

Chapter 18.440
TEMPORARY USES

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18.440.010 Purpose

The purpose of this chapter is to establish standards for the approval of temporary uses. (Ord. 17-22 §2)

18.440.020 Applicability

- A. Applicability. This chapter applies to all types of temporary uses listed in Section 18.440.030, unless they are exempt in Subsection 18.440.020.C or D.
- B. Disclaimer. This chapter is not intended to be a way to circumvent the strict application of the base zones. Therefore, time limits are to be strictly enforced.
- C. Temporary uses allowed. The following temporary uses are allowed without a temporary use permit:
 - 1. Seasonal and special events conducted exclusively by and for the benefit of a Tigard-based nonprofit organization;
 - 2. Temporary Shelter, as an accessory use to a Religious Institution use or a Social/Fraternal Clubs/Lodges use, where the following are met:
 - a. No more than 20 people are provided shelter at a time,
 - b. Each stay does not exceed 30 days, and
 - c. Temporary shelter is not provided on the property more than 90 total days in a year.
 - 3. Garage sales;
 - 4. Temporary construction offices in conjunction with the initial development of residential, commercial or industrial property (three or more dwelling units or lots); or
 - 5. Seasonal and special events located entirely within the PR zone, provided the use has been approved by the Public Works Director or designee.
- D. Emergency situations. The Director may waive any of the requirements in this chapter or request additional information in compliance with Chapter 18.710, Land Use Review Procedures, for cases that 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 does not include failure by the applicant to submit a temporary use request as provided in this chapter. (Ord. 18-23 §2; Ord. 17-22 §2)

18.440.030 Types of Temporary Uses

- A. Seasonal or special event. This type of temporary use is a use that 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 or non-profit organization that 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 or 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 zones.
- B. Unforeseen or emergency situations. This type of temporary use is a use that is needed because of an unforeseen event such as fire, windstorm, 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 or 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 property within this city. This includes the use of one unit in a subdivision as a "model home" for purposes of showing prospective 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 commercially or industrially zoned property within the city as a temporary commercial or industrial office or space associated with the primary use on the property. (Ord. 18-23 §2; Ord. 17-22 §2)

18.440.040 Approval Process

- A. Approval process. An application for a temporary use is processed through a Type I procedure, as provided in Section 18.710.050, using the approval criteria for the specific temporary use provided in Section 18.440.050.
- B. Approval period. An approval for a temporary use is valid for a period of 1 year unless otherwise stipulated by the approval.
- C. Expiration. An approval for the temporary use will expire 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. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.440.050 Approval Criteria

- A. Seasonal and special events. The approval authority will approve or approve with conditions seasonal and special events when all of the following are met:
 - 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 18.440.050.A.6;
 - 2. The use is allowed in the applicable base zone;
 - 3. The applicant has proof of the property owner's permission to place the use on the property;
 - 4. There will be no parking utilized by the customers and employees of the temporary use that is required to meet the minimum parking requirements for the other uses on the property, as required by Chapter 18.410, Off-Street Parking and Loading;
 - 5. The use will provide adequate vision clearance, as required by Chapter 18.930, Vision Clearance Areas, and not obstruct pedestrian access on public rights-of-way; and
 - 6. Seasonal markets are allowed in the C-G and MU-CBD zones and may operate from April through October. The applicant must provide "market rules and policies" for city approval, which are consistent with the seasonal market use description in Paragraph 18.440.030.A.2 and will be observed for the duration of the permit. Market rules and policies must include hours of operation, location, product guidelines, vendor obligations, vehicle loading or 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, in compliance with Chapter 18.920, 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 allowed in the base zone; and
 - d. Signs are allowed as provided in Chapter 18.435, Signs; however, temporary signs may be approved for a period of time to correspond with the duration of the seasonal market use.
- B. Unforeseen or emergency situations. The approval authority will approve or approve with conditions unforeseen or emergency situations when all of the following are met:
- 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 18.920, Access, Egress and Circulation, and Chapter 18.930, Vision Clearance Areas; and
 - 6. There exists adequate parking for the customers of the temporary use as required by Chapter 18.410, Off-Street Parking and Loading; and
 - 7. The use will not result in congestion on adjacent 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 that will affect adjoining uses in a manner that other uses allowed in the base zone would not affect adjoining uses; and
 - 10. The use can be adequately served by sewer or septic system and water, if applicable.
- C. Temporary sales office or model home. The approval authority will approve or approve with conditions a temporary sales office or model home when all of the following are met:
- 1. Temporary sales office.
 - a. The temporary sales office must be located within the boundaries of the subdivision or property in which the real property is to be sold; and

- b. Sales offices approved through the provision of this chapter may not be permanent.
2. Model home.
- a. The model home must be located within the boundaries of the subdivision or property where the real property to be sold is situated; and
 - b. The property to be used for a model house must be a permanently designed dwelling structure.
- D. Temporary use in commercial and industrial zones. The approval authority will approve or approve with conditions a temporary trailer or prefabricated building when all of the following are met:
- 1. The temporary trailer must be located within the boundaries of the property on which it is located;
 - 2. The property to be used for a temporary trailer must 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 18.920, Access, Egress, and Circulation, and Chapter 18.930, Vision Clearance Areas;
 - 4. There exists adequate parking for the customers or users of the temporary use as required by Chapter 18.410, Off-Street Parking and Loading;
 - 5. The use will not result in congestion on adjacent 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 that will affect the adjoining uses in a manner that other uses allowed in the base 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. 18-23 §2; Ord. 17-22 §2) ■