

AN ORDINANCE DIVIDING THE CITY OF SHERWOOD, OREGON, INTO DISTRICTS; PRESCRIBING THE USES TO WHICH PROPERTY IN SUCH DISTRICTS MAY BE PUT OR USED; REGULATING, RESTRICTING AND PROHIBITING THE LOCATION OF INDUSTRIES, TRADES, APARTMENT HOUSES, TWO FAMILY HOUSES, SINGLE FAMILY HOUSES; REGULATING AND RESTRICTING THE AREA AND DIMENSION OF LOTS AND YARDS; THE ERECTION, ALTERATION AND MAINTENANCE OF BUILDINGS, AND THE HEIGHT AND ALIGNMENT THEREOF; PROVIDING FOR THE ESTABLISHMENT OF BUILDING AND SET-BACK LINES; PROVIDING FOR THE PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this section, excepting in those instances where the context clearly indicates a different meaning.

Words used in the present tense include the future; the singular number includes the plural, the plural includes the singular; the word lot includes the word plot and the word building includes the word structure.

SINGLE FAMILY DWELLING. A single family dwelling is a dwelling for one family alone, and having but one kitchen and within which not more than five (5) persons are lodged for hire at one time.

TWO FAMILY DWELLING. A two family dwelling is a dwelling for not more than two families, and having two kitchens, and within which not more than five (5) persons are lodged for hire at one time.

PRIVATE GARAGE. A private garage is a garage for not more than three (3) automobiles, for storage only, and intended for private use, but in which space may be rented for storage only of not more than two (2) non-commercial automobiles, by other than the occupant or occupants of the building to which said garage is accessory.

NON-CONFORMING BUILDING OR USE. A non-conforming building or use is one that does not conform with the regulations of a given use district.

LOT. A lot is a parcel of land in a single or joint ownership, of not less than 3200 square feet in area, occupied by not more than one building and the accessory buildings or uses customarily incident to it, including such open space or spaces as are required by this ordinance.

CORNER LOT. A corner lot is a lot or portion of a lot not more than one hundred (100) feet wide at the junction of and fronting on two intersecting streets. The use of any portion of a lot more than fifty (50) feet distant from that street with the greater frontage shall comply with all of the provisions of this ordinance respecting interior lots.

INTERIOR LOT. An interior lot is a lot other than a corner lot.

DEPTH OF LOT. The depth of a lot is the mean distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

STREET LINE. The street line is the dividing line between the street and the lot, sometimes called the property line.

REAR YARD. A rear yard is an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot, unobstructed to the sky.

SIDE YARD. A side yard is an open, unoccupied space on the same lot with a building, between the building and the side line of the lot, and extending through from the street to the rear yard, or, where no rear yard is required, extending to the rear line of the lot.

HALF STORY. A half story is a story which is situated in a sloping roof, the roof area of which does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent apartment.

BUILDING AREA. The building area is the maximum horizontal projected area of the building and its accessories.

PARKING. A parking is the space on the street between the established curb and the street or property line, not occupied by a sidewalk.

SECTION 2. EXISTING BUILDING AND NON-CONFORMING USES. When a property or an existing building at the time of the passage of this ordinance has a use which is legal prior to the passage of this ordinance, such use may continue even though the same be not in conformity to the zoning regulations. If, however, the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations, and after such change it will not be permitted to change back again to the original non-conforming use. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this ordinance shall not be deemed the extension of a non-conforming use.

A building arranged, designed, or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding an aggregate cost during any ten year period of fifty per cent of the value of the building, unless the use of such building be changed to a conforming use. A non-conforming sign, if removed from the premises, may not be replaced. No exterior advertising sign aggregating more than six (6) square feet in area shall hereafter be erected to advertise a non-conforming use.

When a building having a non-conforming use is damaged by fire or other cause so that the total deterioration exceeds eighty (80%) per cent of the cost of replacement of the building, using new materials, then such building shall not be rebuilt unless such building in its construction and uses shall duly conform to the requirements of this ordinance and other ordinances of the city as applied to new buildings and uses in the district in which it is located. When a non-conforming use building is damaged by fire, rebuilding shall commence within six (6) months if the new building is to be used for the same use as before the fire.

SECTION 3. COMPLETION OF BUILDINGS. Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a building upon which construction has actually begun within thirty days

previous to the passage of this ordinance and the ground story framework of which, including the second tier of beams, shall have been completed and which such entire building shall have been completed in accordance with original plans within one (1) year from the date of commencing construction.

SECTION 4. For the purpose hereinafter set forth and for regulating classifying and restricting the location of buildings, trades and industries, and the location of buildings designed, erected or altered for specified property in the city of Sherwood, Oregon, said city of Sherwood is hereby divided into designated districts as follows, to-wit:

*Amended by
Ordinance #315*

Zone 1. Residential District No. 1, described as follows, to-wit:
Lots 3, 4, 5 and 6 in Block 3; Lots 1, 2, 3, 4, 5 and 6 in Block 4; Lots 1, 2, 3, and 4 in Block 5; Lots 1, 2, 3, and 4 in Block 6; all of Blocks 7, 8, and 9 of the City of Sherwood, Washington County, Oregon, being a portion of the Original plat of said City, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. And all of Blocks 10, 15, 16 and 17; Lots 1, 2, 3 and 4 in Block 13; Lots 1, 2, 3 and 4 in Block 14 of Smock Addition to the City of Sherwood, Washington County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of said Washington County, Oregon, together with all streets and alleys adjacent thereto. Also all of the unplatted area, within the corporate limits of the City of Sherwood, lying North and West of the Southern Pacific Railroad Company's right-of-way, excepting, however, that certain unplatted tract, or parcel of land lying parallel with and adjacent to the said Southern Pacific Railroad Company's right-of-way, and bounded on the Southwest, a distance of 124 ft., by Pine Street; thence, in a Northeasterly direction, along Oregon Street to a point where such Oregon Street crosses the S.P. Railroad Tracks.

Zone 1. Residential District No. 2, described as follows, to-wit:
All of Block 3 and 4 of Eppler's Addition to the City of Sherwood, Washington County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of said Washington County, Oregon. All of City View Addition to the City of Sherwood, Washington County, Oregon, excepting therefrom Lot 9 and a parcel of land adjacent thereto and bordering on Washington Street, such parcel of land being designated on said map or plat with a figure "5", and being 46 ft. by 100 ft. in dimension, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. Also excepting the tracts or parcels of land being adjacent to said Lots 9 and "5", above described, which are bounded on the West by South Sherwood Boulevard; on the Northwest by the Southern Pacific Railroad Company's right-of-way; on the Northeast by Washington Street to a point at the intersection of Washington Street and Parkrow; thence, running along the center of Park Row in a Southwesterly direction a distance of approximately 160 ft. to a point in the center of Park Row and in a direct line with the line which separates Lots 8 and 9 of City View Addition; thence toward and along such line which divides said Lots 8 and 9, extending to a point in the center of South Sherwood Boulevard, which point shall also constitute the point of beginning. Blocks 1, 2, 3, 4 and 5 of Sherwood Acres Addition, being all of such Sherwood Acres Addition to the City of Sherwood, Washington County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. Also all of the unplatted area within the corporate limits of the said City

county
of Sherwood, Washington, Oregon, and lying southeast of the Southern Pacific Railroad Company's right-of-way, excepting therefrom, that area or parcel of land, more specifically described as follows: Beginning at a point in the center of Washington Street on the Southeast line of the Southern Pacific Railroad Company's right-of-way; running thence, in a Southeasterly direction, along the center line of Washington Street to a point where such line intercepts the center line of Willamette Street; thence, in a Northeasterly direction to a point where such line intercepts the center line of Highland Street; thence, north along the center line of Highland Street to a point where such line intercepts the Southern Pacific Railroad Company's right-of-way; thence along the Southeast line of the Southern Pacific Railroad Company's right-of-way to the center of Washington Street, the place of beginning. All, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon.

ZONE 2 Business. described as follows, to-wit: All of Blocks 1 and 2; Lots 1, 2, 7, and 8 in Block 3; Lots 7 and 8 in Block 4; Lots 5, 6, 7 and 8 in Block 5; Lots 5, 6, 7 and 8 in Block 6 of the Original plat of the City of Sherwood, Washington County, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. All of Blocks 11 and 12; Lots 5, 6, 7 and 8 in Block 13; Lots 5, 6, 7 and 8 in Block 14 of Smock Addition to the said City of Sherwood, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon.

ZONE 3. Industrial. described as follows, to-wit: All of Blocks 1 and 2 of Eppler's Addition to the City of Sherwood, Oregon, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. Lot 9 and that certain tract or parcel of land adjacent thereto and bordering on Washington Street, such parcel of land being designated on said map or plat with a figure "5", and being 46 ft. by 100 ft. in dimension, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon. Also the certain tracts or parcels of land being adjacent to said Lots 9 and "5" above described, which tracts or parcels of land are bounded on the West by South Sherwood Boulevard; on the Northwest by the Southern Pacific Railroad's right-of-way; on the northeast by Washington Street to a point at the intersection of Washington Street and Park Row; thence, running along the center of Park Row in a Southwesterly direction a distance of approximately 160 ft. to a point in the center of Park Row and in a direct line with the line which separates Lots 8 and 9 of City View Addition; thence, toward and along such line which divides said lots 8 and 9, extending to a point in the center of South Sherwood Boulevard, which point shall also constitute the point of beginning, according to the map and plat of City View Addition to the Town of Sherwood, on file and of record in the office of the County Clerk of Washington County, Oregon. Also, that area or parcel of land, more specifically described as follows:- Beginning at a point in the center of Washington Street on the Southeast line of the Southern Pacific Railroad Company's right-of-way; running thence, in a Southeasterly direction, along the center line of Washington Street to a point where such line intercepts the center line of Willamette Street; thence, in a northeasterly direction to a point where such line intercepts the center line of Highland Street; thence, North along the center line of Highland Street to a point where such line intercepts the Southern Pacific Railroad Company's right-of-way; thence

along the Southeast line of the Southern Pacific Railroad Company's right-of-way, to the center of Washington Street, the place of beginning, according to the map and plat thereof on file and of record in the office of the County Clerk of Washington County, Oregon.

Also the following described area: "Beginning at a point on the south line of the Sherwood-Tualatin County Road, which point is S 89° 59' W 911.4 feet from an iron pipe set in the east line of Section 32 at a point S 0° 20' W 20.0 feet from the NE corner of said Section 32; thence N 0° 01' W 905.5 feet to a point on the southerly line of the Southern Pacific Railroad right-of-way as described on Page 466 of Book "Q" of Washington County, Oregon Deed Records; thence on said southerly line of said right-of-way S 47° 30' W 1347 feet to a point on the Northerly Corporate Limits of the City of Sherwood, Oregon; thence N 89° 59' E 998.4 feet to a point of beginning."

Section 5. Zone 1 RESIDENTIAL DISTRICTS Nos. 1 and 2. in Zone 1, Residential Districts Numbered 1 and 2, there may be erected, altered and maintained only single family dwellings, two family dwellings, with or without such accessory buildings as are appropriate to such dwellings, including private garages, pergolas, green houses and hot houses for private use in connection with such single or two family dwellings. The raising of vegetables and produce shall be allowed within said districts provided there shall be no stables for stabling horses, mules, cattle and swine maintained in connection therewith or on properties within said districts, excepting, however, where such property consists of acreage

in unplatted areas and, where such stables for stabling horses, mules, cattle and swine should, in the opinion of the Public Health Officer or the City Council, become a nuisance or a menace to the public health. The occupants of such buildings may be engaged therein in such professions and occupations as are ordinarily carried on in private homes, including the home office of a physician, surgeon, dentist, insurance agent and realtor. Other uses permitted in said districts are:- Public, private and parochial schools, churches, libraries, non-commercial museums, and public parks, and public utilities sub-stations, all of which must conform to set-back regulations herein established, and must maintain the character of residential surroundings. There shall also be permitted the erection, alteration and maintenance of multiple dwellings, apartment houses, lodgings and rooming houses, hotels without shops, clubs, fraternity houses, mortuaries and funeral homes, hospitals and sanitariums other than for contagious diseases or insane persons, colleges and institutions other than for correctional purposes. The height of buildings in such Residential districts shall be limited to two and one-half stories. No more than 30% of the area of an interior lot in said district shall be covered by building or buildings, nor more than 40% of a corner lot. No building erected within said districts shall be located within 5 feet of the rear line of the property on which the same is located. Every building erected within said districts shall be so located as to have one side yard of at least 5 feet and on the other side a yard of at least 8 feet, measured from the sides of such building to the property line adjacent thereto; provided, however, that the restrictions in this sub-division shall not apply to structures in the rear half of the lot and not exceeding one story in height or 400 square feet in area and detached from other buildings 5 feet or more, and provided further that in the case of private garages the same may be attached to other adjacent buildings. Private garages, the entrance or entrances to which face and open toward either the front or the rear of the lot may be built to the side line of the lot or property, provided, however, that private garages must maintain at least a 13 foot set-back line from the center line of the alley, except in cases of private garages erected or constructed on the corner lots where such garages face the street. No private garage shall be erected or constructed in these districts, (Zone 1, Residential Districts Numbered 1 and 2), except as authorized and provided in this section.

or constructed on the corner lots where such garages face the street. No private garage shall be erected or constructed in these districts, (Zone 1, Residential Districts numbered 1 and 2), except as authorized and provided in this section.

Section 6. ZONE 2, BUSINESS DISTRICT. In ZONE 2, Business District there may be erected, altered and maintained all of the uses permitted in Zone 1, Residential District, and in addition thereto only the following: financial institutions, offices, retail stores, community houses, restaurants, filling stations, wholesale offices and sample rooms, public buildings, armories, garages, blacksmith shops, theatres, amusement houses, shops for custom manufacturing wherein goods are retailed on the premises to the ultimate consumer or customer, newspaper and printing establishments, convention halls, public and private institutions and athletic and amusement parks, or other similar enterprises and businesses which, in the opinion of the planning commission are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses enumerated herein. Advertising signs shall be permitted in said district.

Section 7. Zone 3. INDUSTRIAL DISTRICT. In Zone 3, Industrial District there shall be permitted all of the uses permitted under Zone 1, Residential District, Zone 2, Business District, and in addition thereto all types of warehouses and warehouse storage, wholesaling and manufacturing, except those excluded by ordinance or constituting a nuisance.

Section 8. Within Zone 2, Business District, and Zone 3, Industrial District, no building or premises shall be used for, nor shall any building be erected which is arranged, maintained or designed for any kind of trade, industry or use which is obnoxious or offensive by reason of the emission of odor, dust, gas or noise.

Section 9. When this ordinance requires the signature of an owner of property, the person or persons who are purchasing property under contract may sign their name or names as the owner or owners of the property covered by the contract of purchases and such person or persons shall be construed hereunder as the owner or owners of such property; provided, that it shall be shown in connection with such signature or signatures that such person or persons have purchased such property under contract, and provided further, that if the City Planning Commission and/or City Council may require submission of satisfactory proof of such contract of purchase.

Section 10. ADVERTISING SIGNS. Signs on residences indicating professional or business occupancies permitted in Zone 1, Residential District, shall be attached flat against the building and shall not exceed 6 inches by 18 inches in size. Signs on schools, churches and other public buildings permitted in said district shall be attached flat against the building and shall not exceed six (6) square feet in size. No person shall erect or maintain any sign in either of said districts, (Zone 1, Residential) which does not conform to the foregoing limitations.

Section 11. In cases where construction is proposed in Zone 1, Residential Districts 1 and 2, and the hereinbefore established set-back lines are, in the opinion of the City Council, improper for the particular location involved, the City Council may, upon petition of the owner, grant a permit for the location of the proposed building back of the set-back line located at a distance from the street of existing residential buildings

in the block facing the street upon which the proposed building is to face.

Section 12. **ILLEGAL OCCUPANCY.** Any use of a premise or building which deviates from or violates any of the provisions of this ordinance shall be termed illegal occupancy and the person or persons responsible therefor shall be subject to the penalties herein provided.

Section 13. **TEMPORARY USES.** Notwithstanding any of the foregoing provisions, the City Planning Commission may, upon such petition, notice and hearing, as it may deem fit and proper, recommend to the Council the granting of a temporary permit to use certain specified property for a purpose not authorized in the district in which such property is located. Such temporary permit may be granted by motion or resolution and shall be revocable at the will of the City Council or extended for a time specified in the grant thereof, and it may be granted subject to such other limitations and conditions as the City Council may impose.

Section 14. **MINIMUM REQUIREMENTS.** The provisions of this ordinance shall be held to be in minimum requirements for the preservation of the public health, convenience, comfort, safety, prosperity and general welfare of the people of the City of Sherwood, Oregon.

Section 15. **AMENDMENTS.** The City Council may, from time to time, on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. Every such proposed amendment shall be referred by the council to the City Planning Commission for report. Any such amendment that has failed to receive the approval of the City Planning Commission shall not be passed, except by a vote of the council. The Council or the City Planning Commission may initiate proposed changes in the zones, which changes may be made only after notice to the owners of the properties affected and after public hearing. All changes, except those initiated by the council or City Planning Commission, shall be made only upon petition wherein signatures of the owners of 50% or more of the area affected by the proposed change, including at least 50% of the area to be changed, said petitions shall show addresses and descriptions of property owned sufficient for the identification thereof. In case the area to be changed is greater than one block, at least 50% of each block shall be represented on the petition.

Whenever the owners of 50% of the land in any area affected by a proposed change shall present a petition, duly signed, to the council requesting an amendment to the regulations described for such area, it shall be the duty of the council to vote upon such amendment within 90 days of the filing of the same by the petitioners with the city recorder.

A petition for change of zone shall be referred to the City Planning Commission by the city recorder and the City Planning Commission shall check such petition for sufficiency and shall make a report embodying its recommendations. No petition shall be approved by the council until the City Planning Commission has submitted a report relative to the same.

The property affected by such proposed change shall be deemed to be the area bounded by lines 300 feet from and parallel to the boundaries of the area to be changed, exclusive of street and alleys. If there is property within the

affected district in a less restricted zone, than that to which it is proposed to change the area as designated in the petition, this property need not be included in the petition furnished.

The City Planning Commission shall afford persons particularly interested, and the general public, an opportunity to be heard at a time and place specified in the notice of hearing published in the manner required by Sections 56-1704, Oregon Code, 1930, and the final report of the City Planning Commission shall be directed to the City Council. If a protest against such amendment be presented, duly signed by the owners of 20% of the land affected by such proposed change, such amendment shall not be passed except by a two-thirds vote of the council.

Section 16. VALIDITY OF ORDINANCE. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, imperil, invalidate or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 17. PENALTY FOR VIOLATION. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this ordinance or who shall fail to comply therewith, or with any requirements thereof, or who shall build in violation of any detailed statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$200.00, or by imprisonment in the city jail not to exceed 100 days, or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate offense.

Section 18. Whereas, there is now no Ordinance in the City of Sherwood pertaining to Zones, etc., and further that it is imperative for the peace, health, and safety of the people of the City of Sherwood, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its adoption and approval.

Passed by the Council this 3 day of December 1948

Approved this 3 day of December 1948

C. H. Sanders
Mayor for City of Sherwood, Oregon.

Flora C. Shoup
Recorder for City of Sherwood, Oregon.