



## TEMPORARY USE PERMIT APPLICATION

CITY OF DARDENNE PRAIRIE, MISSOURI

[www.DardennePrairie.org](http://www.DardennePrairie.org)

I/We request permission for the following land use:

- |   |  |
|---|--|
| <input type="checkbox"/> Temporary Retail Sales*  | <input type="checkbox"/> Contractor's Office/Shed* |
| <input type="checkbox"/> Seasonal Sales*  | <input type="checkbox"/> Carnival/Circus           |
| <input type="checkbox"/> Mobile home (due to disaster)*                                 |  |
| <input type="checkbox"/> Real Estate Office (incidental to a new housing development) * |  |

Cost of land use improvements \_\_\_\_\_

Description of land use: \_\_\_\_\_

Location of temporary land use: \_\_\_\_\_

Based on good weather conditions, this land use will commence on \_\_\_\_\_ and will continue for approximately \_\_\_\_\_ days. (date)

The permit application fee of \$ \_\_\_\_\_ has been paid.

A cash deposit or bond in the amount of \$ \_\_\_\_\_ has been placed with the City\*\*.

The Mayor, with approval by the Board of Aldermen, is authorized to issue or deny a permit for a temporary use within any zoning district provided it meets the requirements of Section 405.430 of the Municipal Code and does not create a concern regarding health, safety, traffic and the general welfare. The permit may be issued for a specified period of time and shall contain provisions regarding health, safety, traffic and the general welfare. The Mayor and Board of Aldermen may require such assurances or guarantees of compliance with conditions as are reasonable and appropriate under the circumstances.

Existing drainage directions and patterns shall be maintained. All necessary siltation control measures shall be installed to prevent material from disturbed areas being deposited into storm sewers and/or onto adjacent properties pursuant to Section 410.080 of the Municipal Code.

\* Attach a concept plan or site plan for the site drawn to scale depicting the proposed temporary land use and its relation to adjacent properties, utilities and streets and include proposed building(s), parking areas, utilities and sidewalks with significant dimensions were appropriate to clarify the plan for review and approval by the City Engineer.

\*\* If required by the Board of Aldermen. The applicant has 2 years from the date this permit is issued to request a refund of any cash deposited with the City of Dardenne Prairie, Missouri. After 2 years, all such cash deposits not used or refunded will be deemed relinquished to the City of Dardenne Prairie, Missouri.



**Pursuant to the Municipal Code, temporary uses may only be granted under the following conditions:**

1. **Temporary retail sales use.** If not already provided for as a permitted or conditional use by this Chapter, a temporary retail sales use shall be a temporary use in the nonresidential zoning districts of the City provided the use meets the criteria set forth in the Municipal Code.
  - a. Criteria for temporary retail sales uses. A temporary retail sales use may be conducted by the owner, tenant or lessee of any property located within a nonresidential zoning district provided the use meets the following criteria:
    - (1) The temporary retail sales use shall obtain a temporary use permit, as approved by the Board of Aldermen. In reviewing the temporary use permit application, the following criteria and standards shall apply:
      - (a) Sales of products, services or merchandise not otherwise permitted in this Code shall not be permitted;
      - (b) The temporary retail sales use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district;
      - (c) No more than one temporary retail sales use may operate at any given time on the same property;
      - (d) The same location on private property may not have located thereon a temporary retail sales use more than four (4) times within a calendar year. For the purposes of calculating the number of temporary retail sales uses located on a property within a calendar year only, the location of a fireworks stand or tent permitted pursuant to Section 405.430 B(8) of the Municipal Code on any such property shall be included as a temporary retail sales use;
      - (e) Adequate parking for the customers of the temporary retail sales use shall be provided in accordance with the Municipal Code and required spaces for the principal use of the property shall not be reduced;
      - (f) The temporary retail sales use shall be limited in duration by the purpose for which the permit is sought and as specified through the temporary use permit, but in no event shall such use be permitted for more than 120 days. Whether consecutively or in the aggregate, during any calendar year:
      - (g) A bond or other security agreement, in such amount to be determined by the City, as necessary, requiring and ensuring that the property be kept clean of all trash and debris, during and immediately after the temporary retail sales use must be posted with the City prior to the establishment of the use;
      - (h) Information on parking, traffic circulation, fire prevention, insurance vendors and health certificates where applicable shall be evaluated. If offsite parking is to be used, then written permission from the owner of the property on which parking is proposed must be provided;
      - (i) A temporary retail sales use need not necessarily comply with the setback requirements of the applicable zoning district, provided, however, that no display will encroach within the required yard setback for any district by more than fifty percent (50%) and no building, structure, display or equipment shall be located outside of the sight triangle as shown on Figure 2 of this Chapter;
      - (j) In issuing a temporary use permit, the Board of Aldermen may approve appropriate conditions and safeguards as are necessary to protect the public

interest and ensure harmony with the intent and purpose of Section 405.430 of the Municipal Code. If an applicant fails to meet such conditions, if the use becomes a nuisance, or if any provision of this Code is violated by the use, the temporary use permit may be revoked by the Director of Community Development upon providing the applicant with written notice of the revocation. If the use endangers the public health or safety, then the Director of Community Development may revoke the permit immediately. The applicant may appeal the revocation of the temporary use permit to the Board of Aldermen in the manner provided in Section 405.430 D.3 of the Municipal Code; and

- (k) No temporary use permit authorizing a temporary retail sales use shall be transferable, assignable, or otherwise alienable, nor shall any such permit be granted authorizing a temporary retail sales use in a residential zoning district. Temporary retail sales uses shall be expressly prohibited in residential zoning districts.
- b. Application requirements. In conjunction with an application for a temporary use permit required pursuant to Section 405.430 D of the Municipal Code, an applicant for a temporary retail sales use must submit a concept plan indicating the following:
- (1) Building(s) outline and floor area;
  - (2) Parking areas and parking calculations;
  - (3) Curb cuts and cross access with adjacent parcels. if applicable;
  - (4) Site features including light standards, trash enclosures. fencing;
  - (5) General location of landscaping;
  - (6) Setback and appropriate yards;
  - (7) Boundary of the subject property;
  - (8) Adjacent or connecting streets and their names; and
  - (9) Other items as deemed necessary by the City Engineer, the Director of Community Development or the Board of Aldermen.

A site plan in compliance with Section 405.770 of the Municipal Code may be submitted in lieu of a concept plan.

- 2. **Contractor's office.** Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) shall be permitted as an accessory use to a construction project and to continue only during the duration of construction of such project. Such use need not comply with yard and setback requirements of this Chapter.
- 3. **Real estate offices.** Real estate offices (containing no sleeping or cooking accommodations unless located in a display unit) incidental to a new housing development shall be permitted, but may continue only until the sale or lease of all dwelling units in the development. Such offices need to comply with the yard setback requirements.
- 4. **Seasonal sales.** Seasonal sale of farm products grown on the premises in an "R-IA" District shall be permitted. Structures incidental to such sale need not comply with the applicable front yard requirements, provided that no such structure shall be located outside of the sight triangle as shown on Figure 2 of this Chapter. All such structures shall be removed or moved back off of the street setback line at the end of the season during which they are used.

5. **Carnivals and circuses.** A carnival or circus shall be permitted in "C-1" "C -2" or "I-1" zoning districts for a period that does not exceed one (1) week. Such use need not comply with the applicable yard setback requirements, provided that no structures or equipment shall encroach within the required yard setback for the district in which it is located by more than fifty percent (50%) and no structure or equipment shall be located outside of the sight triangle as shown on Figure 2 of this Chapter.
6. **Disasters.** A mobile home may be permitted as a temporary use for the purpose of providing a residential or non-residential structure following a disaster such as a fire, windstorm or flood as determined by the Mayor of the City of Dardenne Prairie, provided that the mobile home is located on three (3) acre minimum site and is located to minimize its impact on adjacent residential areas. Such mobile home shall be removed from its location within six (6) months after its original placement. However, the Mayor may extend the period six (6) additional months upon showing of good cause by the owner.
7. **Fireworks stands or tents.** Shall be permitted as a temporary use on property zoned "C-1" "C-2" or "I-1" or having a valid non-conforming commercial use in an area determined by a line drawn parallel to and one thousand six hundred (1,600) feet from the northern most right-of-way line of Missouri State Highway 40/Interstate 64 and a line drawn parallel to and one thousand six hundred (1,600) feet from the right-of-way line of that portion of Missouri Route N between Missouri State Highway 40/Interstate 64 to Post Road and is subject to the following conditions:
  - a. Applications may be obtained from the City Clerk. Applications for temporary use permits for fireworks stands or tents must be accompanied by the following:
    - (1) A Site Plan drawn to scale showing all structures on the property, both permanent and temporary, parking areas, storage areas, etc. The Site Plan must indicate the dimensions of the property and the exact location of all structures including distances from property lines and between structures.
    - (2) A letter from the owner of the property on which the stand or tent is located, authorizing the operation of a fireworks stand or tent on the property, dated and notarized not earlier than sixty (60) days prior to the date of the application.
    - (3) A minimum of five (5) off-street parking spaces must be provided. These parking areas shall not be on vegetated areas that could present a fire hazard, i.e., dried grasses, weeds, etc.
  - b. One or more signs reading "Fireworks-No Smoking" shall be displayed at all places where fireworks are stored or sold, in lettering not less than four (4) inches in height. Additionally, sufficient exits shall be provided and so indicated with "EXIT" signs.
  - c. One fire extinguisher shall be provided within every fifty (50) feet of walking distance. The minimum weight for each fire extinguisher must be ten (10) pounds, and each fire extinguisher must have certification that it has been recharged within the preceding twelve (12) months. All fire extinguishers must be clearly visible. A minimum of two (2) fire extinguishers must be provided inside the stand or tent and at least one (1) fire extinguisher must be provided at each entrance and exit. All fire extinguishers must be rated Class A, B, and C. All employees shall be adequately trained in the use of fire extinguishers. Water barrels and buckets may be used in addition to the required number of fire extinguishers.
  - d. Fireworks stands or tents must be located a minimum of two hundred (200) feet from gasoline storage tanks, gasoline pumps, or any structures or areas that contain flammable materials. No fireworks to be discharged within two hundred (200) feet of tent or stand.

- e. All building setback requirements of the zoning district in which a stand or tent is located must be observed. All tractor-trailers, trucks, vans, or other temporary vehicles used for storage purposes shall be located a minimum of fifty (50) feet from the stand or tent unless, due to the size of the parcel or lot, this is not possible. In that event, the storage facilities must be located as far as possible from the stand or tent.
- f. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.
- g. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand or tent, located on the same property as the stand or tent. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor-trailer or similar large vehicle parked at the location. The total area of these signs shall not exceed four hundred (400) square feet each. All on-premises signs must meet the City's sign ordinance requirements. All off-premises signs advertising fireworks stands or tents shall comply with all rules and regulations governing signs of the zoning district in which the signs are located.
- h. Each fireworks stand or tent must be kept in a clean and orderly manner and have trash removal service. Also, each stand or tent must have on site a metal refuse bin of not less than one and one half (112) cubic yards capacity that conforms to Federal Consumer Product Safety Commission, Part 1301 - Ban of Unstable Refuse Bins. All solid waste generated by the fireworks stand or tent must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin.
- i. Each fireworks stand or tent must provide a portable restroom if there are not restrooms available on the site. The portable restroom must be placed out of sight and as far away from the main roadway as possible.
- j. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand or tent will be permitted. Fireworks stand or tent employees may direct customers to parking spaces only within the boundaries of the stand or tent's parking lot and driveways on private property.
- k. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of one hundred dollars (\$100.00) of fireworks in bulk quantity.
- l. The following fees have been established: Three thousand dollars (\$3,000.00) for a temporary use permit per stand or tent regardless of the square footage of said stand or tent. All fees must be paid by cashier's check to the City of Dardenne Prairie. Such fee must accompany the application. A full refund will be made in the event a permit is not granted. If a permit is granted, no fees or portion thereof will be refunded.

(1) Anything contained in Section 405.430(B)(7) of the Municipal Code to the contrary notwithstanding, any nonprofit or not-for-profit organization that operates a fireworks stand in the City of Dardenne Prairie, Missouri, on property owned by that organization, which is also its principal place of business, shall be required to pay a fee of one hundred dollars (\$100.00) provided that no less than ninety percent (90%) of the profits the organization derived from the operation of the fireworks stand is donated to an organization or organizations which qualify under 26 U.S.C. Section 501(c)(3) as charitable organizations. It shall be the duty of every person engaged in the business of establishing, maintaining or conducting any fireworks stand pursuant to Section 405.430(B)(7)(I)(1) of the Municipal Code to file with the City Clerk, on or before the thirtieth (30th) day following the end of the fireworks season for that calendar year for which the permit is issued, a sworn statement of the gross receipts from such fireworks stand and a receipt from the charitable organization(s) to which said profits were

donated. The City Clerk or his/her duly authorized representative may investigate the correctness and accuracy of the statement required and for that purpose shall have access to the books, documents, papers and records of such fireworks stand at all reasonable times to ascertain the accuracy thereof.

- m. A certificate of insurance showing specific coverage levels and showing the City of Dardenne Prairie as additionally insured shall be provided by the applicant at the time fees are paid and shall be as follows:

Injury Including Death	\$1,000.000.00 one person
	\$2,000.000.00 more than one person
Property Damage	\$ 1 ,000.000.00 each occurrence
	\$1,000.000.00 aggregate

- n. Retail sales of fireworks are permitted from fifteen (15) days prior through five (5) days after July 4<sup>th</sup> of every year. All temporary use permits issued for fireworks stands or tents shall expire on the eighth (8th) day following July 4<sup>th</sup> of every year.
- o. Fireworks stand or tent owners must contact the fire protection districts or volunteer fire department in which the stand or tent is located regarding payment of any local fees and/or regulations so applicable.
- p. If any fireworks stand or tent operator is cited for violating any of these regulations and fails to correct said violations within forty-eight (48) hours, the operator will have to close said stand or tent until the violations are corrected.
- q. The following are some of the more common building and electrical code violations regarding fireworks stands or tents. Please note:
- (1) All overhead electrical wires must be supported by a steel cable one-eighth (1/8) inch minimum diameter and fastened to the cable every fifty-four (54) inches.
  - (2) The overhead wire shall be a minimum of fifteen (15) feet from ground level.
  - (3) All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in acceptable condition to meet Electrical Codes.
  - (4) The only approved extension cords must have "built-in" fuse breakers.
  - (5) All electrical work must comply with the currently adopted National Electrical Code.
- r. *Field Inspections.* The Mayor or his/her designee, which may include the City Engineer, will inspect permitted fireworks stands and tents for compliance with the above regulations. This inspection will be made prior to the stand or tent being open for sales. It is the responsibility of the stand or tent owner to notify the City that the stand or tent is ready for inspection or re-inspection prior to being open for sales.
- s. *Temporary dwelling structures.* No temporary building, structure, tent or stand may be constructed, raised, installed or occupied until all valid building permits have been issued pursuant to the applicable provisions of the Building Code of the City of Dardenne Prairie, Missouri.
- t. *Permits.* All permits must be placed in plain view of the public.

## Temporary Use Permits - Issuance Information

1. *Temporary Dwelling Structures.* No cabin, garage, cellar, basement or other temporary structure, whether of a fixed or moveable nature, may be erected, altered or moved upon a site and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever.
2. *Administration.* The Mayor, with approval by the Board of Aldermen, is authorized to issue or deny a permit for a temporary use within any zoning district provided it meets the requirements of the Municipal Code and does not create a concern regarding health, safety, traffic and the general welfare. The permit may be issued for a specified period of time and shall contain provisions regarding health, safety, traffic and the general welfare. The Mayor and Board of Aldermen may require such assurances or guarantees of compliance with conditions as are reasonable and appropriate under the circumstances.
3. *Application and fees.* Application for a temporary use permit under the provisions of the Municipal Code shall be made to the City Clerk by filling in the official temporary use permit application form created by the Director of Community Development; submitting required data, exhibits and information; and depositing the required fee with the City Clerk. Except as otherwise provided in the Municipal Code, the application fee for temporary use permits shall be per the fee schedule for services, permit applications, plan reviews, inspections, rezonings and conditional uses, which is on file in the office of the City Clerk. No part of such fee shall be returnable to the applicant. Each completed application should be filed with the City Clerk at least thirty (30) days prior to the Board of Aldermen meeting at which it may be first considered.
4. *Information required.* An application for a temporary use permit shall be signed by all the owners of the property to be used or by their agent or agents having authority to sign the application on their behalf and by the applicant if other than the owner. The application shall be submitted to the City Clerk and shall contain or be submitted concurrently with the following information:
  - a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
  - b. The names and addresses of all the owners of the affected property and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds proving such ownership;
  - c. The date of filing with the City Clerk;
  - d. The present zoning and proposed use of the property;
  - e. The names and addresses of the applicant, and a statement as to their authority to use the affected property (i.e. lessee, owner, tenant licensee, etc.);
  - f. Signature(s) of the applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the petitioner(s) are a trust or business entity, then proof of the authority of the party executing the petition must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
  - g. The duration of the temporary use, identifying the date of beginning and date of termination of the operation of the temporary use: and
  - h. Any such other information, records or documents as may be required pursuant to the Municipal Code.

5. *Appeal of denial or revocation.* Immediately following a decision of the Mayor and/or Board of Aldermen to grant or deny a temporary use permit, the Board of Aldermen shall prepare written findings of fact and conclusions of law and shall provide notice of such decision to the applicant. In the event of approval of a license by the Mayor and the Board of Aldermen, the notice to the applicant shall be given by letter in person or by mail. In the event of a denial of a temporary use permit by the Mayor or the Board of Aldermen or a revocation by the Director of Community Development, the notice to the applicant shall be by certified mail, return receipt requested; and the notice shall state with particularity the reasons for such denial or revocation. Any applicant who is aggrieved by the denial or revocation of a temporary use permit of any kind may, within ten (10) days of date of return receipt of such notice of denial or revocation, appeal such denial or revocation for a hearing before the Board of Aldermen. The review of the denial of the temporary use permit by the Board of Aldermen shall be a review de novo of the application and the Board of Aldermen shall hold a hearing on the temporary use permit application. The Clerk of the City shall notify the applicant of the date, time and place of the hearing on the application by certified mail, return receipt requested. If a hearing is so demanded, the proposed applicant may be represented by an attorney and adduce evidence in support of the application. The City may adduce evidence in opposition to the application. The Board of Aldermen and the applicant may demand of the Mayor and the City Clerk that subpoenas be issued to compel testimony of witnesses at the hearing. The hearing shall be held within thirty (30) days of the filing of the appeal. The license application may be granted only upon the affirmative vote of a majority of the members of the Board of Aldermen. The Mayor may vote only to break a tie vote of the Aldermen.