

## PURPOSE:

A *Temporary Use* is a use that permitted to exist for a limited period-of-time on private property. Examples of temporary uses include:

- Outdoor seasonal sales (e.g. Christmas tree lots, pumpkin sales, Valentine's Day gifts);
- Outdoor sales of consumer fireworks;
- Outdoor carnivals, concerts, festivals and other paid admission events;
- Off-site sales of gifts, souvenir items and food.
- *Note: Events on city property or ROW are not subject to the TUP process but rather the Special Event application.*

A temporary use requires the issuance of a Temporary Use Permit (TUP). Each site can have up to 12 events per calendar year, with no single event exceeding 30 consecutive days, and cumulative total for all events not to exceed 90 days. A TUP is an administrative process with approval at the staff level. Several departments review TUP's including Planning, Engineering, Police/Fire and Tax & Licensing. Staff reviews TUP's to ensure that:

- Use will not interfere with pedestrian access ways, fire lanes, access points and traffic visibility; and
- Parking is adequate to accommodate the TUP and any permanent use onsite; and
- Adequate dust controls have been put in place; and
- Noise, lighting and other impacts will not unduly impact surrounding properties; and
- Adequate security measures are in place to support the scale of the event.; and
- Compliance with all other applicable Codes and Ordinances.

Section 21-322 ("Temporary Use Permits") of the Zoning Ordinance has remained largely unchanged since inception. Moreover, recently with the corresponding adjustment in fees, the City has received hardship complaints from smaller-impact events such as non-profit fundraisers. Additionally, the Code has a lack of clarity – that with a technical reading -- could suggest the necessity of a TUP for other smaller-impact uses such as car wash fundraisers, HOA events, residential events and others.

The City has decided to comprehensively review the TUP procedures and identify a threshold of events that would require the issuance of a TUP. This will streamline the process and reduce unnecessary and burdensome regulation for events that are truly not impactful. Those smaller events that will not require a TUP will still need to follow general provisions for all events.

## AMENDMENT:

This amendment creates a threshold of events that will require a TUP and those that will not require a TUP. All temporary uses however, must meet general guidelines such as:

- No permanent alterations to the site; site will need to be restored after the event;
- Sufficient parking on site for all uses including adequate circulation;
- Qualifying tent or generator permits required; AZ health department certification;
- Compliance with City's noise regulations.

## Types of Events that Require a TUP:

- Carnivals, craft shows, fairs, festivals, exhibitions, concerts and paid admission events.
- Outdoor seasonal sales.
- Events held on an unimproved surface or lot
- Donation/recycling drop off boxes
- Uses that do not otherwise meet the stated exemptions below.

## Types of Events that DO NOT Require a TUP:

- Events on city property and ROW – subject to Special Event application (Community Services).
- Residential events such as yard sales, block parties or open houses.
- HOA community events or activities, intended for residents only on HOA property.
- On-site school events.
- Intermittent activities deemed by the Department to be ancillary to customary use of property.
- Uses within a designated Entertainment District (currently only parts of Old Town)
- Other uses that meet all of the following:
  - Limited Activity Area

Minimum Site Area	Activity Area
1 – 5 acres	≤ 4,000 SF
≥ 5 acres	≤ 10,000 SF

- Uses that do not operate between 10pm-7am.
- Uses that do not occur for more than 2 days within a 30-day period.
- Uses on an improved surface and does not block drive aisles or site access.
- Uses located at least 200 feet from residential structure.
- Uses that do not impact adjacent ROW or primary or emergency drive aisles.

## EFFECT:

The Temporary Use Permit process will remain unchanged. The process includes an application and fee (\$500), notwithstanding any fees for tents and/or generators.

The proposed changes will narrow down the size and scope of events subject to a Temporary Use Permit. Events that are truly impactful or will have broader impact on the community will be subject to the TUP.

The proposed changes will streamline the process, improve clarity and reduce burdensome regulation for smaller events, without impacting provisions for life and safety.