

ORDINANCE NO. O-2024-009

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2020 EDITION, AS AMENDED), CHAPTER 2, ADMINISTRATION, BY AMENDING SECTION 10.203 DEVELOPMENT REVIEW PROCESS, AMENDING CHAPTER 3 LAND USE STANDARDS, SECTION 10.304.9 TEMPORARY USES, AND AMENDING SECTION 10.310.5, MOBILE FOOD VENDOR; EFFECTIVE DATE AND EXPIRATION, REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISH AN

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Code of Ordinances (2020 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC), incorporating amendments into Chapter 2, Section 10.203, Chapter 3, Section 10.304.9 and 10.310.5, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 5<sup>th</sup> day of February , 2024, and;

WHEREAS, on the 15<sup>th</sup> day of February, 2024, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

That the Code of Ordinances (2020 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 2, Section 10.203, Chapter 3, Section 10.304.9 and 10.310.5 is hereby amended to include the changes described in Exhibit "A" attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas

Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage with the addition that any existing food trucks shall have 90 days from the date of adoption to come into compliance with a one time extension of an additional 90 day extension to come into compliance.

READ and APPROVED on first reading on this the 15<sup>th</sup> day of February, 2024 at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and ADOPTED on second reading of ordinance this 7<sup>th</sup> day of March, 2024 at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS



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Mike Snyder, Mayor

Attest:



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Angela Lewis, City Secretary



10.304.8 Institutional and civic uses

Institutional and civic uses	Zoning district										Transect zones <small>(for FBC Form Based Code and OT Old Town zoning districts)</small>										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Amenity center	C	C	C	C	C	C	C	-	-	C	C	C	C	C	P	-	-	P	P	P	P
Aquatic facility	P	P	P	P	P	C	P	P	P	P	P	P	P	P	S	-	-	-	-	S	P
Athletic facility	S	S	S	S	S	C	P	P	P	P	S	S	S	S	S	-	-	-	-	-	P
Cemetery	S	S	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-
Community facility	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	-	P	P	P	P	P
Golf course	S	S	S	S	S	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park and ride lot (as principal use)	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S
Place of worship or assembly	C	C	C	C	C	P	P	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Public utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
School: no more than 5 students	-	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
School: at least 6 students	-	S	S	S	S	S	S	-	-	-	-	-	S	S	P	-	-	S	S	P	P

10.304.9 Temporary uses

Temporary uses	Zoning district										Transect zones <small>(for FBC Form Based Code and OT Old Town zoning districts)</small>										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Construction equipment storage lot	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Construction field office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage sale	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Mobile Food Vendor						PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	C	C	C	P
Model home / lot sales	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Portable storage container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary building	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

10.304.10 Accessory uses

Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the character of the surrounding area. Accessory uses and structures must be built and used only for purposes that are secondary and normal to the principal use of the property and must be placed on the same lot with the principal use.

- Field offices cannot have sleeping and/or cooking facilities.
- Field office sites must be maintained in a neat, orderly fashion.
- Field office structures must meet setback standards in the underlying zoning district.
- Field office sites must be reclaimed as close to their original condition as possible in 30 days after construction is complete, or a certificate of occupancy for the associated project is complete.

#### 10.310.4 Garage sale

##### 10.310.4.1 Definition

*Garage sale*: casual sale of used or secondhand items of personal property at a dwelling unit. The term also includes "yard sales," "tag sales," "porch sales," "lawn sales," "rummage sales," "estate sales" or similar sales of tangible personal property at a dwelling unit.

##### 10.310.4.2 Permitted locations and duration

- Garage sales are permitted by right on the site of occupied dwelling units in conventional zoning districts.
- Garage sales are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.
- Garage sales may be up to three days long. A garage sale at an individual dwelling unit may only be held two times per year at the dwelling unit.
- Garage sales held by a block club, neighborhood organization, homeowners association or similar group may be held twice in a calendar year.

##### 10.310.4.3 Conditions

Garage sales cannot create a disturbance or become a nuisance in the surrounding area.

#### 10.310.5 Mobile Food Vendors

##### 10.310.5.1 Definitions

*Mobile Food Vendors*: a vendor who operates, prepares, or sells food for human consumption from a cart, trailer or kitchen mounted on a chassis, with an engine for propulsion, or that remains connected to a vehicle with an engine for propulsion or disconnected from an engine for propulsion This section applies to the mobile food vendors that prepare and serve food from a private lot and remain generally stationary for a minimum of two hours on a private lot.-

##### 10.310.5.2 Permitted Locations

- Mobile food vendors are permitted by right with conditions in in the B-1, B-2, LI, I, REC, T-1, T-2, T-3, T-4, T-5, SD-A, OT-5H, OT-5C districts.
- ~~Mobile food vendors are permitted by right in the T-1, T-2, T-3, T-4, T-5 and SD-A transect zones.~~
- ~~Mobile food vendors are permitted by right with conditions in the OT-3, OT-4R, OT-5H and OT-5C transect zones.-~~

##### 10.310.5.3 Conditions

- ~~A mobile food vendor shall have proof of current inspections from the Fire Marshal and Williamson County and Cities Health District (WCCHD).~~
- Proof of valid registration from Texas Department of Motor Vehicles for the mobile food vendor unit.
- ~~A person shall only vend when the vehicle is lawfully stopped.~~
- ~~A person shall only vend from the side of the vehicle away from moving traffic.~~
- ~~A person shall not vend to a person standing in the roadway.~~
- ~~A person shall not stop on the left side of a one-way street.~~
- ~~A person shall not stop in a congested area where vending might impede or inconvenience the~~

public:

- ~~A person shall not vend in a street adjacent to a public school.~~
- ~~A person shall not stop the vehicle for purposes of vending within one hundred (100) feet of a street intersection.~~
- ~~No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m., or after 8:00 p.m., unless authorized during a special event.~~
  - ~~By means of an outcry, sound, speaker, or amplifier, or any instrument or device which can be heard from a distance greater than 300 feet;~~
  - ~~In any manner that distracts drivers, such as displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;~~
  - ~~Within 1,000 feet of a hospital, college, elementary school, middle school or high school;~~
  - ~~Inside the boundaries of the historic overlay district without minor modification approval by the Planning and Zoning Commission;~~
  - ~~In such a way that pedestrian or motor vehicle traffic is obstructed;~~
  - ~~In such a way that obstructs traffic signals or regulatory signs;~~
  - ~~Having signage that is not in compliance with section 10.410 of the UDC;~~
  - ~~In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.~~
- Any mobile food vendor that wishes to locate within the historic overlay district locate and remain stationary on a private lot within a permitted zoning district shall require a minor modification approval by the Planning and Zoning Commission/Development Services Department. Approvals shall be valid for one year and are site-specific.
  - If a mobile food vendor is stationary for the majority of their business hours, preparing and serving food from the mobile food unit, not serving from or within the right-of-way, and located on a private lot, the mobile food vendor must provide a notarized agreement between the property owner the property owner's designee and the vendor stating the vendor, employees, and customers have permission to occupy the area and have access to public restrooms during all hours of operation.
  - A mobile food vendor shall provide a scaled site plan showing the proposed food truck location in relation to the lot boundary, distance from other food trucks (if applicable), and any site amenities (seating, landscaping, improved parking area, etc).
  - The mobile food vendor shall show proof of contract for wastewater removal with a vendor approved by Texas Commission on Environmental Quality (TCEQ) to dispose of all wastewater from the mobile unit if there is no approved wastewater connection and grease trap on site. All mobile food vendors are required to comply with Hutto's Illicit Discharge Ordinance (City Code of Ordinances 24.08.002).
  - The mobile food vendor shall show proof of contract for waste grease recycling and/or removal. All mobile food vendors are required to comply with Hutto's Illicit Discharge Ordinance (City Code of Ordinances 24.08.002).

- This section does not apply to special events and small market events. Motor vehicles in the designated vendor zone that sell food items shall be designed and intended for vending. Ordinary vehicles, vans, and pick-up trucks shall not be permitted for food vending operations. The International Property Maintenance Code, federal, state and county codes, and all other applicable codes and ordinances adopted by the city shall apply to the designated vendor zone regarding structures and properties.

### 10.310.6 Model home

#### 10.310.6.1 Definition

*Model home:* dwelling built and used by a builder to show construction quality, floor plans, styles, and amenities that are available in other new homes or lots in the development they are located. A model

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