

### 8-6-3: TEMPORARY USES

- A. APPLICABILITY:** This subsection shall apply to all temporary/seasonal uses, structures, special events and activities, collectively referred to as “temporary uses” that take place on private property.
- B. INTENT:** The requirements of this subsection are intended to provide for the regulation and permitting of all non-exempt temporary/seasonal uses, structures, special events, and activities that take place on private property. These uses have only a temporary duration and are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, such as schools, parks, or county roads. Temporary uses or special events on private or public land that may impact travel on Teton County public right-of-ways or property may be subject to obtaining separate authorizations from Teton County Road and Bridge Department, Idaho Department of Transportation, Eastern Idaho Public Health Department, or the Teton County Sheriff’s Office. Sponsors of special events taking place in public rights-of-way should check with these agencies.
- C. TYPES OF TEMPORARY USES:** The three categories of Temporary Use Permits (TUP) are: Major, Minor and Exempt Temporary Uses. The Planning and Zoning Administrator shall determine whether a particular use is an exempt temporary use, a minor temporary use, a major temporary use, or if the proposed use is not listed below, whether it is similar in impacts to a listed use. The Planning and Zoning Administrator may approve other unlisted temporary uses, structures, or activities if he/she determines that such use can comply with the Review Criteria for Temporary Use Permits and would not otherwise 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 temporary use.
1. Exempt Temporary Uses: The following uses shall not require a temporary use permit:
    - a. Any event sponsored in whole or in part by Teton County.
    - b. Estate or real estate sales involving the property or items from the property where the sale is held.
    - c. Garage, yard, or rummage sales provided the sales event is on a residentially zoned property and it last no longer than three (3) consecutive days. No more than six (6) garage sale events are allowed on the same residential property within a single calendar year.
    - d. Special events such as weddings, purely social parties, or similar family events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted special events may include those events taking place upon the grounds of a private residence or upon the common

areas of a subdivision or multifamily residential development for which no admission or rental fee or other charge is assessed. Weddings and similar events are also exempt from obtaining a permit when these types of events take place on commercial properties that are specifically authorized for these uses.

- e. Any organized activities conducted at permanent facilities typically intended and used for such activities, and/or on a site for which a zoning permit has been granted specifically allowing the special event activity, and the operation of the event complies with all permit conditions. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship.

2. Minor Temporary Uses: Minor temporary uses may occur on either developed or undeveloped property and typically take place for limited time periods, or occur seasonally. Minor temporary uses are typified by a relatively low level of impacts to the neighborhood or the environment. Minor temporary uses produce very limited noise levels to adjacent properties, and do not create substantial traffic and/or public safety concerns. Minor Temporary uses include, but are not limited to the following:

- a. Food Service Stands;
- b. Roadside Farm or Produce Stands may be seasonally permitted with a temporary use permit or the use can otherwise be permitted as a permanent use in the A-20, A2.5, C-I, C-2, C-3 Zoning Districts;
- c. Real estate sales offices and model homes within approved development projects;
- d. Fireworks Stands;
- e. Weddings, receptions, or other social events where the function or event involves the owner or lessor of the property and where a monetary consideration or fees for such use of the property or attendance is involved and a total of no more than one hundred (100) attendees are expected;
- f. Contractors' construction yards, trailers, coaches or mobile homes that are used as a temporary residence during construction of a dwelling;
- g. Christmas tree and pumpkin sales lots and seasonal sale of agricultural products that are sold from properties that do not have a legally established commercial retail authorization;

- h. Short-term workshops, retreats, or classes held at residences for the purpose of art, handicraft, music, or educational instruction.

3. Major Temporary Uses: Major temporary uses take place for a limited time period, or occur seasonally, and the potential impacts have a higher possibility to create health, safety or environmental problems, or the use is expected to create high levels of noise offsite and/or produce traffic problems, and/or could potentially disrupt the neighborhood. Major Temporary uses include, but are not limited to the following:

- a. Fairs, festivals, events, and concerts that have a duration of one (1) day to no more than ten (10) days in a thirty (30) day period and are limited to four (4) events per year on the same property.
- b. Outdoor temporary swap meets or auctions (limited to three (3) events per calendar year, four (4) days each).
- c. Short term, temporary industrial type operations related to car-crushing/metal recycling where portable equipment is brought in to crush and process vehicles and prepare the metal for recycling.
- d. Weddings, receptions, or other social events where the function or event involves the owner or lessor of the property and where monetary consideration or fees for such use of the property or attendance is involved. A total of more than one hundred (100) attendees are expected.

**D. TEMPORARY USE PERMITS:** Applicants for a Temporary Use Permit are required to have a pre-application conference with the Planning Administrator or his/her designee. A checklist of submittal items shall be provided to the applicant. If the Planning Administrator determines that the proposed use is a Major Temporary use, as defined above, then a list of property owners within 300 feet of the subject property shall be generated and provided to the applicant. A County letter shall be provided to the applicant, and the letter shall state that the applicant intends to apply for a temporary use permit, and the letter shall provide a brief description of the proposed event or temporary use, its location and proposed times. The letter shall provide the Planning Administrators contact information and solicit comments from the notified property owners. A USPS Certificate of Mailing of these letters should be obtained before an application is submitted or accepted as complete.

1. Application Process: An application for a Temporary Use Permit shall be filed with the Planning Department on the prescribed forms accompanied by the submittal items identified on the Planning Administrator's checklist supplied at the pre-application meeting. Applications for Major Temporary Uses Permits shall include a U.S. Postal Service certification of mailing to all land owners within 300 feet of the subject property. The Planning Administrator shall make a written determination if the application is either complete or insufficient for review within seven (7) days of receipt.

2. Application Review: The Planning Administrator may send the application materials to Eastern Idaho Public Health District, the County Engineer, the Sheriff's Office, the Fire Protection District, and/or any other public agencies, homeowners associations or other entities that may provide comment on the application materials. Within fourteen (14) days of determining an application complete, the Planning Administrator shall review the application materials and may approve or deny the Temporary Use application. In the case where an application is denied, the applicant may resubmit a substantially revised application or may appeal the Planning Administrators decision to the Board of Adjustment, who shall hold a Public Hearing and consider the appeal.

3. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing an application. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.

4. Permit Conditions of Approval: Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must be clearly specified in writing on the temporary use permit.

5. Term of Permit: A temporary use permit issued pursuant to this section shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this section.

6. Bond and Clean-Up Deposit: In its approval of a Temporary Use Permit for a special event, the county may—as it deems necessary to comply with these standards and applicable permit review criteria—require provision for a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.

7. Revocation: The Planning Administrator may revoke a Temporary Use Permit at any time when a condition or conditions of the permit is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary permit or special event. The Planning Administrator shall issue a cease and desist order in order to revoke the permit.

**E. REVIEW CRITERIA:** The review criteria of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1. Uses of land and structures that require installation of permanent water and sewer facilities, regardless of their seasonal or intermittent use or character are regulated as permanent uses of land and are not eligible for a Temporary Use Permit under this section.

2. The proposed site shall be adequately served by streets or highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
3. The temporary use will have no significant adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
4. Adequate parking will be provided to accommodate the vehicular traffic to be reasonably generated by such use. Parking will be available either on-site or at approved alternate locations.
5. Adequate sanitation facilities will be available on the site.
6. Permanent signs are prohibited. All temporary signs associated with the temporary use shall be erected no more than 14 days prior to the start of the event and shall be removed within 2 days after the activity ends.
7. The owner or operator of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
8. No temporary use shall be established that is intended to be a permanent use on the site.
9. The temporary use regulations of this subsection do not exempt the applicant or operator from any other required permits, such as health department permits.
10. The temporary use or special event has adequate security measures, according to the Teton County Sherriff's Office, to ensure public safety. Additional fees may be assessed by the Sheriff's Office.