

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 25-2-921 OF THE CITY CODE
RELATING TO TEMPORARY USES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-921 (*Temporary Uses Described*) is amended to reflect the following:

(A) The following may be permitted by the building official as temporary uses under this division:

(1) model homes or apartments and related real estate services, if the use is located within the residential development to which the use pertains;

(2) a circus, carnival, rodeo, fair, or similar activity, if the use is located at least 200 feet from a dwelling and located in a CS or less restrictive zoning district;

(3) an outdoor art or craft show or exhibit, if the use is located in an LR or less restrictive zoning district;

(4) Christmas tree sales;

(5) an on-site construction field office, if the use is located in a portable structure and conducted for not more than 6 months;

(6) seasonal retail sale of agricultural or horticultural products, if the use is located at least 200 feet from a dwelling and located in an LR or less restrictive zoning district;

(7) seasonal day care, if the use is conducted for not more than eight hours a day and not more than 30 days a year; and

(8) temporary day care, if the use is conducted for not more than eight hours a day and not more than 12 hours a week.

(B) A sales office for a new subdivision may be permitted as a temporary use under this division if the sales office is located within the subdivision and at least 200 feet from existing dwellings outside the subdivision.

(1) A sales office for a new subdivision may not be operated after:

1 (a) the expiration of four years from the date the first construction permit issued
2 in the subdivision; or

3 (b) the date by which 95 percent of the lots are sold.

4 (2) The board of adjustment may grant an extension of the deadlines described in
5 this subsection.

6 (C) An outdoor public, religious, patriotic, or historic assembly or exhibit, including a
7 festival, benefit, fund raising event, or similar use that typically attracts a mass audience may
8 be permitted as a temporary use under this division if:

9 (1) for a gathering of not more than 50 persons, the use is located in an SF-4 or less
10 restrictive zoning district, or the use is located on a property whose principal developed use
11 is religious assembly, private primary educational facilities, private secondary educational
12 facilities, public primary educational facilities, public secondary educational facilities, or
13 public community recreation (public);

14 (2) for a gathering of more than 50 persons, the use is located in an LO or less
15 restrictive zoning district, or the use is located on a property whose principal developed use
16 is religious assembly, private primary educational facilities, private secondary educational
17 facilities, public primary educational facilities, public secondary educational facilities, or
18 public community recreation (public);

19 (3) for an exhibit, the use is located in a GR or less restrictive zoning district.

20 (D) A single dwelling located in a mobile structure on a construction site may be
21 permitted as a temporary use under this division if the building official determines that the
22 dwelling is required to provide security against nighttime theft or vandalism. The building
23 official may allow the use for a period of up to 6 months and, if requested by the applicant,
24 may extend that period for an additional 6 months. An applicant may appeal to the board of
25 adjustment a denial of the use by the building official.

26 (E) An outdoor special sale, including a swap meet, flea market, parking lot sale, or
27 similar activity may be permitted as a temporary use under this division if the use is located
28 in a commercial or industrial zoning district. An outdoor special sale may be conducted on
29 not more than three days in the same week and not more than five days in the same month.

30 (F) Within the Central Business District (CBD) or Downtown Mixed Use (DMU)
31 zoning districts, retail services may be permitted as a temporary use in accordance with the
32 requirements of this subsection.

33 (1) The retail use must:

1 (a) be located within an enclosed fire area, as defined by the Building Code, that
2 does not require structural changes to accommodate the use; and

3 (b) have an approved certificate of occupancy or temporary certificate of
4 occupancy.

5 (2) The retail use may not exceed 12,000 square feet in area unless an approved
6 sprinkler system has been installed in accordance with the Fire Code;

7 (3) The following uses and activities may not be permitted as a temporary retail use
8 under this subsection:

9 (a) personal services;

10 (b) food preparation or the sale or consumption of alcoholic beverages;

11 (c) a portable toilet serving the retail use, whether located inside or outside of the
12 use; or

13 (d) storage of hazardous materials as defined by the Fire Code.

14 (4) A permit for a temporary retail use under this subsection may be issued for up to
15 45 days and renewed once, for a total operating period not to exceed 90 days.

16 (G) The building official may permit other temporary uses that are similar to those
17 described in this section.

18 *Source: Section 13-2-321; Ord. 990225-70; Ord. 031211-11; Ord. 20111103-075.*

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21 **PART 3.** This ordinance takes effect on _____, 2013.
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PASSED AND APPROVED

_____, 2013

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Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Jannette Goodall
City Clerk