TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE

CHAPTER 24 – TEMPORARY USE AND DEVELOPMENT REQUIREMENTS PERTAINING TO TEMPORARY USES

Sections:

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Section 6-24-1: Purpose:

The regulations of this Chapter allow temporary uses on a property.

Section 6-24-2: Applicability:

All properties within the County may apply for a temporary use.

A. Temporary uses that require a zoning certificate shall include:

   1. Temporary signs, unless specifically exempt; and

   2. Seasonal stands; and

   3. Fireworks stands; and

   4. Subdivision model homes/real estate offices.

B. Temporary uses that require a zoning certificate and Administrative approval shall include, but not be limited to:

   1. Reapplications for expired or revoked certificates; and

   2. Temporary living quarters; and

3. Seasonal events; and

4. A dwelling or use as allowed by this Title; and

5. A secondary dwelling; and

6. Occupancy of a temporary manufactured home or existing dwelling while building a single-family dwelling on the same site.

Section 6-24-3: Process:

A. Any temporary use that requires a zoning certificate or Administrative approval shall submit an application and fees, as set forth in this Chapter and Title, to the Director on forms provided by the Growth and Development Department.

B. The Director shall apply the specific use standards listed in this Title and the findings listed in this Chapter to review the temporary use.

C. Upon determination by the Director that the temporary use is in conformance with this Chapter and that any applicable conditions of approval have been met, a zoning certificate or Administrative approval shall be issued.

Section 6-24-4: Standards:

A. The use may be granted for a specified period not exceeding twelve (12) months from issuance of the zoning certificate. For seasonal stands or events, the zoning certificate shall specify a beginning and end date.

B. The use shall not result in the construction of any permanent structure that would not otherwise be in conformance and/or subject to the regulations of this Chapter.

C. No structure shall be located within any required setback, nor shall any structure obstruct the "Clear Vision Triangle" as defined in this Title.

D. Temporary signs: See Sign Standards, within this Title.

E. Seasonal stands shall be located in a Commercial or Industrial Base Zones.

F. Fireworks stands shall meet the additional following standards:

1. The applicant or owner shall obtain written approval of the appropriate fire district and shall comply with their requirements; and

2. The dates of fireworks sales shall comply with Idaho Code Section 39-2606.

G. Subdivision model home/real estate sales offices shall meet the additional following standards:

1. The sales office shall be located on a lot within the subdivision or on a space within the manufactured home park in which the sales office is serving to provide sales and/or marketing services; and

2. The principal use of the sales office shall be the sale of lots and/or dwellings or renting of spaces within the development the sales office is located; and

3. The sales office shall meet the construction standards for a commercial occupancy as required by the Elmore County Building Code as set forth in this Title. The applicant or owner shall obtain all necessary building certificates as required by the Elmore County Building Code as set forth in this Chapter and Title; and

4. The applicant or owner shall obtain a building certificate to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rent of the final lot or space within the subdivision the sales office is located.

H. Permission to live in an existing dwelling or a temporary manufactured home shall be granted until the completion of the construction, or for not more than twelve (12) months, whichever time period is less. The existing dwelling or the temporary manufactured home shall be removed within thirty (30) calendar days following the issuance of the Certificate of Occupancy for the principal dwelling, unless the existing dwelling or manufactured home is approved for use as a secondary dwelling. Prior to the issuance of the Certificate of Occupancy for the principal dwelling, the Building Department or its assignees shall secure a bond or surety form the applicant, as required by this Chapter and Title for removal of the existing dwelling or a temporary manufactured home.

I. The applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance for any temporary use, stand or structure.

J. For uses that require Director Approval, the Director may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:

1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.

2. Limits on time of day for the conduct of the specified use.

3. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

K. Temporary living quarters shall meet the additional required standards:

1. The temporary living quarters shall be required to house a member of the owner's immediate family or the owner's employee as defined below:

   a. The need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property; or

   b. Need for temporary living quarters for an employee shall be justified for reasons of upkeep on the property, supervision of livestock, healthcare of owner, or tending to crops. For the purposes of this Chapter and Subsection 6-24-4 (K), "Owner's Employee" shall mean a person employed on the premises by the property owner and receiving not less than seventy five (75%) percent of the employee's annual income from said property owners.

2. A temporary living quarters consisting of a manufactured home shall be securely anchored.

3. The temporary living quarters shall have adequate sewage facilities as required by this Title and any Federal, State or local law.

4. No more than one temporary living quarter shall be allowed on a property or properties under single ownership or control.

5. The property shall be maintained in a neat and orderly manner and shall not differ in appearance from surrounding residential uses.

6. The temporary living quarters, any attached structures, and the anchoring devices shall be removed from the property within thirty (30) days of termination of the authorized use or expiration of the approval period.

7. Temporary living quarters may be approved for a period not exceeding two (2) years. The applicant or owner may reapply biennially, not to exceed a total of ten (10) consecutive years after the date of the initial approval for the temporary living quarters. After ten (10) years, the applicant or owner shall remove the temporary living quarters.

Section 6-24-5: Required Findings:

A. The Director shall make the following findings prior to granting an Administrative temporary uses approval.

1. The proposed temporary use shall not be detrimental to the public health, safety, or welfare; and

2. The proposed use shall not adversely impact the health and safety of surrounding residents, nor shall it create undue adverse impacts on surrounding properties; and

3. The proposed temporary use complies with all applicable county ordinances; and

4. The proposed temporary use complies with all applicable Federal and State regulations; and

5. The proposed temporary use and facilities shall not adversely affect or conflict with abutting uses or impede the normal development of surrounding property; and

6. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed temporary use.