

ARTICLE V.5. TEMPORARY USES**Sec. 56-83. Permit required.**

It shall be unlawful for any person to establish, operate or maintain any temporary use without having first been issued a permit for such by the city manager.

(Ord. No. 11-2015, § 2, 9-14-2015)

Sec. 56-84. Issuance of permit.

(a) *Scope of permit.* Application for a temporary use permit does not constitute an authorization or an assurance that the use will be permitted. Each temporary use permit shall be evaluated as to its probable effect on adjacent properties and community welfare and may be approved or denied in accordance with the city manager's findings. Nothing in these requirements shall be construed as requiring the issuance of a temporary use permit for any use which, in the opinion of the city manager, would not be in the best interest of the city or would impair or endanger the public's health, safety, and welfare.

(b) *Approval.* A temporary use permit shall not be granted except upon a finding by the city manager that the use shall:

- (1) Be compatible with the character and density of the surrounding uses and community facilities.
- (2) Not be detrimental to, or impair, or endanger the public's health, safety, and welfare.
- (3) Conform in all other aspects to the applicable zoning regulations, except as specifically modified for the temporary use during the time it is permitted.
- (4) Not cause or result in the location of the use being able to return to substantially the same condition as it existed prior to the permitted temporary use.

(c) *Conditions and modifications.* Reasonable conditions or modifications may be imposed by the city manager upon the granting of a temporary use permit consistent with the comprehensive plan, this chapter, other stated development goals and objectives of the city, and the requirements of other city laws, rules or regulations.

(d) *Time.* A time limit of up to 180 days shall be imposed as a condition upon the granting of a temporary use permit. The temporary use permit shall automatically terminate upon expiration of its time limit. If a renewal is requested, the applicant shall be responsible for renewing the temporary use permit through the temporary use permit review process prior to expiration of the initial time limit.

(Ord. No. 11-2015, § 2, 9-14-2015)

Sec. 56-85. Application requirements.

(a) An application for a temporary use permit shall be made to the city manager on a form furnished by the city. The application must be filed no later than 20 business days prior to commencement of the proposed use and shall include the following:

- (1) The name, address, telephone number and signature of the applicant. If the applicant is not the owner of the property, the applicant shall submit a letter signed by the owner consenting to the use and authorizing the applicant to act on owner's behalf.

- (2) The name, address, and telephone number of all owners of the property.
- (3) The street address and complete legal description of the property.
- (4) A detailed description of the type, nature and extent of the property's existing and proposed uses along with a description of the public benefit of the proposed use.
- (5) The operating days, and hours, and length of time of the proposed use. For uses which are a precursor to a permanent development, the anticipated time frame for submission and review of plans for the development and building of the permanent development must be provided.
- (6) Such other information as deemed necessary by the city manager for the purpose of evaluating the application.
- (7) One to ten copies, as determined by the city manager, of a site plan containing the following information:
 - a. A diagram showing the exact location of the property and any outdoor items or temporary structures to be used as part of the temporary use in relation to surrounding streets and all adjacent properties.
 - b. The location and description of any proposed signage.
 - c. The dimensions of the property.
 - d. The zoning setback lines for existing and proposed uses, including setbacks for any trailers, tents, modular structures, mobile homes and temporary buildings.
 - e. The location of any environmentally sensitive areas, significant environmental features, bodies of water, wetlands, floodplain and ditches adjacent to or on the site.
 - f. Existing and proposed points of hard surface all-weather ingress and egress to the site.
 - g. The location of the nearest fire hydrant and number of fire hydrants within 1,000 feet of the site.
 - h. The location of all existing and proposed hard surface all-weather parking areas and the number of cars to be accommodated.
 - i. Plans for water, sewer, and electrical service for the proposed use.
 - j. Tie down plans for any mobile home, trailer or modular structure.

(b) In addition to the above requirements, the application for a temporary use permit shall include the following:

- (1) An application fee in the amount set by resolution of city council.
- (2) Proof of a city business license.
- (3) Proof of a city sales tax license, if applicable.

(4) Evidence of liability insurance for the proposed use, and a performance bond, if such bond is requested by the city manager.

(c) The city manager may waive one or more submission requirements of the site plan if the submission requirement is not applicable given the nature of the temporary use permit being requested.

(d) When an applicant submits an application for a temporary use permit, the city manager shall first determine if the application is complete. If the application is not complete, the applicant shall be notified in writing with a list of specific items necessary to complete the application along with a deadline by which such information must be completed.

(e) The city manager may refer the application to any appropriate agencies, city department or staff, for their review and comments.

(Ord. No. 11-2015, § 2, 9-14-2015)

Sec. 56-86. Temporary use permit review process.

(a) The city manager may approve the temporary use application if:

- (1) The application is complete.
- (2) The proposed use meets the requirements set forth in this article.
- (3) The application and proposed use meets all applicable standards and criteria in this chapter, and other applicable city ordinances, regulations and codes, including adopted building codes.

(b) If the application does not meet the requirements for approval, the city manager may approve the application with reasonable conditions and modifications that would result in an application that meets all applicable standards and criteria set forth in this article.

(c) If the application does not meet the standards and criteria of this article and reasonable conditions are not available that would allow approval, the city manager shall deny the application. Written notice of a decision denying an application shall be sent to the applicant. The decision of the city manager shall be final subject only to judicial review.

(Ord. No. 11-2015, § 2, 9-14-2015)

Sec. 56-87. Suspension, revocation or denial of permit.

The city manager may, in a writing provided to the permittee, suspend, revoke or deny an extension of any permit where the city manager finds that the permittee is not in compliance with any of the terms or conditions of the permit or has violated any applicable law, rule or regulation or upon other good cause as determined by the city manager. In the event any permit is suspended or revoked, no portion of the application fee shall be returned.

(Ord. No. 11-2015, § 2, 9-14-2015)

Secs. 56-88—56-90. Reserved.

