

Chapter 19.35: Temporary Uses

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19.35.010 Purpose

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the property where they occur.

19.35.020 Applicability

- A. **Zoning Administrator Review.** The Zoning Administrator may approve applications for temporary uses if the application meets the findings set forth in Section 19.35.040 of this Chapter.
- B. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall with the categories defined below shall comply with Subsection C.
1. Car washes. Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code. Temporary Car washes shall not occur on a site more than four times per calendar year and may not operate for a continuous period of more than 12 hours.
 2. City Hall. Any temporary activities conducted at City Hall.
 3. Emergency Facilities. Emergency public health and safety needs/land use activities
 4. Garage sales. Garage sales are exempt from the requirement for a Temporary Use Permit; provided, the sales occur no more often than two times per quarter per residence, for a maximum of three consecutive days each.
 5. On-site construction yards. On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved

construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.

6. Temporary real estate sales office. A temporary real estate sales office within the area of an approved development project, solely for the first sale of homes, approved as part of the overall project.
- C. **Temporary Use Permit Required.** A temporary use permit shall be required for the following types of temporary uses:
1. Commercial filming. The temporary use of an approved site for the filming of commercials, movies, videos, etc. The Zoning Administrator shall make an additional finding to issue a temporary use permit for this use: the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.
 2. Events. Events on nonresidential property including the following:
 - a. Arts and crafts shows, auctions, civic and community events, fairs, farmers' markets, festivals, flea markets, food events, recreation events, rummage sales, second hand sales, street fairs, and swap meets for 10 consecutive days or less, or five two-day weekends, within a 12-month period.
 - b. Outdoor meetings or group activities for seven consecutive days or less, within a 90-day period.
 3. Off-site Construction yards. Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
 4. Onsite real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development.
 5. Outdoor display/sales. The temporary outdoor display/sales of merchandise (e.g., parking lot and sidewalk sales) shall be allowed only if the merchandise displayed is otherwise sold within a building on the same site. These activities shall be located immediately adjacent to the structure, and their duration shall not exceed seven consecutive days within a 90-day period.
 6. Residence. A mobile home as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force, or for temporary caretaker quarters during the construction of a subdivision, multi-

family, or nonresidential project. The permit may be approved for a specified duration, or upon expiration of the Building Permit, whichever first occurs.

7. Retail uses on the same property with an established commercial business holding a valid City business license where such retail activity is not in conflict with a Use Permit or the requirements of the zoning district where the use is located.
8. Seasonal sales of pumpkins and Christmas trees for a period not longer than 45 days in a commercial district on a site where such sales have been permitted previously.
9. Temporary structure. A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zones.
10. Temporary work trailer.
 - a. A trailer or mobile home may be used as a temporary work site for employees of a business:
 - i. During construction of a subdivision or other development project when a valid Building Permit is in force; or
 - ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - b. A permit for temporary work trailers may be granted for up to 12 months.
11. Temporary uses otherwise regulated by this Code or similar temporary uses. Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

D. **Administrative Use Permit Required in Certain Circumstances.** The Zoning Administrator may require an Administrative Use Permit application if the Administrator finds that the temporary use may have substantial and detrimental impacts to surrounding properties, such as noise or traffic impacts that should be considered through an Administrative Use Permit review process. Administrative Use Permits shall be required for the following uses:

1. Amusement rides, carnivals, circuses, concerts, live entertainment, outdoor entertainment/sporting events, and tent revivals for 10 consecutive days or less, or five two-day weekends, within a 12-month period.

19.35.030 Review Procedures

- A. **Application.** An application for a temporary use permit shall be submitted at least 45 days before the use is intended to begin. The application shall be on a form that the Zoning Administrator issues for that purpose and shall include the written consent of the owner of the property on which the use is to be located.
- B. **Decision by the Zoning Administrator.** The Zoning Administrator may approve, conditionally approve, or deny an application for a temporary use upon making the findings required by Section 19.35.040 of this Chapter.
- C. **Administrative Use Permit.** If the Zoning Administrator requires an Administrative Use Permit per Section 19.35.020(B) of this Chapter, the permit shall be reviewed pursuant to the provisions of Chapter 19.34: Use Permits and 19.32: Common Procedures.

19.35.040 Required Findings

The Zoning Administrator may approve a temporary use permit or a temporary Administrative Use Permit upon making all of the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the public health, safety and welfare.
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated.

19.35.050 Conditions of Approval

- A. **Conditions.** The Zoning Administrator may impose any conditions deemed necessary to achieve the findings for a temporary Use Permit listed in Section 19.35.040 of this Chapter. The Zoning Administrator may impose reasonable conditions including but not limited to: regulation of vehicular ingress, egress and traffic circulation; regulation of lighting; regulation of hours and/or other characteristics of operation; submission of final plans to ensure compliance with conditions of approval, and such other conditions as the Zoning Administrator may deem necessary and reasonable.
- B. **Minimum Conditions.** In approving a temporary use permit or a temporary Administrative Use Permit, the Zoning Administrator shall at a minimum impose the following conditions if applicable:
 - 1. Any construction or other work shall conform to all applicable Zoning Ordinances.

2. Fire protection and access for fire vehicles shall be provided as specified by the Fire Chief.
3. The site shall be completely cleared of all trash, debris, signs, sign supports, temporary structures, and electrical service within three days following the date specified for termination of the temporary use.

19.35.060 Appeals

- A. **Decision Final.** A decision by the Zoning Administrator to approve a temporary use without requiring an Administrative Use Permit shall be final, and is not subject to appeal.
- B. **Appeals for Administrative Use Permits.** Any party aggrieved by the decision of the Zoning Administrator to approve, modify, or deny a temporary Administrative Use Permit may appeal the decision to the Planning Commission, pursuant to the provisions of Chapter 19.39: Appeals.

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