



ORDINANCE 2012-001

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS IV AND V

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years; and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, Code Clean-Up Update: Temporary Uses and Outdoor Sales includes amendments to divisions IV and V specifically related to the Temporary Use standards as well as the Outdoor Sales standards; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on November 8, 2011; and

WHEREAS, the Planning Commission voted unanimously to forward a recommendation of approval to the City Council for the proposed development code modifications attached as Exhibit 1-A and 1-B; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the adoption of the proposed development code modifications attached as Exhibit 1-A and 1-B will repeal Resolution 2002-021, and

WHEREAS, the City Council held a public hearing on January 3, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and of the evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

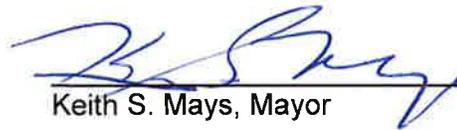
Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 11-04 identified in Exhibit 1-A is hereby **APPROVED** and Resolution 2002-021 is hereby **REPEALED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 3rd day of January 2012.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, CMC, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|-------------|-------------------------------------|--------------------------|
| Clark | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Butterfield | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Langer | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Folsom | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Henderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Grant | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mays | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

City of Sherwood
Planning Commission Recommendation to the City Council
File No: PA 11-04 Temporary Uses and Outdoor Sales

November 29, 2011

Proposal: Amendments to the Development Code on this phase of the Code Clean-Up project will clarify the standards for Temporary uses and Outdoor Sales. The proposed changes will modify the following code sections: Temporary Uses (16.86) and Outdoor Sales and Merchandise Display (16.98.040).

The Planning Commission held a public hearing on November 8, 2011. No public testimony was received. After consideration of staff recommended changes, the Commission voted to forward the proposed amendments with modifications (attached to this report as Exhibit A) to the Council for approval.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is forwarding this recommendation to the City Council for consideration in making the final decision. Any appeal of the City Council decision relating to Chapter 16 updates would go directly to the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the November 8, 2011 Planning Commission hearing on the proposed amendment was published in *The Times* on 10/27/11, and published in the November edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on 10/18/11.

While this does apply citywide, it does not affect the permissible uses of any property; therefore "Measure 56" notice was not required or provided. DLCD notice was sent 9/19/11.

- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues. Over time, the piece-meal updates resulted in the need to conduct a comprehensive audit and update of the code to ensure cross references are correct, standards are clear, and typographical errors are fixed. In addition, development trends and community values have changed such that it has become necessary to evaluate the standards to ensure they remain consistent with the goals and policies of the City's Comprehensive Plan, Metro policies and related state and local laws. To that end, the

Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. The Code Update project has been broken into phases to allow manageable portions to be reviewed and adopted prior to moving on to another phase. There have been multiple updates since October 2010.

This update, focuses on two elements: 1.) temporary use standards and 2) outdoor sales standards.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent an e-mail request for comments to agencies October 11, 2010. DLCD notice was sent on September 19, 2011. The City has received comments from ODOT and Washington County. Washington County has indicated that they do not have any concerns.

ODOT submitted comments with concerns about the potential impact to their right-of-way. After providing additional information it appears that they are concerned with Special Event Permits rather than temporary uses as the Special Event Permits are required for events expecting 100 people or more.

Public:

No formal public comments have been received to date on the proposed amendments.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

The City has identified that the code is not always clear and embarked on this multi-phase code clean-up project to make it clearer, more user-friendly, and to reflect current settlement trends and community values. The proposed changes represent an effort to clean up the temporary uses code and ensure that existing policy is clear and objective.

The Planning Commission has held a series of work sessions (June 28, 2011, August 23, 2011 and September 13, 2011) to discuss the proposed changes and considered public input before the changes were developed to obtain feedback on needed changes.

The temporary uses standards were updated to make them clearer and to make the code language consistent with existing policy established by resolution 2002-021(Attached as Exhibit B). For clarity the standards were divided into temporary uses "no permits required" and permits required". The "no permits required" section adds the existing policy established by Resolution 2002-021 allowing short term events to operate without a temporary use permit as long as they meet set criteria. The temporary uses that require a permit include the existing language. This section has been updated to list more specific criteria and time limits on temporary uses.

As the temporary uses were being reviewed it became clear that the outdoor sales and merchandise display (16.98.040) also need to be updated in order for the two standards to be consistent with each other. Currently, a conditional use permit is required for outdoor sales and merchandise display. In order to make it clear that temporary uses are permitted without a

conditional use permit the language has been revised. The proposed amendments include code language that discusses permanent and temporary outdoor sales.

Upon review of the Comprehensive Plan, there are no specific policies which directly relate to the proposed language. There are no comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) standards

There are no known Metro standards that would conflict with the proposed language.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no conflicts with this text change. Further, there are no known state goals or standards that the proposed amendment would conflict with. The Statewide Planning Goals generally support efforts to remove barriers in the code such as conflicts or lack of clarity.

As a whole, the amendments are consistent with and support Goal 2 (land use planning) by providing more clear and objective standards. The proposed language will continue to be used city wide.

The process used to develop and review the proposed amendment is consistent with the Goal 2 requirements for land use planning.

Goal 1, citizen participation, has been satisfied through the following outreach specific to this request.

- The Commission held multiple work sessions (June 28, 2011, August 23, 2011 and September 13, 2011) on the project;
- The web site was updated regularly to provide opportunity for people to get information and provide input on the project as a whole as well as input on specific topics;

Formal notice was also published in the newspaper for two weeks prior to the hearing, published in the November issue of the Gazette, posted around town, placed in the library and on the web site.

- Courtesy notices were also provided on the web site and in the City Newsletter (the Archer).
- By providing these notices in an effort to reach the public and encourage their involvement state planning Goal 1 is also met.

The code amendments are also consistent with Goal 9 (Economic Development) by clarifying the standards for temporary uses and outdoor sales. By design, this will allow many temporary uses or temporary outdoor sales, as defined by this language, to occur without permits or fees. The proposed language continues to require that continued temporary uses and permanent outdoor sales have additional standards to meet and a required review to protect adjacent business owners.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, the Planning Commission forwards a recommendation of approval of PA 11-04 to the City Council.

- V. EXHIBITS**
- 1- A. Proposed development code changes (clean copy)
 - 1- B. Proposed development code changes (track changes)
 - 1- C. Resolution 2002-021

Chapter 16.86 TEMPORARY USES*

Sections:

16.86.010 Purpose

16.86.020 Temporary Uses – No Permits Required

16.86.030 Temporary Uses- Requiring Permits

* Editor's Note: Some sections may not contain a history.

16.86.010 Purpose

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

16.86.020. Temporary Uses – No Permits Required

A. Applicability

1. Short- term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.

2. Short- term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.

3. Tree and plant sales are limited to four (4) weeks in duration.

B. Criteria

1. No permit or review is required for short -term events that receive approval through the City of Sherwood Special Event Permit.

2. No permit or review is required for short -term events described in section A.2 and A.3 above, however, they must meet the following criteria;

a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.

b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.

c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.

d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.

e. Wheelchair paths and handicapped parking spaces shall not be blocked.

f. The use shall not eliminate required off street parking.

g. Temporary uses shall obtain TVF&R approval, if applicable.

- h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.
- i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.
- j. Food vendors are only permitted when associated with an approved special event permit or permitted as permanent outdoor sales and subject to 16.98.040 .A.1.

C. Enforcement

If a short term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

16.86.030 Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices, construction trailers and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

C. Permit Approval

1. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

- a. Generally conforms to the standards and limitations of the zoning district in which it is located.
- b. Meets all applicable City and County health and sanitation requirements.
- c. Meets all applicable Uniform Building Code requirements.
- d. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.
- e. Complies with temporary outdoor sales standards, if applicable.

2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee.

- a. Temporary construction offices, construction trailers and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
- b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.
 - a. Renewals may be provided as follows:
 - i. A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.
 - ii. A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four month period of time per year.

3. Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

- a. increased yard dimensions;
- b. fencing, screening or landscaping to protect adjacent or nearby property;
- c. limiting the number, size, location or lighting of signs;
- d. restricting certain activities to specific times of day; and
- e. reducing the duration of the temporary use permit to less than one (1) year.

4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

Chapter 16.98 ON-SITE STORAGE*

Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

16.98.040 Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise displayed are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.
2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.
3. Food vendors including; food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.
4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.

Chapter 16.86 TEMPORARY USES*

Sections:

16.86.010 ~~Generally Purpose~~

16.86.020 ~~Applicability~~ Temporary Uses – No Permits Required

16.86.030 Temporary Uses- Requiring Permits

~~16.86.020 Permit Approval~~

* Editor's Note: Some sections may not contain a history.

16.86.010 ~~Generally Purpose~~

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

16.86.020. Temporary Uses – No Permits Required

A. Applicability

1. Short- term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.
2. Short- term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.
3. Tree and plant sales are limited to four (4) weeks in duration.

B. Criteria

1. No permit or review is required for short -term events that receive approval through the City of Sherwood Special Event Permit.
2. No permit or review is required for short -term events described in section A.2 and A.3 above, however, they must meet the following criteria:
 - a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
 - b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.
 - c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
 - d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.
 - e. Wheelchair paths and handicapped parking spaces shall not be blocked.
 - f. The use shall not eliminate required off street parking.
 - g. Temporary uses shall obtain TVF&R approval, if applicable.

h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.

i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

j. Food vendors are only permitted when associated with an approved special event permit or permitted as permanent outdoor sales and subject to 16.98.040 .A.1.

C. Enforcement

If a short term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

16.86.030 ~~Applicability~~ Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices, construction trailers and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

~~BBC.~~ Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified ~~by Section 16.74.010~~ in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

~~16.86.020-030C.~~ Permit Approval

~~A1.~~ Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

~~1a.~~ Generally conforms to the standards and limitations of the zoning district in which it is located.

~~b2.~~ Meets all applicable City and County health and sanitation requirements.

~~c3.~~ Meets all applicable Uniform Building Code requirements.

~~4d.~~ On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

~~e.~~ Complies with temporary outdoor sales standards, if applicable.

B2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. ~~In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this Chapter.~~

- a. Temporary construction offices, construction trailers and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
- b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.
 - a. Renewals may be provided as follows:
 - i. A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.
 - ii. A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four month period of time per year.

C3. ~~Additional~~ Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: ~~increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.~~

- a. increased yard dimensions;
- b. fencing, screening or landscaping to protect adjacent or nearby property;
- c. limiting the number, size, location or lighting of signs;
- d. restricting certain activities to specific times of day; and
- e. reducing the duration of the temporary use permit to less than one (1) year.

D4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

Chapter 16.98 ON-SITE STORAGE*
Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

16.98.040 Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise displayed are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.

2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.

3. Food vendors including; food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris.

Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.

2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.

3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be ~~paved~~ improved with asphalt surfacing, crushed rock, or other dust-free materials.

4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone. ~~in NC zones, as per Section 16.24.050A.~~



Resolution No. 2002-021

A RESOLUTION AUTHORIZING CITY STAFF TO REGULATE SHORT-TERM, TEMPORARY EVENTS THROUGH PRE-DETERMINED CRITERIA.

WHEREAS, short-term, temporary events such as carnivals, festivals, fireworks sales and rummage sales that take place within the City are currently reviewed and regulated by City Staff through the temporary use permit process, with few criteria upon which to make decisions and regulate such temporary uses; and,

WHEREAS, the cost and processing of temporary use permits is an inefficient way to deal with such uses; and,

WHEREAS, City Staff do have the authority to enforce the zoning code with corrective actions and/or fines when pre-determined criteria and/or regulations are present, and

WHEREAS, City Staff should review temporary events, individually and according to the criteria in the attached policy document, until the criteria can be adopted by ordinance; and,

WHEREAS, it is in the best interests of the City to encourage events without unnecessary regulation, and protect the citizens from potential impacts such events may have on the community; and,

WHEREAS, the season for temporary events is near, and policy should be established immediately to address them;

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Temporary events will be regulated by the following criteria as policy. City Staff will review temporary events when complaints are received, and enforce criteria with corrective actions and/or fines if necessary to achieve compliance. The Council directs staff to implement the provisions of this policy immediately, and prepare an ordinance for adoption at a later date.

TEMPORARY EVENTS

Temporary events are characterized by their short term or seasonal nature. Temporary events include but are not limited to: traveling carnivals, festivals, firework sales, sidewalk sales, tent sales, book sales, rummage sales, tree sales, and arts and craft fairs.

The following are criteria for all temporary events:

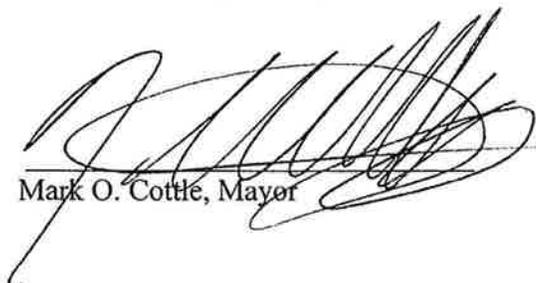
1. Site operations shall take place on private property for which the applicant has permission to use. No part of the site shall be located within the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
2. Temporary events can only occur on an improved site, one that has received site plan approval per the City of Sherwood Zoning and Development Code Section 5.100.
3. Operation of the site shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
4. Wheelchair paths and handicapped parking spaces shall not be blocked.
5. Pedestrian pathways such as; sidewalks bike-paths, walkways and breezeways, shall not be blocked.
6. All signs shall meet the sign code requirements set forth in Chapter 5.700 of the Development and Zoning Code.
7. The use proposed is temporary in nature, and is consistent with the intent of the underlying zone. Temporary events are prohibited in all industrial zones and residential zones except for publicly owned properties when authorized by the City Manager.
8. The event may take place annually for up to (4) four consecutive weeks in any given calendar year, with the exception of fairs, carnivals and other major public gatherings, these events are allowed for up to 9 consecutive days.
9. Temporary activities may not cause the elimination of required off-street parking.
10. Permanent changes to the site are prohibited.
11. These regulations do not exempt the operator from any other required permits such as City Business License, sanitation facility permits, electrical permits, or allow violations of code (e.g. Noise, nuisance, fire code, etc.)

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

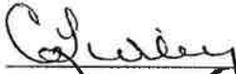
Enforcement for non-compliance is applied as follows:

- a. First time violations receive written notice of correction; if the violation/s are not corrected immediately, fines may be levied in accordance with the relevant ordinance.
- b. Second time violations will receive a written notice of correction and will be subject to a fine.
- c. Third time violations are subject to fines and the use may be terminated and removed immediately.

Duly passed by the City Council this 28th day of May 2002.


Mark O. Cottle, Mayor

ATTEST:


C.L. Wiley, City Recorder