

**Chapter 19.11
Temporary Uses**

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19.11.1 Purpose and Intent

The following regulations are provided to accommodate certain uses that are temporary or seasonal in nature.

19.11.2 Permitted Temporary Uses

Subject to the provisions of this Chapter, certain uses may be permitted on a temporary basis in any zone when approved by the Development Services Director or designee. Temporary uses may include, but will not be limited to:

- 1. Large-scale special events, such as carnivals, circuses, concerts, outdoor entertainment and similar events
- 2. Christmas tree sales lots
- 3. Fireworks stands
- 4. Rummage or yard sales
- 5. Political rallies
- 6. Seasonal fruit, vegetable, and flower stands
- 7. Flavored shaved ice stands (7-6-05)

19.11.3 Application for Temporary Uses

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Development Services Director or authorized representative. The application shall contain the following information: (2-20-13)

- 1. A description of the proposed use.
- 2. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
- 3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
- 4. The payment of the appropriate fee in accordance with the Payson City fee schedule. (3-5-03)

19.11.4 Approval Process

The Development Services Director, or designee, may approve the application provided:

- 1. That the proposed use is listed as a permitted temporary use.
- 2. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
- 3. That the proposed use shall occupy the site for a period not to exceed thirty (30) days with the following exceptions:
 - a. Christmas tree lots shall not exceed forty (40) days.
 - b. Seasonal fruit, vegetable, and flower stands shall not exceed ninety (90) days.
 - c. Flavored shaved ice stands may operate between the 1st day of May through the last day of September (150 days). The applicant shall indicate on the application the intended length of operation. (6-20-07)
- 4. That the applicant will have sufficient liability insurance for the requested use or event.
- 5. That the applicant shall provide for, at their expense, the restoration of the site to its original condition including clean-up and replacement of facilities as may be necessary.
- 6. The application includes acknowledgement and approval from the property owner, if other than the applicant. (3-5-03)

Requests for a temporary use not listed herein or a proposed use which characteristics are not in compliance with the provisions of this Chapter must be considered by the City Council. (2-20-13)

In granting approval, the City Council may attach additional conditions as they deem appropriate to ensure the use will not create any negative impacts to persons or property. The City Council may also require a bond to insure that necessary clean-up or restoration work will be performed. (2-20-13)

Any person aggrieved or affected by a decision of the Development Services Director, or designee, in denying a temporary use permit may appeal to the City Council in writing within ten (10) days after notice of the decision is given. The decision of the City Council shall be final. (2-20-13)

19.11.5 Sales Tax

All temporary uses are responsible for the appropriate sales taxes in accordance with State and Federal law. (12-19-01)