
Sec. 30-793. Construction temporary use permit.

During the construction of any development for which a site development plan has been approved or a building permit issued, the developer may request a temporary use permit subject to the following:

- (1) With the exception of marine staging activities, a temporary use permit shall be granted initially for a period not to exceed 24 months in length and may be renewed annually based upon demonstration of need. A request for renewal shall be submitted to the city manager or designee in writing 30 days prior to the expiration of the temporary use permit.
- (2) With the exception of marine staging activities, temporary construction and development permits shall be allowed for the following uses:
 - a. Other on-site uses similar to the foregoing uses and determined to meet the intent of this article.
 - b. Off-site staging no further than 150 feet from the building lot with written authorization from the property owner and proof of notification to property, when, in the opinion of the city manager or designee, site constraints such as, but not limited to, an irregular shaped lot where building activity will take place indicates its appropriateness. In such case, only construction equipment, materials and vehicles used in the construction process of the permitted structure may be staged. However, no overnight parking of any vehicles is allowed; any additional or unauthorized materials or lack of upkeep or reasonable maintenance shall result in revocation of the temporary use permit by the city manager or designee.
- (3) Marine staging activities (seawall and boat dock replacement and repair supplies, demolition spoils, construction equipment), may be permitted on a vacant lot and shall only be performed up to 100 consecutive days while an associated permit is active. More than one permitted marine construction activity may be staged at the vacant lot concurrently. Upon completion of the use and prior to the expiration of the approved activity, the contractor shall restore the lot to pre-use condition. Any vacant lot so used shall not be used for marine activity for an additional 365 days following issuance of the last associated certificate of completion or CO, with the exception of an emergency repair or replacement to a seawall at the subject vacant lot. Lot may not be used for any other marine staging purposes in the calendar year. Manufacture or fabrication of seawall panels are not permitted.

The city shall also permit the use of a residential vacant lot for receipt of equipment, materials and/or supplies for immediate redeployment for actively permitted marine construction sites. This permit shall be allowed not to exceed ten consecutive days and shall be allowed four times on subject lot in a calendar year. Lot may not be used for any other marine staging purposes in the calendar year. This permit is exempt from the fencing requirements.

- a. *Construction fencing.* A staging lot exceeding ten consecutive days shall have a construction fence.
 1. The fence shall be a six-foot chain link fence with a green or black fabric.
 2. The fence shall remain in place, upright and in good repair, throughout the period of construction activity and shall be removed when construction is completed.
 3. The fence shall be installed along the front and both sides of the subject property.
 4. A separate fence permit will not be required if approved as part of the construction temporary use for marine staging activities on a vacant lot.
- b. *Staging site management plan.* A management plan shall be submitted and approved by the city manager or his designee. The plan shall include:

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1. Location of site.
 2. Detail of erosion controls to prevent erosion of soil and to control surface water discharge so that no water flows onto abutting property, ROW, and abutting waterways.
 3. Temporary fence location and roadway access point.
 4. Animal burrow protection if applicable.
 5. Location of portalet and dumpster if applicable.
 6. A two-foot by two-foot sign placed on subject lot with contractor information including name and phone number in case of emergencies.
- c. *Permission and notices.* The contractor shall provide written permission from the property owner of the vacant lot. A copy shall be submitted to the city and made a part of the temporary use permit application. The city shall require a signed document holding the city harmless from any claim by the property owner or the permit holder for any damage to the vacant lot or seawall. In addition, city staff will provide notification of the proposed temporary use of the vacant lot to all property owners within a 300-foot radius of the subject vacant lot, together with other conditions of the permit as may be required by the city.
 - d. Any type of demolition material shall be either removed from the lot or placed in a dumpster within five days. Demolition activity may not occur outside the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.
 - e. Failure to comply with the provisions of this section shall constitute a violation of this Code. Contractors in violation shall receive a revocation of applicable permit(s) and shall not be granted any additional permits for the period of time a violation exists. If the violation has not been cured within the time specified in the notice of violation, starting the next day a fine of \$250.00 per day for a first violation and \$500.00 per day for a repeat violation shall be assessed until the violation is corrected. Future permits shall not be issued to the contractor until all fees, fines, and costs have been paid in full.
 - f. *Special exceptions.* The contractor may seek an administrative extension beyond the permit period provided the city manager or designee is presented sufficient information justifying the contractor's need. Justification may include inclement weather, unavailability of materials or other unexpected conditions beyond the control of the contractor. Staff may provide a maximum 10-day extension provided the request is justified.
 - g. Boat and barge repair shall not be allowed on vacant residentially zoned parcels. The use of any such boat, barge or vessel shall be subject to the specific requirements of Code section 54-111 and subsection 54-112(i).
 - h. Only equipment and vehicles directly associated with the permitted repairs will be allowed on the property, and only during an open permit.
- (4) All construction temporary use requests shall require the submission of a conceptual plan which demonstrates that provisions will be made to adequately address the following:
- a. Parking.
 - b. Landscaping.
 - c. Fire protection.
 - d. Handicapped access.
 - e. FEMA (floodplain management ordinance).

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- (5) Exemptions: Building permits issued for the specific lot. Such permits include seawall and boat dock replacement and repair, construction of seawalls and docks, and single-family homes. Staging for other projects or locations on the lot is prohibited and requires a staging lot permit.

(Ord. No. 02-15, § 3, 4-15-2002; Ord. No. 10-15, § 2.1., 11-1-2010; Ord. No. 10-16, § 2.1., 11-1-2010; 12-14, § 2, 10-1-2012; Ord. No. 13-03, § 2, 3-4-2013; Ord. No. 15-08, § 2, 4-20-2015; Ord. No. 15-09, § 2, 5-4-2015; Ord. 21-05, § 2, 2-1-2021; Ord. No. 21-11, §§ 2, 3, 9-7-2021)