

CHAPTER 21**TEMPORARY USES AND
TEMPORARY USE PERMITS**

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Section 21.010. Purpose.

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. *(Am 01/08/02)*

Section 21.020. Temporary Uses Allowed.

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. Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone district and surrounding land uses. *(Am 01/08/02)*

Section 21.030. Required Permit.

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. *(Am 01/08/02)*

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 – 11.310 of this Code, the Temporary Use Permit shall expire and the temporary use shall be removed.

Section 21.050 Application Requirements.

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. *(New 01/08/02)*

Section 21.060. Required Findings.

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.

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. *(Am 01/08/02)*

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. 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.