

City of Sherwood, Oregon

ORDINANCE NO. 90-921

AN ORDINANCE INCORPORATING AN OFFICE COMMERCIAL (OC) ZONING CATEGORY INTO THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE, AMENDING THE VERY LOW DENSITY RESIDENTIAL (VLDR) ZONING CATEGORY, AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City Council, City Planning Commission, and a Citizens Advisory Committee have been considering "periodic review" amendments to the City Comprehensive Plan, and have conducted several public hearings on the Plan including specific amendments to the City Zoning Map and associated zoning text, and

WHEREAS, the Oregon Department of Land Conservation and Development (DLCD) as part of its "periodic review" responsibilities has specified certain changes to the Comprehensive Plan, including greater protection for the area known as the Tonquin Geologic Area on the eastern edge of the City, and

WHEREAS, in partial response to DLCD review, the City has proposed to rezone that portion of the Tonquin area within the Sherwood Urban Planning Area to Very Low Density Residential (VLDR) at a density range of one to two units to the acre, but the current City VLDR zoning category text allows approximately three units to the acre, and

WHEREAS, as a result of major housing developments approved in the City nearby Highway 99W, some new highway frontage parcels have been created south of Meinecke Road, and

WHEREAS, the City desires to better ensure that high quality development goes into these highway frontage areas, and has determined that an office commercial zoning, as once included in the City Zoning Code, will provide this quality while recognizing the problems of access and traffic impacts to highway fronting property, and

WHEREAS, in order to adopt a revised Zoning Map implementing these changes it is necessary to incorporate a new zoning category, Office Commercial (OC), into the Code, and amend an existing category, Very Low Density Residential (VLDR).

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Office Commercial. The following zoning category, Section 2.106, shall be incorporated into the Code:

**2.106      OFFICE COMMERCIAL (OC)**

**2.106.01   Purpose**

The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets.

**2.106.02   Permitted Uses**

The following uses are permitted outright, provided such uses meet the environmental performance standards contained in Section 5.803:

- A.    Offices, studios or clinics of architects, artists, attorneys, dentists, engineers, physicians, or other similar professional services, excepting veterinarians.
- B.    Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.
- C.    Restaurants, taverns and lounges.
- D.    Other similar office uses, subject to Section 4.600.
- E.    PUD's, subject to Section 2.202.
- F.    Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

**2.106.03   Conditional Uses**

The following uses are permitted as conditional uses, provided such uses meet the environmental performance standards contained in Section 5.803, and are approved in accordance with Section 4.300:

- A.    Hotels and motels.
- B.    Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.
- C.    Uses permitted outright in the RC zone, pursuant

to Section 2.108.

#### **2.106.04 Prohibited Uses**

The following uses are expressly prohibited:

- A. Adult Entertainment Businesses

#### **2.106.05 Dimensional Standards**

##### **A. Lot Dimensions**

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

- 1. Lot area: 10,000 sq. ft.
- 2. Lot width at property line: 60 feet
- 3. Lot width at building line: 60 feet

##### **B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None.
- 2. Side yards: None, except ten (10) feet when abutting a residential zone or public park.
- 3. Rear yard: None, except twenty (20) feet when abutting a residential zone or public park.
- 4. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

##### **C. Height**

Except as otherwise provided, the maximum height 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 zone.

#### **2.106.06 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.

#### **2.106.07 Flood Plain**

Except as otherwise provided, Section 2.114 shall apply.

Section 2. Very Low Density Residential. The following existing zoning category, Section 2.101, is hereby amended:

#### **2.101 VERY LOW DENSITY RESIDENTIAL (VLDR)**

##### **2.101.01 Purpose**

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density generally not to exceed one (1) dwelling unit per acre. If developed through the PUD process, as per Section 2.202., and if floodplain, wetlands, and other natural areas are dedicated or remain in common open space, a density not to exceed two (2) dwelling units per acre may be allowed.

##### **2.101.02 Permitted Uses**

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- C. Home occupations, subject to Section 2.203.
- D. Group homes not exceeding five (5) persons in residence, family day care providers, government assisted housing, and residential homes for the physically or mentally handicapped, provided such facilities are substantially identical in physical form to other types of housing allowed in this zoning district.
- E. Public recreational facilities, including but not limited to parks, playfields, sports and racquet

courts, but excluding golf courses which are permitted conditionally.

- F. PUD's, subject to Sections 2.202 and 2.101.07.
- G. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

#### 2.101.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300.

- A. Churches and parsonages.
- B. Cemeteries and crematory mausoleums.
- C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- D. Day-care facilities.
- E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- G. Plant nurseries and other agricultural uses, including commercial buildings and structures.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Radio, television, and similar communications stations, on lots with a minimum width and depth

equal to the height of any tower, and in conformance with Section 2.306.

L. Raising of animals other than household pets.

M. Public golf courses.

## **2.101.04 Dimensional Standards**

### **A. Lot Size**

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

- |    |                                   |                |
|----|-----------------------------------|----------------|
| 1. | Lot area (conventional):          | 40,000 sq. ft. |
|    | Lot area (under PUD):             | 10,000 sq. ft. |
| 2. | Lot width at front property line: | 25 feet        |
| 3. | Lot width at building line:       | No minimum     |
| 4. | Lot depth:                        | No minimum     |

### **B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

- |    |                                                                                                                    |         |
|----|--------------------------------------------------------------------------------------------------------------------|---------|
| 1. | Front yard:                                                                                                        | 20 feet |
| 2. | Side yard:                                                                                                         |         |
|    | a. Single-Family Detached:                                                                                         | 5 feet  |
|    | b. Corner Lots (Street Side):                                                                                      | 20 feet |
|    | c. Single-Family Attached (one side):                                                                              | 20 feet |
| 3. | Rear yard:                                                                                                         | 20 feet |
| 4. | Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.   |         |
| 5. | A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot. |         |

### **C. Height**

Except as otherwise provide, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devises, radio and TV aerials, and similar structures attached to residential dwellings or to accessory buildings, may exceed this height limitation by up to twenty (20) feet.

**2.101.05 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.

**2.101.06 Flood Plain**

Except as otherwise provided, Section 2.114, shall apply.

**2.101.07 Special Density Allowances**

Housing densities up to two (2) units to the acre, and lot sizes down to 10,000 square feet, may be allowed in the VLDR zone when:

- A. The housing development is approved as a PUD, as per Section 2.202; and
- B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 2.114; natural resources areas, per the Recreation Master Plan Map, attached as Appendix B, or as specified in Section V of the Community Development Plan; and wetlands defined as per current Federal regulations; and
- C. The Commission determines that the higher density development would better preserve natural resources as compared to a one (1) unit to the acre design.

**Section 3. Effective Date.**

In order to eliminate any confusion in the transition between the older and new City Zoning Map, an emergency is hereby declared to exist, and this ordinance shall be effective upon its passage by the Council and approval by the Mayor.

Passed by unanimous vote of the City Council this 12<sup>th</sup> day of December, 1990.

Approved by the Mayor this 12 day of December, 1990.

Norma Jean Oyler  
Norma Oyler, Mayor

Attest:

Polly Blankenbaker  
Polly Blankenbaker, Recorder

	Aye	Nay
Oyler	<u>✓</u>	<u>    </u>
Hitchcock	<u>✓</u>	<u>    </u>
Boyle	<u>absent</u>	<u>    </u>
Birchill	<u>✓</u>	<u>    </u>
Chavez	<u>✓</u>	<u>    </u>



