

# Chapter 8.40

## SPECIAL USES

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### **8.40.010 Purpose.**

The purpose of this chapter is to establish the conditions under which certain special uses of buildings and public and private property may be permitted for a limited period of time when safe and compatible with the general vicinity and adjacent uses. Applications for special uses, special events, and temporary uses shall be subject to a Class 1 review unless referred to the Planning and Historic Preservation Commission by the Mayor and/or his or her designee for a Class 1A or Class 2 review. [Ord. 1060 § 2, 2010; Ord. 1059 § 2 (Exh. A (12.220.010)), 2010.]

### **8.40.020 Types of special uses and special events.**

A. Major Special Uses. These uses are activities that are of limited time or duration, but have the potential to adversely affect the health and safety of the surrounding uses and the general community as determined by the city.

These types of uses or events may include Christmas tree lots, firework stands, produce stands and construction related activities. B. Minor Special Uses. These uses are activities that are of limited time or duration, and have minimal impact upon the surrounding uses and general community as determined by the City.

1. These types of uses may include seasonal or special uses such as car washes, sidewalk sales, and/or fund raisers.

C. Temporary Uses. These uses are not permanent, but may be permitted for an extended period of time, subject to conditions.

1. Temporary structures for the housing of equipment or containing supervisory offices in connection with major construction projects may be erected and maintained during the progress of such construction projects; provided, that such temporary structure may not be maintained for a period exceeding one year unless an extension is granted by the City.

a. Temporary placement of a travel trailer or mobile home to provide housing while constructing a permanent dwelling on the same lot or parcel of land; provided, that such temporary use may not be maintained for a period exceeding six months except that the Mayor and/or his or her designee may extend this period for no more than six additional months.

b. Temporary occupancy of a travel trailer adjacent to any existing residence on the lot or parcel of the residence to provide housing for bona fide visitors and guests of occupants of the permanent residence. One temporary permit may be issued for a maximum period of three consecutive weeks, provided the City may approve one extension for up to three consecutive weeks, except that permits will not be required until 48 hours after initially entering the city limits. Temporary trailers shall be required to meet all setbacks, lot coverage and height requirements for the principal use in the applicable district.

2. The temporary use of storage containers during approved construction activities.

Notwithstanding the foregoing, if there have been no material changes, as determined by the city, to a previously approved special use permit during this 180-day period, an applicant may request prior to the initial 180-day expiration, subject to city approval, no more than one 180-day extension. [Ord. 1060 § 2, 2010; Ord. 1059 § 2 (Exh. A (12.220.020)), 2010.]

#### **8.40.030 General conditions.**

The following conditions must be met in order to issue a special use or temporary use permit:

A. The proposed use or activity shall not be located in or adversely impact critical or environmentally sensitive areas;

B. Each site occupied by a special use must provide or have available sufficient parking and vehicular maneuvering area for general public and must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way;

C. The special use shall comply with all applicable standards of the Kittitas County health department;

D. All applicants for special uses shall obtain, prior to occupancy of the site, all applicable city permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.);

E. The applicant for the special use shall supply written authorization from the owner of property on which the special use is located;

F. Each site occupied by a special use shall be left free of debris, litter, or other evidence of the special use upon completion of removal of the use;

H. The planning official may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, special arrangements for parking and traffic circulation, requirement for screening or enclosure, notification of affected property owners, and guarantees for site restoration and cleanup following special uses. [Ord. 1060 § 2, 2010; Ord. 1059 § 2 (Exh. A (12.220.030)), 2010.]

#### **8.40.040 Use of public right-of-way.**

The city may conditionally approve, through the issuance of a right-of-way use permit or a special use permit, the use of public right-of-way; provided, that:

- A. Approved uses may be subject to periodic review and renewal;
- B. Uses must be in compliance with the terms and conditions of approval at all times, and are subject to suspension or revocation for noncompliance; and
- C. The Mayor and/or his or her designee may reserve the right to terminate the approval without cause in the case of emergency, or in order to use the right-of-way, and/or to protect the public health and safety

D. Business sponsored sidewalk sales approved by the Mayor and/or his or her designee may be determined to be exempt from Right of Way Use Permit as long as the business has signed an indemnitee agreement with the City and ADA access is maintained.

[Ord. 1060 § 2, 2010; Ord. 1059 § 2 (Exh. A (12.220.040)), 2010.]

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