

## ***Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS<sup>1</sup>***

### **16.31.010 Purpose**

A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well- landscaped sites and attractive architectural design, as determined by the Commission.

C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

### **16.31.020 Uses**

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

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<sup>1</sup>Editor's note(s)—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI <sup>1</sup>
<b>RESIDENTIAL</b>			
• Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
<b>CIVIC</b>			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	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	P	P	C
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
<b>COMMERCIAL</b>			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities <sup>2,3</sup>	C	C	C
Hospitality and lodging			
• Hotel/Motel	CU <sup>12</sup>	N	N
Motor vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	C <sup>4</sup>
• Vehicle fueling stations or car wash facilities <sup>5</sup>	C	C	C
• Junkyards and salvage yards	N	N	N
• Manufactured home sales and display area	N	N	N
Office and professional support services			
• Business and professional offices <sup>3</sup>	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>	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	P	P	P
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use <sup>3</sup>	C	C	C
General retail - sales oriented			

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(Supp. No. 24, Update 2)

• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business <sup>3</sup>	P	P	P
• Medical and recreational marijuana facilities	P <sup>6</sup>	P <sup>6</sup>	N
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumber yards <sup>3</sup>	C	P	N
<b>Personal services</b>			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Psilocybin Service Centers	N	P <sup>13</sup>	N
• 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 <sup>8</sup>	C	C	C
• Public or commercial parking (non-accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/kennels and pet daycare facilities with outdoor recreation areas <sup>8</sup>	C	C	C
<b>Eating and drinking establishments:</b>			
• Restaurants, taverns, and lounges without drive-thru <sup>3</sup>	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
• <u>Food Cart Pods<sup>3,14, 15</sup></u>	C	N	N
<b>INDUSTRIAL</b>			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Psilocybin Manufacturing Facilities	N	P <sup>13</sup>	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>	P	P	P
• Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building <sup>9</sup>	N	P	C
• Mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards	C	P	C <sup>4</sup>
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N

• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code	N	N	N
<b>WIRELESS COMMUNICATION FACILITIES</b>			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers <sup>11</sup> and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• 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
<b>OTHER</b>			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

<sup>1</sup> See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

<sup>2</sup> 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.

<sup>3</sup> Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

<sup>4</sup> On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted.

<sup>5</sup> Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

<sup>6</sup> See Special Criteria for Medical and Recreational Marijuana Facilities in Chapter 16.38, Special Uses.

<sup>7</sup> Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

<sup>8</sup> Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

<sup>9</sup> For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

<sup>10</sup> These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

<sup>11</sup> Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

<sup>12</sup> See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

<sup>13</sup> See Special Criteria for Psilocybin Service Centers and manufacturing facilities under Section 16.38.040.

<sup>14</sup> [See criteria for Food Cart Pods in Chapter 16.39.](#)

<sup>15</sup> [Food Cart Pod developments \(including structures, seating, parking, driveways, vehicular maneuvering areas, and trash receptacles and enclosures\) within the light industrial zone must be entirely sited within 500 feet of Tualatin-Sherwood Road.](#)

(Ord. No. 2023-002, § 2, 3-7-2023; Ord. No. 2022-002, § 2, 3-15-2022; Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

### **16.31.030 Development Standards**

#### A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

#### B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	LI	GI	EI
Lot area - industrial uses:	10,000 SF	20,000 SF	3 acres <sup>9</sup>
Lot area - commercial uses (subject to Section 16.31.050):	10,000 SF	20,000 SF	10,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front yard setback <sup>11</sup>	20 feet	None	20 feet
Side yard setback <sup>10</sup>	None	None	None
Rear yard setback <sup>11</sup>	None	None	None
Corner lot street side <sup>11</sup>	20 feet	None	20 feet
Height <sup>11</sup>	50 feet		

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<sup>9</sup> Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.

<sup>10</sup> When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

<sup>11</sup> Structures located within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016)

### **16.31.040 Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone**

#### **A. Siting**

1. Hotels/motels within the Light Industrial zone must be sited within 1/4 mile from the General Commercial and/or Retail Commercial zone.

#### **B. Development and Design**

1. The development of hotels/motels in the Light Industrial zone shall use the urban design standards in SZCDC Section 16.90.20.D.6.a—c. As an alternative to the standards in Section 16.90.20.D.6.a—c the commercial design review matrix may be applied (Section 16.90.020.D.6.d). A development must propose a minimum of sixty (60) percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c.
2. A hotel/motel shall provide a minimum of 200 square feet of interior floor area for conference and/or meeting rooms, exclusive of dining, breakfast and lobby areas.

(Ord. No. 2020-006, § 2, 7-21-2020)

Editor's note(s)—Ord. No. 2020-006, § 2, adopted July 21, 2020, amended the Code by renumbering former §§ 16.31.040—16.31.070 as §§ 16.31.050—16.31.080, and adding a new § 16.31.040.

### **16.31.050 Employment Industrial (EI) Restrictions**

#### **A. Use Restrictions**

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
  - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
  - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after

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industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.040. See editor's note, § 16.31.040.

### **16.31.060 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions**

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.050. See editor's note, § 16.31.040.

### **16.31.070 Community Design**

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.060. See editor's note, § 16.31.040.

### **16.31.080 Floodplain**

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2020-006, § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2012-011, § 2, 8-7-2012)

Note(s)—Former § 16.31.070. See editor's note, § 16.31.040.

## ***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.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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.

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- 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.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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. All structures shall comply with the applicable setback standards of the underlying zoning district.](#)
  - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. 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

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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.

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- 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 0.5 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.

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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 abutting residential uses.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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 (i.e. restrooms and pavilion) 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.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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 an active City and State business license 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.

(Ord. No. 2024-004, § 2, 10-15-2024)

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### **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.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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.

(Ord. No. 2024-004, § 2, 10-15-2024)

### **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.

(Ord. No. 2024-004, § 2, 10-15-2024)