

ESTES VALLEY DEVELOPMENT CODE

SECTION 3.11

3.11 TEMPORARY USES AND STRUCTURES

- A. **Applicability.** All temporary uses and structures shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section.
- B. **Procedures for Approval of Temporary Uses and Structures.** The procedure for an application for a temporary use or structure shall be as follows:
1. *Step 1: Pre-Application Conference.* A pre-application conference is voluntary for temporary use/structure applications.
 2. *Step 2: Staff Review and Action.* Within thirty (30) days from the date a complete application is submitted, the Staff shall review the application according to the standards set forth in this Section, and make a final decision to approve, approve with conditions or deny the application.
- C. **Standards for Review.** The Staff shall review an application for a temporary use or structure and evaluate it for compliance with the general standards and specific use standards (as applicable) set forth in §5.3, "Temporary Uses and Structures," and in addition all of the following standards:
1. The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use;
 2. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
 3. Adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations; and
 4. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- D. **Conditions of Approval.** In approving a Temporary Use Permit, the Staff may impose conditions, including but not limited to control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, and limitations on hours of operation, storage and parking, provided that such conditions are necessary to:
1. Achieve the general purposes of this Section and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the Comprehensive Plan;
 2. Protect the public health, safety and general welfare; or
 3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- E. **Time Limits on Permits.** Temporary Use Permits shall be valid for a specified period of time, not to exceed thirty (30) days, unless otherwise expressly provided for in §5.3 of this Code.

ESTES VALLEY DEVELOPMENT CODE
SECTION 5.3

§ 5.3 TEMPORARY USES AND STRUCTURES

- A. **Permit Required.** All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in §3.11 of this Code.
- B. **Permits.** A temporary use permit authorizing a temporary use shall be reviewed in accordance with the provisions of §3.11, and shall be reviewed, approved or revoked only in accordance with the regulations of this Section.
- C. **General Standards.** All temporary uses or structures shall meet the following requirements:
1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the Comprehensive Plan and the provisions of this Code.
 2. The proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
 3. The proposed temporary use complies with all applicable general and specific regulations of this Section and §3.11, unless otherwise expressly stated.
 4. Permanent alterations to the site are prohibited.
 5. Permanent signs are prohibited. All approved temporary signs associated with the temporary use shall be removed when the activity ends.
 6. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
 7. Temporary uses shall comply with building/structure setbacks established for the zone district in which the temporary use is located. Staff may waive or adjust this provision. (Ord. 18-01 #20)
 8. The temporary use regulations of this Section do not exempt the Applicant or operator from any other required permits, such as health department permits.
- D. **Temporary Uses Allowed.**
1. *Temporary Seasonal and Holiday Sales.*
 - a. Holiday or seasonal sales activities, such as sales of Christmas trees or farm produce, shall be permitted temporary uses in the following zoning districts:
 - (1) CO Outlying Commercial Zoning District.
 - (2) I-1 Restricted Industrial Zoning District.
 - b. The term of the temporary use permit shall not exceed sixty (60) days.
 - c. Permitted sales activities may occur within required zone district setbacks, provided that the following conditions are satisfied:
 - (1) No activity or display shall encroach into a required setback by more than fifty percent (50%) of the required setback;
 - (2) No activity or display shall be located within twenty-five (25) feet of an abutting residential lot; and

- (3) No activity, display or related equipment shall be located within a required intersection or driveway sight triangle.
 - d. Temporary seasonal and holiday sales shall not include retail sales of bulk household goods, such as furniture, carpets, art work/paintings or similar items, and shall not include retail sales of prepared or processed food products.
2. *Temporary Real Estate Sales Office.*
 - a. Temporary real estate sales offices shall be permitted in all zoning districts when incidental to a new residential development.
 - b. Permitted temporary real estate sales offices shall be used only as temporary field offices and for storage of incidental supplies, and shall not be used as any type of dwelling.
 - c. A real estate sales office shall not be moved, erected or established on a residential development site until the date on or after which construction actually commences.
 - d. Use of the temporary real estate sales office for sales of residential sites or projects located off-site is prohibited.
 - e. All temporary real estate sales offices shall be removed within thirty (30) days after the sale of the last dwelling unit in the development, even if the temporary use permit is still valid.
3. *Contractor's Office/Temporary Construction Uses.*
 - a. Permitted in all Zoning Districts. The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all zoning districts, subject to the following regulations and restrictions.
 - b. Term of Permit. The term of a temporary use permit for construction uses shall automatically expire thirty (30) days after completion of construction, or upon cessation of construction for more than sixty (60) days, or one (1) year after issuance, whichever occurs first. The Decision-Making Body may grant up to three (3) six-month extensions if the builder maintains active and continuous construction on the site or within the subdivision.
 - c. Site Requirements.
 - (1) A temporary construction trailer, construction shed or construction yard shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of any abutting residential lot.
 - (2) Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.
 - (3) A temporary construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed, and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.

- d. Dwelling Prohibited. A temporary construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.
 - e. Commencement of Use. A temporary construction trailer or construction shed or a temporary construction yard shall be moved, erected or established on a construction site no earlier than two (2) weeks prior to the date on which construction actually commences. If construction is interrupted and ceases for more than sixty (60) days, a construction trailer or construction shed shall be removed until actual construction commences again.
 - f. Fire Hazards. No flammable materials shall be stored in a temporary construction trailer or construction shed.
 - g. Trailer/Shed Requirements.
 - (1) All temporary construction trailers and construction sheds shall have at least ten (10) feet on all sides for clearance.
 - (2) Every temporary construction trailer and construction shed shall be maintained in clean and orderly condition.
 - h. Completion of Temporary Use: Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
4. *Natural Disasters and Emergencies*. Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No temporary use permit or other review shall be required.
5. *Temporary Fireworks Sales*.
- a. Temporary fireworks sales are permitted in the following zoning districts:
 - (1) CO Outlying Commercial Zoning District.
 - (2) CH Heavy Commercial Zoning District.
 - (3) I-1 Restricted Industrial Zoning District.
 - b. Temporary fireworks sales shall be permitted only from June 16 to July 5 of the calendar year.
 - c. Permitted fireworks sales activities shall not be permitted within the required zoning district setbacks.
 - d. No activity or display shall be located within twenty-five (25) feet of an abutting residential lot.
6. *Other Uses*. Subject to this Section, the Decision-Making Body may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

(Ord. 18-01 #20, 10/23/01)