

TEMPORARY AND SEASONAL USES**Section 1301—Purpose:**

The following provisions are provided to allow the review of those uses that are identified as either a Temporary Use (identified herein as “T-1” Uses) or a Seasonal Use (identified herein as “S-1” Uses) in the Table of Uses, Chapter 30, herein. The nature and proposed location of a Temporary Use or a Seasonal Use may be such that certain use and location requirements may be necessary to protect adjacent properties and the general health, safety, and welfare of the City.

Section 1302—Authority:

As provided for by the Act, the Zoning Administrator is hereby authorized to act as the Land Use Authority to review and render a final decision approving, approving with requirements, or denying all Land Use Applications to establish a T-1 or S-1 Use.

Section 1303—Initiation:

All requests to establish a T-1 or S-1 Use shall be initiated by filing a Temporary T-1 or Seasonal S-1 Use Application, in the Office of the City Recorder available from the Zoning Administrator. A property owner may present a Temporary T-1 Use or Seasonal S-1 Use Application for review and decision by the Zoning Administrator. An agent of the property owner, or a lessee of the property, may present a Temporary T-1 Use or a Seasonal S-1 Use Application to the Zoning Administrator for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

Section 1304—Allowed Temporary Uses:

Uses identified as a Temporary T-1 Use, identified as a T-1 Use in the Table of Uses, may be approved by the Zoning Administrator, with or without requirements, with findings that the Temporary T-1 Use will be conducted in compliance with all requirements of this Chapter and this Ordinance.

Section 1305—Allowed Seasonal Uses:

Uses identified as a Seasonal S-1 Use, identified as an S-1 Use in the Table of Uses, may be approved by the Zoning Administrator, with or without requirements, with findings that the Seasonal T-1 Use will be conducted in compliance with all requirements of this Chapter and this Ordinance.

Section 1306—Application Requirements – Determination of Application Completeness Required:

All Temporary T-1 Use Applications shall comply with all requirements of this Chapter and this Ordinance, and all other applicable Land Use Ordinance and requirements. All Temporary T-1 Use Applications shall be determined complete by the Zoning Administrator, as provided by Section 1206, herein. For Temporary T-1 Use Applications determined to be incomplete, the Zoning Administrator shall comply with the requirements of Section 1207, herein.

Section 1307—Review and Approval Procedures:

The procedures for the review and consideration of a Temporary T-1 Use or a Seasonal S-1 Use Land Use Application are identified by Figure 13-1, herein.

As provided by Section 1302, the Zoning Administrator is identified as the Land Use Authority for Temporary T-1 Use Applications and Seasonal S-1 Use Applications and is authorized by this Chapter to render a final decision for a Temporary T-1 Use Application or Seasonal S-1 Use Application, with findings.

The Zoning Administrator may approve, approve with requirements, or deny a Temporary T-1 Use Application or a Seasonal S-1 Use Application, with findings of compliance or non-compliance with this Ordinance, and other Land Use Ordinances and requirements, as applicable.

Section 1308—Temporary T-1 Use and Seasonal S-1 Use Application Requirements:

All Temporary T-1 Use Applications and all Seasonal S-1 Use Applications shall include and provide the following information:

1. A complete Temporary T-1 Use Application or a complete Seasonal S-1 Use Application, available from the Office of the City Recorder.
2. Temporary T-1 Use and Seasonal S-1 Application Fees. The Temporary T-1 Use Application or the Seasonal S-1 Use Application shall include the payment of all Temporary T-1 Use Application fees or Seasonal S-1 Use Application fees, as applicable, and as established by the Council.
3. Two (2) 11 inch x 17 inch size copies of a site plan for the Subject Property, identifying the location of all proposed uses and drawn at a scale as required by the Zoning Administrator, identifying the following;
 - 3.1. The location and dimension of the property boundaries and all proposed uses, and all existing buildings or structures located on the property.

- 3.2. The setbacks requirements, as required by the Zoning District in which the Subject Property is located.
- 3.3. The location of all roads and streets serving the Subject Property, or proposed to serve the Subject Property, and including any permits or authorizations, as required by the City, Sevier County or the Utah Department of Transportation, as applicable.
- 3.4. The location and dimension of all existing and proposed ingress and egress points and off-street parking areas.
- 3.5. All public and private rights-of-way and easements located on, or adjacent to the Subject Property, shall be shown.
- 3.6. The location of all existing fences and walls shall be shown.

Section 1309—Approval Standards for a Temporary T-1 Use Application or a Seasonal S-1 Use Application by the Zoning Administrator:

The Zoning Administrator shall review the Temporary T-1 Use Application or the Seasonal S-1 Use Application and determine, from the materials presented by the Applicant, the proposed Temporary Use or Seasonal Use, as applicable, complies with the following:

1. The proposed use is an allowed Temporary T-1 Use or Seasonal S-1 Use within the Zoning District.
2. The proposed Temporary T-1 Use or Seasonal S-1 Use and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure heights, and all other requirements applicable in the Zoning District.
3. Complies with all site plan requirements as may be applicable, as provided by Chapter 18, herein.

Section 1310—Required Findings for Approval or Denial of a Temporary T-1 Use or Seasonal S-1 Use Application by the Zoning Administrator:

1. If the Zoning Administrator finds that the Temporary T-1 Use Application or Seasonal S-1 Use Application, as applicable, complies with all the requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, the Temporary T-1 Use Application or Seasonal S-1 Use Application shall be approved, with or without use and/or site plan requirements necessary to

comply with this Ordinance, and all other Land Use Ordinances and requirements, as applicable.

2. If the Zoning Administrator finds that the Temporary T-1 Use Application or Seasonal S-1 Use Application, as applicable, does not comply with all the requirements of this Ordinance, and all other Land Use Ordinances and requirements as applicable, the Temporary T-1 Use Application or Seasonal S-1 Use Application shall be denied and no approval, permit, or license issued by the Zoning Administrator, or other City Official.

Section 1311—Exemptions:

All family reunions and family gatherings are exempt from the requirements of this Chapter.

Section 1312—Effect of Approval:

The approval of a Temporary T-1 Use Application or Seasonal S-1 Use Application by the Zoning Administrator shall authorize the establishment of the approved Temporary or Seasonal Use, subject to any requirements of approval. The approval of a Temporary T-1 Use or Seasonal S-1 Use shall not be deemed an approval of any other application, permit, or license.

Section 1313—Appeal:

Any person aggrieved by a decision of the Zoning Administrator regarding a Temporary T-1 Use Application or a Seasonal S-1 Use Application may appeal such decision as provided by Chapter 26, herein.

Section 1314—Temporary Use Approval and Seasonal Use Approval Amendment:

No Temporary T-1 Use Application and no Seasonal S-1 Use Application shall be amended. If an amendment to an approved Temporary T-1 Use Application or a Seasonal S-1 Use Application is required by the Applicant, a new Temporary T-1 Use Application or a new Seasonal S-1 Use Application shall be required to be filed in the Office of the City Recorder and approved by the Zoning Administrator, as provided and required by this Chapter.

Section 1315—Expiration:

As provided by the Act, the continuing validity of a Temporary T-1 Use Application approval or a Seasonal S-1 Use Application approval is conditioned upon the Applicant proceeding, after approval by the Zoning Administrator, to implement the approval with

reasonable diligence. For the purposes of this Ordinance, and this requirement the approval of either a Temporary T-1 Use Application shall be effective for a period of forty-five (45) calendar days and a Seasonal S-1 Use Application shall be effective for the period of ninety (90) calendar days from the date of approval, at the end of which time the Applicant shall have proceeded to implement the Temporary T-1 Use Application approval or Seasonal S-1 Use Application approval. If the Temporary T-1 Use Application approval or Seasonal S-1 Use Application approval is not commenced within thirty (30) calendar days, from the date of approval by the Zoning Administrator, the Temporary T-1 Use Application approval or Seasonal S-1 Use Application approval shall expire and shall be rendered void.

Figure 13-1
Temporary (T-1) Use Application and Seasonal (S-1) Use Application
Procedures

