

approved a maximum of twice a year and not more than once in any three (3) month period. Upon completion of all improvements and approval of the Planning Department, Engineering Department, Building/ Codes Department and Fire Official, the surety shall be released.

15.03.090 Temporary Use and Occupancy Permits

C. Temporary Use and Structure Permit Application

1. Unless specifically exempt below, any person, firm or corporation desiring to conduct a temporary use with Gallatin or the Gallatin Planning Region shall first obtain a temporary use permit. Such person, firm or corporation shall file a written application with the Planning Department on a form provided by the City, together with an application fees as required by the City. For any event not conducted by the owner of the property where the temporary use is to occur, a letter from the property owner granting permission to conduct the event shall be provided. A permit is not required for temporary uses to be conducted on City property, provided such use has been approved by the appropriate City official and provided the temporary use complies with all provisions of this ordinance.
2. The Planning Department shall grant temporary permits for those uses listed below so long as it is determined that the proposed use, including the erection of any temporary building or structure, including tents, complies with the requirements of this section and ordinance. Unless expressly provided in this section, every temporary use shall comply with the bulk, setback, parking and public accommodation requirements applicable in the district which the temporary use is located. Temporary uses shall be consistent with the permitted uses in the zoning district in which they are located and comply with all local regulations including fire code and building code regulations. The Planning Department, Building Department or Fire Department may impose other conditions , as part of the temporary use permit approval, as necessary to achieve the purposes of this ordinance and to protect the public health, safety, comfort, convenience and general welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the areas as a whole.
3. Temporary uses not specially listed herein shall require review and approval by the Planning Department which shall identify the proposed use for authorization of a use of similar activity as a use listed in this section. If the applicant for a temporary use is denied such permit because the Planning Department determines that there is no similar or comparable use, then the applicant may request review and approval by the Planning Commission. The process for approval shall be the same as for a site plan review and approval.

D. General Provisions

Only those temporary uses identified herein and in Article 3.0 and a temporary use as determined by the Planning Department shall be allowed in the City and in the Planning Region. Every temporary use shall comply with the following standards:

1. No temporary use shall be permitted that causes or threatens to cause and on-site or off-site threat to public health, safety, comfort, convenience and the general welfare.
2. Every temporary use shall be operated in accordance with such restrictions and conditions as the Fire, Police and Building/Codes Departments may require. If required by the City, the operator of the temporary use shall employ appropriate security personnel.
3. No temporary uses shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have an undue detrimental impact on surrounding streets and uses.
4. No temporary use shall be permitted on any site without adequate all-weather, dust-free, off-street parking sufficient to meet the demands of the temporary use except for temporary uses operating of less than seven consecutive days. No temporary use shall be authorized that would significantly reduce the amount of parking spaces available for the use or activity in connection with permanent uses located on the property in question. Adequate drive aisle and fire lanes shall be provided. The Planning Department shall determine the total number of parking spaces that is reasonably required in connection with a proposed temporary use on the basis of the particular use, its intensity and the availability of other public or contracted parking facilities in the area necessary to accommodate the temporary use.
5. No temporary uses shall be permitted if such use would conflict with another previously authorized temporary use that would operate at the same time.
6. Signs shall be permitted only in accordance with Section 13.07. (Sign regulations).
7. Temporary structures, including tents, vendor carts and kiosks, portable buildings, trailers, over-the-road trailers, freight containers, recreational vehicles and mobile homes, use in conjunction with the temporary uses listed herein are permitted as identified below, otherwise they are prohibited.
8. The operation of all temporary uses shall be subject to the noise ordinance (Chapter 10, Article 4, Municipal Code of Ordinances) and the performance standards (Article 13, Section 13.02).
9. All temporary uses shall comply with all applicable local, county and state environmental, solid waste disposal and sanitary waste disposal regulations. Any required Health Department certificates shall be plainly displayed in public sight.
10. Temporary uses which require use of the public right-of-way, parks or other public property shall first secure approval of the appropriate City representative. All such uses shall be coordinated with the appropriate City, County and State officials.
11. Trash generated by the temporary use shall be removed daily.
12. Any required business license shall be obtained.

A temporary use, temporary certificate of completion and temporary occupancy permit shall be issued for no more than six consecutive months and/or no more than six months in any given year unless otherwise restricted herein. In no instance shall a temporary, temporary certificate of completion use and temporary occupancy permit be issued for a longer time period than the surety required to secure completion of all site improvements and off-site improvements.

- C. Temporary Use Permit, Temporary Certificate of Completion and Temporary Occupancy Permit – Partially Completed Sites and Partially Completed Buildings

Temporary use permit, temporary certificate of completion and temporary occupancy permits may be issued for a site or portion of a building or structure in process of erection or alteration, provided that such temporary use permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

D. Temporary Use Permit – Necessary or Seasonal Uses Temporary in Nature

The provisions of this section are necessary to govern the operation of certain seasonal and other temporary uses. Application for a temporary use permit shall be made with the Planning Department. The application shall contain information as to the nature of the proposed use, the anticipated period of operation, the number and location of parking spaces and sanitary facilities. No temporary use permit issued, herein under, shall be for a time period in excess of that stipulated below for the individual activity indicated.

1. Circuses, Carnivals and Haunted Houses: May be permitted in the following districts:

Commercial Districts – CG and CS

Industrial Districts - IR and IG

Such permit may be issued for a period not to exceed fifteen (15) days. The time of operation need not be fifteen (15) consecutive days; however, the site must be vacated within thirty (30) days after initiating operation. Such use shall only be permitted on lots where adequate off-street parking can be provided. An adequate form of surety which meets the provisions of Section 15.03.080 shall be posted prior to issuance of a permit to assure clean-up and maintenance of the site. The amount of surety shall be determined by the Zoning Administrator; however, the amount of surety shall be no less than ~~one~~ five thousand dollars (\$5,000).

2. Christmas Tree/Pumpkin/Plant Sales: May be permitted in any agriculture residential, commercial or industrial district. Such temporary use permit may be issued for a period no longer than thirty (30) consecutive days. No more than three such sales shall be permitted on any one lot, parcel or tract in one calendar year.
3. Assembly Meetings: May be permitted in any district. Such temporary use permit may be issued for no more than a fifteen (15) days in non-residential zones and five (5) consecutive days in residential zones. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
4. Special Civic or Non-profit Events Including Festivals, Bazaars, Street Fairs, etc. may be permitted in any district. Such temporary permit may be issued for a period no longer than fifteen (15) consecutive days. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

5. Temporary Construction Offices: In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for a particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner. These uses shall not contain any sleeping or cooking accommodations, except those located in a model unit for demonstration purposes only. No trailer, unit or office shall be used as the general office of any business.
6. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a temporary use permit may be issued to place a mobile home temporarily on a lot in which the principal structure was destroyed by fire, flood, explosion or other natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship. Placement of such structure must not represent a hazard to the safety, health, or welfare of the community and shall comply with all bulk and setback restrictions of the zoning district. An applicant for temporary use permit as provided under this subsection must produce a written statement from the appropriate regulatory authority approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding eighteen (18) months.
7. Temporary Borrow Pits: In any district, a temporary use permit may be issued for the operation of a temporary borrow pit from which soil may be removed to other locations to be utilized as fill material. Such permit may only be issued with an approved site utilization and reclamation plan as the basis for such action and a Land Disturbance Surety shall be required per Section 15.03.080. The period of operation shall be as specified in the approved plan. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner. This shall not be construed to allow for the excavation of rock or quarrying.
8. Temporary Tent Type/Mobile Vendors Sales:
  - a. A permit may be issued for a maximum time period of thirty (30) consecutive days per zone lot. Only one such permit may be issued for each zone lot during a calendar year.
  - b. This permit is limited to commercially or industrially zoned lots with no other uses or structure of any kind present.
  - c. This permit is limited to tents, awnings and/or open air activities, food trucks, or other vehicles and storage trailers; specifically excluding any structure or building.
  - d. Adequate off-street parking must be available.
  - e. All setback provisions established for the district shall be met and the use shall be located at least 1,000 feet from any other mobile vendor except for mobile vendors

as a group of no more than three (3) mobile vendors located on the same zone lot and within fifty (50) feet of each other shall be considered a single vendor in regards to the 1,000 foot separation requirement. Mobile vendors associated with a special event such as a street festival, bazaar, arts and crafts fair or car show shall not be required to comply with the 1,000 foot separation requirement.

- f. Any violation of these standards shall be considered a zoning violation, punishable as provided herein.
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9. Structures for Temporary Sales: A temporary use permit may be issued by the Zoning Administrator and Building Official for placement of a structure for temporary sales on a commercially zoned lot for a maximum of four (4) months in a calendar year. This structure shall meet the following criteria as determined by the Zoning Administrator and Building Official:
    - a. Structure shall have public water service.
    - b. Structure shall have public electrical service.
    - c. Structure shall be served by sanitary sewer or septic system.
    - d. Structure shall be securely anchored to the site.
    - e. Supports and anchors must be screened from public view.
    - f. Upon removal of the temporary structure, all evidence shall be totally removed from the premises from which the activity is conducted.
  
  10. Model Homes and Subdivision/Builder Information and Sales Offices: In any residential or mixed use district, a temporary use permit may be issued by the Zoning Administrator and Building Official to allow the use of a dwelling unit or club house as a model home and/or Subdivision and/or building information and sales office. This permit may be modified to reflect moving the model home or information and sales office to a new location in the same subdivision or parcel. Said use shall be discontinued when all homes in the subdivision or parcel, except the model, have been sold. All regulations pertaining to signs as contained in Article 13.07 shall apply. Any parking lots or other parking areas, other than driveways and parking which are accessory to the dwelling, shall require the submittal of a site plan for review and approval of the Engineering, Building Codes and Planning Department.