

## **OUTDOOR MERCHANDISING – SECTION 5.100, 4**

### **TYPE 1 – CITY MANAGER DECISION**

**FEE: \$ 40.00**

The City of Seaside regulates outdoor merchandising in accordance with Section 5.100 of the Seaside Zoning Ordinance. This section allows some uses and activities to be carried on outside of a building; however, it is intended that all commercial activities be carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use. Before completing this application, all proposals should be discussed with the Planning Department to determine if it requires a Type 2 approval by the Planning Commission under Subsection 3 or qualifies for one of the exemptions identified in Subsection 2 of the Ordinance.

All uses in the C-1, C-2, C-3, C-4, R-C, R-R, M-1 and AD zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be granted a temporary permit by the City Manager to operate under the provisions of Subsection 4. The City Manager has the authority to approve, approve with conditions, or disapprove the request based on an applicant's ability to document compliance with the provisions of the following subsection.

**The following requirements are applicable to certain types of temporary outdoor merchandising or special events:**

**A. *Nonprofit organization sales. The sale is authorized by a site specific use permit granted by the city manager after finding that:***

- 1. *The sale has the approval of the owner or lessee of the property on which it is to take place.***
- 2. *The sale will be located in a manner that will not interfere with pedestrian or vehicular traffic.***
- 3. *The sale will not interfere with the safe operation of adjacent businesses.***
- 4. *The event shall not occur more than twice in a calendar year.***
- 5. *The sale shall be for a specified period of time. The duration of the sale shall not exceed three days.***

**B. *Parking lot/sidewalk sales where such events are limited to four per year and meet health and safety requirements applicable to the event. Such events shall be for a specified period of time. The duration of the event shall not exceed three consecutive days.***

**C. *Live entertainment, outdoor performances or special events. The entertainment, outdoor performance or special event complies with the following:***

- 1. *The event has the approval of the property owner or lessee of the property.***
- 2. *The location of the entertainment will not interfere with pedestrian traffic or the operation of adjacent businesses.***
- 3. *Where the entertainment is proposed to be amplified by electronic means, the location is appropriate.***
- 4. *The hours proposed for the entertainment are appropriate to the location;*  
**and****

5. *The entertainment will be for a specified period of time.*

**D. *Garage and yard sales shall be regulated pursuant to the garage sale Ordinance and they are not regulated under this section.***

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The City Manager will make a determination concerning the request based on the applicant's responses to the following questions:

1. **Describe the nature of the temporary outdoor merchandizing being proposed in the zone.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **What is the name of the event, if applicable:** \_\_\_\_\_

\_\_\_\_\_

3. **Coordinator/Contact Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Event Dates** \_\_\_\_\_ **Event Hours:** \_\_\_\_\_

**Estimated Number of Attendees:** \_\_\_\_\_

**Brief Discription of Access & Available Parking** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Will the event use signage/attraction devices?** \_\_\_ Yes \_\_\_ No. **Amplified voice/music?**

\_\_\_ Yes \_\_\_ No. **Food/Beverage Sales?** \_\_\_ Yes \_\_\_ No. **Product Sales?**  
Yes

\_\_\_ No. **If yes to any of the above, please explain:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**If this event was conducted in the past, please explain any proposed modifications:** \_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. **Provide any additional information or details necessary to explain how the proposed temporary outdoor merchandising will conform to the development standards identified A, B, or C above? If the applicant is not the property owner, lessee, or authorized agent; be sure to attach an authorization letter to this application.**

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- 5. If justified under Section A above, provide documentation of non profit status.
  
- 6. Describe any measures that will be taken to ensure the proposal will be aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.

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- 7. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the subject property, the sizes and locations of buildings and other structures, the parking area, the area intended to be utilized for the proposed outdoor merchandizing, the location of adjacent streets and accesses, traffic circulation, and any landscaped areas, visual buffers, fences, or pedestrian facilities that may help support the proposal or determine conformance with the development standards in the ordinance. Aerial Photos may be utilized to provide site plan information cerning the proposal.

**ATTACH EXTRA SHEETS IF NEEDED**

**Please note: This form must be submitted to the Community Development Department at 1387 Avenue U, Seaside, OR 97138. An application cover sheet must also accompany this application at the time of submittal.**

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**This section is for office use only.**

**Planning Director review, suggested conditions & comments:** \_\_\_\_\_

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**City Manager's Approval, Conditions, or Denial:** \_\_\_\_\_.