

## **8.16 Temporary Uses And Structures**

The following regulations govern the operation of certain transitory or seasonal uses.

**A. Permits:** Applications for a temporary use permit shall be made to the Zoning Administrator, and shall contain the following information:

1. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
2. A description of the proposed use.
3. Sufficient information to determine the Yard requirements, sanitary facilities, and availability of Parking Space to service the proposed use.

**B. Uses:** The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located.

1. **Small Temporary Event:** Upon the receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for a small temporary event, maximum of 250 individuals on site at any time, in the RA-5, Residential Agricultural Zone, for a period of time not to exceed ten (10) consecutive calendar days, for not more than two such events per calendar year, and with at least two months between events, if the Zoning Administrator finds that all of the following conditions and requirements are met:

a. The location of the small temporary event is on a Lot or Parcel that is not less than five (5) acres in area and is not part of a recorded Subdivision plat.

b. The small temporary event shall be located on a lot or parcel with a minimum frontage of two hundred fifty (250) feet or be located on lots or parcels in the same ownership as an adjacent lot or parcel with a minimum frontage of two hundred fifty (250) feet.

c. No sale of alcoholic beverages or sexually oriented products or materials.

d. Hours of operation exclusively between 10:00 A.M. and 10:00 P.M.

e-e. No paid admission.

e-f. The applicant has submitted a completed Utah County Temporary Use Permit Application with a site plan that details and identifies specific areas of the small temporary event including, but not limited to; designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to visit the event; location of booths or individual use areas; restrooms; the total event area boundaries; and any required fire apparatus. A minimum of five (5) Parking Spaces per 1000 square feet of event area must be provided and shown on the site plan.

f-g. Signs must comply with UCLUO 8.24.

g-h. The applicant is responsible for all set up and clean up of the site within the ten (10) day period.

h-i. No portion of the small temporary event may be located closer than 200 feet from any Dwelling except the Dwelling that exists on the Lot or Parcel of the small temporary event.

i-j. If there are to be additional vendors or participants other than the applicant, each will individually need to pay a fee and obtain a vendor's permit as part of the temporary use.

j-k. Small temporary events shall not include concerts, dances, Vehicle sales, or any use which is listed as a permitted Conditional Use in the zone.

**2. Christmas Tree Sales:** Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit to be issued in any zone for display and open-lot sales of Christmas trees for a period not longer than forty-five (45) days.

2-a. Christmas Tree Sales shall be located on a lot or parcel with a minimum frontage of two hundred fifty (250) feet or be located on lots or parcels in the same ownership as an adjacent lot or parcel with a minimum frontage of two hundred fifty (250) feet.

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3. **Temporary Construction Yards:** Upon receipt of a complete application, the Zoning Administrator, in any zone, shall authorize a temporary use permit for a temporary construction Yard, if the Zoning Administrator finds that all of the following applicable conditions and requirements are met:

- a. For private construction projects, the temporary construction Yard must be:
  - 1) incidental to a private construction project;
  - 2) located on the same Lot, Parcel, or project site plan approved by the Zoning Administrator, including approved access roads within 10 miles of the project boundary; and
  - 3) limited to one or more of the following uses used for the construction project:
    - a) a temporary construction Yard Office;
    - b) temporary Buildings;
    - c) Yards for storing Vehicles, materials and equipment;
    - d) Rock crusher.
- b. For public construction projects in conjunction with county, state or federal transportation or public facilities projects, the temporary construction Yard must be:
  - 1) incidental to a public construction project;
  - 2) located on a Lot, Parcel, or right-of-way included in or within 10 miles of the project boundary;
  - 3) limited to one or more of the following uses used for the construction project:
    - a) those uses listed in Paragraph A;
    - b) concrete mixing plants;
    - c) asphalt mixing plants;
    - d) rock crushers.
- c. The permit shall be valid for a period of not more than one (1) year. If the construction project maintains a valid Utah County Building permit the temporary construction Yard permit may be renewed for.
  - 1) One additional period of one year in the RA-5 Zone, or;
  - 2) Two additional periods of one year in all other permitted zones.

- d. All Structures, Vehicles, materials, construction equipment, mixing plants, crushers, and related items and equipment shall be removed, and the Yard restored upon the completion of the project or expiration of the permit, whichever is earlier.
- e. A Bond shall be posted for each separate use permitted in conjunction with a temporary construction Yard in the following amounts:
  - 1) Asphalt mixing plant \$20,000 Bond
  - 2) Concrete mixing plant \$20,000 Bond
  - 3) Small Temporary Mining Operation shall provide a Bond as outlined in UCLUO 6.28.D. for the reclamation of the project area.
- f. A temporary construction Yard containing a rock crusher, a concrete mixing plant or an asphalt mixing plant, shall not be located closer than 1000 feet from any Dwelling not located on the subject Parcel.
- g. A temporary construction Yard may include a Small Temporary Mining Operation for the improvement of the project site and/or the improvement of an approved public road subject to all of the following:
  - 1) Area to be mined shall not exceed 5 acres;
  - 2) Only materials which are not required to obtain a permit from the Utah Division of Oil, Gas, and Mining (DOGM) approval may be mined;
  - 3) Operations and road improvements shall comply with all applicable Utah County Public Works Department requirements including Stormwater Pollution Protection Plan (SWPPP) and road Development standards;
  - 4) The access road to be improved must be a local, state, or a county road, shown on the current Official Utah County Road Map and approved by the Utah County Engineer;
  - 5) Operations shall comply with all applicable requirements of the Utah County Health Department and the Utah Department of Environmental Quality for air and water quality;

6) Small Temporary Mining Operations are not allowed in the TR-5, RR-5 & CE-2 Zones. Exception: A temporary use permit is not required for permitted single-Family residential or agricultural construction unless requested by the owner. Only those uses specified for private construction projects in this section are allowed, however a rock crusher must meet the distance requirements in this section.

4. **Short-term Migrant Camps:** Upon receipt of a complete application, in any zone except the 1-1 Industrial, NC-1 Neighborhood Commercial, and HS-1 Highway Service Zone, the Zoning Administrator shall issue a temporary use permit for temporary camps for accommodating migrant farm workers if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. Occupancy shall be limited to persons employed on the same zoning Lot as the camp in harvesting agricultural crops, plus dependents.
- b. The period of use shall not exceed forty-five (45) days per calendar year.
- c. The camp may consist of parking areas, access driveways, utilities, bathrooms, Group Quarters, Camping pads or sites, and the tents or Recreational Vehicles using the pads.
- d. Culinary water, sanitary sewage disposal, and electricity must be available in the area of the Camping pads.
- e. Setback distances for the Camping pads shall be the same as for Buildings in the zone.

5. **Temporary Existing Dwellings:** Upon receipt of a complete application, in any zone, the Zoning Administrator shall issue a temporary use permit for an existing Dwelling if the Zoning Administrator finds that all the following conditions and requirements are met:

- a. A Building permit is issued concurrently for a one-Family Dwelling to replace the existing Dwelling on the same Lot or Parcel of land.
- b. A Bond in the amount of \$20,000.00 is posted with the Zoning Administrator to insure that the property owner removes the existing residential Structure and demolition debris and brings the demolition site to a finished Grade equivalent to the surrounding Grade.

**Exception:** The Zoning Administrator may refund the Bond when the subject former Dwelling Structure is not demolished upon finding the Building: (i) meets all current Setback standards; (ii) will have a use, which is a permitted use in the zone; (iii) meets the currently adopted state Building code standards for the proposed use of the Structure; (iv) has had all residential occupancy facilities removed unless such facilities are allowed in the proposed use of the Structure.

- c. The existing Dwelling must be demolished within thirty (30) days from the date of the issuance of the Certificate of Occupancy - Zoning Compliance Permit, unless an exception has been approved as per Paragraph B. An extension of the thirty-day period may be made by the Zoning Administrator when unusual weather or other conditions exist.

6. **Seasonal or Holiday Event:** Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for a Seasonal or Holiday Event, if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. A state road or county road access permit has been issued.
- a-b. Seasonal or holiday Events shall be located on a lot or parcel with a minimum frontage of two hundred fifty (250) feet or be located on lots or parcels in the same ownership as an adjacent lot or parcel with a minimum frontage of two hundred fifty (250) feet.

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b-c. Approval from the Utah County Fire Marshal; approval from the Utah County Health Department; approval from the Utah County Building Official; and approval from the Utah County Sheriff; have been obtained.

c-d. No portion of the Seasonal or Holiday Event, or its related activities, may be located closer than five hundred (500) feet from any Dwelling except:

- 1) Dwelling(s) located on the same Lot or Parcel as the Seasonal or Holiday Event, or
- 2) Dwelling(s) located on an Adjacent Lot or Parcel to the Seasonal or Holiday Event in the same ownership as the Lot or Parcel of the permitted event, or

3) Dwelling(s) which are built or constructed closer than 500 feet to a Seasonal or Holiday Event (Existing).

~~d.e.~~ Sufficient attendants for each event are provided to help and assist patrons.

~~e.f.~~ Adequate lighting for assembly and parking areas, and within the Seasonal or Holiday Event during evening hours, is provided. Such lighting shall be shielded or positioned so as to not shine directly into neighboring properties.

~~f.g.~~ The applicant has submitted a completed Utah County Temporary Use Permit application with a site plan that details and identifies:

- 1) Locations of specific events or activity areas;
- 2) Designated off-road parking designed to eliminate the need for an individual to cross a state, city, or county road to access the site;
- 3) Restroom location;
- 4) Boundary of the entire site area to be utilized;
- 5) Concession locations (an independent concessionaire must obtain a Utah County Temporary Vendor Permit). All concessions must comply with County Health Department requirements and may require additional permits;
- 6) Safety or first aid stations; and
- 7) Any required fire apparatus.

~~g.h.~~ Parking is provided as per the current Utah County Land Use Ordinance.

~~h.i.~~ Hours of operation, meaning time that patrons are on the property, outside lights are on, and/or setup or cleanup activities are being conducted on the property, are limited to:

- 1) Friday – Saturday 10:00 am to 12:00 am.
- 2) Sunday - Thursday 10:00 am to 10:00 pm.

~~i.j.~~ A dust mitigation plan has been submitted and approved by the Zoning Administrator.

j-k. An adequate number of trash receptacles shall be provided on-site and shall be emptied or removed, when necessary, at the applicant's expense; and the site shall be cleaned and restored to its original condition or better at the conclusion of the event.

k-l. No sale of alcoholic beverages or sexually oriented products or materials.

t-m. Must conform to adopted Utah County Noise Ordinance.

m-n. The application may include a travel trailer, Recreational Vehicle, or camper, for a security attendant during the approved length of the Seasonal or Holiday Event; otherwise, the site must be secured from the public during the hours it is not in operation.

n-o. All Structures (including set props or facades) and other facilities associated with the event must be removed entirely from the property upon completion of the event unless such Structures receive a Building or Land Use Permit for a qualifying use of the underlying zoning designation of the subject property.

e-p. A separate temporary use permit must be obtained for each Seasonal or Holiday Event with no more than two events per calendar year and no more than a combined total of 90 days.

- 1) Days shall be counted from the first day of set up to the last day of take down, regardless of the event being open to the public.

p-q. Seasonal or Holiday Events may be permitted in any zone except the RR-5, TR-5, and CE-2 zones.

7. **Large Public Assemblies:** In the RA-5, Residential Agricultural Zone; M&G-1, Mining and Grazing Zone; I-1, Industrial Zone; HS-1, Highway Service Zone, G-1, Grazing Zone, and A-40, Agricultural Zone; Large Public Assemblies shall be allowed when approved as per all requirements for Large Public Assemblies, found in the Utah County Code.
8. **Temporary Commercial Filming:** Upon receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for temporary commercial filming in a natural setting or a temporary film set if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. An application to film on private property requires written approval by the property owner.
- b. The temporary commercial filming event has a duration of more than two(2) consecutive days.
- c. The permit shall be valid for a period of not more than six (6) weeks, but is renewable up to a maximum of three permits per calendar year per location.
- d. Any film set Structure, prop or other material shall be removed and any land disturbance restored upon completion of the filming in that location.
- e. The temporary use permit is for zoning compliance only; approval from other county departments or agencies may also be required.
- f. A separate temporary use permit is required for each filming location. Adequate parking must be provided. Exception: An approval letter from the applicable governmental agency may be substituted for a permit application form for temporary commercial filming when the proposed temporary commercial filming lies upon property owned by a governmental agency, including public right-of-ways. The temporary commercial filming shall meet all applicable requirements of this Land Use Ordinance.

9. **Temporary Recycling Equipment During Demolition:** Upon the receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for the crushing, shredding or mulching of materials generated by the demolition of a Structure located on the Lot or Parcel if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. The equipment shall be on the same Lot or Parcel as the Structure that is being demolished and the temporary use permit can only be issued after a Utah County permit for demolition has been obtained.
- b. The temporary use permit is valid only during the demolition and must be removed within thirty (30) days of the completion of the demolition of the Structure.
- c. The temporary use permit shall only be issued for a maximum of six (6) months for an individual Lot or Parcel during a calendar year.

**10. Seasonal Sales and Services:** Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for Seasonal Sales and Services, in the HS-1 or NC-1 zones for a maximum of six (6) months annually, if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. The applicant has submitted a completed Utah County Temporary Use Permit application with a site plan that details and identifies specific areas of the seasonal use and services including, but not limited to, all stands, booths or Structures associated with the use; all Vehicles to be used for the use; designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to access the site; restroom location; boundary of the entire site area to be utilized; and any required fire apparatus.
- b. Provide off-road parking as determined by the Zoning Administrator, but not less than three (3) spaces per seasonal use.
- c. A state road or county road access permit has been issued.
- d. Seasonal Sales and Service shall be located on a lot or parcel with a minimum frontage of two hundred fifty (250) feet or be located on lots or parcels in the same ownership as an adjacent lot or parcel with a minimum frontage of two hundred fifty (250) feet.
- e. Approval from the Utah County Fire Marshal; approval from the Utah County Health Department; approval from the Utah County Building Official; and approval from the Utah County Sheriff; have been obtained.
- f. All stands, booths, and Structures associated with the Seasonal Sales and Services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use.
- g. All Signs shall conform to the provisions of UCLUO 8.24.
- h. Prohibited activities and land uses: The sale of alcoholic beverages, the sale of sexually oriented products or materials, dances, concerts, outdoor movies or movie theaters, the sale of Vehicles, and group gatherings.

- i. At the site of an approved Seasonal Sales and Services, temporary use permit, the sale of food, equipment, clothing, and craft items, appurtenant to the approved temporary use is permitted during its time of operation when specified and approved on the temporary use permit application.

**11. Auxiliary Parking:** Upon the receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for auxiliary parking in conjunction with a land use which is approved or permitted by Utah County for a period of time not to exceed five (5) consecutive calendar days, for not more than two such events per calendar year, and with at least two months between events, if the Zoning Administrator finds that all of the following conditions and requirements are met:

- a. The Lot or Parcel of land on which the auxiliary parking will be located is adjacent to the Lot or Parcel of land on which the approved or permitted land use is located; or, the location of the vehicular access from the public road to the Lot or Parcel of land on which the auxiliary parking will be located is within one quarter mile (1320 feet) from the location of the patron access to the Lot or Parcel of land on which the approved or permitted land use is located.
- b. The layout of the auxiliary parking has been approved by the Utah County Fire Marshal for fire safety.
- c. Hours of operation of the auxiliary parking shall be exclusively for the period of time commencing one hour before the event and terminating one hour after the approved time of the event.
- d. Access to the auxiliary parking shall require advance written approval from the Utah County Engineer, if from a county road, or from the State of Utah, Department of Transportation (UDOT) if from a state road or highway.
- e. The applicant has submitted a completed Utah County Temporary Use Permit Application with a site plan that details and identifies specific areas of the auxiliary parking, including spaces, internal circulation and vehicular access points, and the Zoning Administrator has approved the site plan.
- f. Signs shall comply with UCLUO 8.24.

- g. The applicant shall be responsible for cleanup of the auxiliary parking site, including the removal of all signage, with the clean up and removal of signage to be completed within twenty-four (24) hours from the end of the event for which the auxiliary parking was approved.
- h. The Temporary Use Permit, when issued, constitutes the Utah County Business License for the auxiliary parking.
- i. A parking attendant shall be present at the auxiliary parking lot at all times during its operation.

**12. Agritourism:** Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for an agritourism operation in the RA-5 zone for a maximum of sixty-five (65) days annually which complies with the following conditions and requirements:

- a. The agritourism operation is located on a Lot or Parcel or adjacent Lots or Parcels with a combined minimum total of 20 acres. The 20-acre area must be included in the Farmland Assessment Act as documented with a recorded Application for Assessment and Taxation of Agricultural Land, as updated in form by the Utah State Tax Commission.
- b. Agritourism activities include:
  - 1) Guided tours of the farm;
  - 2) Petting zoo with farm animals, including pony rides;
  - 3) Pumpkin patch or pumpkin walk;
  - 4) Corn maze;
  - 5) Farm related educational games and activities;
  - 6) Farm day camps;
  - 7) Concessions
  - 8) Amusement rides
- c. The maximum duration of one or more temporary use permit(s) issued for agritourism and Seasonal or Holiday Event may not exceed a combined total of ninety (90) days annually.

- d. The applicant has submitted a detailed site plan, drawn to a readable scale, that identifies all areas of the event including, but not limited to, the following:
  - 1) All existing and proposed Structures, along with all proposed activity areas including estimated dimensions of all activity areas;
  - 2) Designated off-road parking area(s) that meet all applicable requirements of Section 4.60 UCLUO and is/are designed to eliminate the need for an individual to cross a public road to access the site;
  - 3) Restroom locations;
  - 4) Boundary of the entire area to be utilized;
  - 5) Concession locations;
  - 6) Lighting locations with illumination direction;
  - 7) Location of all required fire apparatus;
  - 8) Location of all Signs which comply with UCLUO 8.24.
  - 9) Location and dimensions of all onsite storage areas as provided for in this Section.
- e. No portion of the agritourism or its related activities, including storage areas, may be located closer than five hundred (500) feet from an existing Dwelling unless:
  - 1) the Dwelling is located on the subject Lots or Parcels;
  - 2) the Dwelling is in the same ownership as the property on which the agritourism is located; or
  - 3) the applicant can submit written approval from the property owner of the Dwelling; or
  - 4) The existing Dwelling(s) was constructed after an agritourism event that received an approved temporary use permit for agritourism within the previous two (2) years.
- f. Approval for access from a state or county road, if required.

- g. Agritourism shall be located on a lot or parcel with a minimum frontage of two hundred fifty (250) feet or be located on lots or parcels in the same ownership as an adjacent lot or parcel with a minimum frontage of two hundred fifty (250) feet.
- h. Approval from the following, if required: Utah County Fire Marshal; Utah County Health Department; Utah County Building Official; Utah County Sheriff.
- i. Hours of operation are limited to the following:
  - 1) 8:00 a.m. to 10:00 p.m. Sunday through Thursday
  - 2) 8:00 a.m. to 11:00 p.m. Friday and Saturday
- j. Outdoor light fixtures used for the temporary event shall be shielded or positioned so as to not shine directly into neighboring properties.
- k. Outdoor temporary event lighting shall only be utilized during operational hours of an approved event. Essential security lighting may be used outside of the hours of operation.
- l. No sale of alcoholic beverages.
- m. Must comply with adopted Utah County Noise Ordinance.
- n. Permanent Structures are permitted as follows:
  - 1) Permanent Structures must meet all applicable building, health, fire, zoning and safety requirements for commercial use unless otherwise exempted by adopted building codes.
  - 2) The agritourism use of the permanent Structure(s) must be accessory, incidental, and subordinate to the existing farm use.
  - 3) Structures used for agritourism may only be used for agritourism during a permitted and approved temporary event, otherwise it may only be used for a use permitted in the zone.
  - 4) Permanent Structures shall not include "amusement rides" as defined in Utah State Code 72-16-102, as amended.
  - 5) A traffic count estimate shall be required for any agritourism event permit which results in an increased Average Daily Traffic

(ADT) volume of 200 Vehicles or more. Such estimate shall provide and meet the following requirements:

- a) Existing and anticipated traffic volumes and travel routes for all public roads which provide ingress and/or egress to and from the event to the nearest State Road.
- b) Traffic volumes anticipated during the scheduled event, including anticipated peak volumes with corresponding times of day.
- c) Estimated seasonal Average Daily Traffic (ADT) volumes exceeding 1,000 Vehicles shall require the submittal of a traffic study prepared by an engineer licensed in the State of Utah.
- d) Observation or reports of traffic problems associated with the event upon operation shall be reviewed by the County Engineer who may determine a traffic study will be required prior to a subsequent Agritourism event permit being issued.
- e) All traffic count estimates, travel routes, or studies shall be reviewed by the County Engineer.
- f) Any improvement or other mitigation measure required or recommended by a traffic study may be required by the County Engineer to be installed prior to opening of the event.

6) The maximum height of any permanent Structure or other constructed feature shall be twenty (20) feet as determined by the currently adopted building construction codes of Utah County.

7) Signs shall meet all applicable requirements of Section 8.24 UCLUO.

o. All Structures associated with the temporary event, which are not permanent structures and required to receive a permit as allowed in this section, must be stored within a permitted enclosed Structure or within onsite storage areas that do not exceed a combined area of

10% of total area for activity areas as shown on the approved site plan upon completion of the event.

- 1) Storage Structures and storage areas shall not be located between the Frontage and the front of any existing Dwelling on the subject property.
- 2) Structures which require location on the ground with a height less than three (3) feet are not subject to the onsite storage area requirements specified in this Section.

**C. Issuance of Permit:** The Zoning Administrator shall issue a temporary use permit upon receipt of a properly completed application provided all of the requirements of this section and the zoning district have been met.

1. The permit may be revoked at any time if the applicant does not meet all of the applicable conditions of this section.