

**CITY OF SHERWOOD
ORDINANCE 2003-1153**

AN ORDINANCE AMENDING THE CITY OF SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE TO INCLUDE A NEW SECTION 5.702.07 PROHIBITING CHANGING IMAGE SIGNS AND AMENDING EXISTING PROVISIONS RELATING TO ACCESSORY BUILDINGS AND STRUCTURES, SECTION 2.207 AND DECLARING AN EMERGENCY.

WHEREAS, the citizens of Sherwood initiated a request to amend the text to the Accessory Use portion of the City of Sherwood Zoning and Development Code ("SZCDC");

WHEREAS, in response to the citizens concerns, the City staff proposed changes to SZCDC § 2.207 establishing new definitions for accessory building setbacks from the side and rear yards and redefining the distance requirements between the primary and accessory structures;

WHEREAS, the Planning Commission further directed City staff to draft Code language to prohibit changing image signs under SZCDC § 5.702.07;

WHEREAS, the City staff proposed PA 03-01 Plan Text Amendment to incorporate the proposed changes and to present the same to the Planning Commission;

WHEREAS, the City staff provided notice of a public hearing before the Planning Commission and City Council consistent with SZCDC § 3.202 and notice to the Department of Land Conservation and Development as required by ORS 197.610;

WHEREAS, consistent with the required notice, the Planning Commission conducted a public hearing on October 7, 2003 and after discussion and deliberation forwarded a report and recommendation supported by findings to the City Council consistent with SZCDC § 4.202.01(C); and

WHEREAS, the City Council conducted a duly noticed public hearing on October 28, 2003 to consider the report and recommendation of the Planning Commission.

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

Section 1. Decision. The City Council hereby adopts the amendments to the Sherwood Zoning and Community Development Code as provided in Exhibits A and B attached hereto.

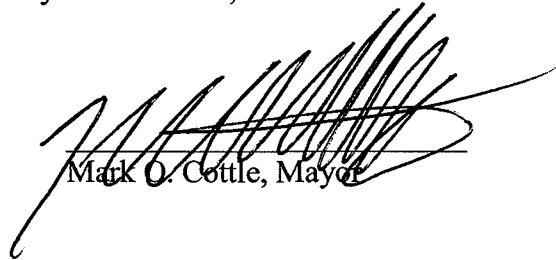
Section 2. Findings. The City Council adopts the Staff Report to the City Council for PA 03-01 dated October 20, 2003 as set forth in Exhibit C. The City Council further finds that the proposed amendments are consistent with the Statewide Planning Goals ("Goals") and the Urban Growth Management Functional Plan ("Plan") under Chapter 3.07 of Metro Code. The SZCDC and City of Sherwood Comprehensive Plan are currently acknowledged under the Goals

and Plan. None of the proposed changes raise any concerns relating to compliance under the Goals and Plan.

Section 3. Effective Date. Based on the volume of outstanding compliance issues requiring the adoption of this language for permanent resolve, the City Council hereby declares an emergency to exist pursuant to Section 9.6 of the Sherwood City Charter. To preserve the peace, health and safety of the City, this Ordinance shall be effective upon its approval and adoption by the City Council and the Mayor.

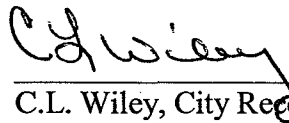
Section 4. Manager Authorized. The City Manager is hereby directed to take such action as may be necessary to codify these changes as a part of the SZCDC. City Staff are further directed to provide notice of the proposed changes to the Department of Land Conservation and Development consistent with ORS 197.615.

Duly passed by the City Council this 9th day of December, 2003.



Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit A

Section 2.101.04-B Setbacks VLDR Zone

4. ~~Accessory buildings see Section 2.207 - Accessory Uses 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.~~

Section 2.102.04-B Setbacks LDR Zone

4. ~~Accessory buildings see Section 2.207 - Accessory Uses 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.~~

Section 2.103.04-B Setbacks MDRL Zone

4. ~~Accessory buildings see Section 2.207 - Accessory Uses 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.~~

Section 2.104.04-B Setbacks MDRH Zone

4. ~~Accessory buildings see Section 2.207 - Accessory Uses may be constructed in the rear yard setback up to five (5) feet from the rear property line.~~
5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.
6. ~~A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.~~

~~6.7.~~ Townhomes, subject to Section 2.204.

Section 2.105.04-B Setbacks HDR Zone

4. ~~Accessory buildings see Section 2.207 - Accessory Uses may be constructed in the rear yard setback up to five (5) feet from the rear property line.~~
5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.
6. ~~A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.~~

~~6.7.~~ Townhomes, subject to Section 2.204.

2.207 ACCESSORY USES

2.207.01 Standards

For uses located within a residential zoning district, accessory uses, buildings, and structures, excluding decks, which are subject to Section 2.305.05, shall comply with all requirements for principal uses, buildings, and structures except where specifically modified by this Code below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

- A. Any accessory building shall have not more than seven hundred and twenty (720) square feet of ground floor area and shall be no taller than 25 feet in height.
- B. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard or street side yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
- C. ~~No detached accessory building or structure over three (3) feet in height, excluding fences and railings, shall be located within ten (10) feet of the principal building or other accessory building.~~ Detached accessory structures that do not require a building permit per the Building Code shall maintain a minimum 3-foot distance from any side or rear lot line and must be a minimum of six (6) feet from any accessory or primary

structure. Attached accessory structures that do not require a building permit per the Building Code shall be setback a minimum of three (3) feet from any side property line and fifteen (15) feet from a rear property line.

- D. No accessory building or structure over three (3) feet in height that requires a building permit per the Building Code, excluding fences and railings, shall be located closer than five (5) feet to any side or rear property line and six (6) feet from any accessory or primary structure.
- E. Any accessory building or structure that requires a building permit per the Building Code attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.
- F. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

2.207.02 Any accessory use and/or structure associated with a conditional use shall be allowed only after approval in accordance with Section 4.300.

2.207.03 A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 4.600.

EXHIBIT B

5.702 PROHIBITED SIGNS

5.702.01 Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of Section 5.700.

5.702.02 Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists.

5.702.03 Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

5.702.04 Rotating or Revolving Signs

Rotating or revolving signs are prohibited.

5.702.05 Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label.

5.702.06 Off-Premise Signs

Except as otherwise permitted by this Code and Sections 5.704, 5.705, 5.706 and 5.707, off-premise signs are prohibited.

5.702.06 Changing Image Sign

Any sign that through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, resulting in movement, the appearance of movement or change of sign image or message are prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every 30 seconds and such change does not involve movement, flashing or changes in intensity of lighting.