



ORDINANCE 2010-005

AN ORDINANCE ADDING INDUSTRIAL DESIGN STANDARDS TO THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

WHEREAS, The City Council Work Program includes adding industrial design standards to the Community Development Code; and

WHEREAS, Title 4 of Metro's Urban Growth Management Functional Plan requires cities to update their development code to limit retail commercial uses in industrially-designated areas to protect employment opportunities; and

WHEREAS, Staff and the Planning Commission recognize that quality development appropriate for Sherwood can be constructed with objective yet flexible standards; and

WHEREAS, Staff has worked with the Planning Commission and the development community to create industrial design standards that affect industrial properties visible from arterial and collector streets; and

WHEREAS, The Planning Commission also identified the need for more flexibility in the design review process while ensuring high quality design; and

WHEREAS, The proposed code changes also include a housekeeping update to the materials storage section of the development code; and

WHEREAS, The proposed amendments were subject to full and proper review and a public hearing was held before the Planning Commission on January 26, 2010 and the Planning Commission voted to forward a recommendation of approval to the City Council on February 23, 2010; and

WHEREAS, The City Council held a public hearing on March 16, 2010; and

WHEREAS, After full consideration of the public input, Planning Commission recommendation, staff recommendation, and community values, the Council determines that the proposed changes to Sections 16.32.020, 16.30.030, 16.32.040, 16.34.020, 16.34.030, 16.34.040, 16.72.010, 16.90.020 and 16.98.030 in the Sherwood Zoning and Community Development Code meet the applicable Comprehensive Plan criteria and are consistent with regional and state standards.

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

Section 1. Findings. After full and due consideration of the proposal, the Planning Commission recommendation, the record, findings, and the evidence presented at the public

hearing, the Council adopts the findings of fact related to the addition of industrial design standards and Title 4 provisions contained in Exhibit 1 and amends the text of the SZCDC contained in Exhibit 2.

Section 2. Approval. The proposed amendments for industrial design standards (PA 09-01) identified in Exhibit 2, are hereby **APPROVED**.

Section 3. Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to the Department of Land Conservation and Development and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4. Effective Date. This ordinance shall become effective the 30th day after its final adoption by the City Council and signature of the Mayor.

Duly passed by the City Council this 6th day of April 2010.



Keith S. Mays, Mayor

ATTEST:



Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Folsom	<u>Absent</u>	_____
Clark	<u>✓</u>	_____
Weislogel	<u>✓</u>	_____
Henderson	_____	<u>✓</u>
Grant	<u>✓</u>	_____
Heironimus	<u>✓</u>	_____
Mays	<u>✓</u>	_____

CITY OF SHERWOOD
Planning Commission Recommendation

Date: February 23, 2010

Industrial Design Standards (PA 09-01)

The Planning Commission held a public hearing on January 26, 2010 where they received written and oral testimony and held the record open for written testimony until February 9, 2010. The Planning Commission reviewed the public testimony submitted, deliberated and voted to forward a recommendation of approval to the City Council on February 23, 2010.

Proposal: The purpose of this staff report is to summarize proposed changes to include industrial design standards in "Division V. Community Design" of the Sherwood Zoning and Community Development Code. The proposed code changes to Chapter 16.90.020.4 provide design review criteria applicable to any industrial development. The purpose of these code changes is to foster enhanced industrial development visible from public collector and arterial streets while allowing a developer options in proposing a quality design.

Changes are also proposed to Chapter 16.32 "Light Industrial" and Chapter 16.34 "General Industrial". These changes will bring the Code into compliance with Title 4 of Metro's Urban Growth Management Functional Plan (discussed in further detail below).

Changes to Chapter 16.72 include the addition of Industrial "Design Upgraded" projects to the Type II review procedure and add Type IV review procedures for site plans requiring a design review hearing (16.72.010.1.D.4 should have been added during the Commercial Design Standard update approved by Ordinance Number 2009-005 on June 2, 2009).

There is also one change proposed to Chapter 16.98, changing the word "Commission" to "Review Authority", allowing material storage to be reviewed by staff (in the case of a Type II application) or the Hearings Officer (in the case of a Type III application) in association with a submitted land use application.

I. BACKGROUND

A. Background

The City of Sherwood currently does not regulate architectural design of industrial buildings. General site design requirements do include things such as parking, landscaping and screening standards. However, there are no standards for industrial building materials, façade details (or lack thereof) and overall site aesthetics. This has led to several industrial developments that lack character and appeal.

One of Sherwood's primary goals is to increase economic development opportunities throughout the city. One possible way to do this is to attract industrial developers by showcasing existing industrial development that is lively, prosperous and aesthetically appealing. In order to create this type of industrial development, the city can utilize

flexible design standards and review processes, as proposed in the attached Code language (Exhibit A).

- B. Review Type: The legislative change to the development code requires a Type V review with a public hearing before the Planning Commission who will make a recommendation to the City Council. The City Council will then hold a public hearing and make a decision after consideration of public comment. An appeal would be heard by the Land Use Board of Appeals (LUBA).
- C. Public Notice and Hearing: Notice of the application was posted in five locations throughout the City on January 6, 2010. The notice was published in The Times on January 14 and 21, 2010 in accordance with Section 16.72.020 of the SZCDC.
- D. Review Criteria: The required findings for a "Plan Amendment" are identified in Section 16.80 of the Sherwood Zoning and Community Development Code. In addition, applicable Comprehensive Plan policies are found in Chapter 4 – Land Use. Statewide Land Use Planning Goal 9- Economic Development and Title 4 of Metro's Urban Growth Management Functional Plan are applicable to this application. Compliance with the applicable criteria is discussed further in this report.

II. PUBLIC COMMENTS

Staff has received no written comments as of the date of this report.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on January 12, 2010. No agency comments have been received as of the date of this report.

IV. PLAN AMENDMENT REVIEW

A. APPLICABLE DEVELOPMENT CODE CRITERIA

16.80.030.1

Text Amendment- This section states that an amendment to the text of the Comprehensive Plan may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and the Zoning and Community Development Code.

The plan amendment for PA 09-01 is reviewed for compliance with applicable Comprehensive Plan policies, statewide planning goals and Metro Functional Plan policies within this report.

The proposed code changes include two new processes for industrial site plan review- a list of design options a developer may choose from and a more discretionary review route that requires a hearing before the Planning Commission if an application does not meet the minimum number of standards from the list. Both new processes provide a clear and objective review standard. The new processes are intended to result in a higher level of design incorporated into industrial developments while providing options to developers. The proposed "Industrial 'Design Upgraded'" review process could expedite the development review process for small to medium size industrial developments.

FINDING: As discussed in detail throughout this report, the proposed amendment complies with this standard.

16.80.030.3 - Transportation Planning Rule Consistency

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**
- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan**
- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

DISCUSSION: The modifications in the Sherwood Zoning and Community Development Code to implement industrial design standards and provide flexibility in building and site design will not negatively affect any transportation facilities in the City or surrounding areas. Rather, the proposed changes provide an adequate level of flexibility that can help to ensure development is respectful of site-specific limitations while ensuring a safe transportation system. The proposed code changes do not affect current standards limiting access to major roadways or otherwise change any standards that would affect a transportation facility. The use of property is not changing with the exception of limiting business and professional offices that are not otherwise associated with an industrial use on the same site. This limit on service sector uses will only serve to reduce the number of trips to a site from what would be permitted currently. Therefore, once these standards are in place, a *proposed* development's maximum *potential* impact on the transportation system as a whole will be reduced.

FINDING: The proposed changes to implement the Industrial Design Standards are consistent with the Transportation Planning Rule and this standard has been met.

B. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable Comprehensive Plan Policies for Economic Development and Commercial Land Use are found in Chapter 4 – Land Use. The following policies from Chapter 4 of the Comprehensive Plan are applicable:

- **Economic Development Policy 5:** “The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.”
- **Community Design Policy 4:** “Promote creativity, innovation and flexibility in structural and site design.”

DISCUSSION: The proposed changes are consistent with both of the above policies. The proposed code changes allow flexibility in industrial site design which will allow diversity of uses. In addition to flexibility in the standards, there is flexibility in the proposed design review process. Any industrial development that cannot meet four of the six proposed design criteria can go before the Planning Commission for a design review hearing, allowing developments that are creative, innovative and/or expansive to the city’s tax base to be reviewed objectively.

FINDING: As discussed above, the proposed Industrial Design Standards amendments to the Development Code are consistent with and supportive of existing Comprehensive Plan policies.

C. APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

FINDING: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City’s public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

Goal 2 (Land Use Planning)

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 2-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (ECONOMIC DEVELOPMENT)- To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

DISCUSSION: The proposed amendments are consistent with Statewide Planning Goal 9 in that they provide flexibility in site and building design for industrial developers while enhancing the design and character of industrial development as a whole. The proposed standards implement a moderate level of design requirement while allowing the developer to choose areas on which to focus resources, thus increasing opportunities for economic growth.

FINDING: As discussed above, the proposed amendments are consistent with Statewide Planning Goal 9.

- Goal 10 (Housing)**
- Goal 11 (Public Facilities and Services)**
- Goal 12 (Transportation)**
- Goal 13 (Energy Conservation)**
- Goal 14 (Urbanization)**
- Goal 15 (Willamette River Greenway)**
- Goal 16 (Estuarine Resources)**
- Goal 17 (Coastal Shorelands)**
- Goal 18 (Beaches and Dunes)**
- Goal 19 (Ocean Resources)**

FINDING: The Statewide Planning Goals 10-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Title 4 of Metro's Urban Growth Management Functional Plan (Industrial and Other Employment Areas)-

The City of Sherwood has no parcels designated "Regionally Significant Industrial Areas". The majority of parcels in the city zoned Light Industrial or General Industrial are designated "Industrial Areas". There are several parcels in the city designated "Employment Areas". These are primarily zoned General Commercial, though a few are zoned Light Industrial and two are zoned Office Commercial (See Exhibit B- Metro's "Title 4 Industrial and Employment Lands" Map). Standards for Industrial Areas and Employment Areas are found below.

Title 4 Section 3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers - such as financial, insurance, real estate, legal, medical and dental offices - in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

DISCUSSION: The proposed code language implements the size limits discussed above for all industrially zoned parcels (this includes all areas designated "Industrial Areas" as well as five parcels designated "Employment Areas" and three parcels not designated located on SW Sherwood Boulevard).

FINDING: This standard is met through the proposed code language.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

DISCUSSION: In Sherwood, the only Main Roadway Route is Highway 99W and the only Roadway Connector is Tualatin-Sherwood Road. ODOT has jurisdiction over access to Highway 99W and Washington County has jurisdiction over access to Tualatin-Sherwood Road. Therefore, access restrictions to these routes imposed by the City would not apply. The proposed code language limits the siting of the uses described in Subsection A.

FINDING: Based on the discussion above, this standard is met.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

FINDING: The City does not plan to amend the industrial zones to authorize retail and service uses that were not authorized prior to July 1, 2004. This standard is met.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

- 1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.**
- 2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.**
- 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at**

least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

- a. To provide public facilities and services;
- b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
- c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
- d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

DISCUSSION: The City of Sherwood had one lot in an area designated as “industrial” that is larger than 50 acres; however, the lot was granted site plan approval in 2002 to grade and construct a city street bisecting the property. No partition plans are known for this development but there is a public road bisecting the property. Because site plan has been approved and the road constructed, the site is, in effect, two parcels that are smaller than 50 acres in size.

There is one lot within the Tonquin Employment Area that the city is in the process of concept planning. Title 4 land division standards will certainly apply to this parcel as it is designated “industrial”.

FINDING: There are currently no parcels within the City of Sherwood to which this standard would apply.

E. Notwithstanding subsection A of this section, a city or county may allow the lawful use of any building, structure or land existing at the time of adoption of its ordinance adopted pursuant to this section to implement this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection D of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

DISCUSSION: The proposed code language allows business and professional offices to continue operating in buildings that received site plan approval prior to January 1, 2010 (this could be changed to the date of adoption of this ordinance).

FINDING: This standard has been met.

Title 4 Section 3.07.440 Employment Areas

A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code Section 3.07.130, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.

The majority of parcels designated "Employment Areas" are zoned General Commercial. Two parcels are zoned Office Commercial (discussed in subsection B below) and five are zoned Light Industrial. One parcel is zoned Light Industrial PUD. Limits on new and expanded retail commercial uses are discussed in subsections B, C, D and E below.

B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Areas with more than 60,000 square feet of gross leasable area in a single building, or retail commercial uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

DISCUSSION: There are two properties (TLs 2S129B001900 and 2S129A001400) that were rezoned from Light Industrial to Office Commercial as part of the Adams Avenue North Concept Plan in 2009 (Ord. 2009-009). When these properties were rezoned, a plan text amendment to the Office Commercial zoning was adopted placing the following limitations on development of these two parcels:

Within the Adams Avenue Concept Plan study area as identified in Ordinance 2009-009 the following additional standards apply:

- A. Retail uses and restaurants, taverns and lounges are limited to no more than 10% of the square footage of each development proposed. Drive-through restaurants are prohibited.
- B. Only non-residential uses are permitted on the ground floor.

FINDING: This restriction of retail uses and restaurants, taverns and lounges effectively limits the development potential of these types of uses consistent with Title 4 and this standard is met.

C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

DISCUSSION: Subsection C above permits retail commercial uses in excess of 60,000 square feet gross leasable area if they were authorized prior to January 1, 2003 and they are listed on Table 3.07-4. The only zone listed for Sherwood on Table 3.07-4 is General Commercial. All of the parcels zoned General Commercial and designated Employment Areas were authorized to develop with retail commercial uses prior to January 1, 2003.

FINDING: Based on the zoning of the General Commercial properties designated "Employment Areas" in place in 2003, no zoning restriction is required on General Commercial properties designated Employment Areas.

D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if:

- 1. The ordinance authorized those uses on January 1, 2003;**
- 2. Transportation facilities adequate to serve the retail commercial uses will be in place at the time the uses begin operation; and**

3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.

DISCUSSION: The parcel zoned Light Industrial- PUD designated an "Employment Area" was authorized for commercial uses when the PUD was approved prior to 2003. Transportation facilities in Sherwood's Transportation System Plan assume potential build out of retail commercial development of this parcel and, therefore, adequate transportation facilities have been identified. Any development application on this site will require a traffic analysis and compliance with the TSP.

FINDING: Based on the discussion above, no zoning restriction is required on Light Industrial-PUD parcels.

E. A city or county may authorize new retail commercial uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

- 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and**
- 2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.**

DISCUSSION: The five parcels zoned Light Industrial that are designated Employment Areas are developed with retail and service-oriented uses. Of these five parcels, one is a city-owned access (not dedicated right-of-way), one is the Home Depot development that is fully built-out, one is the Billet site adjacent to Sherwood's Old Town and two are office buildings with flex tenant space. It is anticipated that, over time, the tenants in the flex tenant space will change but an increase in site-generated vehicle trips greater than 25% is not anticipated. Existing parking on each of these sites does not exceed the maximum permitted parking- Zone A requirements and is not anticipated to increase to a point where it would be out of compliance (for example- the Home Depot would need to add 100 parking spaces to exceed the Zone A Maximum).

In addition to the above factors, the proposed code language would limit retail and office uses of new buildings to the "Industrial Area" standards as the proposed limits would apply to all industrially zoned parcels.

FINDING: Based on the discussion above, the existing development and proposed code language address the properties zoned Light Industrial and designated "Employment Areas".

Title 4 of Metro's Urban Growth Management Functional Plan Finding:

The proposed code language meets all of the standards of Title 4.

Planning Commission Recommendation:

Based on the discussion, findings of fact and conclusions of law detailed above, the Planning Commission finds that the proposed plan amendment meets applicable local, regional and state criteria.

The Planning Commission **RECOMMENDS APPROVAL** of PA 09-01 Industrial Design Standards to the Sherwood City Council.

Chapter 16.32

LIGHT INDUSTRIAL (LI)*

Sections:

- 16.32.010 Purpose**
- 16.32.020 Permitted Uses**
- 16.32.030 Conditional Uses**
- 16.32.040 Prohibited Uses**
- 16.32.050 Dimensional Standards**
- 16.32.060 Community Design**
- 16.32.070 Flood Plain**

* Editor's Note: Some sections may not contain a history.

16.32.010 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; 86-851)

16.32.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority. (Ord. 2001-1119 § 1; 93-964)

- A. Contractor's offices and other offices associated with a use permitted in the LI zone.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards.
- C. Glass installation and sales.
- D. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).
- E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- F. Other similar light industrial uses subject to Chapter 16.88.
- G. Dwelling unit for one (1) security person employed on the premises, and their immediate family.
- H. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)

- I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.
- J. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.(Ord. 97-1019 § 1)
- K. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- L. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- M. Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- N. Training facilities whose primary purpose is to provide training to meet industrial needs.
- ~~Q. Tool and equipment rental~~
- ~~P. Blueprinting, printing, publishing, or other reproduction services.~~
- ~~Q. Farm and garden supply stores and retail plant nurseries (limited in size similar to M. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.~~
- ~~R. Medical, dental and similar laboratories.~~
- ~~S. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

 1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040.
 2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.
 3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040.
 4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
 5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
 6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030.~~

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7. Musical instruments, toys and novelties.
 8. Pottery and ceramics, limited to products using previously pulverized clay.
 9. Textiles and fiber products.
 10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.
- (Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964; 91-922; 86-851)

16.32.030 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

- A. Laundry, dry cleaning, dyeing or rug cleaning plants.
- B. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.
- C. Offices associated with a use conditionally permitted in the LI zone.
- D. Sawmills.
- E. Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.
- F. Restaurants without drive-thru limited in size similar to 16.32.020.M.
- G. Hospitals and emergency care facilities.
- H. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- I. Commercial trade schools.
- J. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-1092 § 3)
- L. Power generation plants and associated facilities.
- M. Veterinarians offices and animal hospitals.
- N. Automobile, boat, trailer and recreational vehicle storage. (Ord. 93-964 § 3)
- O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32.020 or 16.32.030.
- P. Government facilities, including police, fire and vehicle testing stations.
- Q. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements. (Ord. No. 2009-009, 7-21-2009; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964)

16.32.040 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses. (Ord. 86-851 § 3)

- B. Any use permitted or conditionally permitted under this Chapter that is not specifically listed in this Section, and any use listed in this Section.
- C. Auto wrecking and junk or salvage yards.
- D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:
 - 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 - 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 - 3. Celluloid or pyroxylin.
 - 4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
 - 5. Explosives and radioactive materials.
 - 6. Fertilizer, herbicides and insect poison.
 - 7. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.
- F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- G. Pulp mills and paper mills.
- H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- I. Leather tanneries.
- J. General purpose solid waste landfills, incinerators, and other solid waste facilities. (Ord. 93-964 § 3)
- K. Restaurants with drive-thru facilities.
- L. Business and professional offices in buildings that received land use approval after January 1, 2010 and are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- M. Retail trade, except as permitted by Section 16.32.020 above. (Ord. 2001-1119 § 1)

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16.32.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

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

1.	Lot area:	10,000 sq ft
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2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4.	Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

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 residential zone. (Ord. 86-851 § 3)

16.32.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.32.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.34

GENERAL INDUSTRIAL (GI)*

Sections:

- 16.34.010 Purpose**
- 16.34.020 Permitted Uses**
- 16.34.030 Conditional Uses**
- 16.34.040 Prohibited Uses**
- 16.34.050 Dimensional Standards**
- 16.34.060 Community Design**
- 16.34.070 Flood Plain**

* Editor's Note: Some sections may not contain a history.

16.34.010 Purpose

The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.
(Ord. 86-851 § 3)

16.34.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII.

- A. Contracting and building material and equipment storage yards, cold storage facilities, equipment rental and sales, building materials sales, and building maintenance services yard, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yards. (Ord. 86-851 § 3)
- C. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 16.34.040:
 - 1. Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 16.34.040.
 - 2. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components appliances and systems, and similar products and associated small parts.
 - 3. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, and meat and poultry, except as per Section 16.34.040.
 - 4. Furniture, cabinetry, upholstery, and signs and display structures.
 - 5. Glass and ceramics. (Ord. 86-851 § 3)

6. Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.
 7. Leather products, except as per Section 16.34.040.
 8. Musical instruments, toys, and novelties.
 9. Paper, wood, lumber and similar products, except as prohibited by Section 16.34.040.
 10. Plastics and plastic products.
 11. Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses.
 12. Boxes and containers made from paper, wood, metal and other materials.
 13. Textile and fiber products. (Ord. 86-851 § 3)
 14. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electric motors and generators, heating and cooling equipment, lawn mowers, rototillers, chain saws, vending machines, similar products or associated small parts.
 15. Other small products and tools composed of previously prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
- E. Wholesale plumbing supplies and service. (Ord. 93-964 § 3; 86-851)
 - F. Blueprinting, printing, publishing or other reproduction services. (Ord. 86-851 § 3)
 - G. Laundry, dry cleaning, dyeing, or rug cleaning plants. (Ord. 93-964 § 3)
 - H. Truck and bus yards and terminals. (Ord. 86-851 § 3)
 - I. Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 16.34.040. (Ord. 93-964 § 3; 86-851)
 - J. Other similar general industrial uses, subject to Chapter 16.88. (Ord. 86-851 § 3)
 - K. Dwelling unit for one (1) security person employed on the premises and their immediate family. (Ord. 86-851 § 3)
 - L. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted in other underlying zoning within the boundaries of the PUD. Approved PUDs may elect to establish uses which were permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)
 - M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86. (Ord. 86-851 § 3)
 - N. Other uses permitted outright in the LI zone, Section 16.34.020, except for those uses listed as a conditional use in the GI zone and except for adult entertainment businesses which are prohibited. (Ord. 93-946 § 3; 86-851)
 - O. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible. (Ord. 97-1019 § 1)
 - P. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).

Q. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).

R. Business and professional offices in buildings that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

S. Training facilities whose primary purpose is to provide training to meet industrial needs.

T. Tool and equipment rental.

U. Building material sales (limited in size similar to R, above), lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Deleted: R

V. Farm and garden supply stores and retail plant nurseries (limited in size similar to R, above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

Deleted: S

W. Medical, dental and similar laboratories. (Ord. 98-1051 § 1)

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16.34.030 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

- A. Government facilities, including but not limited to postal, police and fire stations. (Ord. 2002-1136 § 3; 86-851)
- B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction subject to Section 16.34.040 and Chapter 16.138. (Ord. 93-964 § 3; 91-922; 86-851)
- C. Radio, television and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited. (Ord. 97-1019)
- D. Hospitals and emergency care facilities.
- E. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- F. Power stations serving a permitted use.
- G. Restaurants without drive-thru limited in size similar to 16.34.020.R.
- H. Daycares and preschools if fully integrated with and secondary to a use elsewhere permitted in Section 16.34.020 or 16.34.030. (Ord. 2002-1136 § 3; 98-1051)
- I. Solid waste transfer stations.
- J. Commercial trade schools. (Ord. 98-1051 § 1)
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-Metro title compliance)

- L. Compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products, except that outside storage of these materials shall be prohibited:
 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 3. Fertilizer, herbicides and insecticides.
- M. Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration. (Ord. 2002-1136 § 3; 98-1051)

16.34.040 Prohibited Uses

The following uses are expressly prohibited:

- A. All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.
- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

(Ord. 86-851 § 3)

- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:
 1. Celluloid or pyroxylin.
 2. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
 3. Explosives and radioactive materials.
 4. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.

(Ord. 2002-1136 § 3; 86-851)

- E. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- F. Saw mills and paper mills.
- G. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering. (Ord. 93-964 § 3; 86-851)
- H. Leather tanneries. (Ord. 93-964 § 3)
- I. General purpose solid waste landfills, incinerators, and other solid waste facilities except as permitted per Section 16.34.030 and Chapter 16.140. (Ord. 93-964 § 3; 91-922)

- J. Business and professional offices in buildings that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

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16.34.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

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

1.	Lot area:	20,000 sq ft
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
4.	Corner lots:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

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 residential zone. (Ord. 86-851 § 3)

16.34.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.34.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Note: The Special Industrial (SI) Zoning District, originally established as Chapter 16.34 of the SZCDC by Ord. 86-851, was repealed by Ord. 91-922 § 3.

Chapter 16.72

PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

- 16.72.010 GENERALLY
- 16.72.020 PUBLIC NOTICE AND HEARING
- 16.72.030 CONTENT OF NOTICE
- 16.72.040 PLANNING STAFF REPORTS
- 16.72.050 CONDUCT OF PUBLIC HEARINGS
- 16.72.060 NOTICE OF DECISION
- 16.72.070 REGISTRY OF DECISIONS
- 16.72.080 FINAL ACTION ON PERMIT OR ZONE CHANGE

* Editor's Note: Some sections may not contain a history.

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses
5. Final Subdivision Plats
6. Final Site Plan Review
7. Time extensions of approval, per Sections 16.90.020; 16.124.010

B. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

1. Minor Land Partitions
2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning

Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.
4. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.
5. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

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C. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

1. Conditional Uses
2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.
3. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.
4. Subdivisions -- Less than 50 lots.

D. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

1. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
2. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
3. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.
4. Site Plans subject to Section 16.90.020.4.G.6.
5. Industrial Site Plans subject to Section 16.90.020.4.H.2.
6. Subdivisions -- More than 50 lots.

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E. Type V

The following legislative actions shall be subject to a Type V review process:

1. Plan Map Amendments
2. Plan Text Amendments
3. Planned Unit Development -- Preliminary Development Plan and Overlay District. (Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)

2. Hearing and Appeal Authority

Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

The quasi-judicial Hearing and Appeal Authorities shall be as follows:

- A. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 2. The applicant may appeal the Planning Director's decision.
- B. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 100 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 2. Any person providing written comments may appeal the Planning Director's decision.
- C. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 1. The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
- D. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 1. The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

- E. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA). (Ord. 2003-1148 § 3; 2001-1119)

3. Approval Criteria

- A. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions or approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
- B. In addition to paragraph A above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.
(Ord. 2003-1148 § 3)

Division V. COMMUNITY DESIGN

Chapter 16.90

SITE PLANNING*

Sections:

16.90.010 PURPOSE

16.90.020 SITE PLAN REVIEW

Field Code Changed

Field Code Changed

* Editor's Note: Some sections may not contain a history.

16.90.010 PURPOSE

1. Generally

This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code. (Ord. 86-851 § 3)

2. Objectives

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

(Ord. 86-851 § 3)

16.90.020 SITE PLAN REVIEW

1. Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72. For the purposes of Section 16.90.020, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Chapter 16.48.
- D. The activity constitutes a change in a City approved plan, as per Section 16.90.020.
- E. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.

- F. The activity is subject to site plan review by other requirements of this Code.
- G. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.

(Ord. 2006-021)

2. Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76. (Ord. 98-1053 § 1; 86-851)

3. Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee. (Ord. 2006-021; 98-1053 § 1; 86-851)

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked. (Ord. 98-1053 § 1; 86-851)

4. Required Findings

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code. (Ord. 2006-021; 91-922 § 3; 86-851)
- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed

use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
- G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
 - 1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
 - 4. As an alternative to the above standards G.1.--3., the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional and/or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards G.1.--3. above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.1.B.

COMMERCIAL DESIGN REVIEW MATRIX

- A. Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.
 - 1. Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
 - 2. Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof

- with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.
3. Glazing: 0--20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.
 4. Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.
 5. Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.
 6. Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000--79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000--39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)
- B. Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).
1. Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.
 2. Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.
 3. Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).
- C. Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).
1. Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between

- any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.
2. Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.
 3. Vegetation: At least one "landscaped" island every 13--15 parking spaces in a row = 0; at least one landscaped "island" every 10--12 parking spaces in a row = 1; at least one landscaped "island" every 8--9 parking spaces in a row = 2; at least one landscaped island every 6--7 parking spaces in a row = 3.
 4. Number of Parking Spaces (% of minimum required): >120% = 0; 101--120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.
 5. Parking surface: Impervious = 0; some pervious paving (10--25%) = 1; partially pervious (26--50%) = 2; mostly pervious(>50%) = 3.
- D. Landscaping (24 Total Points Possible, Minimum 14 Points Required).
1. Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51--60% of existing trees on-site retained = 1; 61--70% of existing trees on-site retained = 2; 71--80% of existing trees on-site retained = 3; 81--100% of existing trees on-site retained = 4.
 2. Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25--50% of trees mitigated on-site = 1; 51--75% of trees mitigated on-site = 2; 76--100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.
 3. Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.
 4. Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.
 5. Landscaping trees greater than 3" caliper: <25% = 0; 25--50% = 1; >50% = 2.
 6. Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50--75% of landscaped areas = 1; 25--49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.
 7. Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10--15% of gross site = 1; 16--20% of gross site = 2; 21--25% of gross site = 3; >25% of gross site = 4.
 8. Automatic Irrigation: No = 0; partial = 1; yes = 2.
- E. Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).
1. Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.
 2. Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.

3. On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.
4. Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500--1,000 square feet)=2; yes (>1,000 square feet) = 3.
5. Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.
5. As an alternative to the above standards G.1--3., the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
6. As an alternative to the above standards G.1.--5., an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.020 of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing. (Ord. No. 2009-005, § 2, 6-2-2009)

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H. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the “bulk” appearance of large buildings. Industrial design standards shall include the following:

1. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:
 - a. A minimum 15% window glazing for all frontages facing an arterial or collector.
 - b. A minimum of two (2) building materials used to break up vertical façade street facing frontages (no T-111 or aluminum siding).
 - c. Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - d. Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - e. Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area are visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.
 - f. All roof-mounted equipment is screened with materials complimentary to the building design materials.
2. As an alternative to H.1 above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
 - a. Provide high-value industrial projects that result in benefits to the community, consumers and developers.
 - b. Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
 - c. Support the City’s goals of economic development.
 - d. Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.4.H.

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- e. Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered “entrances” to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- f. Reduce the “bulk” appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.
- g. Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

5. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76. (Ord. 98-1053 § 1)

6. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. (Ord. 2003-1148 § 3; 98-1053; 86-851)

16.98.030 MATERIAL STORAGE

1. GENERALLY

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or as per Section 16.98.040. (Ord. 89-901 § 1; 86-851)

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2. Standards

Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required. (Ord. 89-901 § 1)

3. Hazardous Materials

Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations. (Ord. 89-901 § 1)