

§ 152.044 TEMPORARY USE PERMITS.

(A) *Purpose.* The temporary use permit is a mechanism by which the city may allow a use to locate within the city on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Permanent structures shall not be permitted under a temporary use permit. Permissible temporary uses are those delineated within the individual zoning districts of this chapter. Prior to conducting or establishing a temporary use, a temporary use permit must be approved and secured from the City Zoning Administrator.

(B) *Pre-application.* Before the city shall accept any applications, the applicant may schedule and attend a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a temporary use permit pursuant to these regulations.

(C) *Application.*

(1) All applications shall be filed with the Zoning Administrator on a form provided by the city and shall be accompanied by the required fee and all required materials as outlined in this chapter and/or on the application. Depending upon the specific circumstances of the temporary use additional materials may be required by the city in order to adequately review the application. Only complete applications shall be accepted.

(2) Every temporary use permit issued shall be applicable only to the specific use, specific person, entity or organization, and to the specific property for which it is issued.

(3) Approval of the temporary use permit by the city does not waive any other county or state approvals that may be required.

(D) *Submittal requirements.* All temporary use permit applications shall comply with the submittal requirements as outlined on the application form obtained from the city and shall be submitted to the Zoning Administrator not less than 15 days nor more than 30 days prior to the desired start date of the temporary use permit.

(E) *Procedures.*

(1) The Zoning Administrator shall review the application in accordance with the criteria outlined below in division (F) of this section. The Zoning Administrator shall solicit review comments in accordance with general review procedures.

(2) The Zoning Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations, and time limitations are met.

(3) If the Zoning Administrator denies the temporary use permit, the applicant may appeal the Administrators' decision to the Board of Adjustment.

(F) *Approval criteria.* The Zoning Administrator or, upon appeal, the Board of Adjustment shall have the authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected. Approval shall be based on the review of the following criteria:

(1) *Traffic.* The location of the temporary use and any temporary structure is such that adverse effects on surrounding properties will be minimal with regards to the type of traffic generated, the amount of traffic generated, or the impact upon the traffic circulation in the area.

(2) *Parking and access.* Adequate off-street parking will be provided to serve the use without displacing the required off-street parking spaces or loading areas of the principal permitted use on the site. The entrance and exit drives will be designed to prevent traffic hazards and nuisances.

(3) *Signage.* Signage for temporary uses shall only be displayed within the time frame for which the temporary use permit is valid and only with a sign permit issued in accordance with this chapter.

(4) *Number on parcel.* Only one temporary use permit shall be permitted per parcel or lot at any given time.

(G) *Validity limit.*

(1) The temporary use permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.

(2) A temporary use permit for a temporary structure shall be limited to a period of time not to exceed six months from the date of approval unless otherwise outlined in this chapter. The temporary use permit may be renewed provided that the property owner submits satisfactory evidence to the Zoning Administrator that the need for such temporary structure continues to exist.

(3) In no case, shall the termination date of a temporary use permit be automatically extended as a result of a delay on the applicant's part to comply with the conditions stipulated in the temporary use permit.

(4) Time extensions for a temporary use permit shall be processed in the same manner as the original permit.

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