

Article 26

TEMPORARY USES/ACCESSORY USES

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Section 26-1. Temporary Use Permit Requirements

26-1.01 Temporary use permits shall be issued by the Planning Director unless otherwise specified by these Zoning Regulations. Said permit shall be issued only if the Planning Director finds that all of the following criteria have been met:

1. Where applicable, adequate off-street parking shall be provided for customer vehicles outside the roadway area.
2. Signs shall not be larger than ten (10) square feet and must comply with the sign regulation provisions of these Zoning Regulations.
3. Structures or product displays shall not be placed within the visual sight triangle at intersections.
4. Adequate sight distances and adequate access driveways shall be available for vehicles entering and leaving the temporary use site.
5. Noise, odor or light emissions from the site shall not interfere with the enjoyment or use of the property or create a nuisance or a hazard to adjoining properties or public ways. Artificial lighting shall not illuminate any nearby property.
6. Where applicable, adequate provision for sanitary waste and trash disposal shall be provided by the applicant. Trash, rubbish and debris shall be collected and temporarily stored in closed containers or shall be removed from the premises daily.
7. Any utility services provided shall comply with applicable building, electrical, plumbing, fire, safety, sanitation, public health and other codes, laws or regulations applicable to the use and shall be installed only under permits obtained as required by such codes.
8. Upon expiration of the temporary use permit, the site shall be cleaned up and restored to its condition before the temporary use began.
9. Any and all applicable provisions of any County or State Regulations.

26-1.02 Applications for a temporary use permit shall be made to the Planning Director at least five (5) working days prior to the starting date of the temporary use requested, and shall contain the following:

1. Legal description of the property to be used, rented or leased for the temporary use.
2. A site plan accurately showing the location, access, parking and other related functions for the temporary use.
3. The name, address and phone number of the applicant and the property owner, if different than the applicant, including authorization by the property owners.

Section 26-2. Temporary Uses Authorized.

26-2.01 The following temporary uses are permitted within the zoning districts specifically identified and subject to the regulations and time limits prescribed for such uses:

1. **Christmas Tree Sales:** A temporary use permit shall be permitted in any Commercial and Industrial Zoning District for the display and open-lot sales of Christmas trees not grown or produced on the premises for a period not to exceed forty-five (45) days. Display of Christmas trees need not comply with the yard and setback requirements of the Zoning District Regulations provided that no structure or trees shall be placed within the visual sight triangle of intersecting streets.
2. **Contractor's Office:** A temporary use permit shall be permitted in any zoning district for a contractor's temporary office, and equipment storage incidental to a construction project. The permit shall be valid while construction work is in progress for no more than one (1) year, but may be renewed. The office or equipment shall be removed upon completion of the construction project.
3. **Real Estate Project Sales Office:** A temporary use permit shall be permitted in any zoning district for a temporary real estate sales office in any new subdivision which has been approved by the Board. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be closed upon completion of the development in the subdivision. The office shall contain no sleeping or cooking accommodations unless located in a model home.
4. **Garage or Yard Sales:** A temporary use permit shall be permitted in any residential or agricultural zoning district. A temporary use permit shall only be required when such sales are conducted for a period of more than two (2) days or more than three (3) times at the same site during any calendar year.
5. **Seasonal Sales or Farm Produce:** A temporary use permit shall be permitted in any residential district for the sale of produce grown on the premises. The permit shall not exceed a period of six (6) months.
6. **Promotional Display and Sales:** A temporary use permit shall be permitted in any commercial or industrial zoning district for periodic promotion and display and sales of goods, including grand openings, going out of business and special seasonal sales. Goods may be displayed outside of an enclosed building and in parking areas provided vehicle access is not impaired. The permit shall not exceed a period of ten (10) days.
7. **Temporary Hardship Mobile Home:** A temporary use permit shall be permitted in any residential or agricultural zoning district containing a minimum of three (3) acres for a hardship mobile home or manufactured home in addition to an existing residence under extreme hardship and subject to the following conditions:
 - A. The applicant shall clearly state the reason(s) for the hardship.

- B. The temporary hardship residence shall be permitted only in a zoning district wherein the minimum lot size for single-family residential units is three (3) acres or greater.
 - C. All requirements of the Franklin County Sanitation codes shall be met.
 - D. The applicant shall sign an affidavit for the placement of a temporary hardship mobile home or manufactured home for a period of one (1) year with acknowledgement that failure to remove the temporary hardship home constitutes a zoning violation punishable by a fine not to exceed five hundred dollars (\$500.00) for each day of violation.
 - E. The application for the placement of a temporary hardship mobile home or manufactured home shall include a performance bond in the amount of five thousand dollars (\$5,000.00) to ensure the removal of the temporary hardship mobile home or manufactured home within the specified time frame.
 - F. A hardship residence shall be limited solely for the use of the tenants of the verified hardship and shall not be rented, leased or otherwise occupied, if for any reason, the hardship or reason of necessity shall cease to exist, said hardship residence shall be removed within thirty (30) days.
 - G. The temporary placement and use of a hardship residence may be renewed or extended upon verification by the Planning Director that the hardship continues to exist. Each application for a renewal or time extension may be approved for a period of one (1) year and shall be submitted to the Planning Department fifteen (15) days prior to the expiration date of the previously approved hardship residence.
8. Temporary Use of Camping Trailers, Recreation Vehicles, Mobile Homes: A temporary use permit shall be permitted in any residential or agricultural zoning district for the use of a camping trailer, recreational vehicle, mobile home or manufactured home as a temporary residence during the construction of a new residence or the rebuilding of an existing residence subject to the following conditions:
- A. A building permit has been issued for the permanent residence.
 - B. The temporary residence shall provide sanitation facilities subject to the approval of the County Sanitarian.
 - C. The applicant shall sign an affidavit for the placement of the temporary mobile home, manufactured home, recreational vehicle, camping trailer or any previously existing residence assuring the removal of said temporary use within thirty (30) days and acknowledging that failure to remove such use constitutes a zoning violation punishable by a fine not to exceed five hundred dollars (\$500.00) for each day of violation.

- D. The application for the placement and use of a temporary mobile home, manufactured home, recreational trailer or camping trailer shall include a performance bond in the amount of five thousand dollars (\$5,000.00) to ensure the removal of the temporary housing within the specified time frame.
9. Temporary Concrete/Asphalt Batch Plants: A temporary use permit shall be permitted in any agricultural, commercial or industrial zoning district for the temporary placement and use of a concrete or asphalt batch plant when being used as a part of a local construction project. The permit shall be granted for a period of one (1) year or the duration of the construction project, whichever is less but may be renewed for a period not to exceed one (1) year.
10. Fireworks Sales: A temporary use permit shall be permitted for the sales of fireworks in any agricultural, commercial or industrial zoning district. Such permit may include temporary stands, tents, display tables and similar facilities provided any such facility complies with the provisions of Section 25-1.01 of these Zoning Regulations. The permit shall not exceed a period of fourteen (14) days.
11. Jackpot Rodeos/Roping Events/Outdoor Concerts or Music Festivals: A temporary use permit shall be permitted in any agricultural zoning district for jackpot rodeos, roping events, outdoor concerts or music festivals and similar activities. Such facilities shall comply with the provisions of Section 25-1.01 of these Zoning Regulations. The permit shall not exceed a period of more than two (2) days at any one event and not more than six (6) events at any site during any calendar year.
12. Auctions: A temporary use permit shall be permitted in any zoning district for outdoor auctions and estate sales. The permit shall not exceed a period of more than three (3) days.

Section 26-3. Accessory Uses Authorized.

26-3.01 The following accessory uses are permitted within the zoning districts specifically identified and subject to the regulations prescribed for such uses:

1. Off-street parking and loading spaces as regulated by Article 20 of these regulations, including detached garages.
2. Signs, when permitted by Article 21 of these regulations.
3. Structures for storage incidental to a permitted use; provided, no such structure that is an accessory to a dwelling shall exceed 400 square feet in floor area in a R-3A, R-1, or MH-P District.
4. Storage of major recreational equipment such as boats, camping, trailers or recreational vehicles provided that they shall not be utilized for living purposes, and when stored on a residential lot as personal property of the occupant. Any such storage shall comply with the building setbacks for the zoning district in which it is located.

5. Fallout shelters provided that they shall not be used for any principal or accessory use not permitted in the district.
6. Private swimming pools and bathhouses, children's playhouses, statuary, arbors, trellises, barbecue pits, flagpoles, fences, walls and hedges.
7. Restaurants, drugstores, gift shops, clubs, lounges and newsstands when located in a permitted hotel or motel.
8. Employee restaurants and cafeterias when located in a permitted commercial or industrial building.
9. Outdoor storage shall not be permitted as an accessory use in residential districts except as temporary or seasonal activity.