

Code draft:

Proposed standards for temporary land uses, including  
mobile food units

Code draft for transient businesses with a subsection for mobile food units.

The subsection for mobile food units should not allow for drive-through service, and should include as an option for discussion both temporary and permanent placement

Color code: **Yellow** indicates that the Commission needs to agree on a parameter. **Blue** indicates that the Commission should consider whether and how to add parameters.

**Definitions to be added to MC155.075:**

Approach: The interface between a public road and a privately owned road or driveway.

Transient business: A business that operates in the city and has no fixed permanent location from which the business is conducted. Occupation of the location for **[30 or more]** consecutive days constitutes a permanent location. "Transient business" does not include service work where the operator drives to a particular premises in order to perform a specific service; examples include but are not limited to landscapers, yard maintenance workers, plumbers, etc.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses occur **[only once in a calendar year and]** for not longer than **[(#) days]**, **[consecutively / cumulatively,]** in any calendar year. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, mobile food units, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, **Seasonal and** Special Events, Temporary Sales Offices, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

**A. Seasonal and Special Events.** The City Administrator shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:

1. Siting requirements.

- a. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval). **A strict reading of the current Zoning Code would result in a finding that Special Events are allowed only in the P-F zone. Commission may wish to consider either specifying which zones can have a Special Event in this code section, or adding it to those zones as a permitted use subject to this section.**

2. Duration and frequency. The use occurs only once in a calendar year and for not longer than **[30-60]** consecutive days. **Current Lakeside codes sets event length at 4 days unless extension is granted by Commission.**

2. Permit application.

- a. A complete application and payment of event permit fee has been received by the City no less than **[180]** days prior to the beginning of the event.

- b. The applicant, if different than the property owner, must provide proof of the owner's permission to place the use on the property with the application.
  - c. Application must be accompanied by information sufficient to insure that the event is compliant with permitting requirements at the time of application.
  - d. The City Administrator shall issue a decision on any special event application, that fully satisfies the conditions (a) through (c) above, within [30?] days of receipt.
5. Ingress and egress. Ingress and egress conform to the requirements of MC155.260 *Procedurally requires that the ingress/egress standards be adopted prior to the code for temporary uses.*
  6. Visual clearance. Use does not violate visual clearance codes. (MC155.052)
  7. Parking. There is sufficient parking to accommodate the temporary use and other uses existing on the site. *Other codes have standards/parameters for this. Lakeside should too. There should be objective standards for what is enough parking. We have standards for the existing uses on the site for commercial properties; we would need also to have standards based on the anticipated volume of traffic for the event.*
  9. Off-site impacts. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
  10. Sanitation.
    - a. The use is adequately served by sewer or septic system and water, as applicable.
    - b. Restroom and hand washing facilities are sufficient. *Should consider minimum standards for restroom capacity based on size/population of event.*
    - c. Trash receptacles and disposal are sufficient and do not involve the use of City waste receptacles. *Ideally, there should be objective standards for this too. However, given the possible range of size and nature of events, this may not be possible.*
    - d. Resources and plan for post-event site clean-up are adequate.
  11. Licensing. The applicant shall be responsible for acquiring and maintaining all required licenses and permits.
  12. Mitigation of liability/insurance. The applicant shall:
    - a. Enter into a hold-harmless agreement with the City of Lakeside.
    - b. Obtain Comprehensive General Liability for the event, with limits of not less than \$1 million and listing the City of Lakeside as an additional insured.

*Commission should consider whether any variances from these standards should be allowed; if so, which standards and under what circumstances; and who can grant them. Commission should consider whether the decision of the City Administrator in (A) is subject to an appeal; if so, who would rule on that appeal and what process/timing should apply.*

**B. Temporary Sales Office for subdivisions.** The City Administrator shall approve, approve with

conditions, or deny a temporary use application for a Temporary Sales Office for the purpose of facilitating the sale of real property within the City. The use of any real property within the City as a temporary sales office shall meet all of the following criteria:

1. Location. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
2. Allowed permanent structures. The property to be used for a temporary sales office shall not be permanently improved for that purpose, unless the building used as a temporary sales office also serves as a model home designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
3. Utilities. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.

**C. Temporary Buildings, Trailers, Kiosks, and Other Structures.** The [City Administrator/Planning Director/other] shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. Siting requirements.
  - a. The use is permitted in the underlying zone.
  - b. The location is within a hard-surfaced area (e.g., concrete or asphalt, not dirt or gravel).
  - c. The location shall not be within a sidewalk.
  - d. The location shall not be within 20 feet of an intersection.
  - e. The location of any transient business shall not be within 10 feet of the entrance of any permanent business, unless the temporary structure is being placed by the owner of that permanent business.
  - f. The location of any transient business shall not be within 50 feet of the entrance of any competing permanent business. *Strict interpretation of this wording would prevent two competing transient businesses (e.g., food trucks) from being less than 50 feet apart. This can be left as-is; changed to something like "within 50 feet of any competing non-transient business"; or amended to make an exception for approved special events or within an approved 'food truck court'. This last option would require creating some code that would allow a 'food truck court'.*
  - g. Siting on public property is permitted only during a permitted special event.
2. Property owner authorization. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. Lot standards. The lot development standards of for the underlying zone are met.
4. Ingress and egress. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site[, pursuant to MCI55.260-].

MC255.260 et seq. would be standards for ingress/egress safety. Commission may wish to consider appending such standards to the Zoning Code such that they would apply everywhere in Lakeside. Ingress and egress standards would be applicable to all uses in Lakeside, not just the temporary ones.

5. Visual clearance. The use does not conflict (i.e., create a nonconformity) with the provisions of MC155.052 (Visual Clearance).
6. Parking. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to MC155.250-.256 (Off-Street Parking Requirements).
7. Drive-through service. The use shall not utilize drive-through service. Only pedestrian (walk-up) traffic is allowed.
8. Off-site impacts. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. Utilities.
  - a. The use is adequately served by sewer or septic system, water, and electricity, as applicable.
  - b. Utilities can be connected temporarily to such service without the placement of lines, wires, pipes, hoses or similar temporary utility connection infrastructure across a sidewalk or similar designated pedestrian walkway.  
The use of internal combustion engine electrical generators is not permitted.
10. Maintenance of walkways. Use on or adjacent to a sidewalk or other designated pedestrian way shall maintain at all times a minimum unobstructed pedestrian passage area of 36 inches, and avoid creating safety hazards for pedestrians and vehicles.
11. Unattached signage. One sandwich board type sign may be placed on the right of way adjacent to the use, subject to the 36-inch pedestrian passage clearance indicated above.
12. Precedence of special events. Should the time and location of the approved temporary use or structure intersect with the time and location of an approved and permitted special event, the use or structure must vacate the area subject to the event permit, unless separate approval has been granted by the event operator.
13. Mobile transient business. A transient business may be operated as a mobile business. A mobile business shall not remain in any location for more than 15 minutes.
14. Transient businesses in residential [zone/area]. No transient business shall operate in a residential [zone/area] in any one location for longer than 15 minutes.
15. Alcohol. The sale or consumption of alcohol shall not be permitted at the location of a temporary use or transient business [, except in instances where such has been specifically approved as an aspect of a special event permit application].

16. Sound amplification. No amplification of sound shall be permitted by transient businesses. A music player is acceptable as long as the sound does not extend beyond the immediate vicinity of the transient business and does not generate complaints from neighboring businesses, customers or community members.
17. Building codes. The structure complies with applicable building codes.
18. Duration of placement of temporary structure. Except where specifically authorized by the [City decision-making body], the length of time that the temporary structure may remain on a site shall not exceed [#] consecutive months or a total of [#] months in any one calendar year.
19. Licensing. The applicant has obtained and will maintain all required licenses and permits, including a Lakeside business license and/or right-of-way use permit, as applicable.
20. Litter Cleanup. The applicant for any temporary use shall keep the area within 25 feet of the temporary use clean and free of litter generated by the temporary use, and dispose of the litter in their own container/receptacle. Use of City trash receptacles for trash from temporary uses is prohibited.
21. Visual appearance from street. All items visible from the street shall be kept in good repair and be maintained in a safe and clean condition.
22. Fire Inspection. Any temporary use involving flammable materials or fuels shall pass a fire safety inspection[; or the local fire department shall indicate that such inspection is not required].
23. A transient business that occupies a single location for a period in excess of [30?] consecutive days is considered to be permanent. Any transient business which becomes permanent must be:
  - a. Permanently connected to sewer, water and power, as applicable.
  - b. Illuminated with downcast of shielded lighting when operating during hours of darkness.
  - c. Considered as a new commercial development and subject to all requirements for a new commercial development.

Commission should consider whether any variances/exceptions from these standards should be allowed; if so, which standards and under what circumstances; and who can grant them.

Commission should consider whether the decision of the City Administrator in (A) is subject to an appeal; if so, who would rule on that appeal and what process/timing should apply.

Code draft:  
Mobile food units only

Code draft for mobile food units.

Color code: Yellow indicates that the Commission needs to agree on a parameter. Blue indicates that the Commission should consider whether and how to add parameters; or provides clarification.

**Definitions** to be added to MC155.075:

**Mobile food unit:** Any device, propelled or powered by any means, 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.

*Taken from OAR 333.150.0000(x) and (nn).*

[code section #] Mobile Food Units

The [City Administrator] shall approve, approve with conditions, or deny an application for the operation of a mobile food unit based on the following criteria:

1. **Application.** In addition to the information required by MC110.08, an application for a mobile food unit license shall contain documentation that the applicant has obtained all required health and sanitary licenses from the State of Oregon and Coos County. *MC110.08 details the information required for a business license.*
2. **Mobile food unit as land use.** Unless part of an event or festival that has received a permit from the City, any mobile food unit that is in place for more than 72 hours without being moved shall be considered a land use and shall be subject to the conditions and requirements of the Lakeside Zoning Code, MC155.
3. **Location.** Unless part of an event or festival that has received a permit from the City, mobile food units may only operate: *Consider whether this exemption should or should not also apply to the restrictions in (4(f)).*
  - a. In zones where eating and drinking establishments are allowed as a permitted use; or
  - b. In zones where eating and drinking establishments are allowed as a conditionally permitted use, and such conditional use permit has been obtained; or
  - c. In the parking area of a manufacturing business for the purpose of primarily serving the employees of that manufacturing business; or
  - d. In residential [zones/areas] as long as the stay in one location is no more than 15 minutes.
4. **Property owner permission** must be documented. [Permission shall not be granted to operate a mobile food unit in a public right-of-way.] See 5(f) and co-ordinate content.
5. **Site requirements.**
  - a. **Lot standards** for the zone in which the unit is operated, as found in MC155, shall be observed.
  - b. **Ingress and egress** shall be consistent with the requirements of MC155.260
  - c. **Visual clearance** requirements of MC155.052 shall be observed.
  - d. **Surface.** Must be operated in an approved parking lot or other hard-surfaced area.
  - e. **Parking** must be consistent with the requirements of MC155.250-.256. If operating on the site of a privately owned business, parking requirements for both the permanent business and the unit must be met separately.
  - f. [Crosswalks and intersections. Mobile food units within a public right-of-way shall not be in a crosswalk or within 20 feet of an intersection] Subsection not required if City does not permit use in ROW.





c. c. Considered as a new commercial development and subject to all requirements for a new commercial development.]

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Commission should consider whether the decision of the City Administrator at top of code is subject to an appeal; if so, who would rule on that appeal and what process/timing should apply.