

MEMO

TO: Three Forks Planning Board, Staff

FROM: Lee Nellis, FAICP

DATE: May 13, 2026

RE: Temporary Use Chapter

We had a long discussion about this chapter, but really only about its applicability. I assume that means the procedures and standards are ok?

Regarding applicability, it seemed like we should anticipate longer “events.” One way to do that would be to increase the four-day time allowed. We have not done that in this draft, but if it helped to make it five days, we could. We think the more problematic case would be a use – probably sales of some type – that is proposed to last for a few weeks. We don’t think its coming soon to Three Forks, but Lee knows of a roving oriental rug business that sets up a big tent for a few weeks at a time in different cities. More likely in Three Forks, there could be bike or boat rentals that would want to operate continuously during the summer, or holiday tree sales. The most likely case may be a not very mobile food truck. We have addressed these cases by providing for a TUP issued by the Council for up to 120 days. Beyond that, it seems reasonable to ask for a zoning permit.

CHAPTER 28 – TEMPORARY USES & STRUCTURES

11-28-1: PURPOSE:

This chapter requires a permit for certain TEMPORARY USES, including the temporary expansion of an existing use, and STRUCTURES for which a ZONING PERMIT is not required. It is intended to ensure that they do not adversely impact neighboring properties or public facilities and services.

11-28-2: DURING CONSTRUCTION:

Field offices and similar temporary structures may be placed on a site during construction for which a zoning permit has been approved, but must be removed within ten (10) days after a CERTIFICATE OF COMPLIANCE (CC) is issued. No separate permit is required.

11-28-3: FOR EVENTS:

- A. A TEMPORARY USE PERMIT (TUP) is required for any event or use that is expected to attract seventy-five (75) or more or more people and that will be in operation, from set-up to tear-down, for four (4) or fewer days.
- B. Events that have a Park and Recreation Facility Reservation authorized by Section 8-6-7 of THIS CODE are exempt from the requirement for a TUP.
- C. The occasional sale of household goods by the current occupants of a dwelling is exempt from the requirement for a TUP. Such sales may not be held on a regularly recurring basis.

- D. A single TUP may be issued for recurring events that operate for four (4) or fewer days each time they are staged. A TUP for recurring events must be renewed annually.
- E. Events or uses requiring a TUP may involve vehicles, like food trucks, and portable structures like canopies, stages, and tents, but structures that will remain in place require a zoning permit.
- F. A TUP is not required for the regular assembly of people within a building or structure, like a church, school, theater, or other place of assembly designed for that purpose, except as required by G, below.
- G. A TUP is required for special events in places of assembly or any other building or structure if parking demand for the event is expected to exceed the available off-street parking or congest on-street parking and circulation in its vicinity, if the event will use outdoor space, or if the event will use amplified sound.

11-28-4: OTHER TEMPORARY USES:

Uses that will be in place for more than four (4), but less than one hundred twenty (120) days, may be approved by the Council upon a finding that the proposed use will comply with all standards established in this chapter. Uses that will be in place for more than one hundred twenty (120) days must obtain a zoning permit.

11-28-5: REVIEW

- A. Applications for TUPs must be filed on the form provided by the CITY and accompanied by a site plan and any other materials needed to demonstrate compliance with this chapter. They must also be accompanied by the fee set by the Council, as authorized by Section 11-3-6.D.
- B. Applications for TUPs must be filed at least thirty (30) business days before the event or use will begin.
- C. Applications for TUPs must clearly show how each standard adopted in Section 11-28-5 will be met.
- D. Staff may refer any application for a TUP for review by the PBZC, the Mayor, the fire department, and or law enforcement before approving or denying that application.
- E. TUPs for events that expected to attract fewer than four hundred (400) people shall be issued by Staff upon a finding that the proposed event will comply with all standards established in this chapter.
- F. TUPs for events that are expected to attract four hundred (400) or more people must be issued by the Council upon a finding that the proposed event will comply with all standards established in this chapter.

G. Staff action on a TUP may be appealed to the BOA following the appeals procedure of Chapter 11.7.

11-28-6: STANDARDS

- A. Operating Hours: Temporary uses must limit operating hours to those compatible with neighboring uses.
- B. Solid Waste. Temporary uses must make adequate provision for the collection and prompt removal of solid waste, including litter.
- C. Toilets. Temporary uses must provide and maintain adequate toilet facilities based on the projected attendance.
- D. Access. Temporary uses may not block access to public ways or neighboring properties.
- E. Emergency Access. Temporary uses must provide safe, adequate access for emergency and law enforcement vehicles and personnel
- F. Emergency Services. Temporary uses that are expected to attract four hundred (400) or more people may be required to have emergency medical or law enforcement personnel present, and to compensate the providing agency for that service.
- G. Parking. Temporary uses must provide safe, adequate parking based on the projected attendance. Where a shuttle service from a remote parking area is proposed, there must be a safe, clearly marked passenger drop-off and pick-up area.

11-28-7: ENFORCEMENT:

Failure to obtain a TUP or to comply with the standards adopted in this chapter is a violation of THESE REGULATIONS, subject to enforcement as provided in Chapter 11-9.