



Municipal Code
Temporary Food Vendors

10.840 Temporary Uses and Structures

A. Purpose.

The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.

B. Applicability.

In addition to the provisions of this section, the following other licenses and permits may apply:

- (1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and Chapter 6;
- (2) Business license provisions of Chapter 8;
- (3) Building permit provisions of Chapter 9; and
- (4) Sign permit provisions of Article VI of this Chapter 10.

C. General Provisions.

- (1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.

- (2) Temporary uses and structures are permitted only as expressly provided in this Code.
- (3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.
- (4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.
- (5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.
- (6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section.

D. Types of Temporary Uses and/or Temporary Structures.

The following types of temporary uses and/or temporary structures are permitted subject to compliance with this section.

- (1) Seasonal and Short-Term Events of Public Interest on Private Property.
 - a. Events of Public Interest.
 1. Application Requirements.

A business license pursuant to Chapter 8 shall be required, except for events of public interest sponsored by, and located at, a public or private school.

2. Standards.
 - i. An event of public interest is permitted in the following zoning districts: C-C, C-R, C-H, or any industrial zoning district, except, if the event is sponsored by an institutional use located in a residential zone, the event may be located at its facilities.

- ii. The maximum length of the event shall be 30 days.
- iii. The event shall be confined to the dates specified on the business license, if applicable.
- iv. No temporary structures or equipment shall be located within 200 feet of any dwelling on property not associated with the event.
- v. Permanent or temporary lighting shall be installed in compliance with applicable electrical permits and inspections from the Building Safety Department.
- vi. The site shall be cleared of all debris at the closing of the event and cleared of all temporary structures within ten (10) days after the closing of the event.
- vii. Adequate vehicular and bicycle parking shall be provided. It is the responsibility of the applicant to guide traffic to these parking areas and to prevent patrons from unlawful parking.
- viii. Traffic control arrangements required by the Police Department in the vicinity shall be made by the applicant.

b. Christmas Tree Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

- i. Christmas tree sales is permitted in any commercial or industrial zoning district on private property, and shall not be located within the public right-of-way.
- ii. The clear view of intersecting streets standards of Section 10.735 shall be met.

- iii. The maximum length of display and sales shall be 45 days in any calendar year.
- iv. Each lot occupied by temporary Christmas tree sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.

c. Live Crab Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

- i. Live crab sales is permitted in any commercial or industrial zoning district on private property and shall not be located within the public right-of-way.
- ii. The clear view of intersecting streets standards of Section 10.735 shall be met.
- iii. The maximum length of display and sales shall be 45 days in any calendar year.
- iv. Each lot occupied by temporary live crab sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.
- v. Discharges resulting from activities associated with the sale of live crab shall not be allowed to flow into the storm drain system, but shall be directed into the sanitary sewer system in accordance with City and State standards.

(2) Temporary Real Estate Sales Office, Model Home, or Contractor's Office and/or Construction Equipment Shed.

a. Temporary Real Estate Office Standards.

1. A temporary real estate sales office shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.
2. The property used for a temporary sales office shall not be permanently improved for that purpose.
3. The temporary sales office shall not contain sleeping or cooking accommodations.
4. The temporary sales office shall be removed upon completion of the development.

b. Temporary Model Home Standards.

1. A model home may be used as a temporary real estate sales office.
2. The model home shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.
3. The model home shall be a permanent structure that meets all applicable code and permit requirements.

c. Temporary Contractor's Office and/or Construction Equipment Shed Standards.

1. A temporary contractor's office and/or construction equipment shed is permitted in any zoning district where the use is incidental to a construction project.
2. The temporary contractor's office and/or construction equipment shed shall be removed upon completion of the construction project.

3. Only one (1) temporary office and one (1) temporary shed shall be permitted per project site.
4. The temporary office and/or shed shall not include sleeping or cooking accommodations.

(3) Temporary Mobile Vendors.

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
 - (a) Dimensions of the temporary food vendor unit.
 - (b) Location of the temporary food vendor unit on the site.
 - (c) Paved vehicular access, including driveway location(s).
 - (d) Off-street vehicular parking spaces.
 - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
 - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
 - (g) Location of utility connections, if any.

2. Standards.

i. Locational and Size Standards.

- (a) Temporary food vendors are permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
- (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:
 - (1) The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
 - (2) Outdoor equipment, such as tables and chairs, shall not be permitted.
- (c) In all other zones:
 - (1) The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper.
 - (2) An additional 170 square feet is allowed for outdoor equipment.
- (d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).
- (e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).

ii. General Standards.

- (a) If the temporary food vendor unit is located on or adjacent to a privately-owned walkway, the minimum

remaining unobstructed walkway width shall be five (5) feet.

- (b) All food must be in a ready-to-eat condition when sold.
- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary food vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.
- (f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.
- (g) Temporary food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.
- (h) Any utility connections require a building permit from the Building Safety Department.

b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:
 - (a) Dimensions of the temporary vendor unit.
 - (b) Location of temporary vendor unit on the site.
 - (c) Paved vehicular access, including driveway location(s).

- (d) Off street vehicular parking spaces.
- (e) Location of utility connections, if any.

2. Standards.

i. Locational and Size Standards:

- (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
- (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
- (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.

ii. General Standards.

- (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
- (b) The temporary vendor unit shall be located on an improved surface.
- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.

(f) Outdoor equipment such as tables and chairs shall not be permitted.

(g) Any utility connections require a building permit from the Building Safety Department.

(4) Temporary Residential Uses of Movable Structures and Vehicles.

a. Existing Movable Structures and Vehicles.

Existing movable structures and vehicles regularly used or occupied on February 2, 1961, or in lawful regular use and occupancy on the property at the time of annexation are permitted.

b. Conventions.

Members of an established organization are permitted to occupy movable structures or vehicles for temporary use on private property at a convention or other like-activity subject to the following:

1. The maximum length of stay shall be one (1) week.
2. The members of the organization shall be responsible for policing the area used and for correcting any violation of State or City health or safety regulations. Violations of any of these regulations will result in eviction.

(c) City-Sponsored Recreation Programs.

Movable structures or vehicles utilized temporarily as part of City-sponsored recreation programs, such as swim meets and softball tournaments may be permitted.

- (1) A permit shall be obtained from the Parks and Recreation Department pursuant to Chapter 2.
- (2) Any applicable permits from the Building Safety Department, pursuant to Chapter 9, shall also be obtained.

(d) Temporary Shelter.

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the

temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:

- (1) A building permit for the temporary shelter shall be obtained from the Building Safety Department, pursuant to Chapter 9.
- (2) Required water and sanitary facilities shall be provided.
- (3) The maximum length of the permit shall be six (6) months, but may be extended for a period not to exceed 60 days in the event of circumstances beyond the control of the owner.
- (4) Application for the extension shall be made at least 15 days prior to expiration.
- (5) Temporary Governmental Agency Use of Movable Structures and Vehicles. Governmental agencies may temporarily use a movable structure or vehicle pursuant to Chapter 9.
- (6) Portable Storage Containers

a. Applicability.

1. A temporary Portable Storage Container permit is a Class D plan authorization (10.102 et seq.) and is required for placement of any portable storage container, except for the following:
 - i. Truck trailers parked on a street for 24 hours or less;
 - ii. Portable storage containers that will remain on a property for no more than five days;

- iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and
 - iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).
2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.
 3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.
 4. Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a period, intermittent, or recurring use accessory to a permitted primary use.

b. Location Standards.

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, or fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, unreasonably interfere with the use and enjoyment of neighboring property, or be incompatible with uses and development that exist on adjacent land.
2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.
3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only one 30-day extension shall be available.
4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.

5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures, landscaping, walls, or fencing.
6. Portable storage containers must be in good condition with no visible damage, rust, or graffiti.
7. Applicants are encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

c. Time and Number Limitations.

1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.
2. A maximum of 20 storage containers shall be allowed for an individual primary use.

d. Permit Process.

1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department. The application shall include the appropriate filing fee and the information required on the form.
2. Permit applications are subject to the routing and notification procedures for Class D plan authorizations. The approving authority shall base its decision on the application's compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.
3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in 10.167 will reset to the starting point.

