

Article 3: Zoning

Division 4: Temporary Use Permit Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0401 Purpose of Temporary Use Permit Procedures

The purpose of these procedures is to establish the process for approval of certain uses for limited time periods in locations where the uses would not otherwise be allowed in the applicable zone.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0402 When a Temporary Use Permit Is Required

A Temporary Use Permit is required for the following uses:

- (a) Retail sales related to seasonal activities, such as holidays;
- (b) Temporary public assembly and entertainment uses;
- (c) *Wireless communications facilities* under the following conditions:
 - (1) Where the *wireless communication facility* provides service to a citywide public event.
 - (2) Except on *premises* containing a residential use, where an emergency arises that is not the result of any act of the *wireless communication facility* provider and is otherwise determined by the City Manager, in his sole discretion, to be an emergency; and
- (d) *Placemaking* on private property in accordance with Section 141.0421.
- (e) Temporary storage containers located within the *public right-of-way*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 5-22-2018 by O-20928 N.S.; effective 6-21-2018.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

§123.0403 How to Apply for a Temporary Use Permit

An *applicant* shall apply for a Temporary Use Permit in accordance with Section 112.0102. The application shall include a description of the proposed use and the proposed location.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0404 Decision on a Temporary Use Permit

A decision on an application for a Temporary Use Permit shall be made in accordance with Process One. The City Manager shall approve a Temporary Use Permit if it meets the following conditions:

- (a) The proposed use, for the limited period of time, will not be detrimental to the purpose and intent of the applicable zone; and
- (b) The approval of the proposed use would result in no more than two Temporary Use Permits for the same use at the same location in any 365-day period.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0405 Issuance and Effective Date of a Temporary Use Permit

The City Manager shall issue a Temporary Use Permit when the required fees have been paid and the permit has been approved. The effective date shall be specified on the permit and shall not be later than 30 calendar days after the date of issuance.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0406 Expiration of a Temporary Use Permit

The City Manager shall set an expiration date for each Temporary Use Permit. For retail sales related to seasonal activities, temporary public assembly, and entertainment uses, the expiration date shall not be later than 30 days after the Temporary Use Permit's effective date. For *wireless communication facilities*, the expiration date shall not be later than 180 days after the Temporary Use Permit's effective date. For *placemaking* on private property, the expiration date shall not be later than five years after the Temporary Use Permit's effective date.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 5-22-2018 by O-20928 N.S.; effective 6-21-2018.)