

EXHIBIT B

MICC 19.06.130 TEMPORARY USE PERMITS

A. Purpose and applicability.

A temporary use permit authorizes a use or structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to the requirements contained within MICC 19.06.090.

B. Permit required.

1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses except those specifically exempted pursuant to MICC 19.06.130(D).
2. The property owner or their authorized agent may apply for a temporary use permit on private property.
3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.

C. Application.

The application for a temporary use permit shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of this section. The Community Planning & Development Department shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable. Temporary use applications shall be processed as a Type I land use review, pursuant to MICC 19.15.030 Land Use Review Types.

D. Exemptions.

1. The following activities on private property are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:
 - a. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling. Tents or other temporary structures used in conjunction with any garage, yard, or estate sale shall not exceed 120 square feet in area;
 - b. Rummage and other outdoor sales sited at a school, church, or other nonresidential institutional facility;
 - c. Fireworks stands operating under a permit issued by the fire marshal's office;
 - d. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction permit:
 - i. Contractor's office, storage yard, and equipment parking and servicing on or near the site or in the vicinity of an active construction project.
 - ii. Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.

E. Criteria for approval.

1. The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use permit if the application satisfies all of the following criteria:
 - a. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;
 - b. The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;
 - c. Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;
 - d. Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;
 - e. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;
 - f. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses;
 - g. The temporary use will not include permanent fencing, walls, or other structures that would hinder removal of the structure from the site; and
 - h. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13, Shoreline Master Program, and 19.21, Environmental Procedures.
2. Except as otherwise provided above, the underlying development standards of the zoning designation applicable to the site on which the temporary use or structure is proposed do not apply.

F. Additional conditions for certain temporary uses/structures.

The following temporary uses and structures are permitted when authorized by the issuance of a temporary use permit when the applicable conditions set forth in this section and in MICC 19.06.130(E), Criteria for approval, have been met.

1. Mobile Food Vendors. Mobile food vendors shall comply with the following conditions:
 - a. The mobile food vendor shall obtain and keep the Eastside Fire and Rescue permit or approval and King County Health Department permit or approval on the mobile food vending facility at all times, and copies of these approvals shall be made available to the City upon the City's request.
 - b. The mobile food vendor must be located on a paved surface. If the mobile food vendor will be operating within a parking area, the mobile food vending facility may not protrude into the drive aisle, block fire lanes, or result in the site providing less than the required minimum number of parking stalls.
 - c. A mobile food vendor shall not be parked in a location that will impede garbage collection.
 - d. A mobile food vendor must obtain permission from the property owner prior to operating.
 - e. The mobile food vendor must have fully functional wheels and be able to move immediately by being towed or driven without the removal of blocks or other structural devices.

G. Time limitation.

1. The code official may issue a temporary use or structure permit up to the durations set forth in Table A, Table of Temporary Use and Structure Permit Duration.

Table A, Table of Temporary Use and Structure Permit Duration

<u>Temporary Use or Structure</u>	<u>Maximum Duration</u>	<u>Applicable Development Standards</u>
<u>Temporary Uses or Structures (not including activities listed in MICC 19.06.130(D), Exemptions and Mobile food vendors)</u>	<u>180 Days¹</u>	<u>MICC 19.06.130(E)</u>
<u>Activities listed in MICC 19.06.130(D), Exemptions not related to another permit.</u>	<u>30 days of site occupation or operation in any calendar year, unless otherwise stated</u>	<u>MICC 19.06.130(D)</u>
<u>Activities listed in MICC 19.06.130(D), Exemptions related to another permit.</u>	<u>180 days of site occupation or operation in any calendar year, unless otherwise stated¹</u>	<u>MICC 19.06.130(D)</u>
<u>Mobile food vendors</u>	<u>30 days or as provided pursuant to the terms of the issued temporary use permit</u>	<u>MICC 19.06.130(F)(1)</u>

¹The code official may grant an extension not to exceed 30 days in total, upon the applicant showing compliance with all conditions of permit approval. If a request for an extension is not received in writing at least one week prior to the end of the time limit stated on the temporary use permit, the temporary use permit shall expire and the use or structure shall be timely removed pursuant to MICC 19.06.130(I).

H. Limitation on activity.

1. A property will not be granted a temporary use permit for a temporary use or structure for a minimum of three months after the expiration of a previous temporary use or structure permit.

I. Removal of a temporary use.

1. The code official shall establish, as a condition of each temporary use permit, a date by which the use/structure and all physical evidence of the use/structure must be removed. The site occupied by the temporary use or structure shall be restored to the original or better condition upon the removal of the use or structure. If the permittee has not removed the use/structure as required by the temporary use permit, the city may take any and all enforcement action permitted by law, including, but not limited to abatement pursuant to MICC Title 6.

J. Assurance device.

1. The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.