

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 77-688

AN ORDINANCE AMENDING AND SUPPLEMENTING SHERWOOD ORDINANCE 588, ARTICLE III, SECTIONS 3.01 THROUGH 3.08 (PRIMARY AND SECONDARY PERMITTED AND CONDITIONAL USES) AND ARTICLE VI SECTIONS 6.01 AND 6.02 (CONDITIONAL USES) TO REQUIRE ALL USES WITH THE EXCEPTION OF SINGLE FAMILY DWELLINGS, TO BE DESIGNATED AS CONDITIONAL USES; SUPPLEMENTING CONDITIONAL USE REVIEW CRITERIA SETTING AN EFFECTIVE DATE AND EXPIRATION DATE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sherwood is in the process of preparing a new Comprehensive Plan; and

WHEREAS, in order to comply with state and regional goals and guidelines it will require more than one year to complete the comprehensive plan; and

WHEREAS, an extensive, if not complete revision of the present City of Sherwood Zoning Ordinance will be necessary to implement the Comprehensive Plan; and

WHEREAS, the City of Sherwood is experiencing metropolitan growth pressures checked only by the present lack of sewer service capacity; and

WHEREAS, it is necessary to more closely review development while the Comprehensive Plan is being prepared and to control any construction, reconstruction, alteration or use that may reasonably be expected to conflict with the proposed Comprehensive Plan, and

WHEREAS, the present City of Sherwood Zoning Ordinance does not provide sufficient controls over development which is consistent with outright remitted uses within use zones, to assure that development will not conflict with the proposed Comprehensive Plan.

NOW, THEREFORE, 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: Notwithstanding the provisions to the contrary set forth in Ordinance No. 588, the Sherwood Zoning Ordinance, all uses listed in Sections 3.01-3.08, with the exception of single

family dwellings, shall after enactment of this ordinance be conditional uses and be processed as conditional uses. The conversion of all uses except single family dwellings, to conditional uses shall remain in effect until expiration of this provision as hereinafter set forth.

Section 4: That during the period in which this ordinance is effective, the current provisions of Article VI, Sections 6.01-6.03 of Ordinance No. 588, the City of Sherwood Zoning Ordinance is hereby amended to read as follows:

"6.01 Authorization to Grant or Deny Conditional Use.

Following the procedures set forth below, all outright and conditional uses designated in the Sherwood Zoning Ordinance, with the exception of single family dwellings may be permitted, enlarged or altered, if permitted by the existing zone, upon authorization of the City Council after hearing by the Planning Commission and by the City Council. If the site is inappropriate for the use requested the Planning Commission may deny approval of the conditional use. Changes in use expansion or contraction of the 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 approval would result in a change in value exceeding 50 percent of the value of existing improvements. In permitting an application for a conditional use or the modification of an existing conditional use, the Planning Commission may recommend and the City Council impose in addition to the standard regulations and requirements expressly specified in the Sherwood Zoning Ordinance, any additional conditions which it considers necessary to protect the best interests of the surrounding property, neighborhood, the City as a whole and the intent and considerations expressly listed in this ordinance. The conditions may include but are not limited to, the following:

- a) Providing for improvement of public facilities serving the subject property, including:
 - (1) Sanitary sewers
 - (2) Storm drainage
 - (3) Water lines
 - (4) Fire hydrants
 - (5) Street improvements including curbs
 - (6) Sidewalks
- b) Increasing the required lot size or yard dimensions.
- c) Controlling the location and number of vehicular access points to the property.
- d) Increasing street width, provided that any outright dedications for additional street or utility easement purposes shall be on the condition that if the grantor's remaining lands at any future time are assessed for improvements installed in said easement or dedication area, the grantor, his heirs, successors and assigns, shall be entitled to credit by way of off-set for the then value, determined by the City, of the rights required to be conveyed under this provision, in spreading the assessment against the remaining lands of the grantor; provided that the then value of the rights hereby required to be conveyed shall be included in that portion of the cost of the project at that time assessed

against the properties benefitted by the improvement.

- e) Limiting the number, size, and location of signs.
- f) Limiting the lot coverage by structures and height of buildings.
- g) Requiring landscaping, fencing, diking, screening or berms.
- h) Increasing the number of off street parking or loading spaces and area.
- i) Requiring submission of final detailed plans indicating conformance to conditions.
- j) Requiring dedication of land land or money in lieu of dedications of land for public purposes, provided it is established that approval of the use application will specially and directly result in additional burdens on existing public facilities not contemplated when these facilities were installed requiring additional dedication or expenditure for improvements.
- k) Requiring underground utilities.
- l) Requiring posting or bond or security to assure that requirements of conditional approval are met.
- m) Making provision for police building security.

"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.

(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 openings within 50 feet of residential property in a residential zone if the openings will cause unreasonable 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) That all public facilities servicing the proposed development, including but not limited to sanitary sewers, water, streets, storm drains, electrical distribution, parks and public safety are adequate.

(b) Approval is in conformity with the existing zoning, the Comprehensive Plan, or elements thereof to the extent that it or elements of it have been adopted.

(c) There is a demonstrable public need for the use of the type and kind in question.

(d) That the public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property.

(e) That surrounding property will not be adversely affected by approval of the request, or that the adverse affects of the use on the surrounding uses, the neighborhood or the City as a whole, are sufficiently ameliorated by the conditions imposed. Adverse effects to be considered include but are not limited to air, land or water degradation, noise, glare, heat vibration or other conditions which may be injurious to public health, safety or welfare.

(f) That the proposed development has easy and direct access over fully improved streets and can be served by adequate sanitary sewerage, water supply, fire hydrants, parks, public safety, storm drainage or other public services and that the provision of any required improvements needed to provide such services is guaranteed by binding agreement between the developer and the City."

Section 5: Expiration. Section 3 of this ordinance will expire on July 1, 1979, unless earlier repealed or extended by the Sherwood City Council. Such repeal or extension shall be made only following a public hearing by the City Council upon receipt by the Council of a formal report and recommendation from the Planning Commission on such repeal and extension.

Section 6: This ordinance shall apply to all pending developments for which building permits have not yet been issued or site plan review applications have yet not been filed, on the effective date of this ordinance.

Section 7: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood to provide 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 14 day of December, 1977.

Polly Blankenship
Recorder - City of Sherwood

APPROVED:

By the Mayor, this 14 day of December, 1977.

Jack O. Haysen
Mayor - City of Sherwood