

**CHAPTER 912            TEMPORARY USES AND STRUCTURES**

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**912.010      Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or activities are discontinued upon the expiration of a set time period.

Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

The regulations of this section are not applicable to special events that are otherwise subject to leases, permits, or other forms of permission that are duly established between the special event organization and the City.

**912.020      Table of Allowed Temporary Uses and Structures**

Table 912-1 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

**Table 912-1: Temporary Uses and Structures**

<b>Temporary Use or Structure</b>	<b>Allowable Duration (per site)</b>	<b>Permit Required</b>	<b>Additional Requirements</b>
Construction Dumpster	Until issuance of a certificate of occupancy	No, unless within ROW	Section 912.040
Construction Trailer	Until issuance of a certificate of occupancy	No, unless within ROW	Section 912.040
Farmer’s Market	180 days per calendar year	Zoning Certificate	Section 912.040
Garage or Yard Sales	Maximum of three consecutive days, three times per calendar year	No	Section 912.040
Gravel Surface Parking Lots	Until issuance of a certificate of occupancy	No	
Real Estate Sales / Model Homes	Until 85% occupancy of the phase is reached	Zoning Certificate	Section 912.040
Seasonal Agricultural or Horticultural Sales	180 days per calendar year	Zoning Certificate	Section 912.040
Seasonal Retail Sales	45 days prior to the related holiday	Zoning Certificate	Section 912.040
Temporary Storage in a Portable Container	60 days per site	No	Section 912.040
Temporary Structures	None specified	Zoning Certificate	Section 912.040

**912.030      General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- A. Obtain a zoning certificate from the Community Development Department;
- B. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- C. Be compatible with the Principal Use on the site, if applicable;
- D. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- E. Not include permanent alterations to the site;
- F. Not maintain temporary signs associated with the use or structure after the activity ends;
- G. Not violate the applicable conditions of approval that apply to a site or use on the site;
- H. Not interfere with the normal operations of any permanent use located on the property; and
- I. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- J. Comply with the sign regulations.

**912.040 Specific Requirements for Certain Temporary Uses and Structures**

A. Construction Dumpster

Temporary trash receptacles or dumpsters shall comply with the following standards:

- 1. Be located outside public rights-of-way to the extent possible;
- 2. Be located to the side or the rear of the site, to the maximum extent practicable;
- 3. Be located as far as possible from lots containing existing development;
- 4. Not be located within a floodplain or otherwise obstruct drainage flow;
- 5. Not be placed within five feet of a fire hydrant; and
- 6. Not be placed within a required landscaping area where it may destroy landscaped materials.

B. Construction Trailer

Construction trailers may be permitted on a construction site provided that the trailer is:

- 1. Located on the same site or in the same development as the related construction;
- 2. Not located within a required open space set-aside or landscaping area; and
- 3. Associated with development subject to a valid building permit.

C. Garage or Yard Sales

Garage sales may be held on residential property by the owner or resident of that property for no more than three consecutive days on three separate occasions per calendar year. The hours of operation for garage or yard sales are limited to between 7:00 a.m. and 8:00 p.m.

D. Real Estate Sales Office/Model Home

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or non-residential development, provided that the use:

1. Is located on a lot approved as part of a development agreement;
2. Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping;
3. Is operated by a developer or builder active in the same phase or section where the use is located; and
4. Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

E. Farmers' Market or Seasonal Agricultural or Horticultural Sales

Seasonal agricultural or horticultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, flowers, potted plants and similar agricultural or horticultural products, may be permitted in accordance with the following standards:

1. Location

- a. The property contains an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- b. The sale of goods shall not occur within the public right-of-way.
- c. On property where the owner of the property has provided permission for the seasonal sale of agricultural products.

2. Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

3. Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be between the hours of 7:00 a.m. and 9:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

F. Seasonal Retail Sales

Seasonal retail sales may include items such as fireworks that are related to a specific recognized and related holiday or event. Sales are permitted for up to 45 days before the holiday or event.

G. Temporary Storage in a Portable Shipping Container

Temporary storage in a portable shipping container shall be allowed to serve a permitted use provided it is placed on a paved surface and is, to the maximum extent practicable, located in the side or rear yards.

H. Temporary Structures

Temporary structures serving public, institutional, or recreational uses shall comply with the following standards:

1. Location

- a. The structure shall be located to the side or rear of the principal structure(s) and at least 5 feet from any other structure.
- b. The structure shall be permitted within the building envelope but not within required rights-of-way, off-street parking, open space set-aside, or required landscaping areas.

2. Standards

- a. Skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- b. Parking shall be provided for the temporary structure.
- c. The use shall not be required to be compatible with the existing principal structure exterior colors or materials.

3. Approval and Duration

This use is permitted, if approved by the Community Development Department, and may remain on the site for no more than one year. This period may be renewed for one 365-day period, for good cause shown, upon approval of a written request, submitted to the Community Development Department at least 30 days prior to the expiration of the certificate of zoning compliance. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than two years.