



ORDINANCE 2016-008

AMENDMENT TO CHAPTER 16.31 (INDUSTRIAL USES) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

WHEREAS, a need was identified to address use classifications in the Employment Industrial (EI) zone to help facilitate development in the Tonquin Employment Area; and

WHEREAS, as part of addressing the use classifications in the EI zone, all industrial zones were evaluated; and

WHEREAS, after reviewing other jurisdiction's codes, Oregon model code, and obtaining feedback from industrial property owners, business owners, potential developers and the Sherwood community it was determined that changes were appropriate, and

WHEREAS, the focus of the changes was to better categorize uses to allow more general categories of allowed uses to be open to new products and processes while restricting or prohibiting specific uses that were not compatible in the community; and

WHEREAS, draft changes were developed and reviewed, discussed and modified over the course of two Planning Commission work sessions and one Planning Commission public hearing; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on April 12, 2016; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code modifications; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in Attachment 1 of the City Council Staff Report; and

WHEREAS, the attached Exhibit A reflects the code amendments; and

WHEREAS, the City Council held public hearings on May 3, 2016 and June 21, 2016 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be 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 proposed amendments, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the Council adopts the findings of fact contained in the Planning Commission recommendation finding that the text of the Sherwood Zoning and Community Development Code shall be amended as documented in Exhibit A.

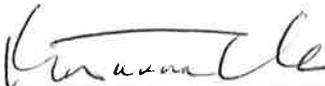
Section 2. Approval. The proposed amendments for Plan Amendment (PA) 16-04 identified in Exhibit A is hereby **APPROVED**.

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 DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 21st day of June 2016.



Krisanna Clark, Mayor

6/21/16

Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	<u>✓</u>	_____
Robinson	<u>Absent</u>	_____
Kuiper	<u>✓</u>	_____
King	<u>✓</u>	_____
Henderson	<u>✓</u>	_____
Harris	<u>✓</u>	_____
Clark	<u>✓</u>	_____

16.10.020 Definitions

ADD the following:

Small-scale energy facilities - a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

Large-scale facilities - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'".

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS^[19]

Sections:

Footnotes:

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Editor's note—Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation.

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

- B. Light Industrial (LI) - 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.
- C. General Industrial (GI) - 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. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C

Uses	LI	GI	EI ¹
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright 	C	C	C
<ul style="list-style-type: none"> Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards 	P	P	C
<ul style="list-style-type: none"> Small-scale power generation facilities 	P	P	P
<ul style="list-style-type: none"> Large-scale power generation facilities 	C	P	C
<ul style="list-style-type: none"> Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	C	C
COMMERCIAL			
<ul style="list-style-type: none"> Commercial Trade Schools, commercial educational services and training facilities 	P	P	C
Entertainment/recreation			
<ul style="list-style-type: none"> Country clubs, sports and racquet clubs and other similar clubs 	C	C	C
<ul style="list-style-type: none"> Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities^{2,3} 	C	C	C
Motor Vehicle related			
<ul style="list-style-type: none"> Motorized vehicle and sport craft repairs and service 	C	C	N
<ul style="list-style-type: none"> Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally 	P	P	P
<ul style="list-style-type: none"> Automotive, boat, trailer and recreational vehicle storage 	C	C	C ⁴
<ul style="list-style-type: none"> Vehicle fueling stations or car wash facilities⁵ 	C	C	C
<ul style="list-style-type: none"> Junkyards and salvage yards 	N	N	N

Uses	LI	GI	EI ¹
<ul style="list-style-type: none"> Manufactured home sales and display area 	N	N	N
Office and Professional Support services			
<ul style="list-style-type: none"> Business and professional offices³ 	P	P	P
<ul style="list-style-type: none"> Business support services such as duplicating, photocopying, mailing services, fax and computer facilities³ 	P	P	P
<ul style="list-style-type: none"> Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building 	P	P	P
Childcare			
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens, when clearly secondary to a permitted use 	P	P	P
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens as a stand-alone use³ 	C	C	C
General Retail - sales oriented			
<ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business³ 	P	P	P
<ul style="list-style-type: none"> Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage 	P ⁶	P ⁶	N
<ul style="list-style-type: none"> Tool and equipment repair, rental and sales, including truck rental⁷ 	P	P	P
<ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) 	P	P	N
<ul style="list-style-type: none"> Wholesale building material sales and service 	C	P	N
<ul style="list-style-type: none"> Retail building material sales and lumber yards³ 	C	P	N
Personal Services			
<ul style="list-style-type: none"> Health clubs and studios less than 5,000 square feet in size 	P	P	P

Uses	LI	GI	EI ¹
<ul style="list-style-type: none"> Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services⁸ 	C	C	C
<ul style="list-style-type: none"> Public or commercial parking (non- accessory) 	N	N	N
<ul style="list-style-type: none"> Veterinarian offices and animal hospitals 	C	C	C
<ul style="list-style-type: none"> Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas⁸ 	C	C	C
Eating and Drinking establishments:			
<ul style="list-style-type: none"> Restaurants, taverns, and lounges without drive-thru³ 	C	C	C
<ul style="list-style-type: none"> Restaurants with drive-thru services 	N	N	N
<ul style="list-style-type: none"> On-site cafeteria that is secondary to, and serving employees of, a permitted use 	P	P	P
INDUSTRIAL			
<ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code, 	P	P	P
<ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations. 	C	P	C
<ul style="list-style-type: none"> Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals 	N	C	N
<ul style="list-style-type: none"> Distribution, warehousing and storage associated with a permitted use operating on the same site 	P	P	P

Uses	LI	GI	EI ¹
Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P	P	P
Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building ⁹	N	P	C
<ul style="list-style-type: none"> • Mini-warehousing or self-storage 	N	P	N
<ul style="list-style-type: none"> • Medical or dental laboratories, including biomedical compounding 	P	P	P
<ul style="list-style-type: none"> • Laboratories (not medical or dental) 	P	P	P
<ul style="list-style-type: none"> • Research and development and associated manufacturing 	P	P	P
<ul style="list-style-type: none"> • Contractors' storage and equipment yards, 	C	P	C ⁴
Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses ¹⁰	P	P	P
<ul style="list-style-type: none"> • Industrial laundry, dry cleaning, dyeing, or rug cleaning plants 	C	P	N
<ul style="list-style-type: none"> • Sawmills 	C	C	N
<ul style="list-style-type: none"> • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants 	N	C	N
<ul style="list-style-type: none"> • Solid waste transfer stations 	N	C	N
The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
<ul style="list-style-type: none"> • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community 	N	N	N

Uses	LI	GI	EI ¹
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities not otherwise permitted in this code	N	N	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ¹¹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

⁵ Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

⁶ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

⁷Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

¹⁰ These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

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 (Variances and Adjustments).

B. Development Standards

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

Development Standards by Zone	LI	GI	EI
Lot area- Industrial Uses:	10,000 SF	20,000 SF	3 acres ⁹
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	20,000 SF	10,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback ¹¹	20 feet	None	20 feet
Side Yard Setback ¹⁰	None	None	None
Rear Yard Setback ¹¹	None	None	None
Corner lot street side ¹¹	20 feet	None	20 feet
Height ¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and

- b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - 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, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)