

ORDINANCE NO. 620  
CITY OF SHERWOOD, OREGON

AN ORDINANCE AMENDING THE TEXT OF ORDINANCE NO. 588 - "CITY OF SHERWOOD ZONING CODE OF 1969", BY ADDING PROVISIONS FOR PLANNED DEVELOPMENT DISTRICTS

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: Article 3, Ordinance #588, - "City of Sherwood Zoning Ordinance of 1969" is hereby amended by adding the following section:

"3.09 PLANNED DEVELOPMENT DISTRICT - P-D.

A. Purpose

The purpose of the Planned Development District is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Development District is intended to be used to encourage the application of new technology to community development which will result in superior living or development arrangements with lasting values. It further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, useable and attractive open spaces, safe circulation and the general well-being of the inhabitants. Approved Planned Development District shall be a superimposed special district which shall overlay the existing zone.

B. Procedure

1. Preliminary Development Plan and Program

a. The applicant shall submit a Preliminary Development Plan and Program to the Planning Commission for an approval in principle. Such presentation shall consist of a preliminary plot plan in schematic fashion and a written program containing the following elements:

(1) Plan Elements

- (a) Proposed land uses and densities
- (b) Building types and intensities
- (c) Circulation pattern
- (d) Parks, playgrounds, open spaces
- (e) Existing natural features

(2) Program Elements

- (a) Proposed ownership pattern
- (b) Operation and maintenance proposal, i.e. Homes Association, Condominium, Co-op, or other
- (c) Waste disposal facilities
- (d) Lighting
- (e) Water supply
- (f) Community facilities, i.e. schools, libraries, fire protection and shopping
- (g) General timetable of development

b. The Planning Commission shall informally review the Preliminary Development Plan and Program and may act to grant preliminary approval, approval with recommended modifications, or denial. Such action shall be based upon

the Comprehensive Plan, the standards of this Ordinance and other regulations and the suitability of the proposed development in relation to the character of the area.

- c. Approval in principle of the Preliminary Development Plan and program shall be limited to the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require the development of other information than that specified in subsection 8 (2) to be submitted with the General Development Plan and Program.

## 2. General Development and Program

- a. After receiving approval in principle of the Preliminary Plan and Program, the applicant shall have a General Development Plan and Program prepared.
- b. The applicant shall petition for an amendment of the Zoning Map as set forth in Article 9.
- c. Upon receipt of the petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing in accordance with the provisions of Article 9 and Article 10.
- d. The General Development Plan and Program shall contain the following elements:

### (1) Plan Elements

- (a) General Development Plan in conformance with the approved Preliminary Plan.
- (b) Existing and proposed contour map or maps of the site to a scale commensurate with the sizes of the development.
- (c) Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 500 feet of the boundaries of the development.
- (d) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their capacities.
- (e) Proposed sewers or other disposal facilities, water mains and other underground utilities.
- (f) A preliminary subdivision plan if the property is proposed to be divided.
- (g) A land use plan indicating the uses planned for the development.
- (h) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or other uses dedicated or reserved to the public, if any.
- (i) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
- (j) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
- (k) Location and dimensions of pedestrian walkways, malls, trails or easements.
- (l) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- (m) Location, arrangement and dimensions of truck loading and unloading spaces and docks, if any.
- (n) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- (o) A preliminary tree planting and landscaping plan including

areas of ground cover and approximate finished grades, slopes banks and ditches. All existing trees over 6" in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

- (p) The approximate location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (q) The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

(2) Program Elements

- (a) Tables showing the total number of acres, the distribution of areas by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
- (b) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces and of any dedications of development rights.

3. Action and Findings

- a. The Planning Commission, after public hearing as provided in Articles 9 and 10 may by resolution, recommend approval of the Planned Development district and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a Planned Development district shall be based upon the following findings:
  - 1. That the proposed development is in substantial conformance with the Comprehensive Plan for the City;
  - 2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program;
  - 3. That the proposal is in harmony with the surrounding area or its potential future use;
  - 4. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable;
  - 5. That the approval will have a beneficial effect on the area which could not be achieved under other zoning districts;
  - 6. That the proposed development, or a unit thereof, can be substantially completed within one (1) year from date of approval.
- b. A resolution for approval shall be considered by the City Council according to the provisions of Articles 9 and 10.

4. Final Plan and Program

- a. Following approval of the Planned Development District by the City Council, the applicant shall prepare a Final Plan and Program which shall be submitted to the Planning Commission to check for compliance with the approved General Development Plan and Program.
- b. Prior to final approval of the final plan and program the applicant shall submit a declaration, duly executed and properly acknowledged before a notary public by all persons holding any interest of record in and to the subject real property, describing said property and giving notice that all of said property is and shall be held and conveyed upon and subject to compliance with the covenants, restrictions, and uses set forth in the final development plan filed in the office of the City Recorder of the City of Sherwood. Said declaration shall be submitted together with the applicable recording charge and upon final approval of the final Plan and Program, the Recorder shall cause to have said declaration recorded in the county deed records prior to the issuance of any building permit.

- c. If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Commission and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.
  - d. The procedures set forth in the Subdivision Ordinance shall be followed if the property is to be divided or streets are to be dedicated.
  - e. All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permits.
  - f. Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder prior to the issuance of any building permit.
- C. Development Standards
- 1. Application of Standards
    - a. In cases of conflict between standards of the underlying district and the Planned Development District, the standards of the Planned Development District shall apply.
  - 2. Minimum Site Plan
    - a. Planned Development Districts shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.
    - b. A Planned Development District shall not be established on less than four (4) acres of contiguous land unless the Planning Commission finds that property of less than four (4) acres is suitable as a Planned Development District by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.
  - 3. Compatibility with Neighborhood
    - a. The plans and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to insure compatibility with the Comprehensive Plan and the character of the neighborhood.
    - b. Periphery yards of a Planned Development District site shall be at least as deep as those required by the yard regulations of the adjoining district unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
  - 4. Lot Coverage
 

Lot coverage shall be the same as the underlying district unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
  - 5. Open Space
    - a. Open space in a Planned Development District means the land area to be used for scenic, landscaping or open recreational purposes within the development. It shall not include street rights-of-way, driveways, or open parking areas.
    - b. Open space shall be adequate for the recreational and leisure use of the population occupying the Planned Development District and designed to enhance the present and future value of the development.
    - c. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.

- d. In order to assure that open space will be permanent, dedication of development right to the City of Sherwood for other than open space use may be required.
- e. Instruments guaranteeing the maintenance of open space shall be approved as to form by the City Attorney.
- f. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, then and in such event the City may at its option cause such maintenance to be done and assess the costs to the affected property owners.

#### 6. Density

- a. In order to preserve the integrity of the Comprehensive Plan and relate it to the Planned Development, the number of dwelling units permitted shall be determined as follows:
  - 1. Divide the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located, and then add ten per cent (10%)
    - (a) Net development area shall be determined by subtracting the area set aside for churches, schools or other non-residential uses from the gross development area and deducting twenty per cent (20%) of the remainder as an allowance for streets.
  - 2. A greater number of dwelling units may be permitted by the Planning Commission in the event the applicant proposes a development which effectively limits the overall density of the project to the standard of the underlying district through restrictions on age, family composition or other effective means.
    - (a) If the applicant proposes to utilize this provision, full written details shall be presented in the program section of the Preliminary Development Plan.

#### 7. Subdivision Lot Sizes

Minimum area, width, depth and frontage requirements for subdivision lots in a Planned Development District may be less than the minimums specified in the underlying district if in accordance with the approved General Development Plan and Program and the density standards of this Section. The balance of the total tract area shall be devoted to open space as defined herein.

#### 8. Staging

- a. The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- b. The Planning Commission may require that development is to be done in stages if public facilities are not adequate to service the entire development initially.

#### D. Permitted Uses

##### 1. For Residential Districts

The following uses are permitted in a Planned Development District:

- a. Housing concepts may include but are not limited to single family residence, duplexes, row houses, townhouses, cluster units or multiple family dwellings.
- b. Related commercial uses which are designed exclusively to serve the development of which they are a part, when approved by the Planning Commission.
- c. Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission. Such community service uses may also be designed to

serve the adjacent area if considered desirable by the Planning Commission upon examination of the plan.

- d. Accessory buildings and uses.
  - 2. For Commercial and Industrial Districts
- a. Uses permitted in the underlying district.
- b. Other uses as approved by the Planning Commission as consistent with the Plan and Program.
- c. Accessory buildings and uses.

E. Changes and Modifications

1. Major Changes

Major changes in the General Development Plan and Program after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

2. Minor Changes

- a. Minor changes in the General Development Plan and Program may be approved by the City Council provided that such changes:
  - (1) Do not increase the densities
  - (2) Do not change boundaries
  - (3) Do not change any use
  - (4) Do not change the location or amount of land devoted to specific land uses.

F. Expiration

If substantial construction or development has not taken place within one (1) year from the date of approval of the General Development Plan and Program, the Planning Commission shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall recommend to the City Council that the Planned Development District on the property be removed. The City Council, at the request of the applicant, may grant an extension of time, if justifiable.

Section 2: This ordinance shall become and be effective on and after the 31st day from its passage by the Council and approval by the Mayor.

PASSED: By the Council by Unanimous vote of all Council members present after being read by caption three times, and in body once, this 23rd day of March, 1972

Marjorie Stewart  
Recorder of City of Sherwood

APPROVED: By the Mayor, this 12 day of April, 1972

John E. Smith  
Mayor - City of Sherwood