

City of Sherwood, OR

Ordinance No. 87-870

AN ORDINANCE AMENDING THE CITY COMMERCIAL ZONING ORDINANCE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City currently allows commercial land uses in four zones: Neighborhood Commercial (NC), Office Commercial (OC), Community Commercial (CC), and General Commercial (GC), and said uses are regulated by Sections 2.106 through 2.109 of the Community Zoning and Development Code.

WHEREAS, these current zoning texts contain long, specific lists of permitted and conditional uses which attempt to identify every possible commercial land use, but, due to the very specificity of these regulations, omissions and contradictions frequently result.

WHEREAS, in recognition that the complexity and range of the commercial uses allowed may actually hinder orderly and desirable development, the City Council and Planning Commission ordered a study of the City's commercial zoning regulations, with the goal of examining the feasibility of more generalized requirements.

WHEREAS, this study, entitled "Commercial Zones Analysis for the City of Sherwood", and made part of this Ordinance by reference, recommended that permitted and conditional use lists be shortened and simplified, that additional definitions be added, that district names be changed to better reflect the types of commercial uses permitted, and that the Office Commercial (OC) zone be eliminated.

WHEREAS, the Planning Commission conducted a public hearing on the "Commercial Zones Analysis" on May 18, 1987, and further reviewed the report on April 20, 1987, June 22, 1987 and August 17, 1987, minutes of said meetings made part of this Ordinance by reference, and generally recommended adoption of the study's findings, with the major exception of recommending that the Neighborhood Commercial (NC) zone also be deleted.

WHEREAS, the Council received the Commission's recommendation on August 26, 1987, and in addition held workshops on the "Commercial Zones Analysis" on July 22, 1987 and August 26, 1987, minutes of said meetings made part of this Ordinance by reference, and referred the matter to Staff for preparation of a formal ordinance, but to include a Neighborhood Commercial (NC) zoning text.

WHEREAS, the Commission conducted a public hearing on the formal ordinance text on October 21, 1987, and recommended adoption of the formal text as presented.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: Public Hearing. That the revisions to the sections of the Community Zoning and Development Code regulating commercial land uses, and associated definitions, were subject to a public hearing before City Council on November 18, 1987, and all interested parties were afforded an opportunity to be heard and to present and rebut evidence,

Section 2: Findings of Fact. After full and due consideration of the revised commercial zoning regulations, of the "Commercial Zoning Analysis" report, of the record contained in the minutes of Commission and Council deliberations on this matter, and of the testimony presented at public hearings, the Council finds the proposed changes to conform to the requirements of Section 4.203.01 of the Community Zoning and Development Code.

Section 3. Definitions. That the following definitions are hereby added to Section 1.202 of the Community Zoning and Development Code:

Abut: Contiguous to or adjoining with a common property line or right-of-way.

Public Use Building: Any building or structure owned and operated by a public agency for the convenience and use of the general public.

Retail Trade: The sale of goods and products to the consumer generally for direct consumption and not for resale.

Wholesale Trade: The sale of goods and products to an intermediary generally for resale.

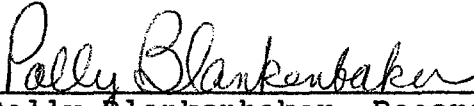
Section 4. Office Commercial. That Section 2.106, Office Commercial (OC), of the current Community Zoning and Development Code, is repealed in its entirety, as are all additional references to Office Commercial (OC) contained in the Code.

Section 5. New Commercial Regulations. That Sections 2.107 through 2.109 of the Community Zoning and Development Code are hereby repealed in their entirety, and that new Sections, as described in the attached Exhibit "A", regulating Neighborhood Commercial (NC), Retail Commercial (RC) and General Commercial (GC) uses, are hereby APPROVED and ADOPTED.

Section 6. Manager Authorized. That the City Manager is authorized to incorporate these new regulations into the full text of the Community Zoning and Development Code, making changes to section numbering and cross references as appropriate and necessary.

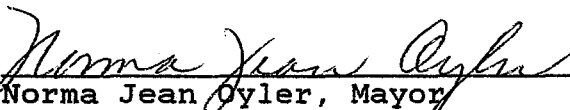
Section 7. Effective Date. Inasmuch as the Office Commercial (OC) zone is deleted from the Community Zoning and Development Code by this Ordinance, and certain properties within the City are currently zoned Office Commercial (OC), this Ordinance shall only become effective coincident with the effective date of an ordinance or ordinances rezoning all said properties to some other zoning classification.

Duly passed by the City Council this 18th day of November, 1987.



Polly Blankenbaker, Recorder

Approved by the Mayor this 18th day of November, 1987.



Norma Jean Oyler, Mayor
City of Sherwood

	<u>AYE</u>	<u>NAY</u>
OYLER	✓	—
BIRCHILL	✓	—
STEWART	✓	—
NIGHTINGALE	✓	—
CHAVEZ	✓	—

2.107 NEIGHBORHOOD COMMERCIAL (NC)

2.107.01 Purpose

The NC zoning district provides for small scale, convenience retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.

2.107.02 Permitted Uses

The following uses are permitted outright when in conformance with Section 2.107.05, unless otherwise expressly prohibited by Section 2.107.04, or subject to conditional use by Section 2.107.03:

- A. Professional services, including but not limited to financial, medical and dental, social service, real estate, legal, artistic, and similar uses.
- B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.
- C. Personal and business services, including day cares, preschools and kindergartens, and postal substations located entirely within and incidental to a use permitted outright.
- D. PUD's, subject to Section 2.202.
- E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

2.107.03 Conditional Uses

The following uses are conditionally permitted when in conformance with Section 2.107.05, provided such uses are approved in accordance with Section 4.300:

- A. Public and private schools providing education at the elementary school level or higher, excluding commercial trade schools.
- B. Automotive service stations, except as excluded by Section 2.107.04.E.
- C. Restaurants, taverns, and lounges, excluding establishments with drive-in or take-out services.
- D. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.

- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.
- G. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.107, that is essential to and customarily associated with any use permitted outright.

2.107.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.
- B. Veterinarian offices and animal hospitals.
- C. Restaurants, taverns, and lounges with drive-in or take-out services.
- D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.
- E. All automotive and equipment repair and service, unless clearly incidental and secondary to and customarily associated with a use permitted outright.
- F. Commercial trade schools.
- G. Farm and garden supply stores, plant nurseries, and other agricultural uses, excluding florist shops which are permitted outright.
- H. Automobile, recreational vehicle, motorcycle, manufactured home, boat, farm, and other large equipment sales, parts sales, rental or service.
- I. Blueprinting, printing, publishing or other reproduction services.
- J. Motion picture and live theaters.
- K. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, and correctional institutions.
- L. Radio, television, and similar communication stations, including transmitters.
- M. Junkyards and salvage yards.

- N. Contractors storage and equipment yards.
- O. Building material sales and lumberyards.
- P. Churches and parsonages.
- Q. Cemeteries and crematory mausoleums.
- R. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public works yards.
- S. Medical, dental, and similar laboratories.
- T. Motels or hotels.
- U. Lodges, fraternal organizations, country clubs, sports and racquet clubs, golf courses, and other private clubs.
- V. Public recreational facilities, including but not limited to parks, playfields, golf courses, and racquet courts.

2.107.05 Special Criteria

All permitted and conditional uses shall be found to conform to the purpose of the NC zone as stated in Section 2.107.01, and:

- A. Shall be conducted entirely within enclosed buildings, except for:
 - 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.
 - 2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.

- C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.
- D. Permitted and conditional uses may only operate between the hours of 7 a.m. and 10 p.m.

2.107.06 Dimensional Standards

A. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet.
2. Side yard: None, except that when abutting a residential zone, there shall be the same side yard as required in the residential zone.
3. Rear yard: None, except ten (10) feet when abutting a residential zone or public park.
4. Corner lots: Twenty (20) feet on any side facing a street.
5. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

B. Height

Except as otherwise provided, the maximum height shall be limited to the height requirements of the least restrictive abutting residential zone.

2.107.07 Community Design

For standards relating to off-street parking and loading, energy conservation, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapter 5.

2.107.08 Flood Plain

Except as otherwise provided, Section 2.114 shall apply.

2.108 RETAIL COMMERCIAL (RC)

2.108.01 Purpose

The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Section 5.800.

2.108.02 Permitted Uses

The following uses are permitted outright, unless otherwise expressly prohibited by Section 2.108.04, or subject to conditional use by Section 2.108.03:

- A. All uses permitted the the NC zone, Section 2.107.02.
- B. Farm and garden supply stores, and retail plant nurseries, excluding commerical farm equipment and vehicle sales.
- C. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.
- D. Commercial trade schools.
- E. Motion picture and live theaters, excluding drive-ins.
- F. Restaurants, taverns, and lounges.
- G. Automotive and other appliance and equipment parts sales, excluding junkyards and salvage yards which are prohibited.
- H. Blueprinting, printing, publishing, or other reproduction services.

2.108.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses are approved in accordance with Section 4.300.

- A. Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building.
- B. Automotive, light truck and small equipment repair and service, when conducted entirely within an enclosed building.

- C. Churches and parsonages.
- D. Cemeteries and crematory mausoleums.
- E. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public works yards.
- F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.
- G. Public use buildings, including but not limited to libraries, museums, community centers and senior centers.
- H. Medical, dental, and similar laboratories.
- I. Lodges, fraternal organizations, country clubs, sports and racquet clubs, and other private clubs, excluding golf courses.
- J. Motels or hotels.
- K. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.
- L. Public recreational facilities, including but not limited to parks, playfields, and racquet courts, excluding golf courses.
- M. Public and private schools providing education at the elementary school level or higher.
- N. Veterinarian offices and animal hospitals.
- O. Building material sales and lumber yards, when conducted entirely within an enclosed building.
- P. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.108, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building.

2.108.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.

- B. Junkyards and salvage yards.
- C. Drive-in motion picture theaters.
- D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.
- E. Contractors storage and equipment yards.
- F. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other large equipment sales, rental, or service.
- G. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, and correctional institutions.
- H. Radio, telephone, and similar communication stations, including transmitters.
- I. Wholesale plant nurseries.

2.108.05 Dimensional Standards

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

- 1. Lot area: 5,000 sq. feet
- 2. Lot width at front property line: 40 feet
- 3. Lot width at building line: 40 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None, except that when the lot abuts a residential zone, the front yard shall be that required in the residential zone.
- 2. Side yard: None, except ten (10) feet where adjoining a residential zone or public park.
- 3. Rear yard: None, except ten (10) feet where adjoining a residential zone or public park.
- 4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.108.06 Community Design

For standards relating to off-street parking and loading, energy conservation, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapter 5.

2.108.07 Flood Plain

Except as otherwise provided, Section 2.114, shall apply.

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and for uses which involve products or activities which require special attention to environmental impacts as per Section 5.800.

2.109.02 Permitted Uses

The following uses are permitted outright, unless otherwise expressly prohibited by Section 2.109.04, or subject to conditional use by Section 2.109.03:

- A. All uses permitted outright in the RC zone, Section 2.108.02., and the NC zone, Section 2.107.02.
- B. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.
- C. Wholesale trade, warehousing, commercial storage and mini-warehousing.
- D. Drive-in motion picture theaters.
- E. Limited manufacturing, including only: beverage and bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.
- F. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- G. Veterinarian offices and animal hospitals.
- H. Agricultural uses including but not limited to truck farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.
- I. Medical, dental, and similar laboratories.
- J. Truck and bus yards and terminals.
- K. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses are approved in accordance with Section 4.300:

- A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, and correctional institutions.
- B. Radio, television, and similar communication stations, including transmitters.
- C. Churches and parsonages.
- D. Cemeteries and crematory mausoleums.
- E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.
- F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.
- G. Public use buildings, including but not limited to libraries, museums, community centers and senior centers.
- H. Lodges, fraternal organizations, country clubs, sports and racquet clubs, and other private clubs, excluding golf courses.
- I. Motels or hotels.
- J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.
- K. Public recreational facilities, including but not limited to parks, playfields, and racquet courts, excluding golf courses.
- L. Public and private schools providing education at the elementary school level or higher.
- M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Junkyards and salvage yards.
- B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

2.109.05 Dimensional Standards

A. Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions shall be:

- 1. Lot area: 10,000 square feet
- 2. Lot width at front property line: 70 feet
- 3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None, unless the lot abuts a residential zone, then, the front yard shall be that required in the residential zone.
- 2. Side yards: None, unless abutting a residential zone or public park property; then, there shall be a minimum of twenty (20) feet.
- 3. Rear yard: None, unless abutting a residential zone then, there shall be a minimum of twenty (20) feet.
- 4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, with structures within one hundred (100) feet of a residential zone being limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 Community Design

For standards relating to off-street parking and loading, energy conservation, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapter 5.

2.109.07 Flood Plain

Except as otherwise provided, Section 2.114 shall apply.

**Commercial Zones
Analysis
for the
City of Sherwood**

February 27, 1987

Prepared for:

**City of Sherwood
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Prepared By:

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I. INTRODUCTION/PROBLEM DEFINITION

The following report analyzes the commercial zoning in Sherwood, Oregon and presents proposed revisions to the City's existing system of commercial zoning. The report is organized as follows:

- I. Introduction / Problem definition**
- II. An analysis of the types of commercial zoning districts in the region**
- III. An analysis of the commercial zoning districts in Sherwood**
- VI. Recommended revisions to Sherwood's commercial zoning**
- V. Proposed Code Language**

The City of Sherwood anticipates new development pressure with the completion of plans to improve the Tualatin-Sherwood Road and Edy Road to arterial and truck route standards. Additional pressure will be added with the inclusion of the Western Bypass into official regional and local transportation plans. To prepare for new commercial growth, the City has identified a need to update its method of commercial zoning.

The City currently employs a system of commercial zoning which lists the specific uses allowed in each zoning district. Although the system is widely used throughout Oregon and the country, it possesses some inherent problems. A specific list of permitted uses becomes outdated over time and does not respond to the needs of new businesses. A narrowly defined list of uses may discourage economic development by prohibiting some of the new uses of the 1980's, such as video rental stores, sun-tanning salons, and take-out pizza shops. If a clear system of zoning to allow these and future uses is not in place, the community may lose an opportunity for economic growth.

The purpose of this study was to determine whether the City of Sherwood's commercial zoning categories are limiting opportunities for expanded commercial growth. To conduct the study, Sherwood's system of zoning has been analyzed and compared with other methods of zoning in use around the state. The analysis focused on whether Sherwood's zoning should be modified by making the

zoning more flexible and consistent. The scope of work did not include research into new areas of the City that should be designated for commercial use. New commercial areas should be identified as part of the process of updating the overall Comprehensive Plan. During next years plan update process, commercial needs will be balanced with residential and industrial needs.

The analysis is contained in Sections II and III. The final sections present recommended changes to the City's zoning along with the rationale for those recommendations.

II. AN ANALYSIS OF THE TYPES OF COMMERCIAL ZONING DISTRICTS IN THE REGION

To gain an understanding of the types of commercial zoning systems in use, a variety of cities throughout the metropolitan area and the state were contacted. This section presents a discussion of two different types of zoning systems by listing the cities that use each system and presenting a list of the advantages and disadvantages of each system. The advantages and disadvantages were identified through interviews with planners in each of the communities. Selected samples from the zoning ordinances of various cities are included in the Appendix of this report.

A. Zoning Systems

Commercial zoning, like zoning for most other uses, is generally organized in such a way that permitted uses are put into lists. Most cities, including Sherwood, employ zoning categories that specifically list out every use that is allowed. In a few cities, a system of zoning has been adopted in which permitted uses are grouped into broad "generic" categories. To maintain differences between zones, this second group of cities have adopted lists of prohibited uses and performance standards to accompany the "generic" list.

The following table includes the communities that were contacted for this study and lists the communities by the type of zoning system used:

Table 1
Types of Zoning Categories

Specific Categories	Generic Categories
Eugene	Beaverton
McMinnville	Gresham
Oregon City	
Tigard	
Sherwood	
Tualatin	

The advantages and disadvantages of each system are included below:

1. Specific Categories

Advantages

- o Commonly used and understood
- o Violations are easier to enforce because uses are narrowly defined.
- o Clearly protects areas from unwanted uses

Disadvantages

- o Narrow definition of permitted uses
- o Many new uses do not meet definitions of permitted uses (e.g. No listing for video rentals)
- o Discourages new or innovative uses
- o Requires "similar use" test for uses not listed

2. Generic Categories

Advantages

- o Greater flexibility
- o Encourages new innovative uses
- o Eliminates "similar use test"
- o Allows a greater range of uses

Disadvantages

- o "Ambiguous" in regard to the definitions of business services and industrial uses such as machine shops and electrical contractor suppliers
- o Enforcement of violations may be a problem due to the lack of clear definitions

III. AN ANALYSIS OF THE COMMERCIAL ZONING DISTRICTS IN SHERWOOD

The Sherwood Comprehensive Plan identifies four separate plan map designations for commercial use. The City's commercial zoning districts correspond directly with the plan and include the following four districts:

- o Office Commercial (OC)
- o Neighborhood Commercial (NC)
- o Community Commercial (CC)
- o General Commercial (GC)

A map of the zoning districts is included in the Appendix of this report. Each of the four districts is described individually below. A table of dimensional requirements and setbacks follow the descriptions.

A. Office Commercial

The Office Commercial zone is designed to provide an area in which business and professional office uses will locate. The purpose statement of the zone states that the districts should be located where "they can be closely associated with shopping and residential areas and adequate major streets".

The largest area of Office Commercial zoning is located south of Six Corners between Hwy 99W, NW 12th St., and North Sherwood Blvd. The area has the benefit of good highway visibility and relatively easy access. The use of the area is limited because the restrictive nature of office zoning prohibits retail uses.

B. Neighborhood Commercial

The Neighborhood Commercial zone is intended to provide small scale convenience retail and service uses located in or near residential areas. Although the zone permits only uses that appear to be relatively low-intensity, the district includes a maximum size requirement of three acres. This maximum standard is excessive and out of scale with the stated

purpose of the zone, "to enhance the residential character of a neighborhood".

A common method of protecting the character of surrounding residential areas is through the use of specific design standards that address the scale and operating characteristics of neighborhood commercial business. Sherwood currently includes a design standard for Neighborhood Commercial Uses in Section 2.107.01 "Purpose" which states "No more than three (3) permitted or conditional uses shall be established within a single N.C. zoning district. While the intention of this standard is to protect surrounding uses by limiting the scale of development, problems may arise if a small shopping center with two or three shops were to be remodeled into four shops. Under the current standards the remodeling would not be permitted.

The only Neighborhood Commercial zone is located along Hwy 99W approximately 3/4 of a mile southwest of Six Corners, occupied by the Q.T. Tavern. The tavern is classified as an "adult entertainment business" and because the use is specifically prohibited in the NC zone, the Q.T. exists as a non-conforming use. In addition, the NC District surrounding the Q.T. is non-conforming because it exceeds the 3 acre size limitation of the NC zone by over 2 acres.

C. Community Commercial

Community-wide needs are intended to be served by commercial uses in the Community Commercial zone. A wide variety of retail and service uses are allowed outright in the zone. Automobile service stations head the list of Conditional Uses which also includes a number of institutional uses such as churches, schools, and lodges. As discussed in the previous section of this report, lists of permitted uses sometimes exclude compatible uses because of the nature of the list. As noted in Section II, when lists of uses are consolidated and simplified, a wider variety of uses are allowed to locate as outright permitted uses.

Community Commercial zoning is located in the Old Town area and in the vicinity of Six Corners. Community Commercial is the most widely used commercial zone in Sherwood and because of this, there exist many situations where existing uses are classified as non-conforming, (e.g., auto repair, equipment rental, and contractors offices.) All of these uses serve community wide needs but are not permitted in the CC zone.

D. General Commercial

The purpose of the General Commercial zone states that this zone "provides for wholesale commercial uses, uses which require larger parcels of land, and uses which require special attention to environmental impacts". The zone allows extensive commercial uses such as auto and equipment sales, lumber yards, and drive-in movie theaters. The zone permits wholesale and warehouse uses in addition to trucking yards and bus terminals. Some manufacturing uses are allowed including bottling plants, bakeries, and machine shops. In addition to the Conditional Uses allowed in the Community Commercial zone, hospitals and correctional facilities are allowed by Conditional Use in the General Commercial zone.

The General Commercial zone is located in two general areas in Sherwood. A 34 acre site is zoned General Commercial to the east of Hwy 99W on the north side of Edy Road. Two smaller areas of General Commercial zoning are located along Hwy 99W to the southwest of Six Corners.

In conclusion, the zone is highly permissive and does not inhibit development. Care must be exercised during the Design Review Process to assure that new uses in the zone are compatible with surrounding uses. Extensive commercial uses of the type permitted in the zone often can appear unsightly. Visual screening and landscaping should be required for those uses.

E. Commercial Zone Dimensional Requirements and Setbacks

The dimensional standards and setback standards included with Sherwood's zoning categories are typical of other cities in the area. Although not a requirement in Sherwood, some communities require front yard setbacks for commercial zones in areas outside of the downtown core. Most communities, including Sherwood, do not require side yard setbacks between commercial uses. To protect residential areas from the impacts of commercial use, Sherwood's zoning generally requires setbacks when a commercial zone abuts a residential zone. Residential areas are not given the added protection of setbacks when Community Commercial and General Commercial uses abut residential uses on corner lots since corner side yard setbacks are not required in the CC or the GC Zones. Normally setbacks for corner side yards are similar to front yard setbacks.

Table 2

Sherwood Dimensional Requirements and Setbacks

Dimensional Req.	Office Commercial OC	Neighborhood Commercial NC	Community Commercial CC	General Commercial GC
Min. Lot Area	10,000 sq.ft.	No Min.	5,000sq.ft.	10,000
Min. Width/Front	60'	85'	40'	70'
Min. Width/Bldg. Line	60'	100'	40'	70'
Max. District Area	-	3 ac	-	-
Setbacks				
Front	0	20'	0/C	0/C
Side Front	0/A	0/C	0/A	0/B
Rear Yard	0/B	0/A	0/A	0/D
Corner Side Yard	-	20'	-	-

Notes:

- A - 10' when abutting a residential zone or park
- B - 20' when abutting a residential zone or park
- C - When abutting a residential zone the setback shall be the same as required in the residential zone.
- D - 20' when abutting a residential zone

IV. RECOMMENDED REVISIONS TO SHERWOOD'S COMMERCIAL ZONING

To simplify and update Sherwood's commercial zoning, it is recommended that the City adopt a "generic" system of zoning similar to that used by Beaverton and Gresham. The generic system will allow a greater variety of uses to locate in Sherwood's commercial zones and should encourage new innovative development. The proposed changes to the development code are organized by zoning district and section number. The recommended changes for each commercial zoning district are summarized prior to the actual proposed revisions.

A. Office Commercial - Recommendations

1. The Office Commercial zone should be eliminated from the development code. Office development can occur in the Community Commercial zone and the existing Office Commercial zone severely limits the type of commercial activity that is allowed.
2. The existing Office Commercial zones should be rezoned to Community Commercial. Community Commercial is more permissive than Office Commercial and allows retail use in addition to office uses. The proposed amendment will make the vacant property south of Six Corners more attractive to new development.

B. Neighborhood Commercial - Recommendations

1. The Neighborhood Commercial zone should be simplified by opening the district to any retail or service use that meets a list of specific conditions. The zone should include uses previously permitted in OC zone. The conditions should assure that the commercial use complements the residential character of a neighborhood. To accomplish this purpose, the conditions should require that:
 - a. The activity take place within an enclosed building.
 - b. Each individual establishment not exceed 4,000 sq. ft. in gross floor area.

- c. Outdoor display and storage areas be permitted only for horticultural and food merchandise and the area allowed for outdoor display be limited.
 - d. Uses that operate before 7:00 a.m. or after 10:00 p.m. should be subject to Conditional Use procedures.
 - e. No more than three permitted or conditional uses shall be established within a single NC zoning district. (This standard is currently included in the purpose section (2.107.01) of the N.C. Zone. It is recommended that the standard be deleted from the purpose statement and included with other similar standards).
2. The proposed changes to the conditional use requirements include designating the following as conditional uses:
- a. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.
 - b. Governmental buildings and uses including post offices
 - c. Uses operating before 7 a.m. or after 10:00 p.m.
 - d. Retail, service, or office uses which cause the number of permitted or conditional uses in a N.C. Zone to exceed three (3).

The proposed conditions on both the permitted and conditional uses will assure that any use locating in a Neighborhood Commercial zone is compatible with surrounding residential uses and is consistent with the stated purpose of the zone.

C. Community Commercial - Recommendations

1. The Community Commercial Zone should be simplified and consolidated by eliminating the list of specific uses. A generic list which permits office, retail, and service uses should be adopted. Under the proposed system all uses currently allowed in the CC zone would continue to be allowed in the zone. The advantage of the proposed system is that a new retail or service use would be allowed as an outright use even though it is not specifically listed.
2. The reference to uses that are "permitted outright in the N.C. Zone" should be eliminated. This will simplify the zone by eliminating the need to refer to a different section of the Development Code when checking permitted uses.
3. To protect adjacent residential uses all permitted uses should be subject to the condition that if they abut a residential zone and operate before 7:00 a.m. or after 10:00 p.m., the commercial use should be subject to Conditional Use procedures.
4. Golf courses, currently not allowed in the zone, should be allowed as a conditional use as an outdoor recreational facility. The City may wish to consider designating certain current conditional uses as outright uses based on their impacts relative to the impacts of commercial uses permitted in the zone. An argument can be made that the impact of a 15 acre commercial shopping center (permitted outright in the zone) may be greater than the impact of a church, school, or lodge (permitted only as a conditional use). In contrast, an argument can also be made that it is a waste of valuable commercial land to allow churches and schools to locate in commercial zones as outright permitted uses. Under this approach, the conditional use provisions are utilized to preserve commercially designated land for commercial uses.

5. To avoid the development of intensive semi-commercial uses in the CC zone, the following uses should be prohibited: junk yards, drive-in theaters, contractor storage yards, and wholesale and warehouse uses. All of the uses require large amounts of land area and are not well suited for the Community Commercial zone.
6. The names of the Community Commercial and General Commercial zoning districts should be evaluated and possibly changed to eliminate confusion between the districts. The City should consider renaming Community Commercial to Retail Commercial or another similar designation.

D. General Commercial - Recommendations

The proposed changes to the General Commercial zone are similar to the changes recommended in the other zones. The list of permitted uses should be simplified. As in the Community Commercial zone, a condition should be imposed requiring that uses abutting residential zones and operating before 7:00 a.m. and after 10:00 p.m. should be subject to conditional use procedures. The proposed conditional use requirements in the GC zone are also similar to those in the Community Commercial zone.

E. Definitions

Because the proposed changes eliminate specific lists of uses, new definitions are needed for the "generic" terms "retail" and "wholesale". Proposed definitions are included in the following section. A new definition is also provided for the term "abut".

F. Additional Recommendations

To further protect residential areas from the impacts of commercial uses, new setbacks should be established for corner side yards in the community commercial and the general commercial zones. The corner side yard setbacks should be equivalent to the side yard setbacks in each zone.

V. PROPOSED CODE LANGUAGE

The proposed revisions to the commercial zoning districts of the Sherwood Development Code follow. The revisions are organized by section with significant changes highlighted in bold print.

Definitions

1.202 Specifically

- A. **Abut:** Contiguous to; adjoining with a common boundary line or right-of-way.
- B. **Retail Trade:** The process of selling to the consumer for direct consumption and not for resale.
- C. **Wholesale Trade:** The bulk sale of goods generally for resale to a person other than the direct consumer.

Neighborhood Commercial

2.107.02 Permitted Uses:

- A. Unless otherwise prohibited or subject to conditional use procedures, the following uses are permitted outright:
 - 1. Studios, clinics, or offices for the provision of business or professional services including but not limited to: financial, medical, real estate, legal, and art.
 - 2. Retail trade.
 - 3. Services including personal, business, amusement and recreation, day care, and similar services.
 - 4. PUD's subject to Section 2.202.

5. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

B. Outright permitted uses shall be subject to the following conditions:

1. The activity shall be conducted wholly within an enclosed structure except as permitted in subsection B.3. below.
2. Individual establishments shall not exceed 4,000 sq. ft. gross floor area.
3. Accessory open air sales/display/storage shall be permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area for any individual establishment.
4. Uses operating before 7:00 a.m. or after 10:00 p.m. shall be a conditional use subject to the provisions of Section 4.300.
5. No more than three permitted or conditional uses shall be established within a single NC zoning district.
6. NC zoning districts shall not be greater than one acre in size.

2.107.03 Conditional Use:

- A. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 4.300 and that the purpose section of the zoning district is given consideration in addition to the criteria listed in Section 4.302.03:

1. Public and private schools providing education at the pre-school level or higher, excluding commercial trade schools.
2. Automobile service stations, including tire and wheel balancing.

3. Restaurants, taverns and lounges, excluding establishments with drive-in or take-out services.
4. Eating and drinking establishments except establishments with drive-through facilities.
5. Public use and government buildings, including police and fire stations, libraries, community centers, etc.
6. Uses operating before 7:00 a.m. or after 10:00 p.m.
7. Retail, service, or office uses which cause the number of permitted or conditional uses in a N.C. Zone to exceed three (3).

2.107.04 Prohibited Uses:

A. The following uses are expressly prohibited:

1. Adult entertainment businesses.
2. Veterinarian offices and animal hospitals or clinics.
3. Eating and drinking establishments with drive-through facilities.
4. Wholesale trade.
5. Automotive repair.
6. Heavy equipment repair or rental.

Community Commercial

2.108.02 Permitted Uses:

- A. Unless otherwise prohibited or subject to conditional use procedures, the following uses are permitted outright:**

1. Studios, clinics, or offices for the provision of business or professional services including but not limited to: financial, medical, real estate, legal, art, and publishing.
2. Retail trade, including eating and drinking establishments.
3. Services including personal, business, repair, commercial trade schools, amusement and recreation, day care, and similar services.
4. Farm and garden supply stores, equipment rental.
5. PUD's subject to Section 2.202.
6. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

B. Outright permitted uses shall be subject to the following conditions:

1. Uses operating before 7:00 a.m. and after 10:00 p.m. and abutting a residential zone shall be a conditional use subject to the provisions of Section 4.300.

2.108.03 Conditional Uses:

A. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 4.300 and that the purpose section of the zoning district is given consideration in addition to the criteria listed in Section 4.302.03:

1. Automotive services and repair including the repair of light equipment.
2. Churches and parsonages.
3. Cemeteries and crematory mausoleums.

4. Public use and government buildings, including police and fire stations, libraries, community centers, etc.
5. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.
6. Lodges, fraternal organizations, and clubs.
7. Motels or hotels.
8. Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.
9. Public and private outdoor recreational facilities.
10. Public and private schools providing education at the pre-school level or higher.
11. Veterinarian offices and animal hospitals, medical and dental laboratories.
12. Commercial storage and mini-warehouses.
13. Any business or service that requires processing of materials, provided: a. the business or service is permitted outright in the zone; b. the processing of materials is essential or incidental to the permitted use; and c. the processing is conducted entirely within an enclosed building.

2.108.04 Prohibited Uses:

A. The following uses are expressly prohibited:

1. Adult Entertainment Businesses.
2. Junk yards.

3. Drive-in Theaters.
4. Contractor storage yards.
5. Wholesale and warehouse uses except where specifically allowed.

General Commercial

2.108.02 Permitted Uses:

- A. Unless otherwise prohibited or subject to conditional use procedures, the following uses are permitted outright:**
1. Studios, clinics, or offices for the provision of business or professional services including but not limited to: financial, medical, real estate, legal, and art.
 2. Retail trade including eating and drinking establishments.
 3. Services including personal, business, commercial trade schools, amusement and recreation, and similar services.
 4. General repair, automotive and heavy equipment rental.
 5. Wholesale trade, warehousing and storage.
 6. Limited manufacturing as follows:
 - a. Bakeries
 - b. Beverage and bottling plants.
 - c. Machine shops
 7. PUD's subject to Section 2.202.
 8. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

9. Adult entertainment business subject to the provisions of Section 2.208.

B. Uses shall be subject to the following conditions:

1. Uses operating before 7:00 a.m. and after 10:00 p.m. and abutting a residential zone shall be a conditional use subject to the provisions of Section 4.300.

2.108.03 Conditional Uses:

- A. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 4.300 and that the purpose section of the zoning district is given consideration in addition to the criteria listed in Section 4.302.03:**

1. Churches and parsonages.
2. Cemeteries and crematory mausoleums.
3. Public use and government buildings, including police and fire stations, libraries, community centers, etc.
4. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.
5. Lodges, fraternal organizations, and clubs.
6. Motels or hotels.
7. Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.
8. Public and private outdoor recreational facilities.

9. Public and private schools providing education at the pre-school level or higher.
10. Radio, television, and similar communication stations, including transmitters.
11. Special care facilities, including, but not limited to hospitals, sanitariums, convalescent homes, and correctional institutions.
12. Except for uses identified in Section 2.108.02, any business or service that requires processing of materials, provided: a. the business or service is permitted outright in the zone; b. the processing of materials is essential or incidental to the permitted use; and c. the processing is conducted entirely within an enclosed building.

2.108.04 Prohibited Uses:

A. The following uses are expressly prohibited:

1. Junk yards.

2272-2RP.07

VI. APPENDIX

A. Zoning Map - Commercial Zones

B. Zoning Category Examples

ZONING CATEGORY EXAMPLES

I. Generic List

A. Beaverton

46.3 General Commercial District. CC uses shall meet the following conditions:

A. Permitted Uses:

1. Unless otherwise prohibited, uses are permitted as follows:

1.1 Retail trade.

1.2 Services: e.g., personal; business; professional; amusement and recreation; educational (including public and private); automotive; equipment rental; and other similar services as determined by the Planning Director.

1.3 Churches; social and fraternal organizations.

1.4 Parks and playgrounds.

1.5 Single or multi-family dwellings.

2. Uses shall be subject to the following conditions:

2.1 Uses operating before 7:00 a.m. or after 10:00 p.m. and abutting a residential zone shall be a Conditional Use and subject to the provisions of Section 97.

B. Gresham

Section: 2.0210 - General Commercial District

Section: 2.0211 - Permitted Land Uses

The following uses are permitted within the General Commercial District:

(1) Office, Service and Retail Businesses uses where:

- (a) Outdoor storage is limited to less than 5% of the building coverage required; and
- (b) Most activities are conducted within a completely enclosed structure.

(2) Area Accessory Developments

(3) Temporary uses

II. Standard Lists

A. Tigard

18.62. C-G (GENERAL COMMERCIAL DISTRICT)

18.62.030 Permitted Uses

Permitted Uses in the C-G district are as follows:

(1) Civic Use Types

- (A) Public agency administrative services
- (B) Cultural exhibits and library services
- (C) Public support facilities
- (D) Lodge, fraternal and civic assembly
- (E) Parking facilities
- (F) Postal services
- (G) Public safety facilities

(2) Commercial Use Types

- (A) Agricultural Sales
- (B) Amusement enterprises
- (C) Animal sales and services
 - (i) Grooming
 - (ii) Veterinary: small animals
- (D) Automotive and equipment
 - (i) Cleaning
 - (ii) Repairs: Light Equipment
 - (iii) Sales/Rentals, Light Equipment
- (E) Business support services
- (F) Convenient sales and personal services
- (G) Day Care Facilities
- (H) Eating and drinking establishments
- (I) Financial, insurance and real estate services
- (J) Food and beverage retail sales
- (K) Funeral and interment services:
 - (i) Cremating
 - (ii) Undertaking
- (L) General retail sales
- (M) Medical and dental services
- (N) Participation sports and recreation:
 - (i) Indoor
 - (ii) Outdoor
- (O) Personal services: general
- (P) Professional and administrative services
- (Q) Consumer Repair services
- (R) Religious Assembly
- (S) Spectator sports and entertainment facilities
- (T) Transient lodging

(3) Home Occupations subject to provisions of Chapter 18.142.

B. Tualatin

54. GENERAL COMMERCIAL PLANNING DISTRICT (CG)

54.020 Permitted Uses. No building, structure or land shall be used in this district except for the following uses:

(1) Any use permitted outright in a Central Commercial Planning District, as provided in Section 42.020 of the Planning District Standards.

(2) Others:

- (a) Automobile tire shop;
- (b) Automobile upholstery shop, automobile service shop.
- (c) Carwash.
- (d) Dental Laboratory.
- (e) Drive-in restaurant.
- (f) Feed and seed store.
- (g) Frozen food locker.
- (h) Lawn and garden tractor sales (not exceeding 25 h.p.).
 - (1) Motel or tourist court.
 - (j) Motorcycle sales and service.
 - (k) Nursery or greenhouse.
 - (l) Optical lens grinder.
 - (m) Outdoor sales and storage, as defined in Section 31.060.
 - (n) Photo processing.
 - (o) Publishing house.
 - (p) Rental of various small equipment, tools and devices.
 - (q) Recreational vehicle parking.
 - (r) Service station, subject to standards in Section 54.065(7).
 - (s) Taxidermy shop.
 - (t) Testing laboratory.
 - (u) Veterinarian's office or animal hospital.
 - (v) Other uses of _____

City of Sherwood, Oregon

