the powers and duties of the City Manager in enforcing this ordinance.
 - (3) The City Manager or his designee may establish application requirements and schedules for submittal and review of applications and appeals.
 - (4) The City Manager or his designee has the authority to review and approve or disapprove applications submitted pursuant to this ordinance.
 - (5) The City Manager or his designee shall establish requirements for the content and form of all applications and shall amend and update those requirements, as needed, from time to time.
 - (6) The City Manager or his designee has the authority to reject an application if the required information is not provided.
 - (7) Failure of the applicant to comply with the requirements of the submittal checklist(s) and/or the submittal schedule shall be grounds for denial of the application. The applicant will be given an opportunity to submit a revised application, providing that the revised application meets the submittal deadlines established herein.
 - (8) It is the obligation of the permit holder to immediately notify the City Manager or his designee of any changes that may affect the nature of the temporary use.
 - (9) The City Manager or his designee shall establish an appropriate fee schedule for all applications pursuant to this ordinance, when applicable, and those fees shall be included in the City's Master Fee Schedule.
- (b) *Revocation of permit.* The City Manager or his designee may order the revocation of any permit for a temporary use from property in accordance with the enforcement mechanisms set forth in this Section.
- (1) The City Manager or his designee may immediately cite any person who is conducting a temporary use without a lawful permit and all sales shall cease immediately.
 - (2) The City Manager or his designee shall provide written notice of a violation of City policy regarding temporary uses to the temporary use permit holder and the property owner.
 - (3) All sales shall cease on the date the notice is received by the permit holder or the property owner.

- (4) If the violation is not corrected within two (2) business days, the City Manager or his designee shall revoke the permit for a temporary use and the temporary use shall cease operation and vacate the property.
- (5) If it is found that a permit for a temporary use was obtained by false representation on the application or if any of the other grounds for refusal become known after the permit has been issued, the permit shall be revoked by the City Manager or his designee. Any holder of such permit which has been revoked shall not be allowed to reapply for another permit for a temporary use for a minimum period of six (6) months from the date of the revocation.
- (6) The City Manager or his designee, or the governing body, as applicable, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, safety and traffic generated; health and sanitary conditions and compliance with other regulations of this Chapter. The City Manager or his designee, or the governing body, as applicable, shall have the right to revoke a permit for a temporary use at any time or deny any extension, upon finding a hazard or nuisance exists by continuing such use. Upon revocation of such permit, such temporary use shall immediately cease and all temporary structures shall be removed within ten (10) days of notification of such finding.

Sec. 10D-600. Temporary Use Approval Criteria.

In approving temporary use requests, the City Manager or his designee, or the governing body, as applicable, shall be authorized to impose such conditions upon the premises benefited by the permit as may be necessary to minimize any potential adverse impact upon other property in the area, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. The City Manager or his designee, or the governing body, as applicable, shall approve a temporary use if it is determined that all of the following applicable conditions are met:

- (a) *Site size.* The proposed site is adequate in size and shape to accommodate the temporary use;
- (b) *Site infrastructure.* The proposed site is adequately served by streets having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) *Available parking.* Adequate parking to accommodate vehicular traffic to be generated by such use will be available, either on site or at alternate locations;
- (d) *Proposed Uses.* The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- (e) *Nuisance.* The applicant agrees to control any expected nuisance factors, such as glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases and heat;
- (f) *Sanitary facilities.* There is adequate provision of sanitary and/or medical facilities;
- (g) *Waste collection/disposal.* There is adequate provision of solid waste collection and disposal;
- (h) *Security and safety.* There is adequate provision of security and safety measures;
- (i) *Hours of operation.* The operating hours and days, including the requested duration of the temporary use is for a time period shorter than or equal to the time limits specified in this Section;
- (j) *Property owner permission.* A copy of the notarized agreement from the property owner allowing the temporary use on the land, if applicable, has been received.

Sec. 10D-700. Temporary Use Definitions.

Apron. The paved area between any store and its first row of parking or drive aisle located adjacent to the entrance. Also considered to be “under the eaves” regardless of whether actual eaves are present.

Canopy. Any temporary structure, enclosure or shelter constructed of fabric or other pliable material that may be partially supported by a building, wall or roof, and additionally by any manner except by air or by the contents it protects and is open without sidewalls or drops on seventy-five (75) percent or more of the perimeter.

City-based organization. Any group maintaining an organizational structure within the City.

Mobile food truck. An enclosed, commercially manufactured, motorized mobile unit in which ready to eat food is cooked, wrapped, packaged, processed, or portioned for service, sale, or distribution and designed for the transportation, storage and preparation of foods.

Not-for-profit organization. Any organization that is recognized by the Internal Revenue Service (IRS) as having a not-for-profit status.

Seasonal. Shall mean the typical time period generally understood to be appropriate for a certain type of goods and/or services. For example, Christmas tree sales season would typically be the six (6) weeks prior to the Christmas holiday while the sale of firewood would typically be the six (6) month period when the weather falls to a temperature in which fireplaces might be put to use.

Special event. Shall mean an event to be held within the City that is of limited duration and is likely to attract visitors. Special events are further defined as temporary activities that are abnormal to the specific site when needs of traffic, parking, restrooms, noise level, crowds,

zoning, etc., exceed the original design and intent of the site. This article does not apply to activities normally occurring on property appropriately zoned to allow the activity.

Temporary business. A business transacted or conducted in the City that is upon private property which has no definite arrangement for legal right of occupancy and is used for the purpose of conducting business for a limited period of time.

Tent. A temporary structure, enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents it protects. A tent is typically open on the sides, but may have drop-down sides constructed of fabric or pliable material as well.

Sec. 10D-800 – 10D-1900 Reserved.

Sec. 10D-2000. SPECIFIC TEMPORARY USES

Sec. 10D-2100. Construction Offices.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Construction Office Regulations	
(a)Location	Temporary construction offices may be located in any zoning district. A temporary structure may be used as a construction office.
(b)Approval	Administrative approval is required through the Placement Permit process, which includes the submission of a Site Plan. Additional temporary construction structures shall be allowed with the approval of the City Manager or his designee.
(c)Habitation	A temporary construction office shall not contain living quarters or allow overnight occupancy, except for the purposes of site security.
(d)Duration	Such structures shall be allowed for a period not to exceed one (1) year and shall be removed within thirty (30) days following the approval of final inspection of the construction on the property. The City Manager or his designee may grant six (6) month extensions if active, continuous construction is maintained. A maximum of four (4) extensions may be granted.
(e)Parking	Parking shall be provided on an impervious surface or other surface as required by the Director of Engineering. Parking, driveways and approaches shall be removed when the building vacates from the property.
(f)Sanitary Facilities	Required. Refer to the currently adopted Code of Ordinances for applicable Building Codes.
(g)Permit	Placement Permit required as per Article III, Division 2 of this Chapter.
(h)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 377, § 1, 10-28-1985; Ord. No. 592, § 1, 7-17-1989)

Sec. 10D-2200. Garage Sales.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Garage Sale Regulations	
(2210) Generally.	
(a)Eligibility	Only residents of The Colony may apply for a garage sale permit.
(b)Location	Permitted in any residential district. Items shall not be displayed within the public right-of-way. Items shall not be displayed closer than five (5) feet from each side property line.
(c)Approval	Administrative approval, through the Garage Sale Permit process.
(d)Number of Sales	A maximum of two (2) individual garage sales are permitted per calendar year.
(e)Duration of Sale	A maximum of three (3) days.
(f)Items for Sale	Tangible personal property owned by the permittee is allowed for sale. Purchasing items solely for resale is prohibited.
(g)Cancellation	The permittee shall notify the City of the cancellation within five (5) business days following the day of the sale in order to reschedule the garage sale. If rescheduled as stated above, the original date for the garage sale will not count against the maximum number of garage sales per calendar year.
(h)Signs	Garage sale signs must comply with the Sign Ordinance, Chapter 6, Article XI, Section 6-261(d)(2), as amended.
(i)Sanitary Facilities	Not Required.
(j)Permit	Garage Sale Permit Required. The permit is required to be displayed on the site of the sale and the sign permit stickers shall be affixed to the top corner of each sign advertising the sale.
(k)Fee	None.
(2220) Regulations Specific to Individual Garage Sales	
(a)Eligibility	An individual garage sale permit shall be issued by property address, not applicant name.
(2230) Regulations Specific to Community Garage Sales	
(a)Eligibility	A community garage sale permit shall be issued by property address, not applicant name.
(b)Special Requirements	A community garage sale is subject to the jurisdiction of a Property Owners Association, HOA or similar recognized group in which several families within a subdivision may hold garage sales at their residences, but advertise together.
(c)Span between Sales	A minimum of thirty (30) days must pass between community garage sales.

(2240) Regulations Specific to Group Garage Sale (Not-for-profit)	
(a)Location	Allowed in any zoning district. Not-for-profit organizations may conduct a garage sale on their own property or on other property, with the owner's written permission. Not-for-profit organizations shall provide the City with a notarized letter signed by the property owner on which the sale shall take place granting permission for the property to be used for the sale. When the sale is located on a commercial property, a site plan is required to indicate the location of the sale on the site.
(b)Eligibility	These regulations shall apply to not-for-profit organizations, as defined in Section 10D-700.
(c)Span between Sales	A minimum of thirty (30) days must pass between group garage sales for any given organization.

(Ord. No. 2012-1949, § 3, 4-3-2012)

Sec. 10D-2300. Mobile Food Trucks.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Mobile Food Truck Regulations	
(a)Location	Citywide
(b)Duration	Shall not remain in any given location for more than one (1) hour, unless part of a Special Event.
(c)Approval	Administrative approval, through the Mobile Food Truck Permit process (no site plan required). Review required by the Health Department for a Health Permit.
(d) Health Department Requirements	Required. Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.
(e)Sanitary Facilities	Not Required.
(f)Permit	Health Permit Required.
(g)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 04-1553, § 2, 4-19-2004)

Sec. 10D-2400. New Home Sales Office (within a model home).

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

New Home Sales Office (within a model home) Regulations	
(a)Location	Any platted lot in an approved residential or townhome subdivision where at least ten (10) percent of the properties remain for sale. No more than one (1) office and no more than four (4) display homes shall be allowed per builder per subdivision for temporary

	sales or construction oversight uses. Temporary new home sales offices that are located within a model townhome shall be located in a townhome or multiple family zoning district.
(b)Approval	Administrative approval, through the Site Plan and Building Permit processes
(c)Parking and Walkways	Temporary walkways and parking lots, if provided, shall be shown on the Site Plan. Permanent City sidewalks shall be installed. All parking shall be provided on an impervious surface, which shall be removed prior the final inspection of the conversion to a single family use.
(d)Habitation	Temporary sales offices shall not allow overnight occupancy.
(e)Duration	Upon completion of the final original sale in each subdivision, all evidence of temporary uses shall be removed prior to the final inspection of the conversion of the office to single family use.
(f)Sanitary Facilities	Required. Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.
(g)Permit	Site Plan (for staff review) as per Section 17 of this Chapter and Building Permit required.
(h)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 03-1495, § 2, 11-3-2003)

Sec. 10D- 2500. Seasonal Christmas Tree Sales.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Seasonal Christmas Tree Sales Regulations	
(a)Location	Temporary locations for the sale of Christmas trees and similar products shall be located in any zoning district deemed appropriate by the City Manager or his designee.
(b)Duration	The temporary sale of Christmas trees and similar products shall not begin prior to November 15 th of any year and shall be vacated by December 31 st of the same year, unless prior approval has been granted by the City Manager or his designee.
(c)Approval	Administrative approval, through the Site Plan process
(d)Parking	If the location for the sale of Christmas trees and similar products is located on a parking lot, it shall be located only in excess parking spaces (i.e. spaces that have been provided in excess of the parking required by Ordinance) and shall not infringe on the required parking for the commercial property.
(e)Setbacks	The temporary use shall be set back from the public right-of-way, fire lane easement, public sidewalk, and/or adjacent property line a minimum of ten (10) feet.
(f)Sanitary Facilities	Required. The Christmas tree vendor must secure permission from the host property to allow the vendor and employees access to a commercially plumbed public restroom on site or provide an approved portable sanitary facility.
(g)Permit	Required; electrical and/or placement permit may be required, as applicable (for temporary trailer/office)
(h)Fee	Yes – commercial business as listed in the City Master Fee Schedule. No – not-for-profit organization

(Ord. No. 314, §§ 2—5, 12-10-1984; Code 1983, § 15-12)

Sec. 10D- 2600. Seasonal Firewood Sales.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Seasonal Firewood Sales Regulations	
(a)Location	Sites for the temporary sale of firewood shall be located in any commercial or retail zoning district or as deemed appropriate by the City Manager or his designee.
(b)Approval	Administrative approval, through the Site Plan process
(c)Duration	The duration of the sale of firewood shall not exceed the typical season, generally considered to be September 1st through March 1 st of the same year.
(d)Parking	If the location of the temporary sale of firewood is located on a parking lot, it shall be located in excess parking spaces (i.e. spaces that have been provided in excess of the parking required by Ordinance) and shall not infringe on the required parking for the commercial property.
(e)Setbacks	The temporary use shall be set back from public rights-of-way, fire lane easement, public sidewalk, and/or adjacent property line a minimum of ten (10) feet.
(f)Sanitary Facilities	Required. The firewood vendor must secure permission from the host to allow the vendor, and employees access to a commercially plumbed public restroom on site
(g)Permits	Required: 1. Temporary Certificate of Occupancy (through Building Inspections) 2. Placement Permit, including electric permit (through Building Inspections)
(h)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 314, §§ 2—5, 12-10-1984; Code 1983, § 15-12)

Sec. 10D-2700. Seasonal Snow Cone Establishments.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Seasonal Snow Cone Establishment Regulations	
(a)Location	Permitted in all commercial zoning districts Snow cone establishments shall be located on or adjacent to a tract of land where an existing, permanent business operates within a building with a valid certificate of occupancy. A snow cone establishment may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel. A snow cone establishment in a portable building shall not be located within, nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, visibility triangle or required landscaping areas of the lot or parcel upon which the facility is placed.
(b)Host Approval	Snow cone vendors shall provide the City with a notarized copy of written permission from the host property owner on an annual basis to allow the operation of the temporary use.

(c)Approval	Administrative approval, through the snow cone application process (Site Plan required).
(d)Duration	Maximum of seven (7) months (April 1st through October 31st)
(e)Special Requirements	(1)The portable building occupied by the snow cone establishment and all tables, chairs, foundation and other appurtenances thereto, shall be completely removed from the lot or parcel at the end of the seven (7) month period. (2) A portable snow cone establishment shall not be required to meet the exterior masonry or underground utility requirements of the applicable zoning district.
(f) Health Department Requirements	Refer to the currently adopted Code of Ordinances for Health Department requirements and Building Codes.
(g)Landscaping	No landscaping is required for a temporary snow cone stand.
(h)Sanitary Facilities	Required. The snow cone vendor must secure permission from the host property to allow the vendor access to a commercially plumbed public restroom on site.
(i)Permits	Required: (1) Temporary Certificate of Occupancy (through Building Inspections) (2) Placement Permit, including electric permit (through Building Inspections) (3) Health Permit (through Health Department)
(j)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 2010-1872, § 4, 10-5-2010)

Sec. 10D-2800. Special Events.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Special Event Regulations	
(a)Examples	Special exhibition, automobile or cycling race, carnival, circus, petting zoo, parade, walking event, motorcycle rally, sporting event, festival, air show, religious revival, school fair, school reunion, or other such event.
(b)Location	Sites for temporary event shall be located in any zoning district deemed appropriate by the City Manager or his designee. The City Manager or his designee, in approving or denying such application, shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light and traffic generated; health, safety and sanitary conditions; and compliance with other regulations of this Chapter.
(c)Permission from property owner	The applicant shall submit to the City a notarized letter from the property owner authorizing the use of the host property.
(d)Approval	Administrative approval, through the Special Event process. Site plan may be required at the discretion of the City Manager or his designee. The application for any Special Event shall be submitted to the City a minimum of thirty (30) days prior to the event date(s).
(e)Duration	The duration for such a temporary event shall be determined by the City Manager or his designee.
(f)Parking	If the location of such a temporary event is located in a parking lot, it shall be

	located only in excess parking spaces (i.e. spaces that have been provided in excess of the parking required by Ordinance) and shall not infringe on the required parking for the commercial property. No permit holder shall leave, stand or park any of its vehicles or equipment on or immediately adjacent to any public street, highway or right-of-way of the City in any manner which violates any traffic or parking regulation of the City or State. Any such violation shall be grounds for immediate revocation of the permit.
(g)Setbacks	The temporary use shall be set back from the public right-of-way, fire lane easement, public sidewalk, and/or adjacent property line a minimum of ten (10) feet.
(h)Health Department Requirements	Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.
(i)Sanitary Facilities	Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.
(j)Parades	The location of a temporary use shall take into consideration the disruption of normal vehicular traffic – in terms of choosing routes, dates and times of day. The City Manager or his designee shall consult with the Fire and Police Departments to determine compliance with safety issues.
(k)Safety	Depending on the size of the event, the Police and/or Fire Department may require, at the applicant’s expense, additional personnel on hand to manage crowd control and ensure safety.
(l)Regulation of Rides	Each amusement ride associated with a special event, such as a carnival or circus, shall be identified and listed separately with the application. Such rides shall have available for review the recommended installation instructions regarding rigging, equipment and safety devices. The recommended installation instructions shall also set out the maximum speed, occupant load and capacity of each ride.
(m)Animal Care	The premises of any special event that includes animals shall be kept in a clean and sanitary manner, to include cleaning after animals, both on the grounds and/or in any cages which may be used. Manure must be collected at least one (1) time per day and placed in concrete or metal fly-proof containers. In addition, manure must be removed from the premises, at least one (1) time per day. In the event animals are used as part of a special event, the animals shall be caged or housed in an area of the carnival/circus not less than 200 feet from a developed residential or commercial property. The Prohibited Animal Permit Application must be submitted and approved through Animal Control for animals that are considered dangerous.
(n)Permits	Required.
(o)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 97-984, § 1, 6-16-1997; Code 1983, § 4.90-93)

Sec. 10D-2900. Temporary Accessory Buildings.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Home Sales Office (within a model home)

Temporary Accessory Building Regulations	
(a)Example	Temporary classroom building associated with a church or private, public or charter school.
(b)Location	A temporary accessory building may be located in any zoning district allowed by the primary structure that has a primary structure existing on the platted lot or tract, or the construction of a primary structure has commenced.
(c)Approval	City Council approval required through the Site Plan process. All temporary buildings shall be constructed in accordance with state and federal codes that apply to their construction or meet all requirements of the City's building codes.
(d)Number of buildings	The maximum number of buildings on a lot or tract of land is two (2).
(e) Size of buildings	The maximum size of a temporary accessory building is 1800 square feet.
(f)Duration	A temporary accessory building use may be approved through the Specific Use Permit process for a maximum period of thirty-six (36) months. Thereafter, the permit may be renewed following City Council review on an annual basis.
(g)Architectural Standards	The City Manager or his designee may approve an alternate exterior building material, providing the material is in accordance with the City's adopted building codes and fire prevention codes. Metal or wood exterior walls may be allowed, shall be compatible in color with the principal building and existing surrounding structures and shall be appropriately finished with materials of a permanent nature such as baked or enamel finish or painted to the wall manufacturer's standards. The use of galvanized, corrugated aluminum coated, zinc aluminum coated or unpainted exterior metal finish is prohibited. The temporary building shall be constructed in accordance with ADA standards.
(h)Landscaping	Shrubs (planted three (3) feet on center and a minimum size of twenty-four (24) inches in height at the time of planting) shall be provided along the temporary building skirting facing any public right-of-way.
(i)Screening	Temporary buildings shall be screened from adjacent single family homes. Screening may be comprised of evergreen shrubs (planted five (5) feet on center and a minimum size of thirty-six (36) inches in height at the time of planting, with an expected mature height of six (6) feet) or solid fencing a minimum of six (6) feet in height.
(j)Construction/ Mobility	Temporary accessory buildings shall be constructed in such a manner that it shall be portable, easily transportable and capable of being moved.
(k)Sanitary Facilities	Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.
(l)Permits	Required: <ol style="list-style-type: none"> 1. Site Plan Application (through Planning) 2. Placement Permit, including Electric Permit (through Building Inspections) 3. Any other permits, as deemed necessary
(m)Fees	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 03-1495, § 2, 11-3-2003)

Sec. 10D- 3000. Temporary Batch Plants.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Temporary Batch Plant Regulations	
(a)Location	Sites shall be determined on a case-by-case basis and dependent on the scope and scale of the project.
(b)Approval	City Council through the Specific Use Permit process as per Section 10-900 of the Zoning Ordinance.
(c)Criteria for Approval	The submitted Specific Use Permit shall be reviewed using the following criteria: (1) The location will cause a minimum amount of disruption in terms of noise, odor, dust and traffic to adjacent residential areas; (2) The Specific Use Permit shall include a specific duration of operation. Extensions may be granted by the City Council for just cause; (3) The Specific Use Permit shall include specific hours of operation and include days of the week that are excluded from operation; (4) The operator of the temporary batch plant must follow all applicable State and Federal laws regarding operation; (5) The Specific Use Permit shall include a plan for clearing the site of all debris and returning the site to its original condition or an improved condition immediately following the end of operations; and, (6) The City Council may impose additional criteria as deemed appropriate.
(d)Duration	The duration shall be determined on a case-by-case basis dependent on the scope and scale of the project.
(e)Parking	One (1) space per employee on Temporary Batch Plant site. No on street parking.
(f)Tree Survey and Removal	A tree survey shall be submitted with the Specific Use Permit application indicating the number, type, location and caliper (measured at twenty-four (24) inches above the ground) of all trees on the site; and a list of those trees that are proposed to be removed prior to operation.
(g)Grading	Any grading of the site shall require an approved Grading Permit from the Engineering Department.
(h)Landscaping and Tree Mitigation	No landscaping or screening shall be required on the temporary site unless specifically required by the City Council. If tree removal occurs as a result of the location of the temporary batch plant, mitigation shall be required, as follows: Any tree (six (6) inches caliper or greater) that is on the City’s approved tree list and is removed within fifty (50) feet of any right-of-way shall be replaced with either one (1) tree of the same caliper or two (2) trees whose calipers add up to the original tree’s caliper. All areas that have been scraped or disturbed due to the operation of the batch plant shall be remediated to the original condition or better at the completion of the operation.
(i)Sanitary Facilities	Refer to the currently adopted Code of Ordinances for Health Department requirements and applicable Building Codes.

(j)Permit	Required, through the Specific Use Permit process as indicated in Section 10-900 of the Zoning Ordinance.
(k)Fee	Yes, as listed in the adopted City Master Fee Schedule.

(Ord. No. 211, § 1, 6-14-1982)

Sec. 10D-3100. Tents and Canopies.

The following regulations supplement the meaning and intent of the use regulations as noted in Section 10-200, Schedule of Uses by District, Section 10-300, Definitions Applicable to the Schedule of Uses and Section 10D-700, Temporary Use Definitions.

Tent and Canopy Regulations	
(a)Location	Allowed in Commercial and Residential Districts (see setbacks). If the location for the temporary tent/canopy is located on a parking lot, it shall be located only in excess parking spaces (i.e. spaces that have been provided in excess of the parking required by Ordinance) and shall not infringe on the required parking for the commercial property.
(b)Approval	Administrative approval, through the application of a Tent Permit. A Site Plan may be required at the discretion of the City Manager or his designee. An application shall be submitted to the City Manager or his designee a minimum of twenty-eight (28) days prior to the erection of a temporary tent or canopy. A flame-retardant certificate shall be submitted with the application and shall be approved by the Fire Marshal. A copy of the flame-retardant certificate is required to be affixed to the temporary tent or canopy in a prominent location for the duration of its use.
(c)Duration	Thirty (30) days, unless temporary event/activity allows for a different timeframe as indicated elsewhere in this Chapter. A Special Exception can be requested through application to the City Manager or his designee. In no case may a temporary tent/canopy be erected for longer than ninety (90) days.
(d)Setbacks	Tents or canopies greater than 100 square feet in area shall maintain a three (3) foot minimum setback from the primary structure. Tents or canopies greater than 100 square feet in area shall maintain a ten (10) foot minimum setback from any adjacent property line, with the exception of above.
(e)Utilities	Water and sewer lines may not be extended to a temporary tent or canopy on a residential lot or parcel. Electric utilities are permitted but shall use the same meter as the primary structure.
(f)Sanitary Facilities	Not Required. However, the special event utilizing the tent may require the provision of portable toilet facilities.
(g)Permit	Required if tent is greater than 100 square feet.
(h)Fee	Yes, as listed in the adopted City Master Fee Schedule.

Sec. 10D-3200 – 10D-4000. Reserved for future temporary uses.

Sec. 10D-4100. Natural Disasters and Emergencies. Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No Site Plan Review or other review shall be required.

Sec. 10D-4200. Other Uses. The City Manager or his designee may allow other temporary uses, activities or special events if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Sec. 10D-4300 – 10D-5000. Reserved.