

**Chapter 18.785
TEMPORARY USES**

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18.785.010 Purpose

- A. Purpose. The purpose of this chapter is to establish standards for the approval of three types of temporary use:
 - 1. Use that is seasonal or directed toward a specific event;
 - 2. Use which is occasioned by an unforeseen event; and
 - 3. Sales offices and model homes in conjunction with the sale of homes.
- B. Disclaimer. This chapter is not intended to be a way to circumvent the strict application of the use districts. Therefore, time limits are to be strictly enforced.
- C. Exemptions. This chapter does not apply to:
 - 1. Seasonal and special events conducted exclusively by and for the benefit of a Tigard-based nonprofit organization;
 - 2. Garage sales; or
 - 3. Temporary construction offices in conjunction with the initial development of residential, commercial or industrial property (three or more dwelling units or lots). (Ord. 10-05 § 1)

18.785.020 Types of Temporary Uses

- A. Seasonal or special event. This type of temporary use is a use which by its nature will last less than one year. Examples of this type of use are those associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction or seasonal use. This type of use does not apply to businesses seeking a temporary or interim location. These types of temporary uses include:
 - 1. Use associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;
 - 2. Use associated with the sale of fresh fruits, produce, and flowers, including seasonal markets by a chartered public service/non-profit organization which may offer additional products and services as provided in the organization's "market rules and policies" such as landscaping plants, prepared food, animal products, and art/handcrafts assembled by the vendor;

3. Use associated with festivals or celebrations or special events;
 4. Seasonal activities such as the sale of food at sports events or activities;
 5. Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided by this chapter; and
 6. Temporary fund raising and other civic activities in commercial zoning districts.
- B. Unforeseen/emergency situations. This type of temporary use is a use which is needed because of an unforeseen event such as fire, windstorm or flood, unexpected health or economic hardship, or due to an eviction resulting from condemnation or other proceedings. Examples of this type of temporary use include:
1. A mobile home or other temporary structure for a residential purpose in a residential zone;
 2. A mobile home or other temporary structure for a business purpose in a commercial or industrial zone; and
 3. Use of an existing dwelling or mobile or manufactured home during the construction period of a new residence on the same lot.
- C. Temporary sales office/model home. This type of use includes a temporary sales office or offices either in a housing unit or in another temporary building for the purpose of facilitating the sale of real property in any subdivision or tract of land within this city. Related to this is the use of one unit in a subdivision as a “model home” for purposes of showing perspective buyers.
- D. Temporary use in commercial and industrial zones. This type of temporary use includes a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property. (Ord. 10-05 §1)

18.785.030 Approval Process

- A. Procedure type. Approval of various temporary uses shall be processed as follows:
1. Seasonal or special event: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in 18.785.040.A;
 2. Unforeseen/emergency situations: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in 18.785.040.B;
 3. Temporary sales office/model home: by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria in 18.785.040.C;
 4. Temporary building in commercial and industrial zones: by means of a Type I procedure, as governed by Section 18.390.040, using approval criteria in 18.785.040.D.
- B. Approval period. An approval for a temporary use by the director shall be valid for a period of one year unless otherwise stipulated by the approval.

- C. Lapsing of approval. An approval for the temporary use by the director shall lapse if:
1. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; and
 2. Construction or activity on the site is a departure from the approved plan.
- D. Renewal of approval. A temporary use approval may be renewed once by the director for a period not to exceed one year. Approval for a seasonal or special event use may be renewed on an annual basis in the same manner as if it were an original application. Notice of the decision shall be provided to the applicant.
- E. Renewal for temporary residential sales office/model homes. A permit for temporary sales offices and model homes may be renewed on an annual basis in the same manner as if it were an original application as long as 50% or less of the total number of dwelling units have been issued occupancy permits. (Ord. 10-05 § 1)

18.785.040 Approval Criteria

- A. Seasonal and special events. Using a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
1. The use occurs only once in a calendar year and for no longer a period than 30 consecutive days, except as provided in paragraph 6 of this subsection;
 2. The use is permitted in the underlying zoning district;
 3. The applicant has proof of the property-owner's permission to place the use on his/her property;
 4. There will be no parking utilized by the customers and employees of the temporary use which is needed by the property owner to meet his/her minimum parking requirement, as governed by Chapter 18.765, Parking and Loading.
 5. The use will provide adequate vision clearance, as governed by Chapter 18.795, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way.
 6. Seasonal markets are permitted in the C-G and MU-CBD zones and may operate from April through October. The applicant shall provide "market rules and policies" for city approval, which are consistent with the seasonal market use description in 18.785.020.A.2 and will be observed for the duration of the permit. Market rules and policies shall include hours of operation, location, product guidelines, vendor obligations, vehicle loading/unloading, and any other applicable policies guiding the operation of the market. The city may also consider the following criteria:
 - a. Provide documentation demonstrating adequate and safe ingress and egress exist when combined with the other uses of the property, consistent with applicable standards of Chapter 18.705, Access, Egress and Circulation;
 - b. Provide documentation demonstrating the use will not create a traffic hazard, including coordination with ODOT if applicable;

- c. Provide documentation that the use will not create adverse off-site impacts related to noise, odors, vibrations, glare or lights that would be greater than otherwise allowed by uses permitted outright in the zone; and
 - d. Signs are allowed as permitted in Chapter 18.780; however, the permitted period for temporary signs may be approved to correspond to the duration of the permitted seasonal market use.
- B. Unforeseen/emergency situations. Using a Type I procedure, as governed by Section 18.390.040, the director shall approve, approve with conditions or deny based on findings that all of the following criteria are satisfied:
- 1. The need for the use is the direct result of a casualty loss such as fire, wind storm, flood or other severe damage by the elements to a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought; or
 - 2. The use of a mobile or manufactured home on a lot with an existing dwelling unit is necessary to provide adequate and immediate health care for a relative who needs close attention who would otherwise be required to receive needed attention from a hospital or care facility; or
 - 3. The applicant has been evicted within 60 days of the date of the application from a pre-existing occupancy of the premises for which the permit is sought as a result of condemnation proceedings by a public authority, or eviction by abatement of nuisance proceedings, or by determination of a public body or court having jurisdiction that the continued occupancy of the facilities previously occupied constitutes a nuisance or is unsafe for continued use; or
 - 4. There has been a loss of leasehold occupancy rights by the applicant due to unforeseeable circumstances or other hardship beyond the foresight and control of the applicant; and
 - 5. There exists adequate and safe ingress and egress when combined with the other uses of the property, as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance; and
 - 6. There exists adequate parking for the customers of the temporary use as required by Chapter 18.765, Off-Street Parking; and
 - 7. The use will not result in congestion on adequate streets; and
 - 8. The use will pose no hazard to pedestrians in the area of the use; and
 - 9. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, in a manner which other use allowed outright in the zone, would not affect adjoining use; and
 - 10. The use can be adequately served by sewer or septic system and water, if applicable.
- C. Temporary sales office or model home. By means of a Type I procedure, as governed by Section 18.390.030, the director may approve, approve with conditions or deny the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within this city, but for no other purpose, provided the following criteria are satisfied:

1. Temporary sales office.
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
 2. Model house.
 - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
 - b. The property to be used for a model house shall be a permanently designed dwelling structure.
- D. Temporary building. Using a Type I procedure, as governed by Section 18.390.040, The director may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing the following criteria are satisfied:
1. The temporary trailer shall be located within the boundaries of the parcel of land on which it is located;
 2. The property to be used for a temporary trailer shall already be developed;
 3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by Chapter 18.705, Access, Egress and Circulation, and Chapter 18.795, Visual Clearance;
 4. There exists adequate parking for the customers or users of the temporary use as required by Chapter 18.765, Off-Street Parking;
 5. The use will not result in congestion on adequate streets;
 6. The use will pose no hazard to pedestrians in the area of the use;
 7. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will effect the adjoining uses in a manner which other uses allowed outright in the zone would not affect the adjoining uses;
 8. The use can be adequately served by sewer or septic system and water, if applicable; and
 9. The length of time that the temporary building will be used is the maximum needed to address the hardship. (Ord. 10-05 §1)

18.785.050 Application Submission Requirements

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type I, depending on the type of temporary use for which the approval is sought.
- B. Additional information. In addition to the information described in subsection A of this section, the applicant shall provide a site plan, narrative and other information as specified in a detailed hand-out provided by the director.
- C. Emergency situations. The director may waive any of the requirements in this chapter or request additional information in accordance with Chapter 18.390 for cases which involve destruction of an existing structure due to fire, natural causes, or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subsection shall not include failure by the applicant to submit a temporary use request as provided in this chapter. ■