



ORDINANCE 2024-004

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR FOOD CART PODS

WHEREAS, the proposed Food Cart Pods amendments would allow food carts to operate in the City in a pod setting; and

WHEREAS, the proposed Food Cart Pods amendments allow individual entrepreneurship at a small scale and provide unique eating establishments within the City; and

WHEREAS, the proposed Food Cart Pods amendments would be allowed in the General Commercial and Retail Commercial Zones under a Conditional Use Permit; and

WHEREAS, the proposed Food Cart Pod amendments are consistent with the adopted Sherwood Comprehensive Plan, Transportation Systems Plan and the Community Development Code; and

WHEREAS, at its meeting on August 13, 2024, the Planning Commission conducted a public hearing, considered proposed Food Cart Pods standards, and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held the first public hearing on the proposed amendments on September 17, 2024 and a second hearing on the proposed amendments is scheduled for October 15, 2024; and

WHEREAS, the City finds it is in the public interest to allow for Food Cart Pod development within the city.

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearing, the City Council accepts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code, Chapter 16.39 shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. Adopting Chapter 16.39 and the proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED.**

Section 3. 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 on October 15, 2024.


Kim Young, Council President

10/15/24
Date

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	<u>✓</u>	<u> </u>
Giles	<u>✓</u>	<u> </u>
Scott	<u>✓</u>	<u> </u>
Mays	<u>Absent</u>	<u> </u>
Brouse	<u>✓</u>	<u> </u>
Young	<u>✓</u>	<u> </u>
Rosener	<u>Absent</u>	<u> </u>

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

Chapter 16.39 Food Cart Pods

16.39.010 Purpose and Definitions

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
 2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
 3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

16.39.020 Food Cart Pod Permit Procedures

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
 2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
 - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
 - i. Clean Water Services Service Provider Letter
 - ii. Tualatin Valley Fire and Rescue Service Provider Letter
 - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
 - v. Written narrative describing the project and addressing the applicable code standards and criteria.
- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

16.39.030 Food Cart Pod Development Standards.

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.
- B. Required Trash Receptacles and Enclosures
 - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
 - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
- C. Required Structures
 - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
 - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
 - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
 - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code. The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
 1. A parapet as tall as the tallest part of the equipment.
 2. A screen around the equipment that is as tall as the tallest part of the equipment.
 3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
 1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b) The height of the cornice or parapet is based on the height of the building as follows:
 1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
 1. Ten (10) feet from any front lot line
 2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
 3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
 1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
 1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
 2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.
- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and

clear vision areas.

- K. **Lighting.** Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. **Required Vehicular and Bicycle Parking.**
 - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
 - 2. Minimum one (1) bike parking spaces per food cart.
 - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. **Landscaping, Visual Corridor, Street Trees.** All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. **Hours of Operation:** A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

16.39.040 Food Cart Pod Utility Standards

- A. Food Cart Pods sites are subject to the following utility standards:
 - 1. All permanent utilities shall be placed underground.
 - 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
 - 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
 - 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
 - 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
 - 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

16.39.050 Food Cart Design Standards

The following standards apply to each mobile food unit on the site.

- A. **Attachments.** Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. **Accessory Storage.** Items relating to the food cart shall be stored in or under the unit.
- C. **Interior Seating or Vending.** Customer seating or vending inside the mobile food unit is prohibited.

- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

16.39.060 Food Cart Pod Conditions of Approval

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

16.39.070 Food Cart Pod Approval Period and Time Extension

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

16.39.080 Food Cart Pod Code Compliance

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
 - 1. Generation of excessive traffic;
 - 2. Generation of excessive noise or litter;
 - 3. Other offensive activities not compatible with the surrounding area.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C

• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

Exhibit 1

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• Food Cart Pods ⁸	N	N	C	C
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁹	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹ See special Criteria for the NC zone, 16.22.050.

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

³ Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

⁴ If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

⁵ All activities are required to be within an enclosed building.

⁶ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

⁸ See standard and criteria for Food Cart Pods in Chapter 16.39.

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.
(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)