

CHAPTER 21

**TEMPORARY USES AND
TEMPORARY USE PERMITS**

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Section 21.010. Purpose.

(Amended 01/08/02)

The following regulations are provided to accommodate those uses of land or buildings that are short term and temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the City. A temporary use may be located in temporary facilities, public or private buildings or open spaces, or outside of buildings. These activities shall be regulated so as to avoid incompatibility between such uses and surrounding areas.

Section 21.020. Temporary Uses Allowed.

(Amended 01/08/02; 05/13/14)

A temporary use permit may be issued by the Zoning Administrator for the following uses:

- A. Real estate sales offices within approved development projects.
- B. Model homes and temporary sales offices for a project opened to the public for the first time.
- C. Construction offices and equipment sheds.
- D. Seasonal sales including Christmas tree and pumpkin sales lots, fruit and vegetable stands, firework stands, shaved ice and ice cream stands or similar temporary retail uses; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid City business license.
- E. Circuses and carnivals.
- F. Special events related to an existing business with temporary outdoor display and sales of

merchandise in a commercial zone, provided there shall be no more than four displays and sales in any calendar year, for not more than two consecutive days, and that the displayed merchandise is customarily sold on the premises, and that such premises are utilized for a permanently established business.

G. Outdoor entertainment and assembly events including but not limited to fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities.

H. Art, cultural and educational exhibits and displays.

I. Swap meets for no more than two (2) consecutive days.

J. Farmers markets.

K. Outdoor sporting events.

L. Mobile food vendors. (subject to requirements of Section 21.080)

M. Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone district and surrounding land uses.

Section 21.030. Required Permit.

(Amended 01/08/02)

A temporary use permit approved by the Zoning Administrator shall be required for all uses listed in this Chapter, and shall be issued prior to the commencement of the use.

A. A temporary use permit is not a business license and the granting of said permit shall not relieve the applicant of any other license requirement of the City or any other public agency.

B. When considered appropriate by the Zoning Administrator, a Temporary Use Permit may be referred to the Planning Commission for review and approval.

C. If any interested party objects to the issuance of the temporary use permit or any condition of approval, an appeal may be filed pursuant to Section 32-010 of this Code.

Section 21.040. Permit Duration.

(Amended 8/10/04)

A. Each Temporary Use Permit shall have an expiration date based upon the nature of the requested use. In no case shall approval be given for a period exceeding sixty (60) consecutive calendar days or one hundred and twenty (120) total calendar days within any one calendar year except as provided in paragraphs B and C of this Section. The Zoning Administrator may grant an extension to the original time period granted with the permit as long as the extension does not exceed the time limits stated above.

B. Seasonal sales uses may operate for a time not to exceed five (5) months.

C. The Zoning Administrator may grant approval of a Temporary Use Permit for up to one (1) year subject to the following:

1. The applicant shall file an application for Site Plan approval to permanently establish the use within the one (1) year period,
2. The Site Plan application may be for either the current location of the temporary use or a new location.
3. The Site Plan application must meet all applicable zoning requirements for the proposed use at the proposed location and receive approval from the applicable body for Site Plan, and permitted or conditional use.
4. At the end of the one (1) year period, if the applicant has not received Site Plan and use approval and posted a bond for all required permanent site improvements as per Sections 11.220 – 11.320 of this Code, the Temporary Use Permit shall expire and the temporary use shall be removed.

Section 21.050. Application Requirements.

(New 01/08/02)

An application for a Temporary Use Permit shall be made to the Zoning Administrator at least 10 days prior to the date of the requested use. An application for a Temporary Use Permit shall be accompanied by the following information:

- A. A written description of the proposed use including requested length of permit and hours of operation.
- B. A description of the lot or property on which the requested use is to be conducted. If the applicant is not

the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.

C. A site layout of the proposed use, which includes a vicinity map and sufficient information to determine the yard requirements, sanitary facilities and availability of parking to serve the use.

D. A signage plan for the proposed use.

Section 21.060. Required Findings.

(Amended 01/08/02)

The Zoning Administrator, following a review and written recommendation by the Chief of Police, if determined by the Zoning Administrator to be necessary, may approve a temporary use permit application provided that all of the following findings of fact are made:

A. That 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.

B. That the proposed site is adequate in size and shape to accommodate the temporary use.

C. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.

D. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Zoning Administrator.

E. That the proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of the proposed location of the activity.

Section 21.070. Conditions of Approval.

In approving an application for a temporary use permit, the Zoning Administrator may impose such conditions as are deemed necessary to insure that the activity will not be detrimental to the general health, safety and welfare, or the existing amenities and quality of the surrounding area. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include but are not limited to the following:

- A. Provision of temporary parking facilities and safe and convenient vehicular access.
- B. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses and heat.
- C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- D. Provision of sanitary and medical facilities.
- E. Provision of solid waste collection and disposal.
- F. Provision of security and safety measures.
- G. Regulation of signs.
- H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.
- I. Submission of a bond or other devices to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
- J. Submission of a site plan indicating and detailing all information requested.
- K. Requirement that the approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances.
- L. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Code.

Section 21.080. Food Truck Licensing and Regulation. *(New 05/13/14; Amended 08/26/14, 4/10/18)*

A. **Purpose and Intent.** The operation of food trucks poses certain challenges to the public health, safety and welfare. It is the purpose and intent of this Chapter to provide clear and concise regulations, to comply with Utah Code Ann. 11-56-101 et seq., to prevent hazards to safety, traffic, and health, and to preserve the peace, order, and welfare of the community.

- B. **Definitions.** As used in this section:
 1. “Event permit” means a permit that Lehi City issues to the organizer of a public food truck event located on public property.
 2. “Food cart” means a cart that is not motorized and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
 3. “Food truck” means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption. “Food truck” does not include a food cart or an ice cream truck.
 4. “Food truck event” means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.
 5. “Food truck operator” means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food truck.
 6. “Food truck vendor” means a person who sells, cooks, or serves food or beverages from a food truck.
- C. **Business License Application; Inspections.**
 1. Application to operate a food truck in Lehi City shall follow the requirements set forth in Title 4 of the Lehi City Municipal Code.
 2. Each food truck operator applying for a business license or renewal shall submit with the application:
 - (a) a valid annual fire safety inspection form from a Utah Fire Department for each food truck intended to be operated in the City, and
 - (b) a valid annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck’s operations takes place.

3. No separate license or fee is required beyond the initial business license and fee for the operation of a food truck in more than one location or on more than one day within the City in the same calendar year.

4. The City shall grant a business license to operate a food truck within the City to a food truck operator who has obtained a business license to operate a food truck in another political subdivision within the state if the food truck operator presents to the City:

- (a) a current business license from the other political subdivision;
- (b) a current health department food truck permit from a local health department within the state; and
- (c) a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Utah Code Ann. 11-56-104(4)(a).

5. When the Lehi City Fire Department inspects a food truck for fire safety, the inspection shall be based on the criteria that the Utah Fire Prevention Board establishes in accordance with Utah Code Section 53-7-204. The City may revoke its approval of another political subdivision's fire safety inspection if the operation of the related food truck within the City fails to meet the criteria established by the Utah Fire Prevention Board.

D. Food trucks are permitted as a temporary use subject to the following:

1. Food trucks shall not be parked in a manner that impedes vehicular or pedestrian traffic flow or public safety. A minimum clearance of 15 feet shall be kept between the food truck and any fire hydrant, utility box, ADA accessibility ramp, or building entrance.

2. A food truck shall not park on any landscaped parking strip.

3. Food truck operators shall provide written notice to the Lehi Parks Director a week prior to operating in or adjacent to a City park or public facility.

4. Food trucks are not subject to Lehi City Development Code Section 21.040, Permit Duration Requirements.

5. Food trucks shall not be operated on public streets where the speed limit exceeds 35 miles per hour, or at locations that are otherwise deemed hazardous by Lehi City, unless the roadway or location has been closed to vehicular traffic for a public event.

6. All business related to food trucks shall be of a temporary nature, the duration of which shall not extend for more than twelve hours within a 24-hour period at any one location, nor for more than five consecutive days within a seven-day period on either public or private property without consent.

7. Food trucks shall be parked lawfully on public rights-of-way. Food trucks shall be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls, or to driveways or entrances of existing buildings or uses.

8. At no time may a food truck vendor serve food to vehicles in a drive through manner or while the food truck is in motion.

9. A food truck operator shall not back a food truck to make or attempt an immediate sale.

10. Each food truck operator shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.

11. All food trucks shall be removed from the public right-of-way at the close of each business day.

12. When parked on a public street, a food truck shall have its vending window face the sidewalk or private property unless the street has been closed to vehicular traffic for a public event.

13. A food truck vendor shall not vend to a person standing in the roadway unless the roadway has been closed to vehicular traffic for a public event.

14. Food truck operators and vendors shall comply with Lehi City Municipal Code Title 5, Chapter 3, Noise Control.

E. Design and Operation Guidelines. Food truck operators and vendors shall comply with the following design and operation requirements:

1. The grounds utilized by a food truck operator shall at all times be kept clean. Trash and recycling containers shall be provided for use by the business patrons. If a food truck operates on or adjacent to a public right-of-way, that food truck operator shall, prior to leaving the location, clean up all litter dropped or discarded onto the public right-of-way and adjacent private properties. All garbage shall be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. Food truck operators shall dump their garbage into dumpsters which they have consent to use or they shall transport their garbage out of the City.

2. Canopy extensions shall not project onto or over a public sidewalk or any part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface.

3. Walled enclosures, whether hard or soft, are not allowed. Chairs and tables are not allowed in the public right of-way.

4. Auxiliary power required for the operation of the food truck shall be self-contained. No use of power or water located on private property shall be allowed without consent from the owner or the owner's authorized designee.

5. Food trucks shall, at all times, comply with all applicable laws regulating motor vehicles.

6. Signs may be used by a food truck operator at the premises provided they are physically attached to the vehicle. In addition, a two-foot by three-foot A-frame or T-frame sign may be placed within twelve feet of the food truck, but not in a roadway, provided it does not interfere with other food trucks, activities, or sidewalk users' free and unobstructed passage.

F. Food Truck Events.

1. A food truck operator is not required to obtain from Lehi City an event permit to operate a food truck at a food truck event that takes place on private property within the City, regardless of whether the event is open or closed to the public.

2. If the food truck operator has a business license from any political subdivision within the state, the food truck operator is not required to obtain from the City an additional business license to operate a food truck at a food truck event that takes place on private property and is not open to the public.

3. During City-sponsored special events, the City may prohibit food truck operations within the public right-of-way or such areas as the City may deem appropriate.

4. Food truck vendors at special events shall be governed by this chapter except as specifically provided otherwise by the special event permit or such other applicable ordinance, policy or executive order. As long as the public right-of-way remains open to the general public, authorization of food trucks at special events shall not require removal of a permittee from operating within an otherwise lawfully occupied location or a mutually acceptable adjacent alternative location during the special event, unless otherwise provided under City ordinances. If the City closes a public right-of-way to general access to accommodate a special event, a food truck operator shall not access that right-of-way unless specifically authorized by the City.

G. Enforcement Authority. City law enforcement officers may require any food truck operator who is not known by such officer to be duly licensed, to produce their business license. Such officers shall enforce the provisions of this chapter against any person found to be violating the same.

H. Violation; Penalty. Any person violating any provision of this section shall be guilty of a class C misdemeanor.

Section 21.090. Revocation.

A temporary use permit may be revoked by the Zoning Administrator if one or more of the following conditions exist:

A. Circumstances have been changed by the

applicant to such a degree that one or more of the findings of fact contained in the approval can no longer be made in a positive manner.

B. The temporary use permit was obtained in a fraudulent manner.

C. One or more conditions of the temporary use permit have not been fulfilled or complied with.