

**CITY OF GAUTIER TEMPORARY USE  
APPLICATION**

1. Name of Business or Organization Requesting Temporary Use

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2. Address and Date of Temporary Use

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3. Applicant

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4. Applicant Phone Number

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5. Applicant Signature

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Temporary Use Type

Christmas Tree Lot  Contractor Temp Office  Garage/Rummage Sale

Portable Storage Container  Real Estate Sales Office  Seasonal Sale Farm Produce

Outdoor Sale of Non-Perishable Goods or Items

ATTACHMENTS REQUIRED AS APPLICABLE:

1. Completed Application

2. Project Narrative

3. Diagram of Intended Use

4. Property Owner Approval Letter (if applicable)

**Date Received: (To be filled in by City Staff)** \_\_\_\_\_

## **SECTION 6.8: Regulations for Temporary Uses**

### **6.8.1 General Regulations**

A temporary Use permit may be issued for any of the uses itemized in *Section 6.8.2* subject to the stipulations and regulations given for each use and in addition:

- A.** The Temporary Use Permit shall be for a specific period of time and at the end of such time, all activities shall cease.
- B.** The permission of the property owner shall be required signifying their permission to place the temporary use on the property in question.
- C.** Upon expiration or revocation of a Temporary Use Permit, the applicant shall clean the site of all debris, whether generated by the temporary use or not.
- D.** Adequate off-street parking shall be provided if needed.
- E.** Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the State Board of Health.
- F.** Suitable safety precautions are taken in accordance with conditions approved by the Planning Director to insure that human health and welfare are not jeopardized.

### **6.8.2 Temporary Uses Permitted**

#### **A. Christmas Tree Sales Lot**

The sale of Christmas Trees at Christmas is permitted in Commercial Districts or on the campus of Churches or Places of Worship only as an open-lot sale situation. Such permits shall not be issued for a period of longer than thirty (30) days.

#### **B. Contractor's Temporary Office and Equipment Sheds**

In any district, a permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such facilities shall not contain sleeping or cooking accommodations. Such permits shall be valid for not more than one (1) year but may be renewed for a maximum of one (1) year if needed. Such facilities shall be removed upon completion of the project or the expiration of the permit whichever occurs first.

#### **C. Garage or Rummage Sales**

Garage or Rummage Sales on residential property are not required to obtain a Permit, but must adhere to the criteria below. Temporary Use Permits for garage or rummage sales on commercial property may be granted provided:

- 1.** The sale period does not exceed three (3) days.
- 2.** Suitable safety precautions are taken in accordance with conditions approved by the Planning Director to insure that human health and welfare are not jeopardized.
- 3.** No more than three (3) such sales are conducted at any one (1) address during any single year and no more than three (3) such permits are issued to any applicant during any single year.

**D. Portable Storage Container (POD)**

In any district, a Temporary Use Permit may be issued for a POD subject to the following regulations:

1. In Residential Districts - The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods. The container shall be placed on an all-weather surface such as a driveway on the lot it serves, and shall not be parked on a street right-of-way or in the rear of the property.
2. In Industrial and Commercial Districts- One (1) storage container may be permitted per 25,000 square feet of GFA per business or establishment holding a valid business license. Storage containers must be placed in the rear or side yard behind the front building line and shall not be placed on any required designated parking area. Permits for storage containers shall be issued annually, are valid for one hundred eighty (180) days, and may be extended for one (1) additional one hundred eighty (180) day period. Storage containers shall be well kept and free of rust or signs of deterioration. Areas around storage containers shall be kept clear of any overgrown vegetation, debris, and/or any outside storage of materials. If at any time the regulations of this section are not met, permits for storage containers may be revoked by the Planning Director.

**E. Real Estate Sales Office**

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. The permit shall be valid for one (1) year but may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit whichever occurs sooner.

**F. Seasonal Sale of Farm Produce Outdoors**

Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts on private property, but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only and shall provide property owner approval. The permit shall be valid for three (3) months and each applicant is limited to one (1) permit per year.

**G. Outdoor Sale of Non-Perishable Goods or Items**

Outdoor sale of goods other than farm produce or seafood may be granted a Temporary Use Permit by the Planning Director provided that:

1. The Permit Period does not exceed ten (10) days.
2. No more than three (3) such permits are issued to any applicant during any single calendar year.
3. All requirements of *Section 6.8.1 General Regulations* are met.
4. The sale is in Commercial Districts only on private property. Property owner approval shall be provided.

## **H. Special Events**

A Special Event may be granted a Temporary Use Permit by the City Clerk provided that:

- 1.** A permit application is submitted to the City Clerk's Office at least thirty (30) days prior to the event. The following information will be required on the application:
  - a.** Event details with timeline
  - b.** Number of people expected
  - c.** Organization name, type and Federal Tax ID number
  - d.** Detailed map of proposed route/event area along with request for possible street closures.
  - e.** Requested City services such as trash receptacles, barricades, etc.
  - f.** If any donated services are requested.
- 2.** The applicant shall submit a hold harmless agreement in a form approved by the City agreeing to hold the City of Gautier free and harmless of any liability which may result from said event, and accept full responsibility for any liability.
- 3.** The applicant must provide a Certificate of Commercial General Liability Insurance listing the City of Gautier as an additional named insured in the amount prescribed by the City Clerk or designee.
- 4.** An applicant for a permit to hold an event where alcohol is to be sold must provide a Certificate of Insurance in the amount of \$1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.
- 5.** All requirements of *Section 6.8.1 General Regulations* are met.

#### **4.23.3 Temporary Use Permit**

Temporary Uses which are allowed in accordance with *Article VI* require a Temporary Use Permit from the Planning Director before the proposed use or activity may begin. The Planning Director may at his discretion elect to take a request for temporary permits to the Planning Commission for review and action should he desire. Applications for a Temporary Use Permit shall be filed with any additional information requested.

##### **A. Approval Criteria**

The temporary use may be approved, conditioned or denied by the Planning Director based on the following criteria:

1. Permission of the owner of the land has been obtained as evidenced by a notarized copy of the owner's consent;
2. The site is physically suitable for the type and intensity of the temporary land use;
3. The proposed use is compatible with land uses presently on the site;
4. Adequate provisions have been made for sanitary and medical facilities;
5. Adequate provisions have been made for vehicular access and off-street parking as well as emergency access; and
6. Any negative impacts for the proposed temporary use are mitigated.

##### **B. Revocation**

A temporary use permit may be revoked or modified effective immediately upon written notice of violation by the Planning Director if any of the following findings are made:

1. The Temporary Use Permit was obtained by misrepresentation or fraud.
2. One or more of the conditions of the Temporary Use Permit have not been met, or
3. The use is a violation of any statute, ordinance, law or regulations.