

Chapter 9.09 Temporary Use Permits

Sections:

9.09.010	Purpose
9.09.020	Temporary Defined
9.09.030	Applicability
9.09.040	Exempt Temporary Uses
9.09.050	Allowed Temporary Uses
9.09.060	Application Filing, Processing, and Review
9.09.070	Director's Review
9.09.080	Findings and Decision
9.09.090	Conditions of Approval
9.09.100	Condition of Site Following Temporary Use
9.09.110	Post Decision Procedures

9.09.010 Purpose

The purpose of this Chapter is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

9.09.020 Temporary Defined

For purposes of this Chapter, a temporary (short term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature,

9.09.030 Applicability

- A. **Short term activities.** A Temporary Use Permit allows short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. **Categories of land uses.** The following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:
 1. Exempt temporary uses. Exempt temporary uses are identified in 9.09.040 (Exempt Temporary Uses), below; and
 2. Temporary uses requiring a Temporary Use Permit. Temporary uses requiring a Temporary Use Permit are identified in 9.09.050 (Allowed Temporary Uses), below.

9.09.040 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 within the categories defined below shall comply with 9.09.050 (Allowed Temporary Uses), below.

A. Construction Yards – On-Site

1. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel.
2. 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.

B. Emergency facilities. Emergency public health and safety needs/land use activities, as determined by the Council.**C. Garage/yard sales.** Garage/yard sales (e.g., personal property sales) only when conducted on residentially zoned property in compliance with the following standards:

1. Only one garage/yard sale may be conducted within any four-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
2. All signs advertising a garage/yard sale shall be in compliance with Section 4.06.140 (Temporary Signs). All garage/yard sale signs shall be removed within 24 hours following the final close of the sale.
3. The sale shall not be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.
4. The sales shall not encroach or be made on or from public streets or rights-of-way.
5. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this Subsection.
6. Any garage/yard sale not in compliance with the conditions specified in this Subsection is hereby declared to be unlawful and a public nuisance.

D. Special Event Permits. A Special Event Permit shall be obtained from the before conducting athletic events, parades, and public assemblies, occurring on or within the public rights-of-way or other publicly owned property, in compliance with LMC Section 12.45.120 (Permit required).

9.09.050 Allowed Temporary Uses

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Section 9.09.090 (Conditions of Approval), below.

A. Contractors' construction yards – off-site. The temporary use of a site for an off-site contractor's construction/storage yard(s). The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.**B. Events.**

1. Entertainment events. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, and other similar events as determined by the Director for a period not to exceed 10 days twice per year, separated by at least 30 days between uses. These events shall be conducted at least 200 feet away from any residence.
2. Outdoor sales displays. Outdoor sales displays, except in the downtown, conducted

by a retail business holding a valid Business License, issued in compliance with Municipal Code Chapter 3.08 (Business License), may be allowed a maximum of four outdoor sale events (excluding City sponsored activities) and shall be conducted in compliance with Section 6.03.090 (Outdoor Sales Display). For purposes of this Subsection an outdoor sales display shall be no longer than four consecutive days in duration.

3. **Outdoor sales events.** Outdoor sales events, except in the downtown, conducted by a retail business holding a valid Business License at a single fixed location, issued in compliance with Municipal Code Chapter 3.08 (Business License), may be allowed a maximum of four outdoor sale events (excluding City sponsored activities). For purposes of this Subsection an outdoor sales event shall be no longer than four consecutive days in duration.
 4. **Seasonal sales events.** Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid Business License, in compliance with Municipal Code Chapter 3.08 (Business License Tax) not to exceed 40 days for pumpkin and tree sales. All other seasonal sales shall not exceed four events per year with a maximum of five days for each event.
- C. Storage of structures or equipment.** Temporary storage structures within residential areas, not to exceed 30 days.
- D. Mobile homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single-family dwelling is under construction on the same parcel shall be allowed subject to all of the following provisions:
1. The mobile home may only be located and occupied while actual construction activities are taking place upon the parcel. In no case may the period of placement and use exceed 12 months.
 2. The mobile home may only be occupied by the property owner; who is also the builder designated on the Building Permit, and the owner's/builder's family.
 3. City may require surety adequate to ensure the timely removal and compliance with all conditions of approval may be required in compliance with Section 9.12.050 (Performance Guarantees).
 4. The minimum yards for the zone shall be maintained.
 5. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.
- E. Temporary real estate sales office and model home complex.** One temporary real estate office may be located in any approved subdivision in any zone in the City.
1. The office shall be used only for the sale of property located within the subdivision in which the office is located.
 2. The temporary real estate office shall be removed at the end of two years following the date of the recording of the Final Map of the subject subdivision in which the office is located.
 3. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions.
- F. Temporary work trailers.**
1. A trailer or mobile home may be used as a temporary work site for employees of a business:

- a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
 - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
2. A permit for temporary work trailer(s) may be approved for up to 12 months. The Director may approve extensions.
- G. **Other similar temporary uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

9.09.060 Application Filing, Processing, and Review

- A. **Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures). The application shall include the information and materials specified in the Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Planning Fee Schedule.
- B. **Responsibility.** It is the responsibility of the applicant to establish evidence in support of the findings required by Section 9.09.080 (Findings and Decision), below.
- C. **Public hearing not required.** A public hearing shall not be required for the Director's decision on a Temporary Use Permit application.

9.09.070 Director's Review

The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Section 9.09.090 (Conditions of Approval) below; or the Director may deny the application or defer action and refer the application to the Commission for review and final decision.

9.09.080 Findings and Decision

- A. **Director's review.** The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. **Required findings.** The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only after first making all of the following findings:
1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
 2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
 3. The proposed parcel is adequate in size and shape to accommodate the temporary

use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;

4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate; and
5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

9.09.090 Conditions of Approval

- A. **May impose conditions.** In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 9.09.080 (Findings and Decision), above.
- B. **Requirements and conditions from other City departments.** Other City departments (e.g., Building, Engineering, Fire, and Police) may also recommend conditions for incorporation into the approved Temporary Use Permit and may have requirements and standards specified in the LMC that may have direct affect on the operation of the temporary use.
- C. **Appropriate conditions.** These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
 1. Fixed period of time. Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;
 2. Operating hours and days. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subparagraph I., above;
 3. Temporary pedestrian and vehicular circulation. Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
 4. Regulation of nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
 5. Regulation of temporary structures. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 6. Sanitary and medical facilities. Provision for sanitary and medical facilities, as appropriate;
 7. Waste collection, recycling, and/or disposal. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
 8. Police/security and safety measures. Provision for police/security and safety measures, as appropriate;
 9. Signs. Regulation of signs;

10. Performance bond or other security. Submission of a performance bond or other security measures, in compliance with Section 9.12.050 (Performance Guarantee) and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director, in compliance with Section 9.09.100 (Condition of Site Following Temporary Use), below;
 11. Compliance with applicable provisions. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and
 12. Other conditions. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.
- D. **Applicant's agreement.** The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Temporary Use Permit.

9.09.100 Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with this Development Code.

9.09.110 Post Decision Procedures

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Temporary Use Permit application.