

Temporary Uses Review Draft

Chapter 18.49

TEMPORARY USES

Sections:

18.49.010 Purpose

18.49.020 Definitions

18.49.030 Allowable Temporary Uses, Location and Duration Permitted

18.49.040 Standards

18.49.050 Submittal Requirements

18.49.010 Purpose

The purpose of this chapter is to promote and protect the public health, safety and welfare by establishing a process and standards for allowing commercial temporary uses and associated structures to operate in a safe manner and without impacting adjacent properties or the surrounding area.

18.49.020 Definitions

A temporary use for the intent of this chapter is a use that occurs for commercial purposes on private land on an impermanent basis. A temporary use can operate at one location or regularly move locations. This chapter does not apply to temporary uses that are customary and accessory to an existing permanent use on the same site, that occur on residential properties, or that are required to obtain a Special Event or a Mobile Vending Permit under this Code.

A temporary structure is a structure that exists on an impermanent basis during the operation of the temporary use and may require a building, fire, or other type of permit.

A temporary use permit is authorization from the city for the operation of a temporary use. The temporary use permit does not exempt the applicant from obtaining any required building permits for associated structures or other applicable permits or approvals from the city or outside public or private agencies

18.49.030 Allowable Temporary Uses and Duration Permitted

The uses specified in Table 18.49-1 are allowable temporary uses for the specified maximum duration.

Temporary Uses	Maximum Duration per year	Level 1	Level 2	Level 3
	<p><i>Uses lasting longer than the maximum time below are not eligible for a temporary use permit.</i></p>	<ul style="list-style-type: none"> One day/over the counter review Planning, TDR & Fire review <p><i>For uses that move locations, the times listed below are inclusive of all locations. If the total use duration in one or more locations exceeds the times below, a Level 2 or 3 permit is needed.</i></p>	<ul style="list-style-type: none"> One week review period ¹ Full DRT review <p><i>Uses that move locations but are in one location no longer than the times listed below are eligible for a Level 2 review. The duration at all locations cannot exceed the maximum listed in Column 2.</i></p>	<ul style="list-style-type: none"> One week review period ¹ Full DRT review Public notice and/or neighborhood meeting per Section 18.05
Agricultural produce sales, farmer's markets (Such as fruits, vegetables, garden plants, prepared agricultural products including salsa & roasted corn) A sales location may change what is sold as the season changes.	7 months annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 7 months in a calendar year, consecutive or not; however, there can be no more than 7 months between the first and last day of use
Retail goods, seasonal goods, prepared meals, truckload sales (Such as sunglasses, rugs & domestic items; vehicle sales; seasonal goods including Christmas trees, pumpkins & fireworks) <i>Sales that require a mobile vending permit are exempt from a temporary use permit</i>	60 days annually ²	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not ²
Repair services and associated sales (Such as windshield repair, oil changes)	60 days annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not
Arts and craft fairs, flea markets	60 days annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not
Special events (Such as concerts, shows) <i>Events that require a special event permit are exempt from a temporary use permit</i>	7 days annually	Events anticipating a crowd of less than 100 people	Events anticipating a crowd of 100 or more people	none

Notes:

- Permit applications shall be reviewed in a one week time period except in situations, as determined by the Current Planning Manager, where the volume of development review applications significantly exceeds normal levels or where staffing levels are reduced. During such situations the application review shall be completed in a two week time period.
- Vehicle sales (auto, boat, RV, and motorcycle) are limited to 30 days annually and ineligible for a Level 3 permit.

Temporary Uses Review Draft

18.49.040 Standards

- A. Temporary uses and associated structures shall be subject to all zoning and other requirements of the Municipal Code, including the specific provisions set forth below
1. The following are allowable temporary uses per zoning district:
 - a. Any use by right in the applicable zoning district may operate as a temporary use in such district; and
 - b. Any uses by special review permit in the applicable zoning district may operate as a temporary use in such district without obtaining a special review permit.
 2. A temporary use location shall have safe access, egress, and circulation, including emergency access, shall not impede traffic, and shall not significantly impact access or egress for existing uses.
 3. A temporary use shall be subject to the setbacks for the applicable zoning district
 4. A temporary use shall be subject to the screening requirement for the applicable zoning district, including screening of materials, equipment, and storage.
 5. Where a temporary use locates on a site with another commercial use, adequate on-site parking shall be provided for the temporary use while retaining the minimum required parking for existing commercial use.
 6. Parking lot landscaping and screening
 7. Bufferyards
 8. Temporary signs
- B. No temporary use shall operate or place merchandise, equipment or temporary structures in the public right of way, access easements, or required bufferyards or setbacks in the applicable zoning district.
- C. Subject to Section E. below, temporary uses shall operate only on improved sites.
- D. Temporary uses shall be designed and operated in a manner compatible with existing uses. Additional consideration is to be given to the review of temporary use applications that operate:
- a. In the downtown,
 - b. On arterial roadways, or
 - c. At any location where surrounding uses can be particularly impacted by a temporary use.
- E. Applicants may submit an written appeal to the Current Planning Manager regarding the site improvements or other operational requirements of a temporary use permit. The Current Planning Manager may modify or waive such requirements, if the following findings are met with respect to the particular location or operation:
1. modification or waiver of such requirements is necessary to avoid an undue hardship on the applicant due to special circumstances or conditions; and
 2. Granting such modification to or waiver s will not be detrimental to the public welfare or injurious to other property in the vicinity of the location subject to the temporary use permit.
- F. Conditions may be attached to the approval of a temporary use permit to prevent harm to the public welfare or to other property in the vicinity in which said property is situated; or to ensure compliance with modifications or waivers pursuant to Section E of this chapter.
- G. Prior to initiating operation pursuant to a temporary permit, the applicant for such permit shall obtain all associated, required and applicable approvals, permits, and licenses including, but not

Temporary Uses Review Draft

limited, a sales tax license, a temporary sign permit, or outside agency approvals.

H. The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of such permit or the date operations related to such permit cease except that permanent improvements made to the location may remain with the property owner's written consent.

18.49.050 Submittal Requirements

A. Any person, business or organization may submit an application for a temporary use permit in such form and content as may be prescribed by the Development Services Department. Such application shall include:

1. Written authorization of the property owner or property manager.
2. A narrative description of the use, associated structures, and the subject property, including duration of use, hours of operation, existing site conditions, and any other relevant information.
3. For Level 1 permits, a site plan showing access, egress and circulation for the temporary use. For Level 2 & 3 permits, a site plan of the entire property drawn to scale that shows structures, dimensions, structure height, access, egress and circulation routes for the temporary use, parking, landscaped areas, lighting, any power source, trash receptacles, existing and proposed locations of signage, and any other relevant information for the site or use.
4. A temporary sign permit application (if applicable).

B. An applications for a mobile temporary use permit shall provide the location of and site plan for each property at which the temporary use will operate.

C. Temporary use application fee, if any, shall be paid prior to issuance of a temporary use permit.