

# Zoning Information Guide



"Planning with People for a Better Phoenix"

**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

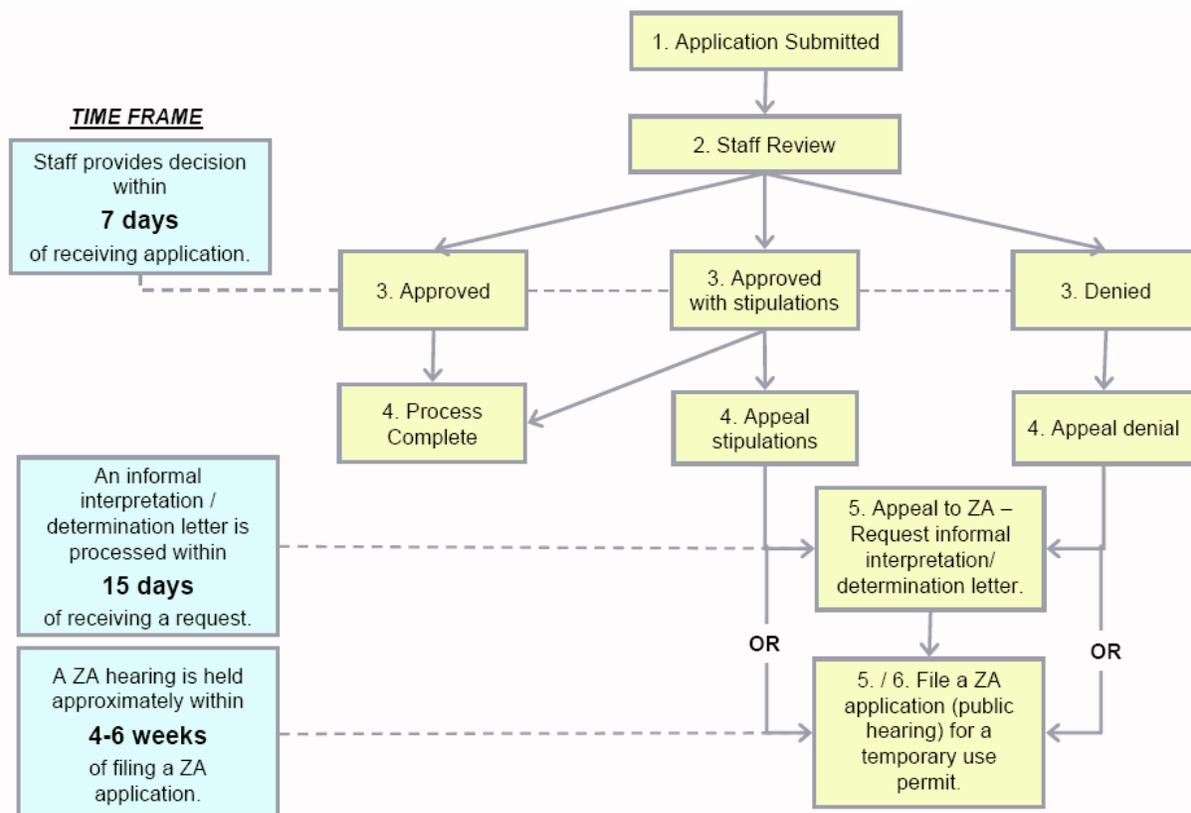
## TEMPORARY USES

Below is a summary of the regulations and procedures for applying for temporary uses. It is intended for convenience only and does not replace the ordinance itself. Please refer to Section 708 of the Phoenix Zoning Ordinance for a complete description of the temporary uses requirements. All applications for a temporary use should be submitted at least 45 days in advance to allow for processing of any possible appeals (please refer to flowchart below). Staff will provide applicants with a response (approval/denial) within 7 business days of receiving an application. All fees are non-refundable.

*An **administrative temporary use permit** may be issued upon submission of an application with the Planning and Development Department. Any approval is contingent upon Section 708 with written stipulations contained on the permit. (Approx. 7 day process)*

*A **temporary use permit** allows for a temporary use that does not meet the requirements of an administrative temporary use permit. An applicant shall file a public hearing application per Section 307 and 708 to request an approval of a temporary use permit. (Approx. 4-6 week process)*

### TEMPORARY USES FLOWCHART



## I. ADMINISTRATIVE TEMPORARY USE PERMIT (ATUP)

Applications may be submitted in person at the City of Phoenix Planning and Development Department located at 200 West Washington, 2nd Floor, Zoning Counter. **Access to Phoenix City Hall is by appointment only. Please visit <https://www.phoenix.gov/pddsites/Pages/Planning-and-Development-Online-Appointment-Scheduling.aspx> to schedule an appointment.** Administrative Temporary Use Permit requests must be submitted through the SHAPE PHX Customer Portal. The Customer Portal can also be accessed directly at <https://shapephx.phoenix.gov/s/>. You can find links to the SHAPE PHX portal, information on SHAPE PHX Release 2, an FAQ, staff contacts for SHAPE PHX, and other information at <https://www.phoenix.gov/pdd/SHAPE-PHX>.

If the ATUP is approved, the applicant must maintain the permit with conditions, site plan/sketch map and copy of application on site at all times the temporary use is being conducted. Approvals are by property and not by vendor, owner or tenant.

### **Criteria for Approval**

All such uses must meet the following criteria, as set forth in the Phoenix Zoning Ordinance:

1. The use shall not cause a significant increase in odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.
2. The use shall comply with all other codes and ordinances.
3. The use shall not reduce the number of parking spaces below the number required by the zoning ordinance for existing uses on the site.
4. Dates, times, duration, and other requirements shall be in accordance with Section 708.C.3.d of the Phoenix Zoning Ordinance, or as otherwise may be limited by the Planning and Development director or designee. If the ATUP is approved this information along with any other appropriate stipulations will be listed on the permit.
5. The use shall not emit light that is greater than 1-foot candle at the property line or broadcast sound beyond the boundaries of the property on which the use is conducted unless approved by the Planning and Development Director or designee at the time of permit issuance.
6. All parking and vehicle maneuvering for temporary uses will be required to occur on a dustproof site. To request for an alternative dustproof letter please go to [www.phoenix.gov/pdd/planning-zoning/pzdocs](http://www.phoenix.gov/pdd/planning-zoning/pzdocs).
7. An ATUP may be denied when a notice of violation that was related to a previous temporary use on the property was issued within the previous two years of an application. To find out more information on possible past violations please contact the Neighborhood Services Department (200 West Washington Street, 4<sup>th</sup> Floor, Phoenix, AZ 85003 / 602-262-7844).

### **Appeal of ATUP**

Appeal of the denial or stipulation of an ATUP may be requested by:

- (1) Filing for an informal interpretation/determination from the Zoning Administrator. Please go to [www.phoenix.gov/pdd/planning-zoning/pzdocs](http://www.phoenix.gov/pdd/planning-zoning/pzdocs) for the complete instructions; or
- (2) An applicant also has the option to file for a temporary use permit through the approximate 4-6 week Zoning Adjustment hearing process [www.phoenix.gov/pdd/planning-zoning/pzservices/zoning-use-permits-variances](http://www.phoenix.gov/pdd/planning-zoning/pzservices/zoning-use-permits-variances).

### **Definitions**

Uses which require an ATUP include, but are not limited to, are listed below and within the following tables.

*Carnival:* A temporary commercial amusement event which typically includes rides, games and sales booths. Any such event shall be considered a carnival only if it exceeds the standards of a community fair (see "Community Fair"). This shall also include haunted houses and corn mazes.

*Civic Event:* An event which is of civic or public benefit. The event shall be sponsored by a charitable or nonprofit group or organization and shall not be for personal or private gain. Said event must further the athletic, benevolent, cultural, educational, historical, medical, patriotic, scientific, or social service objectives of the sponsor.

**Community Fair:** A temporary commercial amusement event which typically include rides, games and sales booths. A community fair contains a maximum of 5000 square feet of event space including all concourses and booth space, a maximum of 5 rides with a maximum height of 30 feet.

**Interim Surface Parking:** An interim parking area necessary for an interim use when related to a construction project that may be on-site or off-site.

**Temporary Event Parking:** A parking area designated for attendees of an organized event, where fees may be charged.

**Temporary Promotional Event:** An event consisting of productions, displays or exhibits produced for the main purpose of attracting persons to a shopping center (i.e. grand openings for retail stores).

**Administrative Temporary Use Days/Times/Duration**

The following three tables provide examples of the three different intensity levels of ATUPs. Time durations/frequency of events, allowed zoning districts and restrictions are summarized in the tables below.

LEVEL A.	Temporary use	Max # of Days	Max #/Year	Max #/Month	Zoning districts
		5	5	2	
	<b>Community or other special events/uses</b>				Commercial districts*
		<b>Carnival</b>			
		(1) Shall only be conducted between 8 a.m. and 10 p.m. (2) Shall not be located within 200 feet of a residentially zoned property line.			
		<b>Civic event</b>			
		(1) Shall only be conducted between 8 a.m. and 10 p.m. (2) Shall not be located within 50 feet of a residentially zoned property line.			
		<b>Community fair</b>			
		(1) Shall only be conducted between 8 a.m. and 10 p.m. (2) Shall not be located within 100 feet of a residential zoned property line.			
	<b>Promotional vehicle sales</b>				Commercial districts
	(1) Shall only be conducted between 8 a.m. and 10 p.m. (2) A minimum 20 cumulative acres of defined sales area is required.				
	<b>Temporary event parking</b>				Commercial districts
	(1) The temporary parking area may not include required parking for another use. (2) These standards do not apply to temporary parking for sports arenas and civic events. For those uses, see Sections 702.F.2 and 702.F.3.				

\*For these temporary uses in residential districts please refer to Section 708.E of the Zoning Ordinance, or for events occurring on school or church sites refer to the zoning district's specific section of the Zoning Ordinance (Sections 603 – 619).

LEVEL B.	Temporary use	Max # of Days	Max #/Year	Max #/Month	Zoning districts
		5	12	2	
	<b>Promotional events for commercial retail businesses</b>				Commercial districts

	(1) Shall only be conducted between 8 a.m. and 10 p.m. (2) Shall not be located within 25 feet of a residential zoned property line. (3) No participation fee, entrance fee or contribution shall be requested or required of the public.	
	<b>Promotional events for commercial service (i.e. restaurant/bar temporary extension of premises) businesses</b>	Commercial districts
	(1) If within 300 feet of a residential zoned property line (including residentially developed R-5) the use shall not be conducted past 10 p.m.	
	<b>Portable searchlights</b>	Commercial districts
	(1) A searchlight display may consist of two searchlights. Additional lights may be authorized with a use permit. (2) No searchlight shall be illuminated at any time when the angle between its beam and the ground surface is less than sixty degrees. (3) May not be located within 150 feet of a residential district. (4) Shall only be operated between 8 a.m. and 10 p.m. (5) There shall be no advertising located on any part of the searchlight or its supporting structure.	

Level C.	Temporary use	Max # of Days	Max #/Year	Max #/Month	Zoning districts
<b><i>The following temporary uses can be approved for up to one year.</i></b>					
	<b>Commercial accessory structure without a primary structure during construction</b>				Commercial districts
	(1) Property must have active building permits for the primary structure. (2) The ATUP shall become invalid if the building permit for the primary structure becomes invalid or expires.				
	<b>Construction staging (off-site)</b>				All districts
	(1) Permitted only during construction with an active building permit. (2) The ATUP shall become invalid if the building permit for the project becomes invalid or expires.				
	<b>Employment (hiring) office during construction (on-site)</b>				Commercial districts
	(1) Permitted for existing or proposed businesses only. (2) Property must have active building permits for the primary structure. (3) The ATUP shall become invalid if the building permit for the primary structure becomes invalid or expires.				
	<b>Generators</b>				All districts
	(1) The provisions contained in this section shall not apply to portable temporary wireless communication facilities (cell-on-wheels) or environmental remediation facilities. (2) Generators used in conjunction with another permitted temporary use are exempt from the standards contained within this section. (3) The noise level, measured at any point on the received property, shall not exceed 55 dBA unless a temporary use permit is obtained. An occurrence where the sound level increases up to 60 dBA for five (5) continuous seconds or less shall not be deemed a violation of this section as long as there are no more than five (5) occurrences within an hour long interval. (4) Generators shall not be operated between 8 a.m. and 10 p.m.				
	<b>Interim surface parking</b>				All districts
	(1) All parking and maneuvering space must comply with Zoning Ordinance standards. (2) These standards do not apply to temporary parking for sports arenas and civic				

	events. For those uses, see Sections 702.F.2 and 702.F.3.	
	<b>Residential dwelling units or residential accessory structures during construction</b>	All districts
	(1) Property must have active building permits for the primary structure. (2) The ATUP shall become invalid if the building permit for the primary structure becomes invalid or expires.	

## II. TEMPORARY USE PERMIT

An application for a temporary use permit may be filed through the Zoning Adjustment public hearing process. The Zoning Administrator at the public hearing has the ability to grant a temporary use permit for up to 36 months. A time extension may be granted only through an additional temporary use permit hearing but only for an additional 6 months. A temporary use permit may not be obtained or used to authorize a mobile vending use as regulated by the Phoenix City Code (PCC), Chapter 10, Article XIV. Mobile vending as described in the PCC Chapter 10 requires a Mobile Vending License with the City Clerk Department – License Services Section.

A temporary use permit is required for the following:

- A proposed temporary use does not meet the requirements of Section 708.C.3 of the Phoenix Zoning Ordinance (See pages 2-3); or
- An applicant wants to appeal the denial or stipulations of an ATUP.
- A non-residential use in a residential district.

Applications for temporary use permits must be filed in person before 4:00 p.m. at the Planning & Zoning Counter, 2<sup>ND</sup> floor of Phoenix City Hall. Counter staff will assign applicants a hearing date approximately 4-6 weeks out from the time they submit their applications.

### Use Permit Fees:

Commercial temporary use permit request: \$1,380.00

Residential temporary use permit request: \$490.00

Please refer to the Zoning Adjustment packet at [www.phoenix.gov/pdd/planning-zoning/pzdocs](http://www.phoenix.gov/pdd/planning-zoning/pzdocs) for further information on how to apply and complete process for a temporary use permit application.

### Appeal

Appeals for Temporary Use Permits follow the appeal process as outlined in the Zoning Adjustment application. An applicant or any person from the public has the ability to appeal the decision of the Zoning Adjustment Hearing Officer to the Board of Adjustment.

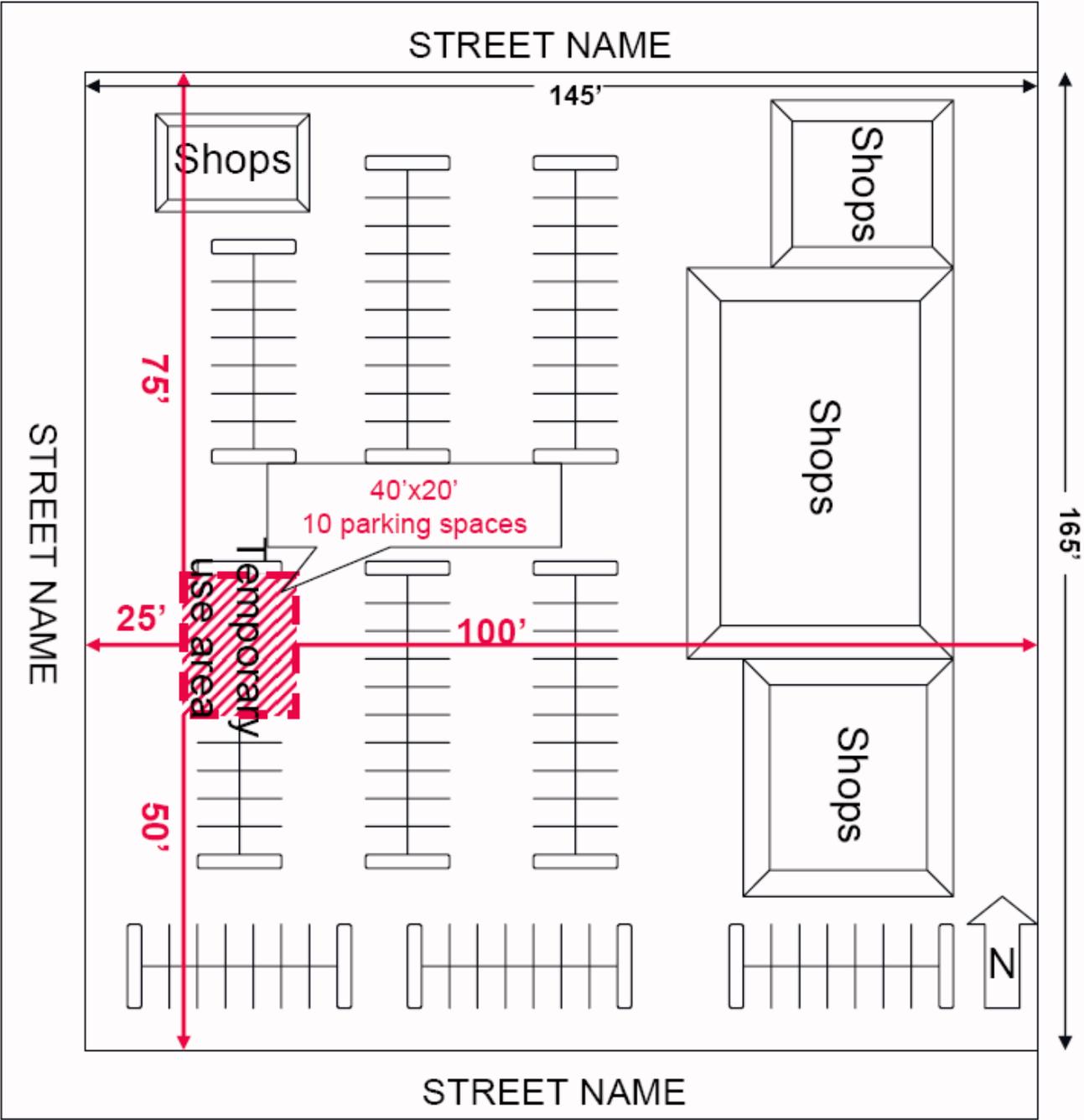
## III. REVOCATION

The Planning and Development director may revoke an ATUP or Temporary Use Permit if any conditions or stipulations are not met.

## IV. OTHER DEPARTMENT CONTACTS

- **Neighborhood Services Department** – *Neighborhood Preservation Office* (200 W. Washington St, 4<sup>th</sup> Floor / 602-262-7844) Applicants may check for any previous zoning violations related to temporary uses on file with the Neighborhood Preservation Division.
- **City Clerk Department** – *License Services* (200 W. Washington St, 1<sup>st</sup> Floor / 602-262-4638 opt. #4) [www.phoenix.gov/cityclerk/services/licensing](http://www.phoenix.gov/cityclerk/services/licensing); Regulated business licenses (i.e. mobile vending, concessionaire and mechanical rides, liquor licenses).
- **Finance Department** – (251 W. Washington Street, 9<sup>th</sup> Floor / 602-262-7166) Sales tax privilege license [www.phoenix.gov/finance](http://www.phoenix.gov/finance)
- **Development Division** – *Building Safety* (200 W. Washington St., 2<sup>nd</sup> Floor / 602-262-7811) [www.phoenix.gov/pdd/events/outdoor-events](http://www.phoenix.gov/pdd/events/outdoor-events); Permits for generators, bleachers, stages, etc.
- **Fire Prevention** – [www.phoenix.gov/fire/prevention](http://www.phoenix.gov/fire/prevention); Tent or canopy permit (602-262-6771)

# Sample Site Plan



Upon request this publication will be made available in alternate formats including large print, Braille, audiotape or computer disk to accommodate a person with a disability if given reasonable advance notice. Please contact Teleia Galaviz at voice 602-291-2559 or via the TTY 7-1-1.

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## Administrative Temporary Use Permit Application

**STEP 1: CHECKLIST** – *The following items must be submitted to the Zoning Counter.*

Completed application page.

**Notarized letter of authorization** from property owner for the temporary outdoor sales event.

Site plan/sketch illustrating location of event on subject property (*See page 6 Sample Site Plan*).

A current aerial of the subject property with the temporary area delineated.

Non-Refundable Fee: \$135.00

### STEP 2: TO BE FILLED OUT BY APPLICANT

Address of Temporary Use Location: \_\_\_\_\_

Assessor Parcel Number (APN): \_\_\_\_\_

\* Go to <https://mcaassessor.maricopa.gov/> for APN(s)

Applicant / Company Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant/Company Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

Property Owner(s) Address: \_\_\_\_\_

Property Owner Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Description of Temporary Use (*Attach additional pages if needed*):

Dates: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

# of Attendees: \_\_\_\_\_ Square footage of area: \_\_\_\_\_

Parking spaces being taken up: \_\_\_\_\_

*I have reviewed the entire Temporary Uses Zoning Information Guide and understand there may be additional steps I must complete or other departments/agencies I must contact for approval of licenses, building permits or site plan approvals. I attest that the information provided with this application is correct to the best of my knowledge. I further acknowledge that this permit may be revoked if any conditions or stipulations are not met.*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

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