

## SECTION 307. TEMPORARY USE PERMITS.

### A. PURPOSE.

Temporary events, activities and uses are intended to operate for a limited period of time. Such temporary uses are permitted in appropriate zoning districts subject to meeting minimum standards but which by their nature involve a non-permanent use of a site and therefore generally have a less restrictive set of development standards. Temporary uses include special events provided for the enjoyment of the public, civic events in recognition of issues of public importance, sales and promotional activities intended to serve commercial interests, seasonal activities, temporary construction related activities, and similar temporary uses.

### B. APPLICABILITY.

The temporary uses listed herein shall be permitted in various zoning districts as specified, subject to the restrictions and standards established in these regulations, including the requirement for a Temporary Use Permit, unless exempted. Additional review and approval may be required for certain types of temporary uses, as specified herein, including review and approval by the City Parks and Recreation Department, Police Department, Public Works Department, Fire Department and Building Division, as well as outside agencies, including Yavapai County Health Services Department, ADOT and others, as required.

### C. GENERAL REGULATIONS.

1. These regulations are applicable to all zoning districts, unless restricted by this ordinance. The allowable time period for a temporary use shall be as described in this section or as specified through the permitting process for each use. No temporary use or structure shall continue for such a length of time that it in effect constitutes a permanent use.
2. Unless otherwise exempted, all applications for temporary uses shall require site plan approval to address access, traffic safety, parking, signage, compatibility with surrounding uses and other site development concerns.
3. Any tent, trailer, recreational vehicle or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Building Codes, as amended by the City of Cottonwood, as well as with any County Health Services Department requirements, and shall not be used or occupied until approved by the City of Cottonwood Building Division.
4. Temporary outdoor seasonal uses or other on-site temporary uses at retail stores or shopping centers that occur on the property on an annual basis or other regular period basis exceeding the allowable time periods shall be treated as a conditional use and shall be subject to the requirements for a Conditional Use Permit. Except

as specifically permitted in this ordinance, no such recurring use or uses at any one location shall be permitted for a period exceeding three (3) months total within any one calendar year without obtaining a Conditional Use Permit.

5. Separate permits or approvals may be required by County or State agencies for any food or drink provided at temporary events. Contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Yavapai County Health Services Department regarding requirements for food service handling and the Arizona Department of Liquor Licenses & Control regarding requirements for Liquor Permits.

#### D. EXCEPTIONS.

The following uses and activities shall be considered exempt from the requirements for a Temporary Use Permit where such uses are conducted entirely on private property or permitted public facilities. Uses listed as exempt are required to be in compliance with all applicable City codes, ordinances and regulations at all times, including those pertaining to noise, signs and off-premise activities.

1. Verde Valley Fair Grounds: Activities conducted entirely within the boundaries of the Verde Valley Fair Grounds, not including events with outdoor amplified music or temporary structures subject to building or fire codes.
2. Weddings and funeral ceremonies. Weddings, funeral and similar religious ceremonies conducted at churches, cemeteries, private facilities or residences.
3. Yard and garage sales. Sales events conducted at single-family residential properties by and for the residents to allow disposal of miscellaneous used personal property, where such events are otherwise in compliance with all applicable City codes, ordinances and regulations.
4. Benefit car washes and bake sales. One-time events at approved locations conducted by individuals, schools, churches, non-profit groups, and other non-commercial groups entirely for benefit fundraising.
5. Election activities and political rallies. Activities, meetings, and gatherings of a political nature.
6. Church and school rummage sales. Temporary sales events conducted by and for churches and schools entirely at the church or school location. Benefit sales events that include outdoor activities with live or amplified music or any temporary structures, or other types of unrelated activities are required to obtain a Temporary Use Permit.

7. Private community center events. Activities and events, including craft and art shows, meeting, exhibitions and similar community events, conducted by and for residents of planned area developments within their community centers. Events that include any temporary structures, outdoor musical or performance activities, or are sponsored or managed by organizations or businesses from outside the community are required to obtain a Temporary Use Permit.

#### E. TEMPORARY USE PERMIT APPLICATION.

Application for a Temporary Use Permit shall be filed with the Community Development Director or his/her designee on a form provided by the City. The application shall include a detailed site plan showing all information necessary to demonstrate that the proposed temporary use will comply with all applicable City codes, ordinances and regulations. The applicant shall furnish the City and other relevant agencies with any additional information that may be considered necessary to adequately review and make a decision, including estimated attendance for event, peak times and estimated number of employees, vendors or staff on-site peak times, noise levels, lighting, traffic control plan, dust control and other conditions that may impact surrounding properties or the city in general.

##### 1. Review and Approval:

- a. Upon receipt of a complete application, the Community Development Department will route copies to other City departments for review and comments. Such comments will be returned to the Community Development Department within a specified timeframe.
- b. After review of all required information and comments from other departments and agencies, the Community Development Director shall approve, conditionally approve, or deny the application. Approval shall be given only when in the judgment of the Director such approval is in compliance with all applicable City ordinances and regulations.

#### F. SPECIFIC TEMPORARY USES.

The following section lists specific temporary uses and standards applicable to those uses:

1. Special Events. Includes indoor and outdoor concerts and music festivals, arts and crafts events, cultural festivals, carnivals and circuses, religious meeting and revivals, parades, vehicle shows, rodeo and related activities, outdoor entertainment, neighborhood block parties, and public sporting and recreational events shall be subject to the following requirements:

- a. Permitted in commercial, industrial, planned development or community facility zoning districts, or at existing public facilities, parks, streets or property, subject to requirements contained herein;
- b. Such events shall be held no more than four (4) times a year at a location and shall not be more than seven (7) days within any thirty (30) day period. Events conducted more frequently or for greater duration at a location shall require approval of a Conditional Use Permit;
- c. Indicate primary access routes to the property and available parking for the crowds anticipated. Special traffic control personnel may be required for larger events;
- d. Events intending to use public right-of-way for all or part of their operations, including parades, festivals, block parties or other types of gatherings, shall obtain necessary right-of-way permits from the City Public Works Department, approval from the Police Department and other agencies, as necessary to ensure public safety;
- e. Operation of amusement rides in association with carnivals and festivals shall be in accordance with all state and local regulations, including Arizona Revised Statutes § 44-1799.61 et. seq., regarding Amusement Ride Safety; and
- f. Upon cessation, expiration, or revocation of the permit, the premises will promptly be cleaned up and restored to substantially the same condition as existed prior to commencement of such use as permitted. Failure to comply with the provision will require approval all future events at the property to be contingent on the submittal of a clean-up bond in an amount and adequate to ensure the City may cause the restoration of the property at the completion of the event.

## 2. Temporary Sales Events.

- a. Temporary sales events, other than those listed as exempt, are permitted only on developed sites with a permanent commercial or industrial use, and only on improved area of the site. This includes, but no limited to, vehicle sales events, general merchandise sales, and promotional sales events;
- b. Each new or recurring event at a location requires a separate Temporary Use Permit, to be issued by the City following review and approval of the site plan and other required application materials.

- c. If the event is proposed for an existing parking lot, there must be no disruption of normal required parking, access and traffic flow, pedestrian access ways or sidewalks, or landscaped areas.
  - d. The application shall specify the dates and times for the event including set-up and tear-down, and what provisions are to be made for site security, sanitation, trash removal, outdoor lighting or other electrical needs, and signage; and
  - e. Such events shall be held no more than four (4) times during a calendar year on a property and shall not be more than seven (7) consecutive days within any thirty (30) day period. Events conducted more frequently or for greater duration on a property shall require approval of a Conditional Use Permit.
- 3. Temporary Street Vendors. These provisions shall not apply to ongoing street vendor uses or permitted sidewalk sales display of products associated with an abutting permanent business use, which are regulated as a separate type of commercial use. Temporary vendor carts and stalls shall be subject to the following regulations:
  - a. Temporary vendor carts and stalls may be approved in association with permitted special events for the period of the event. Permanent or seasonal street vendor use shall be subject to separate City requirements and regulations;
  - b. The cart or stall shall not be located so as to block any public sidewalk of entry to any building. A minimum five (5) feet clear area shall be maintained at all times for pedestrian access on sidewalks;
  - c. The cart or stall shall not block any driveway or other point of vehicular access to any property;
  - d. Where located on private property, the vendor shall provide written consent of the owner of the property to place the cart or stall on the property;
  - e. Vendors operating on any sidewalk or public right-of-way are required to obtain approval from the City Public Works Department; and
  - f. No amplified music or sound amplification may be used.
- 4. Christmas Tree and Pumpkin Sales Lots.

- a. Christmas tree sales lots shall be allowed from the period between Thanksgiving and New Year's Day. Pumpkin sales lots shall be allowed only during the month of October;
  - b. Set up of the seasonal tree sales lot may begin no earlier than Thanksgiving Day and all products, materials, temporary structures, signs, fencing and other evidence of the operation must be completely removed from the site no later than New Year's Day;
  - c. Permitted on private property in commercial, industrial or agricultural districts, or at properties with an established church or school. All activities, including product display, parking and loading operations, must occur entirely on private property and may not occur in the public right-of-way;
  - d. An approved Business Registration must be filed with the City of Cottonwood prior to beginning operations, including such operations by non-profit organizations;
  - e. A site plan must be submitted with the application for a seasonal Christmas tree sales lot showing the layout for tree display areas, pedestrian circulation aisles, sales transaction area, temporary structures, temporary fencing and customer parking area with adequate parking capacity provided in a safe, convenient location;
  - f. A site plan must be submitted with the application for a seasonal pumpkin sales lot showing the product display areas, sales transaction area, temporary structures, temporary fencing and customer parking area with adequate capacity provided in a safe, convenient location;
  - g. Provide detailed information regarding the location, size and type of any temporary trailers proposed for the site;
  - h. Fire Department approval is required prior to any site activity; and
  - i. Provide information regarding any proposed amplified music, and provide a complete lighting plan and a sign plan for the proposed operation.
5. Temporary Construction Uses, Construction Office Trailer, Construction Watchperson's Trailer, and/or Construction Storage Yards.
- a. Temporary construction trailer, construction office, watchperson's trailer and/or construction storage yard located on-site for approved construction projects are allowed with a Temporary Use Permit in commercial, industrial

or planned development zoning districts or with a multi-unit residential development or subdivision;

- b. Length of permit shall be one (1) year with additional extensions of one (1) year for active projects;
  - c. The temporary use or structure shall be removed from the property upon issuance of a Certificate of Occupancy or cessation of construction activities;
  - d. Watchperson trailers shall be limited to one (1) per construction site; and
  - e. Water and sanitary facilities shall be provided, as required by the City.
6. Temporary Concrete Batch Plant, Asphalt Plant, Stone Crushing and/or Processing Operations.
- a. Temporary batch plants and material processing operations located on-site for approved construction projects are allowed with a Temporary Use Permit in commercial, industrial or planned development zoning districts or with a multi-unit residential development or subdivision. Such uses shall be required to obtain all necessary permits from applicable federal, state and local agencies prior to beginning operations;
  - b. Temporary batch plants and material processing operations located off-premise may be considered in commercial or industrial zoning districts in association with a permitted construction project located within the City of Cottonwood subject to obtaining a Conditional Use Permit;
  - c. The application for any temporary material processing plant shall include a detailed routing plan indicating truck and vehicle access to the plant location along with estimated hours of operation and frequency of travel. Primary routing shall be by arterial and collector streets and highways. Operations proposing to use local residential streets for direct access to and from the plant shall be required to obtain a Conditional Use Permit.
  - d. Upon completion of activities, the site shall be completely restored to the predevelopment condition which existed prior to the beginning of operations;
  - e. Such temporary facilities may only be considered for projects located within the City of Cottonwood, such as local, state or federal road projects, public works improvements, newly platted subdivisions or individual commercial development sites;

- f. Such facilities shall be permitted only for the period of construction activity for a one (1) year period. An extension of the permit may be considered for up to one (1) year; however, any additional time beyond a total of two (2) years shall require approval of a Conditional Use Permit;
  - g. Facilities proposed to be located within one thousand (1,000) feet of any property used for residential purposes shall require approval of a Conditional Use Permit; and
  - h. Prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City property nuisance standards.
- 7. Real Estate Sales Office and Model Homes. New units constructed as part of a subdivision may be used as a sales office and model home display for properties within that development subject to the following:
  - a. Permitted in any district for any new subdivision development approved in accordance with the City of Cottonwood Subdivision Ordinance; and
  - b. Maximum length of permit shall be two (2) years, and may be renewed from year-to-year until the completion of the development. The subdivision sales office and model home use shall be discontinued following the sale or occupancy of all homes in the subdivision other than the model homes and the property shall be restored in a manner similar to surrounding residential uses.

#### G. SIGNS FOR TEMPORARY USES.

- 1. General Requirements:
  - a. Signs displayed in connection with a temporary use shall be approved under the Temporary Use Permit, except as exempted by this ordinance.
  - b. Off-premise signs shall not be permitted for temporary uses, except as allowed by this ordinance.
  - c. A site plan with proposed sign locations and graphic exhibits describing the proposed signs shall be submitted for review with the Temporary Use Permit application.
- 2. Banners are permitted for temporary uses, subject to the following requirements:

- a. A maximum of one (1) banner per building street frontage is allowed for a permitted temporary use;
- b. The maximum allowed area for each banner shall be at least thirty-two (32) square feet and no more than forty (40) square feet;
- c. Banners shall not be attached to utility structures or street signs, located in a public right-of-way, or attached to trees or plants;
- d. Banners shall be attached flat on exterior building walls or site walls and may not extend above the roof line of the building; and
- e. Banners announcing or identifying events or uses conducted outside of the City of Cottonwood shall be prohibited.

3. Special Event Signs:

- a. Issuance of an approved Temporary Use Permit is required prior to installation of special event signs;
- b. Special event signs may be installed on the site of the special event no more than ten (10) days prior to the beginning of the event and they must be removed within twenty-four (24) hours of the conclusion of the event;
- c. A-frame or portable signs for special events shall be limited to size restrictions as set forth by this ordinance;
- d. Signs may not be attached to traffic control devices, utility poles or street signs; and
- e. Temporary on-site banners shall be permitted for Special Events subject to compliance with the provisions of this ordinance.

4. Temporary Sales Events Signs:

- a. Issuance of an approved Temporary Use Permit is required prior to installation of any signs announcing or advertising a temporary sales event; and
- b. Temporary on-site sales event signs may be installed on a business premise no more than ten (10) days prior to the event with an approved Temporary Use Permit and such signs must be removed within twenty-four (24) hours of the conclusion of the event.

#### H. APPEALS REGARDING TEMPORARY USES.

1. Any person may file an appeal with the Cottonwood City Council over any decision of the Community Development Director regarding the granting, or denying, of a Temporary Use Permit. If no appeal is filed within fifteen (15) days after the Community Development Director's action, the action shall be considered final.
2. A written appeal shall be filed with the City Clerk who shall then schedule the item for consideration by the City Council. The Council shall consider the appeal at their regular meeting and shall either uphold the action of the Community Development Director, reverse that action, or make a decision of its own findings.
3. The Council may elect to set the matter for a public hearing and if such action is taken, a legal notice shall be published at least once in the official newspaper of the City and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. The Community Development Director shall submit a report to the Council setting forth the reasons for the actions taken in the issuance or denial of the Temporary Use Permit.
4. If the council makes a decision which upholds granting of a permit, the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and require such guarantees and evidences that such conditions are being, or will be complied with.
5. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown on the application.

#### I. REVOCATION.

1. Temporary Use Permits granted in accordance with the provisions of this Ordinance may be revoked if any of the conditions or terms of the permit were violated or if any law or ordinance is violated in connection therewith.
2. The Community Development Director shall notify the permittee of a violation or termination of a Temporary Use Permit by mail. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void and the continued violation of the terms of the Temporary Use Permit shall be deemed a violation of this Ordinance and shall be subject to enforcement action through the Administrative Hearing Officer of the City of Cottonwood.

3. Any Temporary Use Permit issued by the Community Development Director shall be considered null and void if the operation or activity does not conform to the approved plan of operations. Any major deviations requested from the originally approved site plan or plan of operations, shall be processed as a new Temporary Use Permit.

J. FEES.

The application for a Temporary Use Permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the application fee shall be returnable. Payment of the application fee shall be waived when the petitioner is the City, County, State or Federal Government. All other agencies, organizations and entities shall be required to pay all required fees unless such fees are waived by the City Council.