Section 4.163.  General Regulations - Temporary Structures and Uses.

(.01) The Development Review Board, after hearing as set forth in Section 4.012, may permit the temporary use of a structure or premises in any zone for a purpose or use that does not conform to the regulations prescribed elsewhere in this Code for the zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit, up to a five (5) year period, subject to a showing of good cause and such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon re-application to the Development Review Board, provided that the Board finds that the renewal is not likely to result in a permanent situation.

(.02) Applications for Temporary Use Permits shall provide:

A. A clear description of the proposed temporary structure/use and the reasons why a temporary structure/use is necessary at this location for the requested time period.

B. A statement of the expected duration of the temporary use/structure, together with documentation supporting the proposed date for termination of the temporary use/structure

C. A site plan showing the location of the proposed use/structure, access, associated parking, pedestrian connections to the greater site if appropriate, lighting, signage and landscaping.

D. A plan for removal of the temporary use/structure and restoration of the site to pre-TUP conditions or development of the site for approved permanent structures/uses.

(.03) Factors and considerations for “good cause” include, but are not limited to:

A. Availability of appropriately zoned land for the proposed use in the city.

B. Availability of and need for the subject property for allowed uses.

C. Market conditions, construction costs and other obstructions to the location of the use on appropriately zoned land.

D. Due diligence of the applicant to site the use on appropriately zoned land,

E. Circumstances of the applicant bearing on the need for the temporary use permit.

(.04) The Planning Director of the City and the Director’s staff shall be authorized to issue, without public hearing and upon application for Administrative Review pursuant to Section 4.035, a temporary permit for a use of less than two (2) weeks duration which does not involve the erection of a substantial structure. Examples of such uses are farmer’s market sales, Fourth of July fireworks stands, Christmas tree sales and Boones Ferry Days. For the purposes of this provision, those structures and
signs commonly associated with these special events are not "substantial structures."

[Section 4.163 amended by Ord. # 659 3/16/09]