# 33.296 Temporary Activities

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## 33.296.010 Purpose

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses that 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 staging, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales. Temporary activities that meet the regulations described in this chapter are not considered primary or accessory uses. 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 Temporary Activities Allowed

**A.** **Residential sales offices.** Sales offices for major subdivisions or planned unit developments are allowed in the IR and RF through RH zones. Sales offices are allowed at the development site until all lots or houses are sold or for 10 years after the final plat is approved, whichever is less. Use of the sales office for sites outside of the project is prohibited.

**B.** **Show of model homes.** The viewing of model homes within a subdivision for a fee is allowed in the IR and RF through RH zones for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.

**C.** **Incidental Sales.** Incidental sales of items are allowed based on the zone in which the site is located:

1. Garage sales. Garage sales and other sales of items from the site may occur in the IR and RF through RH zones for no more than 3 consecutive days on 2 different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.

2. Parking lot sales. Parking lot sales in the RX, C, E, and I zones where outdoor display is not otherwise allowed, are allowed for up to 2 consecutive weeks at any one time. The time between parking lot sales events must be 4 times as long as the duration of the last event.

3. Warehouse sales. In Industrial zones, retail warehouse sales are allowed for up to 1 week at any one time. The time between warehouse sales events must be 4 times as long as the duration of the last event.

4. Seasonal outdoor sales.

   a. In the RX, C, E, and I zones, sales events are allowed for up to 1 month at any one time. The time between seasonal outdoor sales events must be four times as long as the duration of the last event.

   b. In the IR and RF through RH zones, Seasonal outdoor sales of plants and produce are allowed twice a year for up to 5 consecutive weeks each time.

**D. Farmers Markets.** Farmers Markets are allowed on a site with an institutional use, and on sites in the IR, R1, RH, RX, C, E, I, and OS zones as follows:

1. The market may be open up to 70 days per calendar year.

2. Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.

   - Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
   - Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
   - Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

     For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.

3. The market cannot obstruct a path that is part of a required pedestrian circulation system.

4. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

**E. Fairs, carnivals and other major public gatherings.**

1. In the RF through RH zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.

2. In the IR zone, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.

3. In the RX, C, E, and I zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.

4. In the OS zone, fairs, carnivals, and other major public gatherings are allowed by right. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

**F. Construction activities**

1. Use of existing house or manufactured dwelling. In the IR and RF through RH zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling 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 manufactured dwelling 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 manufactured dwelling.

2. Building relocation. In all zones except the OS zone, a site may be used once per year to store a building for up to 6 months while the building is awaiting permanent placement. Site development standards of this Title do not apply to the building while it is being stored; however other city requirements may still apply such as stormwater management and erosion control. A performance bond in conformance with 33.700.050, Performance Guarantees or other form acceptable to the Director of BDS must be posted to ensure removal of the building if is not permanently placed within 6 months.

3. Construction parking. In all zones, 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.

4. Construction staging areas

   a. General construction projects. Staging areas for construction projects in the RX, C and E zones are allowed subject to subparagraph .030.F.4.c. The staging area must be located within 500 feet of the construction site, however in no case can the staging area be located within an OS or single-dwelling zone.

   b. Public utility projects. Staging areas for public utility improvement projects, such as the installation of sewer pipes, water pipes, and transportation improvements, are allowed in all zones and are subject to the regulations below.

   c. Staging area standards. Adjustments to the following standards are prohibited

      (1) Staging areas that last more than one year require that a community relations representative is designated 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.

      (2) Staging areas that last longer than 3 years are subject to the regulations for permanent uses, except for staging areas located within an Environmental or River Natural overlay zone, in which case the staging area is subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.

      (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust 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.

      (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirements does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, and I zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.

(5) Building permit. Prior to the start of the construction project, a building permit must be obtained from the City. The application for the building permit must contain evidence that the project will comply with the staging area standards. For public utility projects, 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 public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

**G.** **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. Temporary activities include food, water, and equipment distribution centers, warming or cooling shelters, and triage stations.

**H.** **Radio Frequency Transmission Facilities.** Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

**I.** **Commercial filming.** In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events 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 activities may not cause the elimination of required off-street parking, except for Farmers Markets. Required parking may be temporarily occupied by a Farmers Market, as follows:

1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or

2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.

**C.** Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.

**D.** Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.

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

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