

## **40.260.220 Temporary Uses and Structures**

### **A. Purpose.**

This section provides for the establishment of temporary uses and structures. Temporary uses and the use of temporary structures shall be limited to those uses allowed in the respective zone.

### **B. Definitions.**

1. "Temporary use" means a use of land that has a limited time duration.
2. "Temporary structure" means a structure that does not have a permanent foundation, that involves no grading or site improvements, and that, when removed, results in no physical alteration of the site.
3. "Change of use" means a change in the use of a portion or all of a site, including, but not limited to, the use of an existing parking lot for sales or storage. "Change of use" does not include the erection of a temporary structure over an existing permitted use, such as, but not limited to, tents which cover a portion of an existing car sales lot, or tents to cover existing play equipment.

### **C. Uses and Exceptions.**

1. Subject to Section [40.510.010](#) (Type I review), the following temporary uses and structures may be approved:
  - a. For residential districts:
    - (1) Temporary modular sales and leasing offices for on-site residential development properties;
    - (2) Placement of tents, canopies, or membrane structures for more than two (2) weeks per year that do not meet setbacks of the underlying zone; and
    - (3) Placement of storage containers for more than two (2) weeks per year.
  - b. For nonresidential districts:
    - (1) Temporary sales and leasing offices for on-site commercial or industrial development properties; and
    - (2) Temporary changes of uses and associated temporary structures for more than two (2) weeks per year.
2. Subject to Section [40.510.020](#) (Type II review), the following uses and structures may be approved:
  - a. Temporary use of the following equipment essential to and only in conjunction with the construction or building of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:
    - (1) Portable asphalt or concrete mixing plants;
    - (2) Portable concrete batching plants;

- (3) Portable rock crushing plants; and
  - (4) Accessory equipment essential to the use of the aforementioned plants.
- b. Outdoor public amusements, entertainment or assemblies, including circuses, carnivals or amusement rides, shall be subject to the provisions of Chapter 5.32 of this code. However, if a circus, carnival or amusement ride is proposed in a commercial or industrial district and will not occur within two hundred (200) feet of a residential district, it may be reviewed as a Type I.
3. Exceptions.

Certain structures and uses are exempt from the requirement to obtain a temporary use permit. However, building and fire code requirements still apply. The following are exempt from the requirement for a temporary use permit:

- a. For residential districts:
  - (1) Placement of tents, canopies, membrane structures or storage containers within the setbacks of the district for two (2) weeks or less per year.
  - (2) Placement of tents, canopies, or membrane structures that meet the setbacks of the district.
  - (3) Temporary construction trailers, construction materials, and equipment storage areas, and construction offices accessory to a residential construction site.
- b. For nonresidential districts:
  - (1) Temporary construction trailers, construction materials, and equipment storage areas, and construction offices accessory to a construction or mining site.
  - (2) Fireworks stands, subject to the provisions of Chapter 5.28.
  - (3) Holiday-related seasonal sales lots during the month of December, along with their associated temporary structures.
  - (4) Temporary changes in uses and associated temporary structures for a total of two (2) weeks or less per year per site. The property owner must register the use with the Clark County permit services center before the structure(s) or use(s) are placed or the change of use begun.
  - (5) Placement of tents, canopies, or membrane structures which do not result in a change of use for one hundred eighty (180) calendar days or less per year per site as allowed by the fire marshal.

D. Performance Standards.

1. Temporary uses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24, Nuisances, and with the following standards:
  - a. Noise. Temporary uses shall comply with state maximum environmental noise levels as defined in Chapter [173-60](#) WAC.
  - b. Temporary uses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
  - c. Any use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
2. Any use of hazardous material or disposal of hazardous waste shall comply with all applicable federal, state and local regulations.
3. Temporary uses shall not generate life safety hazards. Specific mitigating conditions may be required by the responsible official.
4. A temporary use permit shall be revoked pursuant to Chapter 32.12 should the county find that the use has failed to comply with the general provisions and standards, including the nuisance standards of Section [40.260.220\(D\)\(1\)](#), or other performance standards required by the permit.

E. Permits.

1. The responsible official may approve permits for temporary uses and structures, with conditions to mitigate negative impacts. Uses may be allowed for a period of not more than eighteen (18) months, or less as may be specified by the responsible official.
2. Prior to granting a temporary permit under this section, other than Section [40.260.220\(C\)\(2\)\(b\)](#), the responsible official shall require that the applicant provide a cash or surety bond of not less than two thousand five hundred dollars (\$2,500), payable to the county treasurer. Upon the expiration of the temporary use permit, the applicant shall immediately discontinue the temporary use. Within thirty (30) days of the expiration of the temporary permit, the applicant shall remove any temporary structures associated with the temporary use. If at the end of this time period such temporary use or structure is not removed or discontinued, said cash or surety bond shall be forfeited.
3. Temporary permits may be renewed for a period of up to one (1) additional year by a conditional use permit under Section [40.520.030](#). A fully complete conditional use application shall be submitted within thirty (30) days of the expiration of the original permit. Proof of additional time needed for the use or structure shall be provided by the applicant with the application.
4. Additional temporary use permits for the same site within three (3) years of the original temporary use permit issuance shall require a conditional use permit prior to the issuance of a second permit.

*(Amended: Ord. 2010-08-06)*

<b>Table 40.260.220-1. Temporary Residential Structures Summary</b>				
<b>Residential Temporary Structures</b>	<b>2 weeks or less/yr</b>		<b>More than 2 weeks/yr</b>	
	<b>Meets setbacks</b>	<b>Does not meet setbacks</b>	<b>Meets setbacks</b>	<b>Does not meet setbacks</b>
Tents, canopies, membrane structures	No temporary use permit required <sup>1</sup>	No temporary use permit required <sup>1</sup>	No temporary use permit required <sup>1</sup>	Type I
Storage containers (e.g., "PODS")	No temporary use permit required <sup>1</sup>	No temporary use permit required <sup>1</sup>	Type I	Type I

<sup>1</sup>*Building permits may still be required.*

*(Amended: Ord. 2005-04-12; Ord. 2006-09-13; Ord. 2007-06-05)*