

**City of Sherwood, Oregon  
Ordinance 2004-002**

**AN ORDINANCE APPROVING A PLAN TEXT AMENDMENT, ESTABLISHING A NEW SETBACK FOR DECKS ON SINGLE FAMILY RESIDENTIAL HOMES ADJACENT TO PUBLIC OPEN SPACE, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the subject text amendment was reviewed in response to a citizens concerns that setbacks for decks were applied inconsistently in the City for those properties adjacent to open space areas; and,

**WHEREAS**, the Sherwood Planning Commission conducted a public hearing on the proposed Plan Text Amendment and made findings regarding the proposed ordinance language, and recommended approval of the plan text amendment to the City Council; and

**WHEREAS**, the Community Development and Zoning Code Section 4.203.01 specifies the criteria to approve a change in the Comprehensive Plan (or Zoning Code) Text, and that the Sherwood City Council finds that the subject proposal complies based on the findings of the Planning Commission; and

**WHEREAS**, the Sherwood City Council has received the City's Planning Staff Report, the Planning Commission findings, and reviewed the materials submitted and the facts of the proposal and conducted a public hearing on March 23, 2004.

**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

Section 1. Commission Review & Public Hearings. That the application for a Plan Text Amendment (city file No. PA 04-02) to establish a new setback for decks in residential zones adjacent to publicly owned open space throughout the City of Sherwood was subject to full and proper review, and a public hearing were held before the Planning Commission on March 16, 2004 who made recommendation for approval to the City Council.

Section 2. Findings. That after full and due consideration of the application, the City Staff report, the record, findings, and of the evidence presented at the public hearing, the Council finds that the text amendment is in the interest of the City and therefore, the Council adopts the findings of fact contained in the staff report dated March 16, 2004 and the minutes of the Planning Commission public hearing.

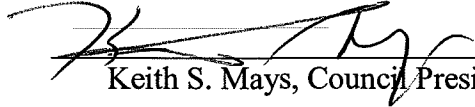
Section 3. Approval. That a proposed Plan Map Amendment is hereby **APPROVED** as stipulated in the ordinance language labeled "Exhibit A" and attached to this ordinance.

Section 4. Manager Authorized. The Planning Director is hereby directed to take such action as may be necessary to document this amendment, including preparation of a certified modification of the Comprehensive Plan, in accordance with City ordinances and regulations.

Section 5. Effective Date. This ordinance shall become effective the 5<sup>th</sup> day after its adoption by the City Council.

Duly passed by the City Council this 13<sup>th</sup> day of April, 2004.

Approved by the Mayor this 14th day of April, 2004.

  
Keith S. Mays, Council President

Attest:

  
C.L. Wiley, City Recorder

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

Exhibit A: PA 04-02 Plan Text Amendment Ordinance language, dated April 13, 2004.

April 13, 2004

**ATTACHMENT 'A'**

**2.305 YARD REQUIREMENTS**

**2.305.01 Through Lots**

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to each street frontage.

**2.305.02 Corner Lots**

On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- A. The front yard setback shall not be less than twenty-five (25) feet.
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

**2.305.03 Yards**

- A. Except for landscaping, every part of a required yard shall be open and unobstructed from its lowest point to the sky, except that awnings, fire escapes, open stairways, and chimneys may be permitted when so placed as not to obstruct light and ventilation.
- B. Where a side or rear yard is not required, and a structure is not erected directly on the property line, it shall be set back at least three (3) feet.

**2.305.04 Exceptions**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2-1/2) feet into a required yard.

**2.305.05 Decks**

Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line.—If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Uncovered decks 30 inches above grade that require a building permit placed on properties adjacent to wetland or open space tracts that are publicly dedicated or in public ownership, may project into the required rear yard, but shall not be closer than ten (10) feet from the rear property line. All other decks will comply with the required set backs for the underlying zoning district. Decks shall not be allowed in the required front or side yard setbacks.