

## **CHAPTER 8 – ACCESSORY AND TEMPORARY USES AND REGULATIONS**

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### **Section 7-8-1: Purpose:**

This Chapter provides procedures and required findings for accessory and temporary uses as set forth subject to the base zone, any applicable overlay districts, and in accordance with the specific use standards of this Ordinance.

### **Section 7-8-2: Applicability:**

- A. These regulations apply to any property in unincorporated Elmore County where an accessory use may be permitted under this Chapter where the property has an established principal permitted use.
- B. All properties within the County may apply for a temporary use.
  - 1. Temporary uses that require zoning approval shall include:
    - a. Temporary signs, unless specifically exempt; and
    - b. Seasonal stands; and
    - c. Fireworks stands; and
    - d. Subdivision model homes/real estate offices.
- C. Temporary uses that require zoning approval and Administrative approval shall include, but not be limited to:
  - 1. Re-applications 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 7-8-3: Process:**

An administrative approval shall be subject to review by the Director and subject to the regulations of this Ordinance. The approval process shall be as follows:

- A. All accessory use requests requiring administrative approval shall be submitted on the appropriate application provided by the Department with the applicable fee. The accessory use shall comply with the findings of this Chapter.
- B. The Director shall apply the specific use standards listed in this Ordinance and the findings listed in this Chapter to review the accessory use.
- C. Upon determination by the Director that the accessory use is in conformance with this Chapter, an administrative approval shall be issued.
- D. Any temporary use that requires zoning approval 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 Land Use and Building Department.
- E. The Director shall apply the specific use standards listed in this Title and the findings listed in this Chapter to review the temporary use.
- F. 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 7-8-4: Standards:**

- A. In addition to the specific use standards set forth in this Chapter, the following standards and conditions of approval shall apply for accessory use:
  1. The applicant/owner shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance; and
  2. The Director may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:

- a. Standards related to the emission of noise, vibration, and other potentially objectionable impacts; and/or
  - b. Limits on time of day for the conduct of the specified use; and/or
  - c. The period within which the permit shall be exercised or otherwise lapse; and/or
  - d. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.
- B. In addition to the specific use standards set forth in this Chapter, the following standards and conditions of approval shall apply for temporary use:
1. 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.
  2. 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.
  3. No structure shall be located within any required setback, nor shall any structure obstruct the "Clear Vision Triangle" as defined in this Title.
  4. Temporary signs: See Sign Standards, within this Title.
  5. Seasonal stands shall be located in a Commercial or Industrial Base Zones.
  6. Fireworks stands shall meet the additional following standards:
    - a. The applicant or owner shall obtain written approval of the appropriate fire district and shall comply with their requirements; and
    - b. The dates of fireworks sales shall comply with Idaho Code § 39-2606.
  7. Subdivision model home/real estate sales offices shall meet the additional following standards:
    - a. 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
    - b. 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

- c. The sales office shall meet the construction standards for a commercial occupancy as required by the adopted building code as set forth in this Title. The applicant or owner shall obtain all necessary building certificates as required by the adopted building code as set forth in this Chapter and Title; and
  - d. The applicant or owner shall obtain a building permit 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.
8. 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 from the applicant, as required by this Chapter and Title for removal of the existing dwelling or a temporary manufactured home.
9. 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.
10. For uses that require Director approval, additional conditions may be required to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:
- a. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
  - b. Limits on time of day for the conduct of the specified use.
  - c. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.
11. Temporary living quarters shall meet the additional required standards:
- a. 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:
    - i. The need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property; or

- ii. 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 7-8-4 B 11, "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.
- b. A temporary living quarters consisting of a manufactured home shall be securely anchored and installed per Idaho Manufactured Homes Installation.
- c. The temporary living quarters shall have adequate sewage facilities as required by this Title and any Federal, State or local law.
- d. No more than one temporary living quarter shall be allowed on a property or properties under single ownership or control.
- e. The property shall be maintained in a neat and orderly manner and shall not differ in appearance from surrounding residential uses.
- f. 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.
- g. 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 7-8-5: Terms of Approval:**

- A. The term of the administrative approval shall not exceed twelve (12) months unless some other period of time is specified in the permit. Within this period, the holder of the permit shall:
  - 1. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
  - 2. Commence the use permitted by the permits in accordance with the approval or conditions of approval.

**Section 7-8-6: Extensions:**

Please see Chapter 3 of this Title for requirements.

**Section 7-8-7: Required Findings:**

A. The decision-making body shall make the following findings for administrative applications.

1. The proposed 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 use is consistent with the applicable Comprehensive Plan; and
4. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Ordinance; and
5. The proposed use complies with all applicable State and Federal regulations; and
6. The proposed use and facilities shall not adversely affect or conflict with abutting uses; and
7. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use; and
8. The proposed use shall be related, accessory and/or subsidiary to a principal permitted use on the property.

B. 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.

