

ARTICLE 14-39

ADMINISTRATIVE PROCEDURES

(Ord. No. 02-80)

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14-39-11 TEMPORARY USE PERMITS

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A. *Intent.*

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Community Development Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Community Development Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. *General.* Every Temporary use shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-##)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of permissible consumer fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.

8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
 9. Such other uses as the City may deem to be within the intent and purpose of this Section.
- D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-9, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.
- E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:
1. The use and/or structure complies with all applicable codes and Ordinances;
 2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;
 3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
 4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M.; and
 5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.

- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
 - e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
 - f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
2. For proposals that require posting, the Department shall render a decision no sooner than five (5) and no later than eight (8) working days from the date of posting. For proposals that do not require posting, the Department shall render a decision no later than five (5) working days from the date of submittal of the application.
 3. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
 4. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that upon within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the premises will site shall be promptly cleaned and restored to substantially the same condition existing prior to commencement of the temporary use.
 5. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department or Board of Adjustment. A Temporary Use Permit shall be granted for no longer than sixty (60) days, except for off-site construction yards or residential sales or construction offices which may be permitted for the duration of the project or as determined by the City. Continuation of the use beyond the stipulated time limit shall require the submittal and approval of a new application. Approval shall be made subject to any further conditions that the Department deems necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. (Ord. No. 04-211)
 6. When renewing Temporary Use Permits; the department shall adhere to the following:
 - a. Off-site construction yards and residential sales and construction offices lasting up to one (1) year may be renewed once or for a period as determined by the City. (Ord. No. 04-211)
 - b. All other renewals shall not exceed a period of sixty (60) days, in accordance with the following:
 - 1) Temporary uses lasting up to thirty (30) days shall be not be renewed more than twice within a one (1) year period.
 - 2) Temporary uses lasting thirty (30) to sixty (60) days shall not be renewed more than once within a one (1) year period.

G. Appeal of Decision to Board of Adjustment

1. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing, within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in this Article, Section 14-39-14, "Appeals to Board of Adjustment," Sub-section I, "Temporary Use Permit."
2. Upon appeal, the Department shall file all material on the matter with the Board of Adjustment. The Board shall review the case based on the material filed by the Department and on information presented at the hearing. The Board shall uphold the action of the Department, remand the matter back to the Department with instructions for further review, or overturn the action of the Department.