

CITY OF SHERWOOD, OREGON

AN ORDINANCE AMENDING ARTICLE 6 OF ORDINANCE #588, "THE CITY OF SHERWOOD ZONING ORDINANCE, REQUIRING APPROVAL OF CONDITIONAL USES BY THE CITY COUNCIL, ESTABLISHING PROCEDURES, AND PROVIDING AN EFFECTIVE DATE

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That Section 6.01, Article 6, Conditional Uses of Ordinance #588, City of Sherwood Zoning Ordinance, is hereby amended to read as follows:

"ARTICLE 6

CONDITIONAL USES

"6.01 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USE. Uses designated in this ordinance as permitted "conditional uses" may be permitted, enlarged, or altered upon authorization of the City Council after hearing by the Planning Commission and by the City Council. In recommending approval of a conditional use the Planning Commission may recommend, in addition to the regulations and standards expressly specified in this ordinance other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. The conditions may include requirements increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage of height of buildings because of obstruction to view or reduction of light or air to adjacent property, requiring sight-obscuring fencing and landscaping where necessary to reduce noise or glare or maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional existing prior to the effective date of this ordinance, shall conform to the regulations pertaining to conditional uses. If the site is inappropriate for the use requested, the Planning Commission may deny approval of the conditional use.

"6.02 STANDARDS GOVERNING CONDITIONAL USES. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

"1. Yards. In a residential zone, yards shall be at least two-thirds the height of the principal structures. In any zone, additional yard requirements may be imposed.

"2. Height Exception. A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet, if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

"3. Access to property; building openings. The City may limit or prohibit vehicle access from a conditional use to a residential street; and it may limit or prohibit building

~~Exhibit C~~
~~Planning Commission~~

openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

"4. Signs. In the case of a conditional use the sign limitations of a zone may be exceeded to allow one indirectly illuminated sign or non-illuminated sign not more than six square feet in area, on each side of a structure abutting a street.

"5. No conditional use request shall be granted unless each of the following is found:

- a.) Approval of the request is in conformity with the Comprehensive Plan;
- b.) There is a public need for the use of the type and kind in question;
- c.) That the public need is best served by allowing the conditional use application for the particular piece of property in question as compared to other available property;
- d.) That surrounding property and the overall zoning plan will not be adversely affected by approval of the request, or that upon fulfillment of specific conditions to the approval by the applicant, the adverse affects of the use will be so substantially ameliorated that the proposed use will not adversely affect surrounding property, the character of the neighborhood, or the integrity of the zoning plan and zoning ordinance."

"6. The burden of proof with respect to the foregoing standards is on the applicant."

"6.03 CONDITIONAL USE PROCEDURE. The following procedures shall be followed in applying for and acting on a conditional use:

"1. A property owner may initiate a request for a conditional use or the modification of conditional use by filing an application with the Planning Commission, using forms prescribed pursuant to Section 10.02. The Planning Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

"2. Before the Planning Commission or the City Council may act on a request for a conditional use, it shall hold a public hearing after notice has been given as provided by Section 10.05.

"3. After the hearing the Planning Commission shall make written findings of fact concerning the conditional use request which support the decision to recommend approval or to deny the conditional use. If the Planning Commission recommends approval, the Commission shall, as a part of its written recommendation to the Council, state the conditions to that approval required to be fulfilled by the applicant. Within seven days after a decision has been rendered with reference to a request for a conditional use, the Planning Commission shall provide the applicant with written notice of the decision of the Planning Commission.

"4. Upon appeal of the Planning Commission's denial of a conditional use application or after receipt of the Planning Commission's recommendation for approval of a conditional use, the Council shall conduct a public hearing on the application or appeal. After the public hearing, the Council shall render a decision and make written findings of fact supporting the decision to approve or deny the request. If a request is approved a conditional use permit shall be granted by ordinance which shall state the conditions to the approval to be fulfilled by the applicant or property owner.

"5. Failure to comply with the conditions set forth in the conditional use permit ordinance shall constitute a violation of this ordinance for which the penalties provided in Section 12.01 may be imposed.

"EFFECTIVE DATE: 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 11th day of July 1973.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 11 day of July 1973.

Jack Q. Harper
Mayor - City of Sherwood