

**Part 20.30M Temporary Use Permit**

**20.30M.110 Scope.**

This Part 20.30M establishes the procedure and criteria that the City will use in making a decision upon an application for a Temporary Use Permit.

**20.30M.115 Applicability.**

This part applies to each application for a Temporary Use Permit whether located on private property or on the public right-of-way; provided, that temporary use approval is not required for any use obtaining a permit pursuant to the City's Special Events Policy Permit process and may not be used to assemble, construct, or maintain a temporary shelter or storage facility as defined in LUC 20.50.046. For temporary use regulations relating to recreational vehicles, watercraft, and utility trailers, refer to LUC 20.20.720.

**20.30M.120 Purpose.**

A Temporary Use Permit is a mechanism by which the City may permit a use to locate within the City on an interim basis without requiring full compliance with the development standards of the land use district or by which the City may permit seasonal or transient uses not otherwise permitted.

**20.30M.125 Applicable procedure.**

- A. The Director of the Development Services Department shall, in consultation with the Transportation Department, the Fire Department, and the Police Department as appropriate, review and decide upon each application for a Temporary Use Permit.
- B. The decision may be appealed to Superior Court pursuant to LUC 20.35.070.

**20.30M.130 Who may apply.**

The property owner may apply for a Temporary Use Permit on private property. Any person may apply for a Temporary Use Permit on public right-of-way.

**20.30M.140 Decision criteria.**

The Director may approve or modify and approve an application for a Temporary Use Permit if:

- A The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use; and

- B. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use; and
- C. Adequate parking is provided to serve the temporary use, and if applicable the temporary use does not create a parking shortage for other existing uses on the site; and
- D. Hours of operation of the temporary use are specified; and
- E. The temporary use will not cause noise, light, or glare which adversely impacts surrounding uses.

**20.30M.145 Time limitation.**

- A. General. A Temporary Use Permit is valid for up to 90 calendar days from the effective date of the permit, except as specifically provided in the Land Use Code. The Director of the Development Services Department may establish a shorter time frame.
- B. Extended Temporary Uses. The Director of the Development Services Department may approve a Temporary Use Permit for up to one year for temporary sales or rental offices in subdivisions, multifamily or nonresidential projects, off-site construction parking areas, or other longer term uses as specified in the Land Use Code. Temporary sales or rental office permits may be extended by the Director of the Development Services Department as necessary to substantially complete initial sales or rental of a project, and Off-Site Construction Parking Area Permits may be extended as necessary to coincide with completion of construction.

**20.30M.150 Limitation on activity.**

A property owner or other holder of a Temporary Use Permit may not file an application for a successive Temporary Use Permit for 30 days following the expiration of an approved permit applying to that property.

**20.30M.155 Removal of temporary use.**

- A. The Director shall establish, as a condition of each Temporary Use Permit, a time within which the use and all physical evidence of the use must be removed.
- B. If the applicant has not removed the use as required by the Temporary Use Permit, the City may abate the use as provided under LUC 20.30M.160.

**20.30M.160 Abatement of temporary use.**

Prior to the approval of a Temporary Use Permit, the applicant shall submit to the Director of the Development Services Department an irrevocable, signed statement granting the City permission to summarily abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the Permit. The statement shall also indicate that the applicant will reimburse the City for any expenses incurred in abating a temporary use under the authority of this section.

**20.30M.170 Screening of off-site construction parking areas.**

The Director may require screening of off-site construction parking areas as a condition of issuance of a Temporary Use Permit if the Director determines that screening is necessary to mitigate visual impacts to surrounding properties.