

Sec. 59-81. Temporary structures, yards or uses related to construction activities.

(a) Building or yard for construction materials.

(1) Upon application to and issuance by the department of zoning administration of a permit therefor, a temporary building or yard for construction materials, which is the storage of equipment and/or excavated materials, both incidental and necessary to a construction project, may be operated in all districts except the Platte River Valley District (PRV), where special limitations apply, subject to the following limitations. Each permit shall specify the location of the building and/or yard and the location of the permitted operation. Construction materials and/or equipment and/or excavated materials shall be stored a minimum of one hundred (100) feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within one hundred (100) feet of and abutting to the proposed site. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the zoning administrator; providing, however that no screening fence or wall shall be required that is taller than eight (8) feet. Such materials shall be piled no higher than twenty (20) feet above grade and any piles above four (4) feet in height shall be protected by a seven (7) foot high security fence with controlled access. A temporary building shall comply with the building setback requirements of the zone district in which it is located.

(2) Applicants shall notify abutting property owners, residents and/or business operators regarding the proposed use and shall provide zoning administration with evidence of such notification. If the project involves a major amount of construction within the public right-of-way, the applicant shall submit to the administration a copy of the public coordination plan as required by the public works department. Every such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than three (3) successive periods at the same location; however, site cleanup shall be completed within thirty (30) days after completion of the project, regardless of the length of the permit. Need not be enclosed.

(b) Fence for demolition or construction work. Notwithstanding other limitations on fence heights in setback areas, a six (6) foot high security fence may be installed around the boundary of a zone lot where some type of demolition or construction is to occur. Each permit shall be valid for six (6) months and shall not be renewed for more than two (2) successive periods.

(c) Noncommercial concrete batching plant, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the plant and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than two (2) miles from the plant. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than six (6) successive periods at the same location. These plants are not permitted in the RS-4, R-0, R-X or B-4 zone districts.

(d) Temporary construction office needed for a construction project. Each permit shall be valid for six (6) months and shall not be renewed for more than two (2) successive periods.

(e) Concrete, asphalt, and rock crushing facility.

(1) Upon application to and issuance by the department of zoning administration of a permit therefor, a concrete, asphalt, and rock crushing facility both incidental and necessary to a construction or demolition project, may be operated in all districts.

(2) Equipment and/or excavated materials shall be stored a minimum of one hundred (100) feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within one hundred (100) feet of and abutting the proposed site. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the zoning administrator; providing, however, that no screening fence or wall shall be required in excess of eight (8) feet in height. Such materials shall be piled no higher than twenty (20) feet above grade and any piles above four (4) feet in height shall be protected by a seven-foot high security fence with controlled access. Any temporary buildings shall comply with the building setback requirements of the zone district in which they are located.

(3) Applicants shall notify abutting property owners, residents and/or business operators regarding the proposed use and shall provide zoning administration with evidence of such notification. If the project involves a major amount of demolition or construction within the public

right-of-way, the applicant shall submit to the zoning administration a copy of the public coordination plan as required by the public works department.

(4) Each permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than ten (10) successive periods at the same location.

(5) Site cleanup, shall be completed within thirty (30) days after completion of the project, regardless of the length of the permit.

(Ord. No. 361-03, § 3, eff. 5-23-03)

The Denver Zoning Code also establishes standards for Temporary Uses by zone district, allowing temporary uses with greater intensity in business and industrial districts. In certain circumstances Zoning Administration may approve an application for a Temporary Use on private property depending on the zone district. RMC section 59-86, below, provides allowances for temporary uses as follows. This section is divided into subsections (b) Residential zone districts, (c) business zone districts, (d) industrial and hospital zone districts, and (e) mixed use and main street zone districts. Each subsection describes allowable temporary uses and code imposed limitations and each subsection is followed by a chart showing which district allows which temporary use.

Sec. 59-86. Uses allowed by temporary permit.

(a) *Generally.* The uses and structures described below are allowed by temporary permit in the zones indicated on the chart following the use descriptions. Need not be enclosed.

(b) *Residential zone districts.* Temporary permit uses allowed in certain residential zones:

(1) *Ambulance service.* Ambulance service operated in accordance with all of the following standards:

- a. Not more than two (2) ambulances at any one (1) location;
- b. Vehicles to be parked in completely enclosed structure when not in use;
- c. No mechanical or maintenance work is to be done on premises and no gasoline is to be stored there;
- d. No office is to be maintained in connection with the above use.
- e. Each permit shall be valid for a period of not more than six (6) months, but may be renewed; provided; however, that failure to comply with any of the standards set forth shall be cause for revocation of any permit.

(2) *Bazaar.* Bazaar operated as a place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, but not including motorized amusement rides. Each permit shall be valid for a period of not to exceed twelve (12) consecutive days and a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit for the same location.

(3) *Health care center.* Health care center operated by a political subdivision of the State of Colorado providing service but not a commodity. Each permit shall be valid for a period of one (1) calendar year and may be renewed.

(4) *Temporary office.* Temporary office, for the sale or rental of dwelling units within one (1) specific project under construction, rehabilitation or recently completed. The temporary office must be located on the property containing the dwelling units for sale or rental. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods for the same project.

Chart of Temporary Permit Uses by Zone.

RESIDENTIAL ZONE DISTRICTS

An "X" indicates the zone district which allows a specific use.

TABLE INSET:

Temporary permit uses	RS-4 R-X	R-0 R-3-X	R-1 R-2 R-2-A R-2-B	R-3	R-4 R-4-X	R-5
Ambulance service				X	X	

Bazaar		X	X	X	X	X
Health care center			X	X		
Temporary office	X	X	X	X		

(c) *Business zone districts.* Temporary permit uses allowed in certain business zones:

(1) *Bazaar, carnival or special event.* Each permit shall be valid for a period of not more than twelve (12) consecutive days and a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit for the same location; may be operated only between 9:00 a.m. and 11:00 p.m.; may have motorized rides only if located at least five hundred (500) feet from a residential district.

(2) *Outdoor retail sales.* Outdoor retail sales within one hundred twenty-five (125) feet of a pedestrian and/or transit mall; notwithstanding other requirements of this chapter 59, the outdoor retail sales of articles such as books, artwork, craftwork, food, flowers, clothing, newspapers and similar articles are permitted subject to the provisions of this section. Each permit for such sales shall be valid for a period of not more than six (6) calendar months, and may be renewed, providing the criteria set forth below are satisfied. Before issuing a permit for such use the zoning administrator shall determine that the proposed use meets all of the following criteria:

- a. That it will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, or create congestion on adjoining public sidewalks;
- b. That it will not generate an undue amount of noise, fumes, glare or other external effects;
- c. That it will not create a debris or litter problem.

(3) *Sale of Christmas trees including wreaths.* No permit shall be effective prior to the first day of November in each calendar year and no permit shall be valid for a period of more than sixty (60) days; site cleanup shall be completed no later than five (5) days after Christmas day.

(4) *Temporary outdoor sales.* Temporary outdoor sales involving the sale and display of goods and merchandise as an extension of a permitted use operating on the same zone lot. Such outdoor use shall be subject to the following conditions:

- a. Applicant shall submit an application fee of fifty dollars (\$50.00) for each application for a permit hereunder and for each application for renewal of a permit hereunder.
- b. Each permit for the proposed use shall be valid for a period of not more than forty-five (45) days with one (1) renewal for a period of not more than thirty (30) days during any six (6) month period, if all requirements hereof have been complied with during the original permit period.
- c. No required off-street parking space will be used for such merchandise display, storage or dispensing.
- d. The proposed use must be set back at least thirty (30) feet from the curb of a public street and at least one hundred fifty (150) feet from a residential use.
- e. No part of the proposed use shall obstruct visibility of motorists if located near a street corner or driveway entrance, nor shall such use obstruct the parking lot circulation system or block access to a public street.
- f. No temporary structure erected in conjunction with the proposed use shall be built out of used or unpainted lumber or rusty metal. Tents are permitted, subject to fire department regulations.
- g. Notwithstanding more restrictive regulations found elsewhere, a maximum of twenty-four (24) square feet of sign area is permitted for each use. Signage shall be limited to the walls or side of a tent, or structure or to a single freestanding sign which is not more than twenty-four (24) square feet in area per sign face. The provisions of section 59-550(e), permitted maximum sign area, do not apply to this use.
- h. The applicant shall be responsible for the storage and daily removal of all trash, refuse and debris occurring on the site. All trash storage areas shall be screened from the view of persons using adjacent rights of way.
- i. This provision shall in no way be deemed to authorize the outdoor sale of used furniture, used appliances, used plumbing, used house wares, used building materials or similar items.

(5) *Seasonal outdoor sales.*

- a. Application requirements: Each applicant for seasonal outdoor sales shall include:

1. A scaled site plan indicating the location of the temporary structures, trash storage areas, location of signs and the location of adjacent streets, avenues and alleys;
 2. A letter from the owner of the property giving his/her consent to use the subject property;
 3. A reasonable application fee as determined by the zoning administrator;
 - b. Operational requirements: Seasonal outdoor sales facilities shall meet the following requirements:
 1. Permits shall be valid from May 1 through October 31 of each calendar year;
 2. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily;
 3. Shall be limited to ten (10) percent of the area of the zone lot and off-street parking shall be provided in an amount equal to one-half (1/2) of the covered and uncovered retail sales area proposed at the facility; the parking surface shall be either paved or shall consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot;
 4. Comply with the setback requirements for the zone district in which it is located and shall be at least fifty (50) feet from any residential zone;
 5. Shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street;
 6. Shall obtain all required permits including permits for temporary structures;
 7. Temporary structures shall be limited to no more than two hundred (200) square feet;
 8. Signs shall be limited to not more than two (2) ground or wall signs as defined by section 59-2(133) and section 59-2(313), respectively; with a total area not exceeding twenty-four (24) square feet; located on the same zone lot as the seasonal outdoor sales and meeting the setback requirements of the zone district in which they are located;
 9. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with adequate screening as determined by the zoning administrator or his/her designees, to conceal such facilities from adjacent properties. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area; and
 10. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any types of chemicals or gasoline are stored or sold.
- (6) *Retail food establishment, mobile.*
- a. *Application requirements.* Each application for retail food establishment, mobile shall include for each location:
 1. A site plan accurately indicating the location of any structures, location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
 2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
 3. A reasonable application fee as determined by the zoning administrator.
 - b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:
 1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
 2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
 3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;
 4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
 5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
 6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
 7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
 8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;

9. Operations shall not occur outside of the retail food establishment, mobile;
10. Structures, canopies and outdoor tables and chairs are prohibited;
11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
15. Operations shall be located at least fifty (50) feet from any residential zone district;
16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

Chart of Temporary Permit Uses by Zone.

ALL "B" DISTRICTS, PLUS CCN

An "X" indicates which districts allow a specific use.

TABLE INSET:

Temporary permit uses	B-1 B-A-1	B-2 B-8-A B-8-G CCN	B-A-2	B-3	B-A-3	B-4	B-A-4	B-5 B-5-T	B-7	B-8
Bazaar, carnival or special event	X	X		X	X	X		X	X	X
Outdoor sales near a mall								X	X	
Sale of Christmas trees		X		X	X		X	X		X
Temporary outdoor sales				X						
Seasonal outdoor sales				X	X	X				
Retail food establishment, mobile				X		X		X	X	X

(Ord. No. 439-07, § 6, eff. 8-20-07)

(d) *Industrial, O-1, and hospital zone districts.* Temporary permit uses allowed in certain zones shown on the chart below:

(1) *Ambulance service.* This is the same use as described and regulated in the residential zones.

(2) *Amusement/entertainment.* Amusement, entertainment or recreation on the payment of a fee or admission charge. Shall not be enclosed and shall be a minimum of five hundred (500) feet from a residential zone unless this spacing is reduced by the planning office. Each permit shall be valid for a period of not more than six (6) calendar months, but may be renewed.

(3) *Bazaar, carnival and/or circus.* Each permit shall be valid for a period of not more than twelve (12) consecutive days, and a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit at the same location. May be operated only between 9:00 a.m. and 11:00 p.m.; may have motorized rides only if located at least five hundred (500) feet from a residential district.

(4) *Sale of Christmas trees.* This is the same use as described and regulated in the business zones.

(5) *Temporary office.* Both incidental and necessary for the sale or rental of real property in the zoning district. Each permit shall specify the location of the office and the area, within the same zoning district, of the permitted operation, no part of which area shall be a distance of more than two (2) miles from the office. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

(6) *Tent for religious services.* Must be five hundred (500) feet from a residential zone. Applications shall be reviewed by the fire department. Each such permit shall be valid for a period of one (1) month and may be renewed.

(7) *Seasonal outdoor sales.*

a. Application requirements. Each application for seasonal outdoor sales shall include:

1. Scaled site plan indicating the location of the temporary structures, trash storage areas, location of signs and the location of adjacent streets, avenues and alleys;
2. A letter from the owner of the property giving his/her consent to use the subject property;
3. Reasonable application fee as determined by the zoning administrator;

b. Operational requirements. Seasonal outdoor sales facilities shall meet the following requirements:

1. Permits shall be valid from May 1 through October 31 of each calendar year;
2. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily;
3. Shall be limited to ten (10) percent of the area of the zone lot and off-street parking shall be provided in an amount equal to one-half (1/2) of the covered and uncovered retail sales area proposed at the facility; the parking surface shall be either paved or shall consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot;
4. Comply with the setback requirements for the zone district in which it is located and shall be at least fifty (50) feet from any residential zone;
5. Shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street;
6. Shall obtain all required permits including permits for temporary structures;
7. Temporary structures shall be limited to no more than two hundred (200) square feet;
8. Signs shall be limited to not more than two (2) ground or wall signs as defined by section 59-2(133) and section 59-2(313), respectively; with a total area not exceeding twenty-four (24) square feet; located on the same zone lot as the seasonal outdoor sales and meeting the setback requirements of the zone district in which they are located;
9. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with adequate screening as determined by the zoning administrator or his/her designees, to conceal such facilities from adjacent properties. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area;
10. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any types of chemicals or gasoline are stored or sold.

(8) *Retail food establishment, mobile.*

a. *Application requirements.* Each application for retail food establishment, mobile shall include for each location:

1. A site plan accurately indicating the location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
3. A reasonable application fee as determined by the zoning administrator.

b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:

1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;

4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;
9. Operations shall not occur outside of the retail food establishment, mobile;
10. Structures, canopies and outdoor tables and chairs are prohibited;
11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
15. Operations shall be located at least fifty (50) feet from any residential zone district;
16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

c. Temporary continuation of existing uses. A retail food establishment, mobile operating within the city as of May 17, 2001, may continue operating to and including July 17, 2001, without the zoning permit authorized hereby provided, operations comply with the operational requirements set forth in paragraph 59-86(8)(b), above, and the retail food establishment, mobile has obtained all other required approvals and licenses including, but not limited to, permits from the department of excise and license and department of environmental health.

Chart of Temporary Permit Uses by Zone.

INDUSTRIAL AND HOSPITAL DISTRICTS

An "X" indicates the zone district which allows a specific use.

TABLE INSET:

Temporary permit uses	I-0	I-1 I-2	O-1	H-1-A H-1-B H-2
Ambulance Service				X
Amusement, entertainment and others	X	X		
Bazaar, carnival and/or circus			X	X
Sale of Christmas trees	X	X	X	
Temporary office			X	
Tent for religious service	X	X		
Seasonal outdoor sales	X			
Retail food establishment, mobile	X	X		

(e) OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, T-MU-30, MS-1, MS-2, and MS-3. The following temporary permit uses are allowed in OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, T-MU-30, MS-1, MS-2 and MS-3 as shown on the chart below:

(1) *Bazaar, carnival, or special event.* Each permit shall be valid for a period of not more than twelve (12) consecutive days and a period of at least ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit for the same location; may be

operated only between 9:00 a.m. and 11:00 p.m.; may have motorized rides only if located at least five hundred (500) feet from a residential district.

(2) *Outdoor retail sales.* Outdoor retail sales within one hundred twenty-five (125) feet of a pedestrian and/or transit mall; notwithstanding the requirements of any other provision of this chapter 59, the outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers, and similar articles are permitted subject to the provisions of this section. Each such permit shall be valid for a period of not more than six (6) calendar months, and may be renewed, providing the criteria set forth below are satisfied. Before issuing a permit for such use the zoning administrator shall determine that the proposed use meets all of the following criteria:

- a. That it will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, or create congestion on adjoining public sidewalks;
- b. That it will not generate an undue amount of noise, fumes, glare, or other external effects;
- c. That it will not create a debris or litter problem.

(3) *Sale of Christmas trees, including wreaths.* No permit shall be effective prior to the first day of November in each calendar year and no permit shall be valid for a period of more than sixty (60) days; site cleanup shall be completed no later than five (5) days after Christmas day.

(4) *Temporary outdoor sales.* Temporary outdoor sales involving the sale and display of goods and merchandise as an extension of a use by right or use by special review operating on the same zone lot. Such outdoor use shall be subject to the following conditions:

- a. Applicant shall submit an application fee of fifty dollars (\$50.00) for each application for a permit hereunder and for each application for renewal of a permit hereunder.
- b. Each permit for the proposed use shall be valid for a period of not more than forty-five (45) days with one (1) renewal for a period of not more than thirty (30) days during any six-month period, if all requirements hereof have been complied with during the original permit period.
- c. No required off-street parking space will be used for such merchandise display, storage, or dispensing.
- d. The proposed use shall be set back at least thirty (30) feet from the curb of a public street and at least one hundred fifty (150) feet from a residential use.
- e. No part of the proposed use shall obstruct visibility of motorists if located near a street corner or driveway entrance, nor shall such use obstruct the parking lot circulation system or block access to a public street.
- f. No temporary structure erected in conjunction with the proposed use shall be built out of used or unpainted lumber or rusty metal. Tents are permitted, subject to fire department regulations.
- g. Notwithstanding more restrictive regulations found elsewhere, a maximum of twenty-four (24) square feet of sign area is permitted for each use. Signage shall be limited to the walls or side of a tent or structure or to a single freestanding sign which is not more than twenty-four (24) square feet in area per sign face. The provisions of section 59-550(e) (permitted maximum sign area) do not apply to this use.
- h. The applicant shall be responsible for the storage and daily removal of all trash, refuse, and debris occurring on the site. All trash storage areas shall be screened from the view of persons using adjacent rights-of-way.
- i. This provision shall in no way be deemed to authorize the outdoor sale of used furniture, used appliances, used building materials, used plumbing, used house wares, used building materials, or similar items.

(5) *Seasonal outdoor sales.*

- a. *Application requirements.* Each application for seasonal outdoor sales shall include:
 1. A scaled site plan indicating the location of the temporary structures, trash storage areas, location of signs and the location of adjacent streets, and alleys;
 2. A letter from the owner of the property giving his/her consent to use the subject property;
 3. A reasonable application fee as determined by the zoning administrator.
- b. *Operational requirements.* Seasonal outdoor sales facilities shall meet the following requirements:
 1. Permits shall be valid from May 1 through October 31 of each calendar year;
 2. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily;
 3. Shall be limited to ten (10) percent of the area of the zone lot and off-street parking shall be provided in an amount equal to one-half (1/2) of the covered and uncovered retail sales area

proposed at the facility; the parking surface shall be either paved or shall consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot;

4. Comply with the setback requirements for the zone district in which it is located and shall be at least fifty (50) feet from any residential zone;
5. Shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street;
6. Temporary structures shall be limited to no more than two hundred (200) square feet in area and shall obtain all required permits from the building department, fire department, health department and the department of zoning administration;
7. Signs shall be limited to not more than two (2) ground or wall signs as defined by section 59-2(133) and section 59-2(312), respectively; with a total area not exceeding twenty-four (24) square feet; located on the same zone lot as the seasonal outdoor sales and meeting the setback requirements of the zone district in which they are located;
8. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with adequate screening as determined by the zoning administrator or his/her designees, to conceal such facilities from adjacent properties. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area;
9. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any type of chemicals or gasoline is stored or sold.

(6) *Retail food establishment, mobile.*

- a. Application requirements. Each application for retail food establishment, mobile shall include for each location:
 1. A site plan accurately indicating the location of the proposed use, trash storage areas, location of adjacent streets, avenues and alleys, and ingress and egress locations;
 2. Written consent from the property owner authorizing the property to be used for the proposed use and approving the accurate site plan;
 3. A reasonable application fee as determined by the zoning administrator.
- b. *Operational requirements.* Retail food establishment, mobile shall meet the following requirements for each location:
 1. Permits shall be valid for twelve (12) consecutive months and shall be renewed annually;
 2. Permits shall be valid for four (4) consecutive hours for each day at each zone lot;
 3. No more than one (1) retail food establishment, mobile shall be permitted to operate per day at each zone lot;
 4. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
 5. Operations shall only occur on zone lots and shall not reduce the area required for parking by article VI of this chapter for any other use on the zone lot;
 6. Operations shall be at least two hundred (200) feet from any eating place lawfully existing at the time the permit or renewal permit was issued and at least two hundred (200) feet from any other retail food establishment, mobile;
 7. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk;
 8. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation;
 9. Operations shall not occur outside of the retail food establishment, mobile;
 10. Structures, canopies and outdoor tables and chairs are prohibited;
 11. Signs must be permanently affixed to or painted on the retail food establishment, mobile;
 12. Signs shall not project from the retail food establishment, mobile and shall not illuminate;
 13. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter;
 14. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile;
 15. Operations shall be located at least fifty (50) feet from any residential zone district;

16. Operations are prohibited on undeveloped zone lots, zone lots with unoccupied structures and unpaved surfaces.

Chart of Temporary Permit Uses by Zone.

OS-1, R-MU-20, R-MU-30, C-MU-10, C-MU-20, C-MU-30, T-MU-30, MS-1, MS-2 and MS-3
DISTRICTS

An "X" indicates the zone district which allows a specific use.

TABLE INSET:

Temporary permit uses	OS-1	R-MU-20 R-MU-30	C-MU-10	C-MU-20 C-MU-30	T-MU-30	MS-1 MS-2 MS-3
Bazaar, carnival or special event	X	X	X	X	X	X
Outdoor sales near a mall			X	X	X	
Sale of Christmas trees	X		X	X	X	
Temporary outdoor sales	X	X	X	X	X	
Seasonal outdoor sales			X	X	X	
Retail food establishment, mobile			X	X		

(Ord. No. 624-05, § 1, eff. 9-2-05; Ord. No. 660-05, § 3, eff. 9-16-05)

(Ord. No. 361-03, § 3, eff. 5-23-03)