

CHAPTER 33 TEMPORARY USE REGULATIONS

Section 1. Purpose and intent

These regulations are intended to establish criteria and standards under which limited duration temporary uses may be conducted in commercial districts. These regulations apply to temporary structures used in conjunction with a temporary use. The intent is to prevent the creation of any nuisance to the occupants of adjacent buildings, premises or property, and the general public.

Section 2. Short-term and Long-term Temporary Uses.

A temporary use may be defined as short-term or long-term. A short-term use shall be defined as a use with a maximum duration of seven (7) consecutive days or less. A long-term use shall be defined as a use with duration of more than seven (7) consecutive days or more than seven (7) days in within any month. A Temporary Use Permit will only be required for a long-term temporary use.

Section 3. Application and Permit Processing

A temporary use permit shall be required for all temporary structures used in conjunction with a long-term temporary use. A temporary use permit must be issued prior to the commencement of any temporary use. The Zoning Administrator may, from time to time, specify the form of the temporary use permit application. Applications for temporary use permits shall be secured from the Zoning Administrator in the manner prescribed by this Chapter, who shall cause the application to be directed to all concerned City departments. Affected departments shall comment on the application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.

Section 4. Evaluation of Temporary Use Permit Application

The Zoning Administrator shall only consider an application for a temporary use permit if all of the following criteria can be met:

1. The temporary use is consistent with all Comprehensive Plan, the Code of Ordinance of the City of Marshalltown, Iowa, the Zoning Ordinance of 1998 as Amended, and City and State regulations.
2. The temporary use complies with all applicable codes.
3. The temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means or odor, noise, dust or other nuisance.
4. Temporary uses shall only be allowed in commercial or industrial districts.
5. The additional parking required by the temporary use will be provided on-site, if applicable, or adequate street parking is available in the immediate area.
6. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or City at large.
7. The temporary use shall be limited to parking lots of already established businesses. A temporary use is not allowed on an empty lot.
8. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the temporary use.
9. The property owner shall be responsible to assure adequate cleanup of uses involving the construction of placement of temporary structures.
10. Permanent sanitary facilities shall be made available to all employees and attendants of the use during its operational hours.

11. There shall be no discharge of wastewater or hazardous materials. The applicant must indicate how any such discharge will be contained and disposed of.
12. No area of public right of way may be used without obtaining approval from the zoning administrator, Police Chief, Fire Chief, and Director of Public Works.
13. A signed lease agreement between the property owner and the applicant, for the property on which the activity is to take place.
14. Proof of insurance, the owner or operator must provide a Certificate of Insurance as evidence of comprehensive general liability insurance by an insurance company licensed to do business in the State.
15. All temporary structures shall conform to the zoning setback requirements unless stated otherwise in the Chapter.
16. Multiple concurrent temporary uses on the same zoning lot shall be prohibited.
17. No detached or freestanding sign shall be permitted. The maximum amount allowed for a wall sign shall be based upon one square foot of sign for each foot of length on the longest side of the structure. All other provisions of the sign code shall apply.
18. Electrical service shall be provided as required by the City Electrician.
19. Long-term temporary uses shall only be allowed for a maximum of 180 days per calendar year.

Section 5. Uses Permitted with a Temporary Use Permit.

Any temporary structure used in conjunction with a temporary use must apply for a temporary use permit. Temporary uses include but are not limited to, the retail sales of goods and services.

Section 6. Conditions of Approval.

The Zoning Administrator may impose such conditions on a temporary use permit as is necessary to meet the purpose of this chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:

1. Setback and open space requirements.
2. Parking.
3. Fences, walls or other screening.
4. Signage.
5. Vehicular and pedestrian ingress and egress.
6. Property maintenance during course of the activity.
7. Control of illumination, noise, odor, vibration, or other nuisances.
8. Hours of operations.
9. Other conditions as determined by the zoning administrator.

Section 7. Fees.

The application fee for a temporary use permit shall be \$50 set by resolution. In addition, all grounds shall be cleaned after the temporary use is complete. This shall include proper disposal of all garbage and debris and replacement of any moved structure or fence. Improper cleanup may be grounds for non-issuance of further temporary use permits.