CHAPTER 33.296
TEMPORARY ACTIVITIES

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Sections:

33.296.010 Purpose
33.296.020 Description
33.296.030 Zone and Duration
33.296.040 General Regulations

33.296.010 Purpose

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

33.296.020 Description

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: construction trailers, leasing offices, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

33.296.030 Zone and Duration

A. IR and RF through RH zones. The regulations for temporary uses in the IR and RF through RH zones are as follows:

1. Use of existing house or mobile home during construction. An existing house or a mobile home may be used temporarily for a residence while a permanent residence is being constructed. The existing house or mobile home may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or mobile home must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or mobile home.

2. Residential sales offices. Sales offices for major subdivisions or planned unit developments are allowed at the development site until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.

3. Sales.

   a. Garage sales. Garage sales and other sales for items from the site may occur for no more than three consecutive days on two different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.

   b. Seasonal outdoor sales. Seasonal outdoor sales of plants and produce are allowed twice a year for up to five consecutive weeks each time.

4. Fairs, carnivals and other major public gatherings.

   a. Fairs, carnivals and other major public gatherings in the RF through RH zones. Fairs, carnivals and other major gatherings are allowed for up to nine consecutive days at a site with an existing institutional use. Two events are allowed per calendar year.

   b. Fairs, carnivals and other major public gatherings in IR zone. Fairs, carnivals and other major gatherings are allowed for up to nine consecutive days at a site with an existing institutional use. Two events are allowed per calendar year. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan.

5. Show of model homes. The viewing of model homes within a subdivision for a fee is allowed for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.

6. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

7. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and transportation improvements, are subject to the regulations below.

   a. Length of project. Except as provided in subparagraph b. below, only projects that last three years or less are allowed as temporary activities. Projects that last over three years are subject to the regulations for permanent uses. Adjustments to the three year time period are prohibited.

   b. Overlay zones. Projects located within an Environmental or River Natural overlay zone are subject to the regulations for permanent uses regardless of the length of the project.

   c. Dust, mud and erosion control. During the project, operational procedures must include steps to reduce dust and mud on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.

   d. Noise. The project must meet the noise regulations of Title 18, Noise Control. Any variances to the noise regulations will be processed as provided in Title 18.

e. Community relations. For project staging areas that last more than one year, the public agency must designate a community relations representative for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.

f. Final site condition. At the end of the project, the site must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. An exception to this requirement is sites that have paving prior to the start of the project. In these cases the portion of the site that has paving may remain in paving. All other portions of the site must be seeded as provided above. The ground cover or paving must be installed to the applicable standards in Standard Construction Specifications published by the City of Portland, Department of Public Works.

g. Building permit. Prior to the start of the project, a building permit must be obtained from the City. Applications for the building permit must contain evidence that the project will comply with the requirements above. If the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the project does not involve a contract with the City, then at a minimum, evidence of compliance must include performance guarantees to guarantee compliance with the requirements in Subparagraph c., Dust, mud, and erosion control, and f., Final site condition, above. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

8. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, are allowed for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

B. RX, C, E, and I zones. The regulations for temporary uses in the RX, C, E, and I zones are as follows:

1. Parking lot sales. Parking lot sales in zones where outdoor display is not otherwise allowed, are allowed for up to two consecutive weeks at any one time.

2. Seasonal outdoor sales. Seasonal outdoor sales are allowed for up to one month at any one time.

3. Fairs and carnivals. Fairs and carnivals are allowed for up to two consecutive weeks at any one time.

4. Warehouse sales. In industrial zones, retail warehouse sales are allowed for up to one week at any one time.

5. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

6. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations for the RF through RH zones stated in Subparagraph 33.296.030 A.7. above. An exception to the regulations is the inclusion of alternatives to the requirements for final site condition (stated in 33.296.030 A.7.f.) In the RX, C, E, and I zones, the site may be seeded for vegetative ground cover, or it may be graveled or paved. However, gravel or paving is not allowed within 5 feet of the lot lines.

7. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, are allowed for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

C. OS zone. The regulations for temporary uses in the OS zone as follows:

1. Fairs, carnivals, and other special events. Fairs, carnivals, and other special events are allowed by right in the OS zone. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

2. Natural disasters and emergencies. Temporary activities and structures needed as a result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

3. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations for the RF through RH zones stated in Subparagraph 33.296.030 A.7. above.

4. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, are allowed for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

D. Time between activities. For Subsection A. and B. above, except for mobile homes, construction trailers, and residential sales offices, the time between temporary activities must be four times as long as the duration of the last event.

33.296.040 General Regulations

All temporary activities are subject to the regulations listed below.

A. Permanent changes to the site are prohibited.

B. Temporary parking areas are allowed only during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.

C. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.

D. Temporary activities may not cause the elimination of required off-street parking.

E. Temporary activities in C, E, and I zones that are maintained beyond the allowed time limits are considered permanent uses, and are subject to the use and development standards of the base zone.

F. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.

G. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.