

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE
Division IV. - PLANNING PROCEDURES
Chapter 16.86 TEMPORARY USES

[Exhibit A10](#)

DELETE = ~~Strikethrough~~

NEW = Underlined

Chapter 16.86 TEMPORARY USES¹

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.

(Ord. No. 2012-001, § 2, 1-3-2012)

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.

¹Editor's note(s)—Ord. No. 2012-001, § 2, adopted January 3, 2012, amended the Code by, in effect, repealing former Ch. 16.86, §§ 16.86.010 and 16.86.020, and adding a new Ch. 16.86. Former Ch. 16.86 pertained to similar subject matter, and derived from Ord. No. 86-851; Ord. No. 91-922; Ord. No. 98-1053; and Ord. No. 2010-015, adopted October 5, 2010.

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- 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.

(Ord. No. 2012-001, § 2, 1-3-2012)

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 ~~sale real-estate~~ offices, ~~within a model home or trailer~~, construction trailers and ~~construction~~ offices, ~~and model homes~~ 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 ~~and shall be evaluated pursuant to a Type I procedure~~.

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.

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- 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 ~~sale offices, construction offices, and 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.

(1) Renewals may be provided as follows:

- (a) 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.

~~(b) 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.~~

(b) Model homes shall not be issued for a period exceeding two (2) years. The applicant may request a renewal for one (1) additional year provided that the applicant provides a narrative describing the need for additional time and the anticipated date to discontinue the model home use.

~~(c) 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.

D. Model Homes

This section permits the construction of model homes in conjunction with preliminary approval of residential subdivisions pursuant to Chapter 16.120, Subdivisions, of this title. When the use of the model home is discontinued, the structure converts to the intended use as a residential dwelling unit.

1. Approval Criteria. A model home may be constructed and occupied only for the purposes set forth in this section and consistent with its definition prior to final plat recording and subject to the following approval criteria:

- a. Prior to the final plat recording, one model home may be constructed per legal lot of record if the lot had a previous residential home.
- b. If the model home is proposed prior to the final plat recording: The lot must be vacant, and the home foundation for the proposed model home(s) must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with State Law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of a lot on the approved preliminary residential subdivision.
- c. If the model home is proposed after the final plat recording, the applicant shall submit a plot plan showing the location of the model home structure is consistent with the dimensional requirements of a lot on the approved recorded plat.
- d. The proposed model home shall be in compliance with residential development standards in Chapter 16.12, including applicable dimensional requirements including, but not limited to, maximum height, minimum setbacks, and minimum lot size of the approved preliminary residential subdivision.
- e. Adequate parking shall be available to serve the model home site. No model home may be temporarily occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title, prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home, either off-street or on-street, and shall be shown on a site plan.
- f. Adequate emergency vehicle access shall be available to model home(s) during both construction and temporary occupancy, as approved by the City.
- g. Adequate water supply for firefighting, as approved by the City, shall be provided to each model home lot prior to installation of combustible materials.
- h. All required public and private utilities within the public right-of-way or private street shall be installed and accepted by the City prior to the model home being discontinued and converted to the intended use as a residential home. All utility installations must be inspected and accepted by the City consistent with this title.
- i. The number of model homes in a residential subdivision may be allowed as follows after plat recording:
 1. Between one (1) and ten (10) residential lots, one model home;
 2. Between eleven (11) and fifty (50) residential lots, three model homes;
 3. Between fifty-one (51) and one hundred (100) residential lots, five model homes;
 4. More than one hundred one (101) residential lots, seven model homes;

Commented [EP1]: Removed the language that was similar to definition to this section.

Commented [EP2]: Added, after plat recording, ensuring it is not in conflict with 1.a above and fixed the subset numbering.

i. If more than one model home is proposed, the model homes shall be contiguous to one another and within the same platted phase of the development.

k. No variances under Chapter 16.84, Variances, shall be permitted to accommodate the model home.

l. Water meter connection for a model home is prohibited unless all public improvements required by the subdivision have been constructed, inspected, and accepted by the City Engineering Department. If all public improvements have been constructed, inspected and accepted by the City, the model home must connect to the city's water and sanitary sewer system. A water meter must be installed upon converting the model home to the intended use as a residential home.

m. Adequate pedestrian access must be available to the model homes, as approved by City of Sherwood Engineering Department.

2. Remedial Action. In the event that the City determines the model home has encroached on a property line or has violated any applicable standards, the following steps shall be taken to correct the violation:

a. The City shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The City may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat subject to section 16.120.050 or the termination of the model home approval as set forth below.

b. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the City in writing.

c. The City will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the City shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected.

Commented [EP3]: Re-worded this standard for clarity. The intent is that model homes need to be contiguous to one another and within the same platted phases.

(Ord. No. 2012-001, § 2, 1-3-2012)