

12400: TEMPORARY USE PERMITS

12401: Purpose and Intent

- A. A temporary use permit allows establishment of uses which are not listed for a particular zoning district when these uses:
 - 1. Do not require any new permanent structures or improvements for their operation.
 - 2. May use existing buildings or improvements.
 - 3. Are active only on a seasonal or short-term basis.
 - 4. Do not result in any negative long-term impact on surrounding properties.
 - 5. Are situated to minimize the negative short-term impact on surrounding properties.
 - 6. Do not exceed the following time limits (except for uses listed in Section 12401.01):
 - a. A maximum of six (6) months annually for seasonal uses.
 - b. A maximum of one (1) year if the use will exceed six (6) months annually for temporary uses.
- B. Issuance of a temporary use permit is required prior to the establishment of any such use meeting the requirements of subsection A above.
- C. The requirement for permit approval allows review of temporary uses to ensure they qualify as temporary, they are appropriate where they are proposed and they are compatible with adjacent uses.
- D. Action on temporary use permits is granted by the Planning Commission following a public hearing, except for the special exceptions listed in Section 12401.01. The special exceptions listed in 12401.01 are reviewed and acted upon by the Planning Department without a public hearing.
- E. Temporary use permits may be issued for the exceptions listed in Section 12401.01 as part of site plan review or after review by the Planning Department.
- F. Temporary use permits sought concurrent with a site plan review shall be identified on a site plan where temporary uses are anticipated. No additional review fee will be levied for a temporary use permit for any use included in 12401.01, if identified on a site plan that is reviewed by the Review Authority. The criteria in Section 12400 et seq, including the submittal requirements for a temporary use permit and other related Code requirements shall be applied during site plan review.

12401.01: Special Exceptions

The following temporary uses are considered special exceptions and can be reviewed and acted on by the Planning Department concurrently with a site plan review per the provisions of Section 12600 et seq. or by the Class 2 development review process:

- A. **Real Estate Sales Offices:** A temporary use permit for a real estate sales office may be issued for a period of three (3) years. Thereafter, the permit may be renewed annually provided the following criteria are met:
 - 1. The sales office is regularly used for sales of real estate within the project site where the office is located.
 - 2. The sales office is maintained on a regular basis including landscaping, appearance and general maintenance.
 - 3. The sales office is used exclusively for the sale of real estate for the project site where the office is located, except for ancillary sales of off-premise real estate that may occur as a result of a client's contact regarding real estate for the project where the office is located. Other uses such as storage of construction materials and equipment or any other use not related to the sales operations is prohibited.
 - 4. The use complies with all applicable criteria and requirements of this Code, including Section 3817.
- B. **Off-site Construction Staging Area:** A temporary use permit for a construction staging area is required only if the staging area is not located on the same parcel as the construction project. A temporary use permit for an off-site construction staging area may be issued for a period not to exceed one (1) year. The permit may be renewed on an annual basis thereafter provided the following criteria are met:
 - 1. The construction project for which the staging area is required is active as evidenced by an active and valid building permit.
 - 2. The off-site staging area shall not be used to pre-construct any part of the building or site improvements, only as a laydown area to store materials, equipment, trailers and other such items, unless an applicant specifically requests the ability to use such a staging area for actual construction work.
 - 3. The use complies with all other applicable criteria and requirements of this Code, including

but not limited to Section 3806.

- C. **Construction Office Trailers:** A temporary use permit for a construction office trailer may be issued for a period automatically terminating upon the issuance of a final CO for the project utilizing the trailer.
- D. **Manufactured Homes or RVs As Temporary Dwellings while Primary Residence is Under Construction:**
1. A temporary use permit may be issued for a temporary dwelling, while the primary, single-family residential dwelling unit is being constructed, for either: 1) a manufactured home that does not meet the requirements of Section 3505.08, or 2) a recreational vehicle. The maximum period of such a temporary use permit shall not to exceed three (3) years and the permit may be renewed on an annual basis thereafter provided the following criteria are met:
 - a. The residential project for which the temporary dwelling is required is active as evidenced by a current and valid building permit.
 - b. The use complies with all other applicable criteria and requirements of this Code, including but not limited to required setbacks, access, water, sewer and utilities.
 - c. The temporary dwelling is constructed in accordance with applicable State and/or Federal standards as evidenced by required certification.
 - d. The temporary dwelling is proposed on a parcel or lot that contains a minimum of one (1) acre.
 2. A person may install a manufactured home meeting the requirements of this Code and Section 3505.08 on a temporary basis, and have a building permit issued by the County for a primary dwelling unit provided the applicable provisions of this Code are met, and the manufactured home is removed prior to the issuance of a CO for the primary dwelling and the area revegetated in accordance with the requirements of this Code.
 3. A person may also use an existing single-family dwelling or manufactured home while a new single-family dwelling unit is constructed if such a dwelling is removed prior to the issuance of a CO.
 4. Historic cabins (as determined by the Planning Department using the guidelines in Section 3809.03) may remain on a property after the issuance of a CO if such a structure is converted so that it does not function as a dwelling unit (kitchen removed, 220 volt power removed, etc.).
- E. **Temporary Outdoor Spaces, Structures and Signage for Restaurants, Commercial Enterprises and Events:** A temporary use permit allowing temporary outdoor spaces, structures and signage for less than 180 consecutive days. The addition of this special exception is in response to the global COVID-19 pandemic and the County's ongoing desire to support the local economy by allowing certain limited exceptions to identified Code requirements. These additional allowances will serve to support restaurants, commercial enterprises and events by providing flexibility otherwise not allowed in an effort to lessen the impact of restrictions on occupancy required by state and local public health orders. Such flexibility may include the waiver of specific Code requirements related to setbacks, signage, parking, lighting, and similar and related Code requirements as determined by the Planning Director. This section shall only pertain to temporary outdoor space, structures and signage for restaurants, commercial enterprises and events. This Section shall remain in effect until April 30, 2021, unless extended or terminated by the Summit County Board of County Commissioners. Any determination by the Board of County Commissioners that the regulations continue to be necessary shall be made at a public meeting duly noticed, and such determination shall be reflected in the next code amendment that occurs after the determination.

No fee will be required for the review of an application under this Section. The standard referral and review process for Class 2 Development Review Applications shall be modified under this Section and shall consist of a seven (7) day referral and review process. Referral and review shall include, but not be limited to, the following agencies:

1. Summit County Planning Department
 2. Summit County Building Department
 3. Summit County Engineering Department
 4. Summit County Environmental Health Department
 5. Applicable Fire Department
1. A temporary use permit may be issued under this section for a temporary outdoor space or structure provided the following criteria are met:
- a. The temporary outdoor space or structure must be on private property in the following order of available location. E.g. location number one (i) is the highest and most preferable location; location number four (iv) is the lowest and least preferable location. If an available location of a

higher preference exists on the property, as determined by the Planning Director, the temporary space or structure shall be placed in the location of higher preference. If a location on private property is not feasible and suitable public property (public property shall not include a roadway or right-of-way unless express written consent has been granted and a license agreement has been obtained) is adjacent and available for use, public space may be acceptable with prior approval of the appropriate public agency.

- i. Existing deck, patio, or other hard surface area that is not a parking area, driveway, or walkway.
 - ii. Non-required parking space(s)
 - iii. Landscaped area (soft surface such as grass, lawn, or hardscape, etc.) that is not required for snow-storage. This may include private open space with the approval of the property owner and/or applicable HOA or business association
 - iv. Required parking space(s). At no time shall required ADA parking spaces and/or ADA accessible access be blocked or otherwise used for a temporary structure or signage. ADA parking and/or ADA access shall be maintained at all times in accordance with all adopted Land Use and Building Code requirements.
 - v. A public space with prior written approval of the public agency.
2. A temporary space shall be limited to less than 180 consecutive days.
3. Temporary outdoor structures shall be defined by the adopted Building Code and limited to less than 180 consecutive days.
4. Occupancy limits shall be applied as directed by the CDPHE Guidance for Restaurants or otherwise specified by the Summit County Public Health Director by Order. Depending on the construction of the temporary outdoor structure, and the available ventilation, a temporary outdoor structure may be classified as either an “indoor” or “outdoor” space and must comply with current Colorado Department of Public Health and Environment (CDPHE) *COVID-19 Guidance, Temporary Outdoor Structures for Restaurants and Events* and/or other guidance as may be provided by the CDPHE or Summit County Public Health from time to time.
5. The applicant shall be responsible for ensuring the health and safety of patrons by providing adequate and appropriate ventilation at all times. Temporary outdoor structures meeting the CDPHE definition of outdoor space may utilize electric or combustible heat sources, installed and operated in compliance with all applicable codes. At no time shall a temporary outdoor structure meeting the CDHPE definition of indoor space be allowed to utilize combustible heat sources.
6. The applicant shall be responsible for ensuring the health and safety of patrons through the use of adequate and appropriate physical barriers between temporary outdoor spaces and temporary outdoor structures when adjacent to traffic or parking areas. Adequate and appropriate physical barriers may include bermed landscaped areas, fencing, jersey style barriers, or similar physical barriers.
7. The applicant for a temporary outdoor space or structure under this section shall maintain all required snow storage for the property.
8. Hours of operation shall be limited to then current Colorado Department of Public Health and Environment (CDHPE) guidance or as directed by the Summit County Board of Health.
9. Additional signage related to directing the public to the temporary outdoor space, structure, commercial enterprise, or event may be permitted without obtaining a separate sign permit if total signage does not exceed thirty-two (32) square feet of total sign area. Signage may consist of either ground, wall or pole mounted signage as defined in Chapter 9 of the Summit County Land Use and Development Code. Signage may include sandwich boards or banners. Pennants, streamers or inflatable signs are prohibited. All signage allowed by this section shall be dark sky compliant.
10. Additional lighting may be permitted provided that lighting is downcast, limited to providing for the safety of customers, does not produce off-site glare or nuisance and is dark sky compliant. All interior lighting shall be shut off within 45 minutes of the closing of operation; as such time is determined by then current State or Local Public Health Orders. Exterior lighting shall be dark sky compliant. Exterior Christmas, string and other lighting that are not dark sky compliant shall be prohibited.
11. Variation from required setbacks may be permitted
12. Temporary outdoor spaces and structures must be accessory to an existing use on the property.
13. The locations of outdoor fire-pits proposed as part of a temporary use permit under this section shall be shown on the site plan and endorsed by the applicable fire district. Seating shall follow the occupancy limits and social distancing best practices as determined by then current State or Local Public Health

Orders and it shall be the responsibility of the business to monitor and enforce these limits.

14. The applicant shall provide evidence that the following agencies have reviewed and approved the placement of a temporary structure under this section. Under no circumstance shall a restaurant, commercial enterprise or event increase their occupancy or business operations with a temporary outdoor space or structure beyond their existing, pre-Covid-19 occupancy limits. Required approvals:
 - a. Summit County Environmental Health Department
 - b. Applicable Fire District.
 - c. Summit County Building Department Electrical Permit
15. Submittal requirements:
 - a. Class 2 – Temporary Use Permit Submittal Requirements Worksheet.
 - i. Application Form
 - ii. Letter from Property Owner
 - iii. Proof of insurance covering the expanded temporary outdoor space and/or structure.
 - iv. Address and location of proposed temporary outdoor structure.
 - v. Project Narrative.
 - vi. Statement from the applicant that they will follow the current *CDPHE Covid-19 Guidance for Temporary Outdoor Structures for Restaurants and Events* and/or other guidance as may be provided by the CDPHE from time to time.
 - vii. Development Plan (Site Plan) drawn to scale and with sufficient detail to provide the following information:
 1. Location of existing buildings, structures, parking, ADA access, and other information necessary to demonstrate compliance with the provisions of this section as may be required by the planning department.
 2. Proposed location(s) of temporary outdoor structure(s) and signage including dimensions, access, snow storage, and other information necessary to demonstrate compliance with the provisions of this section as may be required by the planning department.
 3. Location and type of physical barrier when temporary outdoor spaces and/or temporary outdoor structures are adjacent to traffic or parking areas.
 - viii. If the proposed temporary outdoor space or structure is located on land occupied by parking that serves multiple other units, or land that is owned by an HOA or public entity, written permission must be obtained from all affected property owners and/or the HOA or public entity.