

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 678

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 415 SITE DEVELOPMENT PLAN REVIEW OF ORDINANCE 588, SHERWOOD ZONING ORDINANCE TO PROVIDE AN ESTABLISHED SITE DEVELOPMENT PLAN REVIEW BOARD AND PRESCRIBE AN EFFECTIVE DATE.

THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: The City Council finds that pursuant to Chapter 227, Oregon Revised Statutes and Ordinance No. 588, the amendments to said zoning ordinance hereinafter set forth, after due and legal notice, were submitted to public hearing by the Planning Commission and the Planning Commission thereafter made its written recommendations with respect hereto to the Council.

Section 2: The Council further finds that after due and legal notice a public hearing was held by the City Council whereat all interested persons were afforded an opportunity to be heard with respect thereto, and the Council further finds that all legal and proper actions have been taken and conditions precedent fulfilled with respect to the amendments to the City's zoning ordinance as hereinafter set forth, and that said amendments are necessary to effectuate the purpose and objectives hereinafter set forth.

Section 3: That Section 4.15B of Ordinance No. 588, the City of Sherwood Zoning Ordinance, be and the same is hereby amended to read as follows:

"Section 4.15B Site Development Plan Review

Subsections:

- 4.15.010 When required.
- 4.15.020 Purpose.
- 4.15.030 Contents.
- 4.15.040 Usable open space and recreation areas --R-3 zone and R-T zone.
- 4.15.050 Landscaping and screening--R-3 zone and R-T zone.
- 4.15.060 Landscaping and screening--C-1 and C-2 zones.
- 4.15.070 Landscaping and screening--I-1 zone.
- 4.15.080 Additional standards.
- 4.15.090 Review Board action and findings.
- 4.15.100 Validity period.
- 4.15.105 Site Development Plan Review Board.
- 4.15.110 Appeals.

"4.15.010 When required. In the R-3, C-1, C-2, R-T and I-1 Zones, and within any areas annexed to the city for which county zoning continues to apply pursuant to state statute, and for conditional uses within all zones, building permits and certificates of occupancy shall be issued in accordance with a site development plan approved by the Site Development Plan Review Board, for the lot or tract on which the proposed use, uses or major remodelings and additions are to be located.

"4.15.020 Purpose. The purposes and objectives of the site plan review authority by the Site Development Plan Review Board are to:

(a) Bring the proposed development into conformance with the standards and policies of the Sherwood zoning plan.

(b) Encourage originality, flexibility and innovation in site planning and development.

(c) Conserve the city's natural beauty and visual character by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures.

(d) Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(e) Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues.

(f) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services.

(g) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement and to attract new residents by reason of the city's favorable environment.

"4.15.030 Contents. A prospective applicant for a building permit or certificate of occupancy whose site is subject to development plan review shall submit to the Site Development Plan Review Board, a site development plan which includes the following elements:

(a) A site plan, drawn to scale, showing topography and final grading, the location of all buildings and structures, signs, uses, driveways, bicycle paths, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas and railroad tracks. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall also indicate how utility service and drainage are to be provided.

(b) A general site plan, showing adjoining properties, streets, buildings, driveways and other improvements.

(c) A landscape plan, drawn to scale, showing the location of existing trees, four inches or more in diameter, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and

sizes of trees and plant materials to be planted on the site, other pertinent landscape features and irrigation systems required to maintain trees and plant materials.

(d) Architectural drawings or sketches, drawn to scale, and all elevations of the proposed structures and other improvements as they will appear on completion of construction.

(e) At the time of the filing of the application for approval of a design review plan, the applicant shall pay a fee to be determined from the following schedule:

<u>Project Value (as determined for building permit purposes)</u>	<u>Fee Required</u>
Less than \$49,999.00	\$ 40.00
\$50,000.00 to \$99,999.00	80.00
\$100,000.00 to \$999,999.00	150.00
Over \$1,000,000.00	175.00

A request for modification of an approved design plan shall be accompanied by a fee equal to one-half of the original fee required under this subsection.

"4.15.040 Usable open space and recreation areas; R-3 Zone and R-T Zone.

(1) An area or areas for usable open space and recreational purposes shall be provided in multi-family developments. A minimum of 200 square feet of recreation area shall be provided for each of the first 20 dwelling units; 250 square feet for units 21 through 30; and 300 square feet for each unit over 30. The surface area of recreation buildings, including swimming pools, may be included in computing the minimum size of the area. Recreation areas shall not be located in required yards, parking or maneuvering areas.

Table for computing multi-family open space requirements:

<u>Dwelling Units</u>	<u>Minimum Square Feet</u>
10	2,000
20	4,000
30	6,500
40	9,500
50	12,500
60	15,500

(2) An area or areas for usable open space and recreational purposes shall be provided in mobile home parks and courts in compliance with the requirements of Section 3.04 (6)(c) of this ordinance.

"4.15.050 Landscaping and screening; R-3 Zone and R-T Zone. Landscaping and screening requirements for the R-3 Zone and R-T Zone shall be as follows:

(1) All areas in an apartment complex or mobile home park or court not occupied by structures, paved roadways, walkways or patios shall be landscaped and maintained. The front 12 feet from the street right-of-way shall be landscaped to include evergreen shrubs or a combination of lawn, evergreen or deciduous shrubs and trees, and/or perennial or annual flowers.

(2) Landscaping and other improvements shall be established and maintained to provide an attractive setting and privacy for the occupants, including buffers or other improvements which shall effectively screen the development from any adjoining single-family dwelling.

(3) All off-street parking and maneuvering areas shall be substantially screened from view on the public right-of-way by evergreen shrubs. Tree and shrub plantings within parking areas shall be provided and maintained at approximately 70 feet on center each way.

(4) Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Board is filed with the city assuring such installation within six months after occupancy. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, or such other assurance of completion approved by the city attorney. If the installation of the landscaping is not completed within the six-month period, the security may be used by the city to complete the installation.

(5) All landscaping shall be continually maintained in a substantially similar manner as originally approved by the Site Development Plan Review Board, unless altered with Board approval.

"4.15.060 Landscaping and screening; C-1 and C-2 Zones. Landscaping and screening requirements for C-1 and C-2 Zones shall be as follows:

(1) Tree and shrub plantings within parking areas shall be provided and maintained at approximately 70 feet on center each way.

(2) All areas not occupied by paved roadways, structures or walkways shall be landscaped. A minimum of the front 10 feet shall be landscaped to include any or a combination of any of the following: lawn, evergreen or deciduous trees or shrubs, and perennial or annual flowers.

(3) Installation and maintenance of landscaping shall comply with the requirements of Subsection (4.15.050(4 and 5)).

"4.15.080 Additional standards. All utility service lines shall be placed underground.

"4.15.090 Site Development Plan Review Board action and findings

(a) In reviewing the proposed site development plan, the Site Development Plan Review Board shall consider the purposes and standards of the Sherwood zoning ordinances and the community plan with a view to achieving a maximum of safety, convenience and amenity for the subject property and adjoining properties. To these ends the Board shall consider the location of buildings, parking areas and other features with respect to the topography of the lot and its existing natural features such as trees and slope, the efficiency, adequacy and safety of the proposed layout of internal streets and driveways, the adequacy and location of the green area provided, bearing in mind the possible effects of irregularly-shaped lots; the adequacy, location and screening of parking lots; and the adequacy of covenants, agreements or other specific documents concerning the ownership and maintenance of any common land.

(b) If the Board finds that a proposed site development plan does not meet the purposes of these regulations, it shall disapprove the plan or approve it subject to conditions which the Board finds would make, the otherwise unacceptable plan, acceptable. The Board shall submit its findings in writing, together with reasons to the applicant, and to the Planning Commission within 40 days of the date of the meeting at which the application was considered and passed upon by the Board. If the Board fails to make written findings and submit same within the time set forth herein, the application shall be deemed approved.

"4.15.100 Validity period. A site development plan approved by the Site Development Plan Review Board shall remain valid for a period of one year following the date of its approval. If at the end of that time construction has not begun, then the site plan approval shall lapse and shall be in effect only if resubmitted to the Board and again approved. All construction and development under any building permit shall be in accordance with the approved site development plan. Any departure from such plan shall be a cause for revocation of a building permit or a denial of an occupancy permit. Any proposed changes in an approved plan shall be submitted to the Site Development Plan Review Board for review and approval. Site development shall be completed before issuance of occupancy permits, unless an extension of not longer than six months is granted by the Board.

"4.15.105 Site Development Plan Review Board. There is hereby established a Site Development Plan Review Board:

(1) The Board shall consist of seven (7) members, one (1) of whom shall be a member of the Planning Commission. At least five (5) members of the seven member board shall be residents of the City of Sherwood. Two (2) members may reside outside the City of Sherwood but within the Sherwood Urban Growth Boundary. If a member from within the City of Sherwood ceases to reside in the City, but still within the Urban Growth Boundary, that member shall nevertheless be eligible to complete the remainder of the term to which he or she was appointed.

(2) The City Council shall appoint the members of the Board. Three (3) members of the initial board shall be appointed to terms to expire December 31, 1977, and four (4) members shall be appointed to terms to expire December 31, 1978. Thereafter, each succeeding term for each member on the Board shall be for two years.

(3) A member of the Board may be removed by the City Council after notice and hearing, for misconduct or non-performance of duty. As used herein, "misconduct or non-performance of duty" includes but is not limited to the following:

- (a) Adjudicated incompetence,
- (b) Conviction of a felony,
- (c) Failure to reveal any conflict of interest with respect to matters heard by the Board,
- (d) or unexcused absence from three consecutive meetings of the Board.

A vacancy in any position on the Board shall be filled by the City Council for the unexpired portion of term for the vacant position within 45 days of the date that the Council receives knowledge of the vacancy.

(4) Four (4) members shall be required to constitute a quorum for the transaction of any business or determination of any question within the jurisdiction of the Board. A majority vote of those present, provided there is a quorum, shall be sufficient to decide any question or issue before the Board.

(5) At the first meeting of each year, the Board shall elect one of its members to act as chairperson, and one of its members to act as vice-chairperson.

(6) The Board shall hold regularly scheduled meetings on dates determined by it, as necessary to carry out the objectives and purposes of this ordinance, but not less than once a month so long as there are pending site plan review applications to be heard by the Board.

(7) The Planning Director or the Director's designated representative, shall serve as secretary to the Board. The secretary shall keep an accurate record of all proceedings and shall serve as custodian of the files and records of all proceedings before the Board. The City Council may appoint a staff clerk to record the actual proceedings and testimony before the Board by any suitable means.

"4.15.110 Appeals. The applicant for site development plan approval, the city administrator or city planning director, or any substantially aggrieved property owner within 200 feet of the outer boundaries of the property involved in the Board's decision, shall have the right to appeal the decision of the Site Development Plan Review Board to the City Council.

(a) Notice of the appeal shall be filed in writing with the City Recorder within 10 days after the Site Development Plan Review Board has recorded its decision and submitted its findings in writing to the applicant and the Planning Commission.

(b) The Council may review and decide the appeal on the basis of the entire record made before the Board. The Council may elect to hear additional testimony at time of hearing the appeal. If the Council does elect to hear additional testimony, the appellant and other interested persons shall have a right to prior notice that additional testimony will be received. The Council shall conduct its hearing within 30 days of receipt of notice of appeal and shall render its decision within 15 days of the close of the hearing on appeal.

(c) The Council may affirm, modify or establish such other or additional conditions to the decision as it may deem appropriate regarding such application consistent with the intent of this article."

Section 4: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood to provide a legal means of controlling and providing for orderly location, development, use and occupancy of lands, and to promote the general welfare of the people of the City of Sherwood, an emergency is hereby declared to exist and this ordinance shall be effective upon its enactment 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 this 23 day of February, 1977.

Polly Blankenbaker
Recorder - City of Sherwood

APPROVED: By the Mayor, this 23 day of February, 1977.

William D. Hartford
Mayor - City of Sherwood