

Article 11:

TEMPORARY USE PERMITS

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Sec. 9-1.1100:

Purpose

Temporary Use Permits allow for the short-term placement of activities on private property with appropriate reviews and conditions to ensure compatibility with surrounding uses.

Sec. 9-1.1105:

Application and Fees

Applications for Temporary Use Permits shall be filed with the Planning Department. Applications for special events (including but not limited to parking lot sales, tent revivals, Christmas tree sales) shall be submitted at least fifteen (15) days prior to the commencement of the event. Applications must be accompanied by the following:

- A. A site plan and/or building elevations as well as a full description of the proposed use, including days and hours of operations, number of employees, provisions for off-street parking;
- B. Required fee(s).

Sec. 9-1.1110:

Review Procedures

The Planning department shall refer the application and all accompanying plans, drawings and other documents to affected City Departments, including but not limited to, the Engineering Department, Building Department, Fire Department, Police Department, Code Enforcement and others as deemed appropriate. A valid business license shall be obtained for parking lot sales, Christmas tree and pumpkin sales and similar uses prior to issuance of a Temporary Use Permit.

Sec. 9-1.1115:

Approval and Findings

The Zoning Administrator or designee may approve or conditionally approve a Temporary Use Permit when all of the following findings can be made in an affirmative manner:

- A. The operation of the requested use at the proposed location and within the requested time frame will not jeopardize, endanger, or otherwise constitute a detriment to the public health, safety or general welfare;
- B. The proposed site is adequate in size to accommodate the proposed temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
- C. The proposed use is adequately served by streets and highways having sufficient width and improvements to accommodate the type and quantity of traffic that the temporary use will or could reasonably generate;

- D. Adequate parking to accommodate vehicular traffic to be generated by the use will be available.

Sec. 9-1.1120:

Conditions of Approval

In approving an application for a Temporary Use Permit, the Zoning Administrator or designee may impose conditions deemed necessary to ensure that the Permit will be in accordance with the findings as required by Sec. 9-1.1115. Conditions may involve any pertinent functions affecting the operation of such temporary event or use, and may include but are not limited to:

- A. Provision for temporary parking facilities, including vehicular ingress and egress;
- B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gasses and heat;
- C. Regulation of temporary 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 for solid, hazardous and toxic waste collection and disposal;
- F. Provision for security and safety measures;
- G. Regulation of signs;
- H. A requirement that the approval of the requested use is contingent upon compliance with all other applicable provisions of the Municipal Code;
- I. Any 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 Article.

Sec. 9-1.1125:

Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall thereafter be used pursuant to the provisions of the Development Code.

Sec. 9-1.1130:

Revocation

A Temporary Use Permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:

- A. That circumstances have changed so that one or more of the findings contained in Sec. 9-1.1115 can no longer be made;
- B. That the Temporary Use Permit was obtained by misrepresentation or fraud;
- C. That one or more of the conditions of the Temporary Use Permit have not been met;
- D. That the use is in violation of any statute, ordinance, law or regulation.