

# SECTION 10.1400

## TEMPORARY, INTERMITTENT AND INTERIM USES

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### General

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This section applies to Temporary, Intermittent and Interim Uses.

#### 10.1401 Temporary Uses

Temporary uses are characterized by their short-term or seasonal nature.

#### 10.1402 Intermittent Uses

Intermittent uses are characterized by their short-term or seasonal nature, although they occupy a site occasionally rather than continuously.

#### 10.1403 Interim Uses

Interim uses can be seasonal or long-term uses that can occupy the site continuously on an interim basis until the site is developed more intensely or with permanent structures/uses.

Definitions for Temporary, Intermittent and Interim Uses are found in **Article 3, Section 3.0160**.

### Permitted Uses

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#### 10.1420 Permitted Temporary, Intermittent and Interim Uses

**Table 10.1420** identifies where Temporary, Intermittent and Interim Uses are allowed. They are allowed in addition to the uses normally allowed in the underlying land-use district.

- P = Permitted use.
- L = Use is permitted, but is limited in the extent to which it may be permitted.
- NP = Use not permitted.

**Table 10.1420: Where Uses are Permitted**

	Low-density residential districts <sup>1</sup>	Multi-family districts <sup>2</sup>	Commercial and mixed-use districts <sup>3</sup>	Industrial districts (GI, HI, RTI-SW, IND-SW)	Sites of approved institutional uses <sup>4</sup>
<b>Temporary Uses:</b>					
Agricultural Product Sales, Short Term	P	P	P	P	P
Christmas Tree Sales	P	P	P	P	P
Commercial Stands, Short Term <sup>5, 6</sup>	NP	NP	P	NP	L <sup>7</sup>
Film Production Studios and Trailers	P	P	P	P	P
Fireworks Sales	P	P	P	P	P
Real Estate Sales Offices	P	P	P	P	NP
Special Events	NP	NP	P	P	P
Temporary Commercial, Institutional or Industrial Building	L <sup>9</sup>	L <sup>9</sup>	P	P	P
Temporary Dwelling	P	L <sup>8</sup>	NP	NP	NP
Other Temporary Uses	P	P	P	P	P
<b>Intermittent Uses:</b>					
Intermittent Lodging	NP	P	P	NP	P
Special Events	NP	NP	P	P	P
Farmers' Markets	NP	NP	P	P	P
Warming/cooling Shelters	NP	NP	P	P	P
Other Intermittent Uses	P	P	P	P	P
<b>Interim Uses:</b>					
Agricultural Product Sales, Long Term	P	P	P	P	P
Commercial Stands, Long Term <sup>5</sup>	NP	NP	P	NP	L <sup>7</sup>
Other Interim Uses	P	P	P	P	P

**Table 10.1420 Notes:**

- 1 LDR-5, LDR-7, TLDR, TR, LDR-PV, VLDR-SW, LDR-SW, THR-SW.
- 2 MDR-12, MDR-24, CMF, DRL-1, CNRM, MDR-PV, HDR-PV.
- 3 Includes districts that allow commercial that are not listed in footnote 1 or 2 and that are not listed as industrial districts in **Table 10.1420**. These are CC, CMU, DCC, DMU, DRL-2, DTM, DEM, DCL, MC, CNRM, MUE-PV, NC-PV, OFR, RTC, SC, SC-RJ, TC-PV, CNTH, CNTM, VC-SW, EC-PV, GC, NC, NC-SW.
- 4 Permitted uses are allowed on approved institutional sites even if they fall under another category in this table where the Temporary, Intermittent or Interim Use is not permitted.
- 5 Drive-through Commercial Stands (both long-term and short-term) are permitted only where drive-through Business and Retail Services and Trade uses are permitted.
- 6 Commercial Stands, Short Term also may be permitted as an accessory use to Christmas Tree Sales, Farmers' Markets or Special Events.

When conducted as an accessory use, they are exempt from the standards specified for Commercial Stands, Short Term in **Section 10.1440**.

- 7 Permitted for institutions with a minimum site size of 10 acres if consistent with commercial activity allowed as part of the Institutional Classifications in **Section 3.0270**. For example, "support commercial" is listed as an accessory use in **Section 3.0276** Schools.
- 8 Permitted on lots where a single detached dwelling or middle housing exists.
- 9 Temporary buildings for commercial kitchens are permitted only where a facility has been approved through a Special Use Review and the main kitchen facility(ies) is/are being renovated.

## Development Standards

### 10.1430 Standards and Review Processes

**Table 10.1430** designates time limits and review processes for Temporary, Intermittent and Interim uses. Applications shall be reviewed as specified in **Article 11**.

- A. All Temporary, Intermittent and Interim Uses shall be required to acquire a development permit, except:
  - 1. Christmas Tree Sales; Commercial Stands, Short Term; and Film Production Studios and Trailers shall be required to acquire a development permit only if they:
    - a. Remain on the site more than six hours in any one day; or
    - b. More than three days in any week (Monday through Sunday).

**Table 10.1430: Permit Duration, Renewals, Review Processes and Additional Standards**

	Maximum permit duration	Are renewals permitted? <sup>1</sup>	Review process	Additional standards
<b>TEMPORARY USES</b>				
Agricultural Product Sales, Short Term	90 days	No	Type I	<b>Section 10.1440(B)</b>
Christmas Tree Sales	50 days	No	Type I	Not applicable
Commercial Stands, Short Term	90 days	No	Type I	<b>Section 10.1440(C)</b>
Film Production Studios and Trailers	180 days	Yes	Type I	Not applicable
Fireworks Sales	20 days	No	Type I	Not applicable
Real Estate Sales Offices	1 year	Yes, until homes or lots are sold	Type I	<b>Section 10.1440(D)</b>
Special Events	14 days	No	Type I	<b>Section 10.1440(E)</b>
Temporary Commercial, Institutional or Industrial Buildings	1 year	Yes	Type I	<b>Section 10.1440(F)</b>
Temporary Dwellings	1 year	Yes	Type I	<b>Section 10.1440(G)</b>
Other Temporary Use	30 days	No	Type I	<b>Section 10.1440(H)</b>
<b>INTERMITTENT USES</b>				
Intermittent Lodging	1 year	Yes	Type I	Not applicable
Farmers' Markets	1 year	Yes	Type I	<b>Section 10.1450(B)</b>
Special Events	1 year	Yes	Type I	<b>Section 10.1450(C)</b>

	Maximum permit duration	Are renewals permitted? <sup>1</sup>	Review process	Additional standards
Warming/cooling Shelters	1 year	Yes	Type I	<b>Section 10.1450(D)</b>
Other Intermittent Use	1 year	Yes	Type I	<b>Section 10.1440(E)</b>
<b>INTERIM USES</b>				
Agricultural Product Sales, Long Term	1 year	Yes <sup>2</sup>	Type II, new or expanding site <sup>3</sup> Type I, replacement use on previously approved site <sup>4</sup>	<b>Section 10.1460(D)</b>
Commercial Stands, Long Term	1 year	Yes <sup>2</sup>	Type II, new or expanding site <sup>3</sup> Type I, replacement use on previously approved site <sup>4</sup>	<b>Section 10.1460(E)</b>
Other Interim Use	1 year	Yes <sup>2</sup>	Type II	<b>Section 10.1460(F)</b>

**Table 10.1430 Notes:**

- 1 For Temporary Uses, a "No" in this column refers to whether renewals are allowed for the same use on the same site during a calendar year. Applicants may apply for the use the following year. Agricultural Products Sales, Commercial Stands or Other Temporary Uses that wish to exceed the maximum permit duration may apply for an Interim Use permit.
- 2 Interim Uses permits would renew automatically with the business license or, if no business license is required, at the one-year anniversary of when the initial Interim Use permit was issued, except when the use has been subject to a City Code Compliance enforcement action to address an uncorrected violation as provided for in Gresham Revised Code Article 7.50. Enforcement actions include but are not limited to civil penalties, citations and abatement. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II process in the same manner as an application for a new permit. In such a case, the enforcement action shall be considered during the renewal application review, such as when determining conditions of approval.
- 3 The initial review for Interim Uses on a site shall be a Type II review. This would apply the first time any Agricultural Product Sales or Commercial Stands, Long Term application was filed for a site. In addition, a Type II process is required if additional uses occupy the site beyond the number originally approved, such as a site adding a third Commercial Stand on a site approved for two stands.
- 4 For these uses, a new Agricultural Product Sales use or Commercial Stand, Long Term can replace a previously approved like use under a Type I process, as long as the permit obtained through a Type II review is active at the time of the Type I permit or was active within the last 12 months prior to the Type I permit. For example, if a Commercial Stand leaves the site, it can be replaced by another Commercial Stand using a Type I process if the Type II permit is current or was active within the last 12 months. Changing from a Commercial Stand to an Agricultural Product Sales use would require a Type II process. Applications from new owners shall comply with the latest Development Code standards.

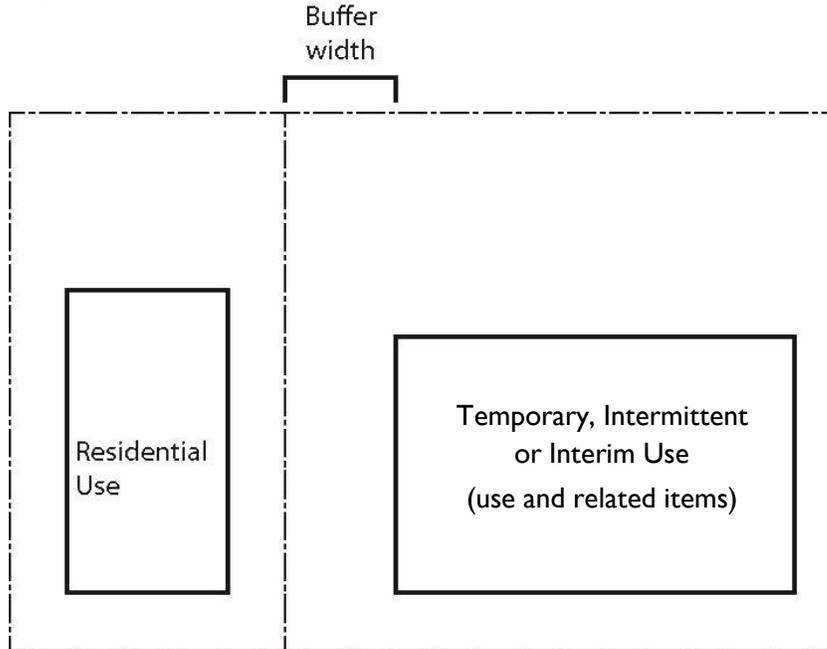
**10.1431 Standards for All Temporary, Intermittent and Interim Uses**

The following standards apply to all uses in this section:

- A. Uses shall meet land-use district minimum setbacks for the site perimeter.
- B. Except for Temporary Dwellings, Intermittent Lodging and Warming/cooling Shelters, if a site where a Temporary, Intermittent or Interim Use is located abuts a lot with a residential use, the Temporary, Intermittent or Interim Use shall meet the minimum buffer width required in **Section 9.0100** as shown in **Table 9.0111(B)**. The Option 2 buffer width, when available, shall satisfy this standard. Buffer trees, shrubs and screening from that table are not required. Buffer widths shall be allowed to overlap with

setback requirements.

**Figure 10.431(B): Buffer Width**



- C. The use shall provide adequate vision clearance as required by **Section 9.0200**. (Clear vision exceptions in land-use districts and Plan Districts still apply.)
- D. Ingress and egress shall be safe and adequate when combined with the other uses of the property as required by **Appendix 5**.
- E. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
- F. Signs shall comply with applicable requirements of **Appendix 6**.
- G. Uses shall be required to post City Temporary, Intermittent or Interim Use permits; City business licenses; and Multnomah County Health Department food service licenses, where applicable, in a location visible to customers and/or from the street.
- H. Unless otherwise specified in this section, Temporary or Intermittent Uses shall be exempt from a finding of adequate public facilities and Interim Uses shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
- I. The Manager may impose conditions on any approval intended to minimize adverse impacts created by the use on surrounding property and uses.
- J. Temporary, Intermittent and Interim Uses are exempt from land-use district density, floor-area ratio and Design District design guidelines and standards.
- K. Uses where at least 50 percent of sales is a combination of food and beverages shall not be allowed. This does not prohibit the sale of food and beverages as described in the definition for each use.

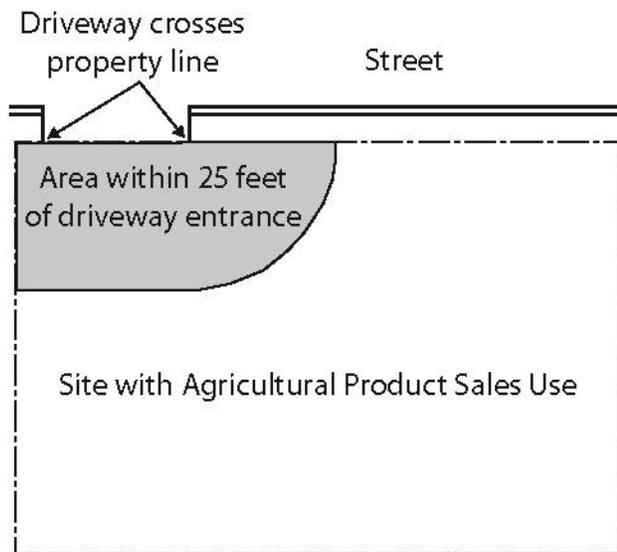
### 10.1432 Temporary Uses – Time Between Permits

- A. No time period is required between Temporary Use permits on sites, except:
  - 2. For Commercial Stands, Short Term and Agricultural Product Sales, Short Term, at least four calendar days shall pass between the end of one Temporary Use permit and the beginning of another at the same site; and
  - 3. For Other Temporary Uses in low-density residential and multifamily districts, at least four calendar days shall pass between the end of one Temporary Use permit and the beginning of another at the same site. This does not apply to Temporary Uses at approved institutional sites.

### 10.1440 Additional Standards for Temporary Uses

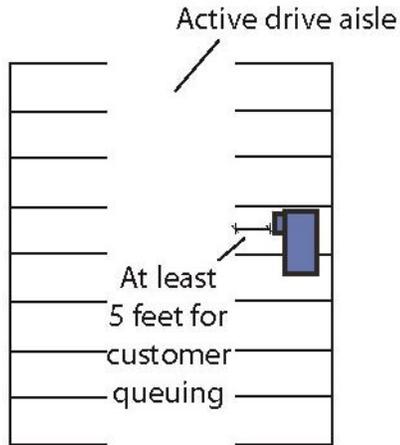
- A. Temporary Uses may occupy parking required for another use.
- B. Agricultural Product Sales, Short Term
  - 1. Tents, structures and product display or storage areas shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way, as shown in **Figure 10.1440(B)(1)**.

**Figure 10.1440(B)(1): Distance from active driveway entrance**



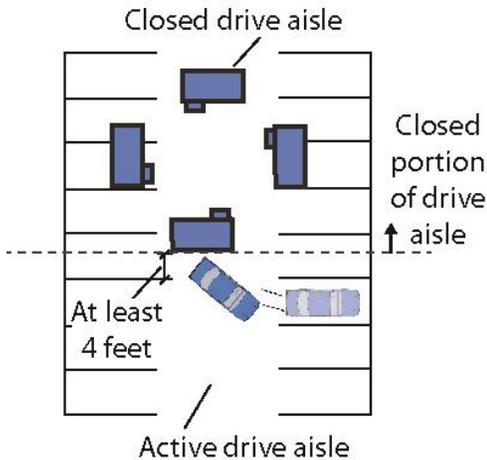
- 2. Shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
- 3. Shall provide at least 5 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point as shown in **Figure 10.1440(B)(3)**.

**Figure 10.1440(B)(3): Space between customer service point and active drive aisles**



4. Shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Agricultural Product Sales may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces, as shown in **Figure 10.1440(B)(4)**.

**Figure 10.1440(B)(4): Space between active parking and closed parking**



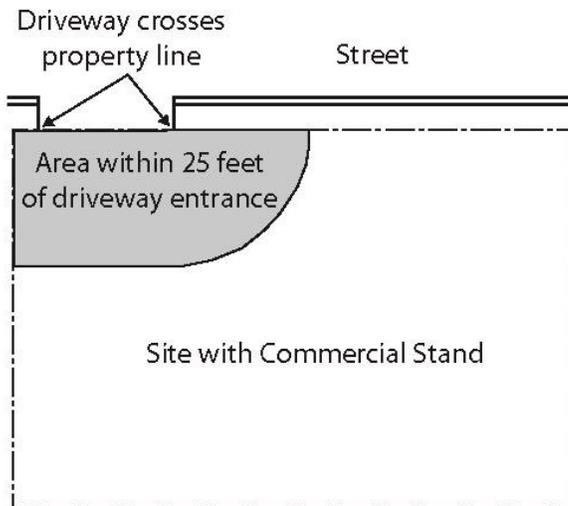
5. Shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
  - a. Significantly limit views of items within 3 feet of the ground; and
  - b. Allow views through the site between 3 and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.

6. For Agricultural Product Sales uses that have food service components, the following health and sanitation standards shall apply:
  - a. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City’s wastewater infrastructure. Non-stormwater discharges to the City’s stormwater system are prohibited.
  - b. Uses shall ensure the availability of a restroom with hand washing facilities for employees. Uses that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customers. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the hours of operation. Applicants shall provide the City with documentation that restrooms are available.
7. Shall not occupy pedestrian walkways or required landscape areas.
8. Drive-through Agricultural Product Sales are not allowed in low-density and multifamily residential districts as designated in **Table 10.1420** and are not allowed at institutional sites in those districts. They are allowed in commercial and industrial districts where drive-throughs for Commercial Stands are allowed. They shall meet all drive-through standards applicable to Commercial Stands.

**C. Commercial Stands, Short Term**

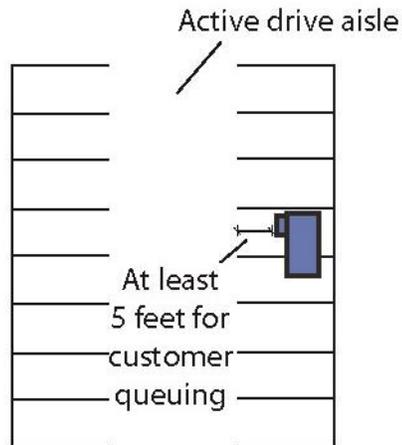
1. Shall be on a paved surface such as but not limited to concrete, asphalt, pavers and other surfaces as approved by the Manager.
2. Shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right of way, as shown in **Figure 10.1440(C)(2)**.

**Figure 10.1440(C)(2): Distance from active driveway entrance**



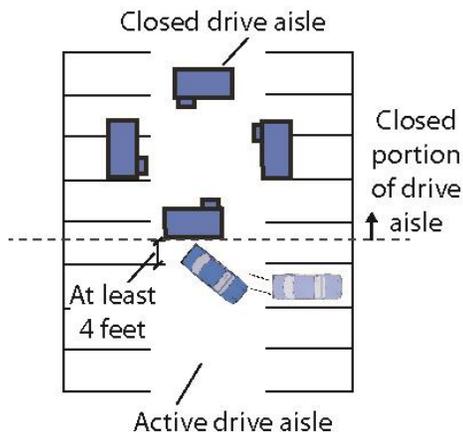
3. Shall be located at least 3 feet from the right of way or back of sidewalk, whichever provides the greater distance from the right of way.
4. Shall not occupy pedestrian walkways or required landscape areas.
5. Shall provide at least 5 feet between service windows or other customer service points and an active drive aisle. The distance shall be measured perpendicular to the service window/point as shown in **Figure 10.1440(C)(5)**.

**Figure 10.1440(C)(5): Space between customer service point and active drive aisles**



6. Shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the Manager. Stands may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least 4 feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces, as shown in **Figure 10.1440(C)(6)**.

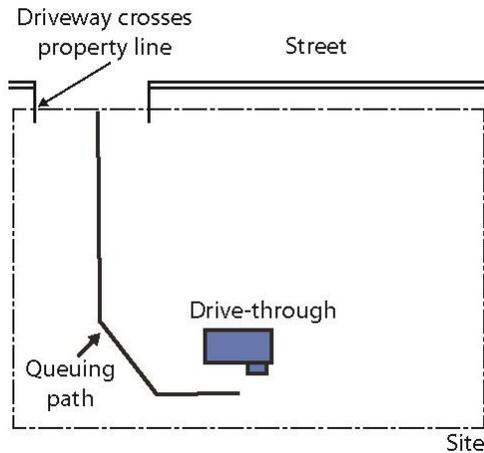
**Figure 10.1440(C)(6): Space between active parking and closed parking**



7. Shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels and miscellaneous items, such as by using screening or storing them in containers to substantially limit views of such items from the street. Screening could be temporary fencing or landscaping (such as landscaping in pots or planters). Storage containers could be small sheds or storage units. Screening shall:
  - a. Significantly limit views of items within 3 feet of the ground; and

- b. Allow views through the site between 3 and 10 feet to ensure surveillance of the site remains possible for crime prevention purposes.
8. To ensure adequate distance for at least three vehicles to line up behind the vehicle ordering at the drive-through, drive-through Commercial Stands shall have at least 85 feet in queuing distance behind each drive-through window where sales occur. Required queuing distance may be increased as determined by the Manager if a change in distance will promote traffic and pedestrian safety. Queuing distance shall be measured from the rear of the service window or point of service, along the queuing path (see **Figure 10.1440(C)(8)**), to where the driveway from the street crosses from the right of way into the property. The measurement method can be adjusted by the Manager for unusual circumstances or if needed to meet the intent of this standard.

**Figure 10.1440(C)(8): Queuing Path**



- 9. Drive-through stacking lanes and service areas shall not be located between the street and the Commercial Stand along Design Streets, in Design Districts and other locations where those elements are not allowed between a building and the street.
- 10. Awnings attached to the Commercial Stand shall have a minimum of 7 feet of clearance between the ground and the awning to allow access for pedestrians under the awning.
- 11. For Commercial Stands that have food service components, the following health and sanitation standards shall apply:
  - a. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City’s wastewater infrastructure. Non-stormwater discharges to the City’s stormwater system are prohibited.
  - b. Stands shall ensure the availability of a restroom with hand washing facilities for employees. Stands that serve food to walk-up customers shall ensure the availability of a restroom with hand washing facilities for customers. The restrooms must be within one-quarter mile or within 5 minutes walking distance and be available during the stands’ hours of operation. Applicants shall provide the City with documentation that restrooms are available.

**D. Real Estate Sales Offices**

- 1. The following standards apply to temporary real estate sales offices:
  - a. The office shall be located within the boundaries of the subdivision or site in which the real property is to be sold; and

- b. Except for model homes, the property to be used for a temporary sales office shall not be permanently improved for that purpose; and
- c. The Manager may impose conditions regarding:
  - 1. Temporary utility connections,
  - 2. The provision of adequate parking for office employees and visitors; and
  - 3. The duration of time the office shall be allowed to remain on the site.

**E. Special Events**

- 2. For Special Event activities that include food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City’s wastewater infrastructure. Non-stormwater discharges to the City’s stormwater system are prohibited.

**F. Temporary Commercial, Institutional or Industrial Buildings**

- 3. The temporary buildings shall be associated with the primary use on the property.
- 4. Once a Temporary Use permit is approved for a temporary building, the applicant shall have one year to receive a Building Permit for the temporary building and the reconstruction of the primary use’s building(s). The Temporary Use permit shall remain in effect as long as an active Building Permit exists for construction on the primary use’s building(s) for reasons described in the “Temporary Commercial, Institutional or Industrial Buildings” definition in Article 3.
- 5. The temporary building shall be removed from the site within 30 days of the approval of the temporary certificate of occupancy for the primary use’s building(s).
- 6. The temporary building shall be located within the site on which the primary use is located.
- 7. Temporary buildings are only allowed on sites where the primary use is already developed.
- 8. The temporary building shall comply with applicable Building Codes.
- 9. The use shall be able to be adequately served by public facilities, if applicable. The Manager may impose conditions regarding temporary utility connections.
- 10. The temporary building shall not be used as a dwelling or for sleeping.

**G. Temporary Dwellings**

- 11. The following standards apply for Temporary Dwellings intended for habitation during construction of another house on the same lot:
  - a. The Temporary Dwelling may remain on the site in conjunction with an active Building Permit for construction of the other house in the same lot.
  - b. The Temporary Dwelling must be removed within one month after approval of final occupancy for the new residence. A performance bond or other surety shall be posted to ensure removal of the Temporary Dwelling.
  - c. Conditions may be imposed regarding temporary utility connections as necessary to protect public health, safety or welfare.
- 12. The following standards apply for Temporary Dwellings intended for habitation during recovery from an unforeseen event such as a fire, windstorm or flood:
  - a. The need for the use shall be the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a pre-existing residential structure on the premises for which the permit is sought.
  - b. The use may remain on the site for the maximum amount of time needed to address the hardship but no longer than one year, with the exception that the approval may be renewed by the Manager as long as there exists an active Building Permit for repair or construction of another home on the lot.

- c. Conditions may be imposed regarding temporary utility connections as necessary to protect public health, safety or welfare.

**H. Other Temporary Uses**

13. Applicants may submit applications for other temporary uses not specifically listed in this section. The uses shall:
  - a. Be an allowed use in the land-use district; or
  - b. Be of a temporary nature and not have greater negative impacts than allowed uses in the land-use district.

**10.1450 Additional Standards for Intermittent Uses**

**A. Intermittent Uses may occupy parking required for another use.**

**B. Farmers' Markets**

1. Shall be limited to 70 days of operation per year per site.
2. For activities that include food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.

**C. Special Events**

1. An Intermittent Special Event shall be limited to not more than two days per week (Monday through Sunday).
2. For Special Events that provide food service, applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.

**D. Warming/cooling Shelters**

1. Shall be approved by the City Office of Emergency Management or similar responsible City office; and
2. Shall only provide shelter on City-designated days/nights.

**E. Other Intermittent Uses**

1. Applicants may submit applications for Intermittent Uses not specifically listed in this section. The uses shall:
  - a. Not occur more than two days in any week (Monday through Sunday); and
  - b. Be an allowed use in the land-use district; or
  - c. Not have greater negative impacts than allowed uses in the land-use district.

**10.1460 Additional Standards for Interim Uses**

**A. Temporary Uses currently in operation with a valid temporary use permit as of Dec. 5, 2013, that qualify for an Interim Use permit can be approved under the standards in effect at the time their last permit prior to Dec. 5, 2013, was issued, except the following new standards apply and supersede the standards in effect before Dec. 5, 2013:**

1. Review processes as specified in Section 10.1430; and
2. Section 10.1431, except for (A), (B) and (K).; and
3. For Agricultural Product Sales, Section 10.1460(D)(1), (3), (4) and (5); and

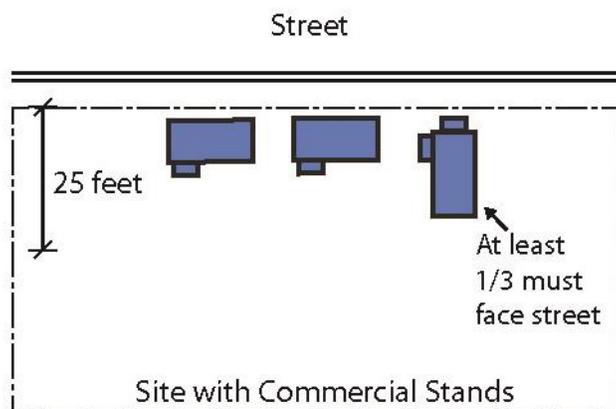
4. For Commercial Stands, Long Term, Section 10.1460(E)(4), (6), (7), and (8).

Temporary Uses currently in operation also have the option of applying under the standards in effect at the time of application. A new application on the same site, such as for a different owner, shall comply with the standards in effect at the time of application.

- B.** Interim Uses shall not occupy parking needed to meet the minimum bicycle or automobile parking requirement for another use under Section 9.0800. Blocking automobile access to parking spaces shall be considered occupying the spaces.
- C.** Uses shall not occupy required landscape or pedestrian areas.
- D.** Agricultural Product Sales, Long Term
  - 1. Agricultural Product Sales that are Interim Uses may sell Christmas trees during the holiday season without acquiring a separate Christmas Tree Sales permit.
  - 2. Shall comply with all standards in **Section 10.1440(B)** for Agricultural Product Sales, Short Term.
  - 3. The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Manager if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Interim Use has experienced parking or related traffic issues on the site or on adjacent blocks.
  - 4. Shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the Manager may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting) shall be added that complies with the following:
    - a. At a minimum, areas intended to be occupied by customers, such as areas near service windows and customer seating, shall be illuminated when the use is in operation during hours of darkness; and
    - b. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and
    - c. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and
    - d. The Manager may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.
  - 5. Tents, structures and greenhouses associated with Agricultural Product Sales uses that are visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:
    - a. Tents, structure and greenhouses shall not have:
      - 1. Missing siding, skirting or roofing; or
      - 2. More than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration; or
      - 3. Components or attachments in disrepair in a manner that causes an unsafe condition; and
    - b. Tents and canopies associated with the use shall not have:
      - 1. Tears in the tent/canopy material that exceed 6 inches; or
      - 2. Mold on more than 10 percent of the material; or
      - 3. A lack of anchoring; or
      - 4. Broken or non-functioning supports.
- E.** Commercial Stands, Long Term

1. Shall comply with all standards in **Section 10.1440(C)** for Commercial Stands, Short Term.
2. Shall be on a paved surface such as but not limited to concrete, asphalt, pavers and other surfaces as approved by the Manager. If new paved surface is added to a site to accommodate a Commercial Stand, the parking area shall comply with applicable parking lot standards, including those in **Section 9.0800**.
3. For sites with more than one Commercial Stand, at least one-third of the stands within 25 feet of a street right of way shall have a service window or other point of service facing the street on each street frontage. If the service window or point of service faces a landscape area between the stand and the sidewalk and no sidewalk entrance is located in within 30 feet of the service window or point of service, a paved pedestrian path is required between the stand and the sidewalk. A grouping of stands can share one path.

**Figure 10.1460(E)(3): Street-facing service**



4. The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Manager if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing Interim Use has experienced parking or related traffic issues on the site or on adjacent blocks.
5. For Commercial Stands that have a food service component, the following health and sanitation standards shall apply:
  - a. If the applicant intends to contract with a third party for wastewater/graywater disposal, a copy of the contract must be provided to the City within 30 days of receiving a permit.
  - b. The City may require the food or beverage service operator to provide proof of payment or other documentation that wastewater and graywater are being disposed of properly.
6. Shall have lighting to ensure a safe environment for customers. If permanent lighting, such as parking lot lighting, already exists on the site, the Manager may determine that the lighting satisfies this requirement. Otherwise, lighting (such as temporary lighting) shall be added that complies with the following:
  - a. At a minimum, areas intended to be occupied by customers, such as areas near Commercial Stand service windows and customer seating, shall be illuminated when stands are in operation during hours of darkness; and
  - b. No direct light source shall be visible at the property line adjacent to residential at 3 feet above ground level; and

- c. Lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties; and
  - d. The Manager may modify lighting standards if such modifications are deemed necessary and appropriate for the use and surrounding area and help meet the intent of the standard.
7. Commercial Stands and their accessory items visible from the street shall be kept in good repair and be maintained in a safe and clean condition in compliance with the following:
- a. Stands shall not have missing siding, skirting or roofing.
  - b. Stands shall not have more than 10 percent of any side experiencing rust, peeling paint, corrosion or other deterioration.
  - c. Stands shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
  - d. Tents and canopies associated with the stand shall not have:
    - 1. Tears in the tent/canopy material that exceed 6 inches.
    - 2. Mold on more than 10 percent of the material.
    - 3. A lack of anchoring.
    - 4. Broken or non-functioning supports.
8. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected shall comply with Building Code anchoring and engineering standards and Fire Code standards.

**F. Other Interim Uses**

- 1. Applicants may submit applications for other Interim Uses not specifically listed in this section.
- 2. The proposed Interim Use shall:
  - a. Be an allowed use in the land-use district; or
  - b. Be of an interim nature and not have greater negative impacts than allowed uses in the land-use district.
- 3. The proposal shall not have substantial adverse impacts on the City’s infrastructure, including water, stormwater, wastewater, transportation, or parks systems.
- 4. For purposes of the review, the application narrative shall describe the following, as applicable:
  - a. The proposed use and its operations.
  - b. Location of parking and loading.
  - c. Street access points, including size, number, and location.
  - d. Hours of operation, including when certain activities are proposed to occur.
  - e. Crime prevention measures.
  - f. Environmental effects which may disturb neighboring property owners such as:
    - 1. Glare. This may be described in terms of location, design, intensity, orientation and shielding; and
    - 2. Noise; and
    - 3. Odors; and
    - 4. Dust; and
    - 5. Vibration.
- 5. The Manager may establish as a condition of approval a termination date for the Interim Use.
- 6. Interim Use permits for other uses not specifically listed shall expire at the earlier of:

- a. The expiration date established by the Manager at the time of approval; or
- b. The occurrence of any event identified in the Interim Use permit for the termination of the use.