



Community Development Code

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GENERAL PROVISIONS

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CHAPTER 1
GENERAL PROVISIONS

1.100 INTRODUCTION

1.101 GENERALLY

1.101.01 Title

Title Ordinance shall be known as the City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City Comprehensive Plan, hereinafter referred to as the "Code".

1.101.02 Purpose

This Code is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. Minimize congestion on streets.
- G. Promote orderly growth of the City.
- H. Prevent undue concentrations of population.
- I. Facilitate adequate provision of community facilities.
- J. Promote in other ways the public health, safety, convenience, and general welfare.
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use Goals.

1.101.03 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City shall conform to the requirements of this Code, except as allowed by Section 2.206. Age, gender or physical disability shall not be an adverse consideration in making a land use decision as defined in ORS 197.015(10).

1.101.04 Violations

Upon failure to comply with or maintain any provision of this Code, or with any restrictions or conditions imposed hereunder, the City may withhold or withdraw any City land use approvals, permits, licenses, or utility services until the appropriate correction(s) is made. Notwithstanding any such action taken by the City, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Code, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than five-hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1.101.05 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

1.101.06 Savings Clause

Should any section, clause or provision of this Code be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Code as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.101.07 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the City are superseded and replaced by this Code.

1.101.08 Regional, State and Federal Regulations

All development within the City shall adhere to all applicable regional, State and Federal air quality, water quality, noise, odor, building, wetlands, solid waste, natural resource, and other regulations and statutes.

1.101.09 Community Development Plan

This Code shall be administered in conjunction with, and in a manner that is consistent with, the policies and strategies adopted in the City of Sherwood, Oregon, Community Development Plan, Part 2 of the City Comprehensive Plan. The City Zoning Map, the Transportation Plan Map, the Natural Resources and Recreation Plan Map, the Water Service Plan Map, the Storm Drainage Plan Map, and the Sanitary Sewer Service Plan Map are extracted from the Community Development Plan, and attached to this Code as appendices. References to these maps shall be deemed to include all applicable policies, standards and strategies contained in Chapters 4, 5, 6, and 7 of the Community Development Plan.

1.102 ESTABLISHMENT OF ZONING DISTRICTS

1.102.01 Districts

For the purposes of this Code, the City is hereby divided into the following zoning districts:

Very Low Density Residential	VLDR
Low Density Residential	LDR
Medium Density Residential-Low	MDRL
Medium Density Residential-High	MDRH
High Density Residential	HDR
Neighborhood Commercial	NC
Office Commercial	OC
Office Retail	OR
Retail Commercial	RC
General Commercial	GC
Light Industrial	LI
General Industrial	GI
Flood Plain Overlay	FP
Institutional/Public	IP
Old Town Overlay	OT

1.102.02 Official Map

Zoning district boundaries are shown on the Official Plan and Zoning Map of the City. This Map is made part of this Code by reference, and shall be kept on file in the City Recorder's office. Any future changes to the zoning of land within the City shall be appropriately depicted on the Plan and Zoning Map and certified as to the date of amendment. The Official Plan and Zoning Map shall be the first and final reference point for verifying other land use mapping and in determining actual zoning district boundaries. A dated reproduction of the Official Plan and Zoning Map is attached as Appendix A.

1.102.03 Zoning District Boundaries

The Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Official Plan and Zoning Map, the Commission shall rely on the following guidelines:

- A. Unless otherwise indicated, zoning district boundaries are the centerlines of streets, roads, highways, alleys, or such lines extended.
- B. Where a boundary line follows or nearly coincides with a section, lot or property ownership line, the boundary shall be construed as following such line.

- C. In the event that a dedicated street, road, highway, or alley is vacated by ordinance, the zoning regulations applicable to abutting property shall apply up to the centerline of such rights-of-way.
- D. If a right-of-way is vacated in total to one (1) property, the zoning of that property shall apply to the total vacated right-of-way.

1.102.04 Urban Growth Area

The zoning districts shown on the Official Plan and Zoning Map, for land outside of the incorporated area of the City but within the Urban Growth Boundary, shall serve as a guide to development in these areas. Actual land use regulation and development shall be controlled under the terms of the Urban Planning Area Agreement between the City and Washington County. This Agreement is made part of this Code by reference and is attached as Appendix H. An area incorporated into the City shall, upon annexation, be given an interim zoning consistent with the Official Plan and Zoning Map. The City shall provide notice of this interim zoning as per Section 3.202.03. No hearing shall be required and the interim zoning shall be considered final thirty (30) days after mailing of said notice.

1.103 PLANNING COMMISSION

1.103.01 Appointment and Membership

- A. The City Planning Commission shall consist of seven (7) members to be appointed by the Council for terms of four (4) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Commission members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Commission member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. No more than two (2) Commission members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade or profession.

1.103.02 Officers, Minutes, and Voting

- A. The Commission shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Commission.
- B. Before any meeting of the Commission, public notice shall be given as required by State statute and this Code. Accurate records of all Commission proceedings shall be kept by the City, and maintained on file in the City Recorder's office.
- C. A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

1.103.03 Conflicts of Interest

- A. Commission members shall not participate in any Commission proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by a Commission member in a land use action as per Section 1.103.03A shall be disclosed by that member at the meeting of the Commission where the action is being taken. Commission members shall also disclose any pre-hearing or ex parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Commission. Ex-parte contacts shall not invalidate a final decision or action of the Commission, provided that the member receiving the contact indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

1.103.04 Powers and Duties

Except as otherwise provided by law, the Commission shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances.

1.104 HEARINGS OFFICER

1.104.01 Appointment

- A. The City Council shall appoint a Hearings Officer for a term of two (2) years. The Hearings Officer shall be selected after requesting applications and interviewing selected candidates. The Hearings Officer may be terminated by a majority vote of the City Council.
- B. If the office of Hearings Officer is vacant or the Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.

1.104.02 Minutes

Before any meeting of the Hearings Officer, public notice shall be given as required by state statute and this Code. Accurate records of all Hearings officer proceedings shall be kept by the City and maintained on file in the City Recorder's Office.

1.104.03 Conflicts of Interest

- A. The Hearings Officer shall not participate in any proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, the Hearings Officer shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by the Hearings officer in a land use action shall be disclosed by the Hearings officer at the meeting where the action is being taken. The Hearings Officer shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Hearings Officer. Ex-parte contacts shall not invalidate a final decision or action of the Hearings Officer, provided that the Hearings Officer indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

1.104.04 Powers and Duties

Except as otherwise provided by law, the Hearings Officer shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, this Code, and City ordinances.

1.200 DEFINITIONS

1.201 GENERALLY

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1.202 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

- 1.202.01 Abut:** Contiguous to or adjoining with a common property line or right-of-way.
- .02 **Access:** The way or means by which pedestrians and vehicles enter and leave property.
- .03 **Accessory Building/Use:** A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.
- .04 **Alteration:** Any change in construction or a change of occupancy. Where the term "alteration" is in reference to construction, it applies to a change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another.
- .05 **Apartment:** Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.
- .06 **Assisted Living Facilities:** A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

- .07 **Automobile Sales Area:** An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done, except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.
- .08 **Basement:** Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.
- .09 **Boarding or Rooming House:** Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.
- .10 **Building:** Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings shall be deemed a separate building.
- .11 **Building Area:** That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.
- .12 **Building, Existing:** Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.
- .13 **Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:
 - A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
 - B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in Section 1.202.12.A is more than ten (10) feet above lowest grade.
- .14 **Building Official:** The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.
- .15 **Building Permit:** A permit issued under the terms of the Uniform Building Code.

- .16 **Buffer:** A landscaped area, wall, berm or other structure or use established to separate and protect land uses.
- .17 **Change in Use:** A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.
- .18 **Church:** Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.
- .19 **City:** The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.
- .20 **Code:** The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.
- .21 **Co-Location:** The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.
- .22 **Commercial Trade School:** Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.
- .23 **Commission:** The City of Sherwood Planning Commission.
- .24 **Common-Wall Dwelling:** Dwelling units with shared walls such as two-family, and multi-family dwellings.
- .25 **Community Development Plan:** Part 2 of the City of Sherwood Comprehensive Plan.
- .26 **Compatible:** Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.
- .27 **Comprehensive Plan:** The City of Sherwood Comprehensive Plan.
- .28 **Conditional Use:** A use permitted subject to special conditions or requirements as defined in any given zoning district and Section 4.300 of this Code.
- .29 **Condominium:** An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.

- .30 **Convalescent Homes:** See Nursing Home in this Code.
- .31 **Council:** The City of Sherwood City Council.
- .32 **Day-Care Facility:** Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.
- .33 **Deed Restriction:** A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.
- .34 **Demolish:** To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.
- .35 **Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per net acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.
- .36 **Development:** Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.
- .37 **Development Plan:** Any plan adopted by the City for the guidance of growth and improvement in the City.
- .38 **Drive-In Restaurant:** Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including any establishment designed for serving customers at a drive-up window or in automobiles.

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- .39 **Dwelling Unit:** Any **room, suite of rooms**, enclosure, building or structure designed or used as a residence for one (1) family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.
- .40 **Dwelling, Single-Family:** A structure containing one (1) dwelling unit.
- .41 **Dwelling, Single-Family Attached:** A single structure on two (2) lots, containing two (2) individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.
- .42 **Dwelling, Two-Family:** A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances. Also referred to as a duplex.
- .43 **Dwelling, Multi-Family:** A single structure containing three (3) or more dwelling units.
- .44 **Easement:** The grant of the legal right to use of land for specified purposes.
- .45 **Educational Institution:** Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 1.202.
- .46 **Expedited Land Division:** A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.
- .47 **Evergreen:** A plant which maintains year-round foliage.
- .48 **Ex-parte Contact:** Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

- .49 **Extra Capacity Improvements:** Improvements that are defined as necessary in the interest of public health, safety and welfare by Chapter 5, 6, and 8 of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.
- .50 **Family:** One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.
- .51 **Family Day Care Provider:** A day care provider which accommodates fewer than thirteen (13) children in the provider's home.
- .52 **Fence:** Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.
- .53 **Fire District:** Tualatin Valley Fire and Rescue.
- .54 **Flag Lot:** A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.
- .55 **Flood Plain:** The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.
- .56 **Floodway:** The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.
- .57 **Flood Fringe:** The area of the flood plain lying outside of the floodway.
- .58 **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".
- .59 **Footcandle:** A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.
- .60 **Frontage:** That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot facing a street, shall not be deemed the lot frontage.

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- .61 **Garage:** A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.
 - .62 **Government Structure:** Any structure used by a federal, state, local government, or special district agency.
 - .63 **Ground Floor Area:** The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.
 - .64 **Hard Surface:** Any man-made surface that prevents or retards the saturation of water into land, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impermeable surface.
 - .65 **Hazardous Waste:** Has the meaning given that term in ORS 466.005.
 - .66 **Hearing Authority:** The City of Sherwood Planning Commission, City Council, Landmarks Advisory Board or Hearings Officer.
 - .67 **Hearings Officer:** An individual appointed by the City Council to perform the duties as specified in this Code.
 - .68 **Hogged Fuel:** Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.
 - .69 **Home Occupation:** An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of the family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - .70 **Hotel:** A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms customarily do not contain full kitchen facilities, but may include kitchenettes.
 - .71 **Homeowners Association:** A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, or parking maintenance, or other activities provided for by covenant or legal agreement.
 - .72 **Household:** All persons occupying a group of rooms or a single room which constitutes a dwelling unit.

- .73 **Inert Material:** Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.
- .74 **Junk:** Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.
- .75 **Junk-Yard:** Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.
- .76 **Kennel:** Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.
- .77 **Laboratory, Medical or Dental:** A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.
- .78 **Landmarks Board:** The City of Sherwood Landmarks Advisory Board.
- .79 **Leachate:** Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.
- .80 **Level of Service (LOS):** A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" through "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).
- .81 **Limited Land Use Decision:** A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition, or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.

- .82 **Loading or Unloading Space:** An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.
- .83 **Lower Explosive Limit:** The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.
- .84 **Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:
 - A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
 - B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.
- .85 **Lot Area:** The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.
- .86 **Lot, Corner:** A lot situated at the intersection of two (2) or more streets, other than an alley.
- .87 **Lot Coverage:** The proportional amount of land on a lot covered by buildings.
- .88 **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.
- .89 **Lot Frontage:** The distance parallel to the front lot line, measured between side lot lines at the street line.
- .90 **Lot, Interior:** A lot other than a corner lot.
- .91 **Lot of Record:** Any unit of land created as follows:
 - A. A parcel in an existing, duly recorded subdivision or partition.
 - B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.
 - C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and

bounds under the same ownership and not conforming to the minimum requirements of this Code shall be considered one (1) lot of record.

- .92 **Lot, Through:** A lot having frontage on two (2) parallel or approximately parallel streets.
- .93 **Lot Lines:** The property lines bounding a lot.
- .94 **Lot Line, Front:** The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.
- .95 **Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.
- .96 **Lot Line, Side:** Any lot line not a front or rear lot line.
- .97 **Lot Width:** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.
- .98 **Manufactured Home:** A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development and shall have been constructed after June 15, 1976.
- .99 **Manufactured Home Park:** A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.
- .100 **Manufactured Home Space:** A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.
- .101 **Mixed Solid Waste:** Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.
- .102 **Motel:** See Hotel.
- .103 **Municipal Solid Waste:** Solid waste primarily from residential, business, and institutional uses.

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- .104 **Net Buildable Acre:** Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally sensitive areas, public parks and other public uses.
- .105 **Non-Attainment Area:** A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.
- .106 **Non-Conforming Structure or Use:** A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.
- .107 **Nursing Home:** An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.
- .108 **Occupancy Permit:** The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.
- .109 **Occupy:** To take or enter upon possession of.
- .110 **Office:** A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.
- .111 **Off-Street Parking:** Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.
- .112 **Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.
- .113 **Parks Board:** The City of Sherwood Parks Advisory Board.
- .114 **Partition:** The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include:

divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

- .115 **Partition Land:** A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).
- .116 **Partition Plat:** Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.
- .117 **Pedestrian Facilities:** Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.
- .118 **Pedestrian Way:** A right-of-way for pedestrian traffic.
- .119 **Person:** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- .120 **Plat:** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.
- .120 **Plat, Preliminary:** A map and plan of a proposed subdivision, as specified by this Code.
- .121 **Principal Building/Use:** The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.
- .122 **Professional Engineer:** A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).
- .123 **Professions:** Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.

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- .124 **Public Hearing:** Hearings held by the Commission or the Council for which a form of prescribed public notice is given.
 - .125 **Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.
 - .126 **Public Place:** Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.
 - .127 **Public Use Building:** Any building or structure owned and operated by a government agency for the convenience and use of the general public.
 - .128 **Public Utility Facilities:** Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.
 - .129 **Recycled Materials:** Solid waste that is transformed into new products in such a manner that the original products may lose their identity.
 - .130 **Recycling:** The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.
 - .131 **Residential Care Facility:** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
 - .132 **Residential Care Home:** A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.
 - .133 **Residential Structure:** Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.
 - .134 **Restrictive Covenant:** A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.
 - .135 **Retail Trade:** The sale of goods and products to the consumer generally for direct consumption and not for resale.

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- .136 **Retaining Wall:** A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.
 - .137 **Right-of-Way:** The area between boundary lines of a street or other easement.
 - .138 **Road:** The portion or portions of street rights-of-way developed for vehicular traffic.
 - .139 **Rural Zone:** A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.
 - .140 **Sanitariums:** An institution for the treatment of chronic diseases or for medically supervised recuperation.
 - .141 **School:** See Educational Institution
 - .142 **Sealed Container:** A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.
 - .143 **Setback:** The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.
 - .144 **Sidewalk:** A pedestrian walkway with hard surfacing.
 - .145 **Sight Distance:** The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.
 - .146 **Sign:** An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.
 - .147 **Skirting:** A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.
 - .148 **Soil Amendment:** A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.
 - .149 **Solid Waste:** Has the meaning given that term in ORS 159.005.
 - .150 **Solid Waste Facility:**

- A. **Conditionally Exempt Small Quantity Collection Facility:** A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.
- B. **Demolition Landfill:** A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.
- C. **Household Hazardous Waste Depot:** A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.
- D. **Limited Purpose Landfill:** A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.
- E. **Resource Recovery Facility:** A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.
- F. **Mixed Construction and Demolition Debris Recycling Facility:** A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.
- G. **Solid Waste Composting Facility:** A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.
- H. **Monofill:** A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.
- I. **Municipal Solid Waste Depot:** A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.
- J. **Small Scale Specialized Incinerator:** A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a

permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.

- K. **Solid Waste Facilities:** Any facility or use defined in Section 1.202.144 of this Code.
 - L. **Solid Waste Transfer Station:** A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.
 - M. **Treatment and Storage Facility:** A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC SS 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.
 - N. **Wood Waste Recycling Facility:** A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.
 - O. **Yard Debris Depot:** A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.
 - P. **Yard Debris Processing Facility:** A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.
- .151 **Solid Waste Processing:** An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.
- .152 **Special Care Facility:** A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this Code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must

be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility building(s).

- .153 **Specialized Living Facility:** Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.
- .154 **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.
- .155 **Story, First:** The lowest story in a building, provided such floor level is not more than four (4) feet below grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.
- .156 **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.
- .157 **Street:** A public or private road, easement or right-of-way that is created to provide access to one or more lots, parcels, areas or tracts of land. Categories of streets include:

A. Alley: A narrow street, typically **abutting** to the rear lot **or property line**, [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]

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B. Arterial: Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]

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C. Bikeway: Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:

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- (1) Multi-use Path. A paved way (typically 8 to 12-feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- (2) Bike Lane. A portion of the street (typically 4 to 6-feet wide) that has

been designated by permanent striping and pavement markings for the exclusive use of bicycles.

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(3) **Shoulder Bikeway.** The paved shoulder of a street that does not have curbs or sidewalks that is 4 feet or wider and is typically shared with pedestrians.

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(4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles. Also called Bike Route.

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(5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multi-use path and trail cross-sections).

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D. Collector: Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]

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E. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 6.305.06.

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F. Half Street: A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.

G. Local Street: Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a & 8-5b of the Transportation System Plan illustrate local street cross-sections.]

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H. Marginal Access Street (frontage or backage road): A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]

I. Neighborhood Route : Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]

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J. Principal Arterial: Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

- .158 **Street Line:** A dividing line between a lot and a street right-of-way.
- .159 **Street Plug:** A narrow strip of land located between a subdivision and other property, that is conveyed to the City for the purpose of giving the City control over development on the adjacent property.
- .160 **Structure:** That which is built or constructed, an edifice or building or any kind, or any piece of work artificially built up or composed of parts joined together in some manner.
- .161 **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- .162 **Subdivision:** The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- .163 **Subdivision Improvements:** Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.
- .164 **Temporary Use:** A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.
- .165 **Townhomes:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units.

.166 Transportation facilities and improvements: The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
2. Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way;

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- 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
- 4. Landscaping as part of a transportation facility;
- 5. Emergency measures necessary for the safety and protection of property.
- 6. Street or road construction as part of an approved land use application;
- 7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit; and
- 8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit.

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- .167 **Unified Sewerage Agency:** An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.
- .168 **Urban Growth Boundary:** The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.
- .169 **Urban Zone:** A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.
- .170 **Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- .171 **Use by Right:** A use which is a "use permitted outright" in any given zoning district established by this Code.
- .172 **Warehouse:** A structure or part of a structure used for storing and securing goods, wares or merchandise.
- .173 **Wetlands:** Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).
- .174 **Wholesale Trade:** The sale of goods and products to an intermediary generally for resale.

- .175 **Wireless Communication Facility:** An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.
- .176 **Yard:** The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:
- A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
 - B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.
 - C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.
- .177 **Zero-Lot-Line:** Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

CHAPTER 2
LAND USE AND DEVELOPMENT

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CHAPTER 2**LAND USE AND DEVELOPMENT****2.100 ZONING DISTRICTS****2.101 VERY LOW DENSITY RESIDENTIAL (VLDR)****2.101.01 Purpose**

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density generally not to exceed one (1) dwelling unit per acre and a density not less than 0.7 dwelling units per acre. If developed through the PUD process, as per Section 2.202, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two (2) dwelling units per acre and a density not less than 1.4 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

2.101.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Accessory dwelling unit subject to Section 2.208.
- C. Manufactured homes on individual lots as per Section 2.205.01.
- D. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures or the raising of animals other than household pets.
- E. Home occupations, subject to Section 2.203.
- F. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical, in the City's determination, in physical form to other types of housing allowed in the VLDR zone.
- G. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

- H. PUDs, subject to Sections 2.202 and 2.101.07.
- I. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- J. Residential care facility.

2.101.03 Conditional Uses

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

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

- L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Section 2.306.
- M. Raising of animals other than household pets.
- N. Public golf courses.

2.101.04 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 Section 4.400.

A. Lot Dimensions

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

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

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
 - a. Single-Family Detached: 5 feet
 - b. Corner Lots (street side): 20 feet
 - c. Single-Family Attached (one side): 20 feet
- 3. Rear yard: 20 feet
- 4. Accessory buildings see Section 2.207 – Accessory Uses.

C. Height

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

2.101.05 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapters 5, 8 and 9.

2.101.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.101.07 Special Density Allowances

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

- A. The housing development is approved as a PUD, as per Section 2.202; and
- B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 8.202; natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated as per current Federal regulations and Chapter 8 of this Code; and
- C. The Commission determines that the higher density development would better preserve natural resources as compared to a one (1) unit to the acre design.

2.102 LOW DENSITY RESIDENTIAL (LDR)

2.102.01 Purpose

The LDR zoning district provides for single-family housing and other related uses with a density not to exceed five (5) dwelling units per acre and a density not less than 3.5 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

2.102.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Accessory dwelling unit subject to Section 2.208.
- C. Manufactured homes on individual lots as per Section 2.205.01.
- D. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- E. Home occupations, subject to Section 2.203.
- F. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- G. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- H. PUDs, subject to Sections 2.202 and 2.101.07.
- I. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- J. Residential care facility.

2.102.03 Conditional Uses

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

- A. Churches and parsonages.
- B. Cemeteries and crematory mausoleums.
- C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- D. Daycare facilities other than family day care providers, which are permitted outright.
- E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- G. Plant nurseries and other agricultural uses including commercial buildings and structures.
- H. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- I. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- J. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- K. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Section 2.306.
- M. Raising of animals other than household pets.
- N. Public golf courses.

2.102.04 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot area: 7,000 square feet
- 2. Lot width at front property line: 25 feet
- 3. Lot width at building line: 60 feet
- 4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
 - a. Single-Family Detached: 5 feet
 - b. Corner Lots (street side): 20 feet
 - c. Single-Family Attached (one side): 20 feet
- 3. Rear yard: 20 feet
- 4. Accessory buildings see Section 2.207 – Accessory Uses.

C. Height

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

2.102.05 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 design, see Chapters 5, 8 and 9.

2.102.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.103 MEDIUM DENSITY RESIDENTIAL LOW (MDRL)

2.103.01 Purpose

The MDRL zoning district provides for single-family and two-family housing, manufactured housing on individual lots and in manufactured home parks, and other related uses, with a density not to exceed eight (8) dwelling units per acre and a density not less than 5.6 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements.

2.103.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Section 2.208
- D. Manufactured homes on individual lots as per Section 2.205.01.
- E. Manufactured home parks, subject to Section 2.205.02.
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Section 2.203.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

- J. PUDs, subject to Sections 2.202 and 2.101.07.
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- L. Residential care facility.

2.103.03 Conditional Uses

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

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers, which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

2.103.04 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot areas:
 - a. Single-Family Detached or Attached: 5,000 sq ft
 - b. Two-Family: 10,000 sq ft
 - c. Manufactured Homes: 5,000 sq ft
- 2. Lot width at front property line: 25 feet
- 3. Lot width at building line:
 - a. Single-Family: 50 feet
 - b. Two-Family: 60 feet
 - c. Manufactured Homes: 50 feet
- 4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
 - a. Single-Family Detached: 5 feet
 - Corner Lots (street side): 15 feet
 - b. Single-Family Attached (one side): 15 feet
 - c. Two-Family: 5 feet
 - Corner Lot (street side): 15 feet

2.104 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)**2.104.01 Purpose**

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing on individual lots, multi-family housing, and other related uses, with a density not to exceed eleven (11) dwelling units per acre and a density not less than 5.5 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

2.104.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Section 2.208.
- D. Manufactured homes on individual lots as per Section 2.205.01.
- E. Multi-family dwellings.
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Section 2.203.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- J. PUDs, subject to Sections 2.202 and 2.101.07.
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- L. Residential care facility.
- M. Townhomes, subject to Section 2.204.

2.104.03 Conditional Uses

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

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

2.104.04 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot areas:
 - a. Single-Family Detached: 5,000 sq ft
 - b. Single-Family Attached: 4,000 sq ft
 - c. Two-Family: 8,000 sq ft
 - d. Manufactured Homes: 5,000 sq ft
 - e. Multi-Family: 8,000 sq ft
(for the first two (2) units & 3,200 sq ft
for each additional unit)
- 2. Lot width at front property line: 25 feet
- 3. Lot width at building line:
 - a. Single-Family: 50 feet
 - b. Two-Family & Multi-Family: 60 feet
 - c. Manufactured Homes: 50 feet
- 4. Lot depth: 80 feet
- 5. Townhome lots are subject to Section 2.204.

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
 - a. Single-Family Detached: 5 feet
Corner Lot (street side): 15 feet
 - b. Single-Family Attached (one side): 5 feet
 - c. Two-Family: 5 feet
Corner Lot (street side): 15 feet

density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

2.105.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Section 2.208.
- D. Manufactured homes on individual lots as per Section 2.205.01.
- E. Multi-family dwellings, including boarding and rooming houses.
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Section 2.203.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- J. PUDs, subject to Sections 2.202 and 2.101.07.
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- L. Residential Care Facility.
- M. Special Care Facilities including but not limited to convalescent homes, nursing homes, specialized living facilities and assisted living facilities.
- N. Townhomes, subject to Section 2.204.

2.105.03 Conditional Uses

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

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- H. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- I. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- J. Raising of animals other than household pets.
- K. Public golf courses.

2.105.04 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot areas:
 - a. Single-Family Detached: 5,000 sq ft
 - b. Single-Family Attached: 4,000 sq ft
 - c. Two-Family: 8,000 sq ft
 - e. Multi-Family: 8,000 sq ft
(for the first two (2) units & 1,500 sq ft
for each additional unit)
- 2. Lot width at front property line: 25 feet
- 3. Lot width at building line:
 - a. Single-Family: 50 feet
 - b. Two-Family & Multi-Family: 60 feet
- 4. Lot depth: 80 feet
- 5. Townhome lots are subject to Section 2.204.

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
 - a. Single-Family Detached: 5 feet
Corner Lot (street side): 15 feet
 - b. Single-Family Attached (one side): 5 feet
 - c. Two-Family: 5 feet
Corner Lot (street side): 15 feet
 - d. Multi-Family:
 - 1 Story: 5 feet
 - 2 Stories: 7 feet
 - 2-1/2 Stories: 8 feet
 - Corner Lot (street side): 30 feet

3. Rear yard: 20 feet
4. Accessory buildings see Section 2.207 – Accessory Uses.
5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.
6. Townhomes, subject to Section 2.204

C. Height

Except as otherwise provided the maximum height of structures shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

2.105.05 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 Chapters 5, 8 and 9.

2.105.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.106 OFFICE COMMERCIAL (OC)

2.106.01 Purpose

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

2.106.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Offices, studios or clinics of architects, artists, attorneys, dentists, engineers, physicians, or other similar professional services, excepting veterinarians.

- B. Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.
- C. Restaurants, taverns and lounges.
- D. Other similar office uses, subject to Section 4.600.
- E. PUDs, subject to Section 2.202.
- F. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- G. Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 2.105.04 High Density Residential (HDR) Dimensional Standards.

2.106.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with section 4.300:

- A. Hotels and motels.
- B. Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.
- C. Uses permitted outright in the RC zone, pursuant to Section 2.109.

2.106.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.

2.106.05 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 Section 4.400.

A. Lot Dimensions

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

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

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

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

C. Height

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

2.106.06 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 design, see Chapters 5, 8 and 9.

2.106.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.107 OFFICE RETAIL (OR)

2.107.01 Purpose

The OR zoning district provides areas for business and professional offices and related uses in locations that are adjacent to housing and supported by an adequate road system.

2.107.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Offices of architects, artists, attorneys, dentists, engineers, physicians and other similar professional services.
- B. Small animal clinic veterinarians with indoor kennels for small animal patient use only.
- C. Business and professional offices including educational, financial, governmental, non-profit, real estate, research, or other similar service organizations.
- D. Other similar offices uses, subject to Section 4.600.
- E. PUDs, subject to Section 2.202.
- F. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500 and not to exceed one year.
- G. General retail trade, not exceeding 10,000 square feet of gross square footage.
- H. Other business services, including but not limited to duplicating, photocopying, mailing services, fax and computer facilities, employment agencies, business management services, office and communication equipment services and real estate offices.
- I. Other personal services, including but not limited to day cares, preschools, and kindergartens, when clearly secondary to a commercial use.
- J. Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 2.105.04 High Density Residential (HDR) Dimensional Standards.

2.107.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Hotels and motels.
- B. Multi-family residential, including apartments, condominiums and townhouses when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.
- C. Hospitals.
- D. Restaurants without drive-thru when located greater than 100 feet from any residential property.
- E. Taverns or lounges when clearly secondary to the primary use.
- F. Health clubs.

2.107.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.
- B. Restaurants, taverns, and lounges with drive-thru.
- C. Wholesale trade, warehousing, commercial storage, and mini-warehousing.
- D. All automotive and equipment repair and service, unless clearly incidental and secondary to and customarily associated with a use permitted outright.
- E. Farm and garden supply stores, plant nurseries, and other agricultural uses, excluding florist shops which are permitted outright.
- F. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service including automobile service stations.
- G. Motion pictures and live theaters.
- H. Radio, television, and similar communication stations, including transmitters.
- I. Junkyards and salvage yards.
- J. Contractors storage and equipment yards.
- K. Building material sales and lumberyards.
- L. Churches and parsonages.

- M. Cemeteries and crematory mausoleums.
- N. Convenience stores.
- O. Pawn shops.
- P. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.
- Q. Kennels.
- R. Grocery stores.

2.107.05 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot area: 10,000 square feet
- 2. Lot width at property line: 85 feet
- 3. Lot width at building line: 100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None
- 2. Side yards: None, except thirty (30) feet when abutting a residential zone or public park.
- 3. Rear yard: None, except thirty (30) feet wen abutting a residential zone or public park.

4. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided the maximum height of structures shall be three (3) stories or 45 feet, whichever is less, except that for every two (2) feet of increased setback the maximum height may be increased one (1) foot. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

2.107.06 Special Criteria

- A. Retail uses shall be limited to 60,000 square feet of gross leasable area per building or business.
- B. Uses shall be conducted entirely within enclosed buildings, except for:
 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.
 2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- C. No more than four (4) permitted or conditional uses may be established within any single Office Retail (OR) zoning property.
- D. Permitted and conditional uses may operate only between the hours of 6:30 AM and 11:00 PM.

2.107.07 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 design, see Chapters 5, 8 and 9.

2.107.08 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.108 NEIGHBORHOOD COMMERCIAL (NC)**2.108.01 Purpose**

The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.

2.108.02 Permitted Uses

The following uses are permitted outright provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.
- B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.
- C. Personal and business services, including day cares, preschools, and kindergartens.
- D. Postal substations when located entirely within and incidental to a use permitted outright.
- E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.
- F. Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 2.105.04 High Density Residential (HDR) Dimensional Standards.

2.108.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Public and private schools providing education at the elementary school level or higher, but excluding commercial trade schools which are prohibited.
- B. Automotive service stations, except as excluded by Section 2.107.04F.
- C. Restaurants, taverns, and lounges, but excluding establishments with drive-in or take-out services which are prohibited.
- D. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.

- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.
- G. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.108, that is essential to and customarily associated with uses permitted outright.

2.108.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.
- B. Veterinarian offices and animal hospitals.
- C. Restaurants, taverns, and lounges with drive-in or take-out services.
- D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.
- E. All automotive and equipment repair and service, unless clearly incidental and secondary to and customarily associated with a use permitted outright.
- F. Commercial trade schools.
- G. Farm and garden supply stores, plant nurseries, and other agricultural uses, excluding florist shops which are permitted outright.
- H. Automobile, recreational vehicle, motorcycle, manufactured home, boat, farm, and other large equipment sales, parts sales, rental or service.
- I. Blueprinting, printing, publishing or other reproduction services.
- J. Motion pictures and live theaters.
- K. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.
- L. Radio, television, and similar communication stations, including transmitters.
- M. Junkyards and salvage yards.
- N. Contractors storage and equipment yards.

- O. Building material sales and lumberyards.
- P. Churches and parsonages.
- Q. Cemeteries and crematory mausoleums.
- R. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.
- S. Medical, dental, and similar laboratories.
- T. Motels or hotels.
- U. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, golf courses, and other similar clubs.
- V. Public recreational facilities, including but not limited to parks, playfields, golf courses, and sports and racquet courts.

2.108.05 Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone as stated in Section 2.108.01, and:

- A. Shall be conducted entirely within enclosed buildings, except for:
 - 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.
 - 2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.
- C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.

- D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM.

2.108.06 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 Section 4.400.

A. Setbacks

1. Front yard: 20 feet.
2. Side yard: None, except that when abutting a residential zone, there shall be the same side yard as required in the residential zone.
3. Rear yard: None, except ten (10) feet when abutting a residential zone or public park.
4. Corner lots: Twenty (20) feet on any side facing a street.
5. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

B. Height

Except as otherwise provided, the maximum height of buildings in the NC zone shall be limited to the height requirements of the least restrictive abutting residential zone.

2.108.07 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 spaces, on-site storage, and site design, see Chapters 5, 8 and 9.

2.108.08 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.109 RETAIL COMMERCIAL (RC)**2.109.01 Purpose**

The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.
- B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.
- C. Personal and business services, including day cares, preschools, and kindergartens.
- D. Postal substations when located entirely within and incidental to a use permitted outright.
- E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.
- F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.
- H. Commercial trade schools.
- I. Motion picture and live theaters, but excluding drive-ins which are prohibited.
- J. Restaurants, taverns, and lounges.
- K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.
- L. Blueprinting, printing, publishing, or other reproduction services.

- M. Multi-family housing with a Planned Unit Development (PUD) subject to the provisions of Section 2.105.04 High Density Residential (HDR) Dimensional Standards.
- N. Churches under 5,000 square feet in size.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building.
- B. Automotive, light truck and small equipment repair and service, when conducted entirely within an enclosed building.
- C. Churches when all structures together total over 5,000 square feet in size.
- D. Cemeteries and crematory mausoleums.
- E. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.
- G. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- H. Medical, dental, and similar laboratories.
- I. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.
- J. Motels or hotels.
- K. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings as defined in 2.109.06B.
- L. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

- M. Public and private schools providing education at the elementary school level or higher.
- N. Veterinarian offices and animal hospitals.
- O. Building material sales and lumber yards when conducted entirely within an enclosed building.
- P. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building.
- Q. Residential care facilities.
- R. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, nursing homes, specialized living facilities and assisted living facilities.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.
- B. Junkyards and salvage yards.
- C. Drive-in motion picture theaters.
- D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.
- E. Contractors storage and equipment yards.
- F. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other large equipment sales, rental, or service.
- G. Radio, telephone, and similar communication stations, including transmitters.
- H. Wholesale plant nurseries.
- I. Any other prohibited uses noted in Sections 2.109.02 or 2.109.03.

2.109.05 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot area: 5,000 sq ft
- 2. Lot width at front property line: 40 feet
- 3. Lot width at building line: 40 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None, except when the lot abuts a residential zone, the front yard shall be that required in the residential zone.
- 2. Side yard: None, except ten (10) feet where adjoining a residential zone or public park.
- 3. Rear yard: None, except ten (10) feet where adjoining a residential zone or public park.
- 4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures 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 area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 Community Design

- A. 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 Chapters 5, 8 and 9.
- B. The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all

exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 GENERAL COMMERCIAL (GC)**2.110.01 Purpose**

The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.
- B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.
- C. Personal and business services, including day cares, preschools, and kindergartens.
- D. Postal substations when located entirely within and incidental to a use permitted outright.
- E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.
- F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.
- H. Commercial trade schools.
- I. Motion picture and live theaters, but excluding drive-ins which are prohibited.
- J. Restaurants, taverns, and lounges.
- K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.
- L. Blueprinting, printing, publishing, or other reproduction services.

- M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.
- N. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.
- O. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- P. Veterinarian offices and animal hospitals.
- Q. Agricultural uses including but not limited to farming and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.
- R. Medical, dental, and similar laboratories.
- S. Truck and bus yards and terminals.
- T. Adult entertainment business, subject to Section 2.209.
- U. 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.
- V. Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 2.105.04 High Density Residential (HDR) Dimensional Standards.
- W. Churches under 5,000 square feet in size.

2.110.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.
- B. 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.
- C. Churches over 5,000 square feet in size.

- D. Cemeteries and crematory mausoleums.
- E. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.
- F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.
- G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.
- H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.
- I. Motels or hotels.
- J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building as defined in 2.110.06(B).
- K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.
- L. Public and private schools providing education at the elementary school level or higher.
- M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.110, that is essential to and customarily associated with any use permitted outright.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Junkyards and salvage yards.
- B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.110.02 and 2.110.03.
- C. Any other prohibited use noted in Section 2.110.03.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot area: 10,000 sq ft
- 2. Lot width at front property line: 70 feet
- 3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.
- 2. Side yard: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
- 3. Rear yard: None, unless abutting a residential zone, then there shall be minimum of twenty (20) feet.
- 4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures 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 area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.110.06 Community Design

- A. 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 Chapters 5, 8 and 9.
- B. The residential portion of a mixed use can be considered clearly secondary to commercial uses in mixed use developments when traffic trips generated,

dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor.

2.110.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.111 LIGHT INDUSTRIAL (LI)

2.111.01 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.

2.111.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8. 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.

- 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 2.111.04E.
- E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- F. Other similar light industrial uses subject to Section 4.600.
- 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 Section 2.202. 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.
- I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.
- 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.
- K. Business and professional office.
- L. Tool and equipment rental.
- M. Blueprinting, printing, publishing, or other reproduction services.
- N. Farm and garden supply stores and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- O. Medical, dental and similar laboratories.
- P. 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 2.111.04.
 - 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 2.111.04.
 - 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 2.111.02 or 2.111.03.
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.

2.111.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

- 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.
- 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.
- L. Power generation plants and associated facilities.
- M. Veterinarians offices and animal hospitals.
- N. Automobile, boat, trailer and recreational vehicle storage.
- O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 2.111.02 or 2.111.03.
- P. Government facilities, including police, fire and vehicle testing stations.

2.111.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses.
- B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.
- 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.
- K. Restaurants with drive-thru facilities.
- L. Retail trade, except as permitted by Section 2.111.02 above.

2.111.05 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 Section 4.400.

A. Lot Dimensions

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

- 1. Lot area: 10,000 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: 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.

2.111.06 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 Chapters 5, 8 and 9.

2.111.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.112 GENERAL INDUSTRIAL (GI)

2.112.01 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.

2.112.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

- 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 2.112.04.
- 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.
- C. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.112.04.
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 2.112.04:
 1. Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 2.112.04.
 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 2.112.04.
 4. Furniture, cabinetry, upholstery, and signs and display structures.
 5. Glass and ceramics.

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 2.112.04.
 7. Leather products, except as per Section 2.112.04.
 8. Musical instruments, toys, and novelties.
 9. Paper, wood, lumber and similar products, except as prohibited by Section 2.112.04.
 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.
 14. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electric motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and 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.
 - F. Blueprinting, printing, publishing or other reproduction services.
 - G. Laundry, dry cleaning, dyeing, or rug cleaning plants.
 - H. Truck and bus yards and terminals.
 - I. Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 2.112.04.
 - J. Other similar general industrial uses, subject to Section 4.600.

- K. Dwelling unit for one (1) security person employed on the premises and their immediate family.
- L. PUDs, new and existing, subject to the provisions of Section 2.202. 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.
- M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.
- N. Other uses permitted outright in the LI zone, Section 2.112.02, except for those uses listed as a conditional use in the GI zone and except for adult entertainment businesses which are prohibited.
- 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.
- P. Business and professional offices.
- Q. Tool and equipment rental.
- R. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- S. Farm and garden supply stores and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- T. Medical, dental and similar laboratories.

2.112.03 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

- A. Government facilities, including but not limited to postal, police and fire stations.
- B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction subject to Section 2.112.04 and Section 8.302.

- 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.
- 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.
- H. Daycares and preschools if fully integrated with and secondary to a use elsewhere permitted in Section 2.112.02 or 2.112.03.
- I. Solid waste transfer stations.
- J. Commercial trade schools.
- 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.
- 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.

2.112.04 Prohibited Uses

The following uses are expressly prohibited:

- A. All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 2.112.02 and 2.112.03.

- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- 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.
- 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.
- H. Leather tanneries.
- I. General purpose solid waste landfills, incinerators, and other solid waste facilities except as permitted per Section 2.112.03 and Section 8.303.

2.112.05 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 Section 4.400.

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.

2.112.06 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 Chapters 5, 8 and 9.

2.112.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.113 INSTITUTIONAL AND PUBLIC (IP)

2.113.01 Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

2.113.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Wireless communication facilities on City-owned property.
- B. Wireless communication antennas mounted on an existing building or structure not exceeding the height of the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

2.113.03 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- B. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- C. Churches and parsonages.
- D. Cemeteries and crematory mausoleums.
- E. Public recreational facilities, including but not limited to parks, playfields, golf courses, and sport and racquet courts.
- F. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.
- G. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.
- H. Radio, television and similar communication stations, including transmitters and wireless communication towers.

- I. Dwelling unit, including a manufactured home for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission.

2.113.04 Prohibited Uses

The following uses are expressly prohibited:

- A. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- B. Residential uses, except for as conditionally permitted in Section 2.113.03I.

2.113.05 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 Section 4.400.

A. Lot Dimensions

Except as otherwise provided, no minimum lot areas or dimensions are required.

B. Setbacks

Except as otherwise provided, the minimum required setbacks in the IP zone shall be:

- 1. Front yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
- 2. Side yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
- 3. Rear yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.

C. Height

Except as otherwise provided, the maximum height of buildings in the IP zone 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.

2.113.06 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, site design, parks and open space, on-site storage, and signs, see Chapters 5, 8 and 9.

2.113.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.200 SPECIAL USES

2.201 GENERAL PROVISIONS

Special uses included in Section 2.200 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

2.202 PLANNED UNIT DEVELOPMENT (PUD)

2.202.01 Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land. The PUD process allows creativity and flexibility in site design which cannot be achieved through a strict adherence to zoning and subdivision standards.
- B. The PUD district is intended to achieve the following objectives:
 - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 - 2. Preserve valuable landscape, terrain and other environmental amenities.

3. Provide diversified and innovative living, working or shopping environments that take into consideration community needs and activity patterns.
4. Achieve maximum energy efficiency in land uses.
5. Promote innovative design in architecture or other site features that enhance the community or natural environment.

2.202.02 Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Section 3.200. PUDs shall only be considered on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development. The applicant shall describe the unusual conditions qualifying the site for PUD consideration, and the Commission shall cite findings of fact validating these conditions.

B. Content

The Preliminary Development Plan application shall include the following mapping and written narrative:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 3.202.03, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, other public and utility structures, and any other dedicated land features or structures, the parceling or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.

4. Narrative describing: the intent of the PUD and how general PUD standards as per Section 2.202 are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Section 7.200. The preliminary subdivision shall be processed concurrently with the PUD.

C. Commission Review

The Commission shall review the application pursuant to Section 3.200 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is sited in an area that is unusually constrained due to existing natural or man-made features, while protecting the environmental resources of the site and adjacent properties.
2. That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.
3. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.
4. That the system of ownership and the means of developing, preserving and maintaining open spaces are acceptable.
5. That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.
6. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
7. That adequate public facilities and services are available or are made available by the construction of the project.

8. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in Section 2.202 have been met.
9. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as “infill” as defined in Section 2.202.05(C)(3).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Section 3.200. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per Section 2.202.02, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 2.202.03.

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

2.202.03 Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per Sections 2.202 and 4.100, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 2.202.02. In addition, the applicant shall prepare and submit a detailed site plan, if applicable, for review and approval, pursuant to the provisions of Section 5.100. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to Section 7.300. The final plat shall be processed concurrently with the Final Development Plan.

2.202.04 General Provisions

1. Phasing
 - a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
 - b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete
 - a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD’s continuation, in whole or in part, is in the public interest.
 - b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new petition, and shall be made in accordance with the procedures specified in Section 2.202.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

2.202.05 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to exclusively serve the PUD district.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Section 4.300.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Section 2, below.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.

2.202.06 Non-Residential (Commercial or Industrial) PUD**A. Permitted Uses**

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Chapter 8.

B. Conditional Uses

A conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission.

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of Section 2.202 are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

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 Chapters 5, 8 and 9.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 8.304.05.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of Section 2.202, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

2.203 HOME OCCUPATIONS

2.203.01 Purpose

It is the purpose of this chapter to permit residents an opportunity to use their homes to engage in small-scale business ventures. Home occupations are regulated to ensure that they do not alter the residential character of the neighborhood, nor infringe upon the rights of nearby residents to the peaceful enjoyment of their neighborhood and homes.

2.203.02 Authority

The provisions of this Code are intended to apply to those entities required to obtain a Sherwood business license under the provisions of the Sherwood Municipal Code Chapter 5.04. No person shall carry on a home occupation, or permit such use to occur on property, which that person owns or is in lawful control, contrary to the provisions of this ordinance. A person must first determine if a permit, for such use in the manner provided by this section, is required.

2.203.03 Exemptions

- A. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises.
- B. Short-term sales from a residence shall not be deemed to fall under the regulations for home occupations. Such sales shall not exceed one (1) week in duration and a two (2) week period in any given calendar year. Examples of such uses are, but not limited to, garage sales, estate sales, rummage and craft sales.

2.203.04 Type I and Type II Home Occupations

- A. Home occupations or professions shall be carried on wholly within the principal building and clearly secondary, in the City's determination, to the use of the building as a dwelling. All home occupations shall be administered as either Type I or II, distinguished by the potential impacts they represent to the neighborhood. Both Type I and Type II Home Occupations are required to apply for and maintain a City of Sherwood business license.
- B. Type I home occupations are exempt from the permitting process and defined by the listed criteria.

2.203.05 General Definition and Criteria for Home Occupations

- A. Home occupations or professions are businesses carried on wholly within a residential building requiring a City business license. Home occupations are clearly incidental and accessory to the use of the property as a dwelling, and they are not detrimental or disruptive in terms of appearance or operations to neighboring properties and residents. The occupation or profession does not require additional off-street parking nor upset existing traffic patterns in the neighborhood. All home occupations shall be in accordance with the following general criteria:
 - 1. All business operations shall comply with the current City of Sherwood noise ordinance and shall not produce any offensive vibration, smoke, dust, odors, heat, glare or electrical interference detectable to normal sensory perception at the property line.

2. No exterior remodeling which alters the residential character of the structure shall be permitted.
3. The occupation or profession shall not occupy more than twenty-five percent (25%) of the total floor area of all habitable buildings on the property, including customary accessory buildings.
4. There shall be no storage and/or distribution of toxic or flammable materials and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals which are engaged in home occupations shall make available to the Fire Marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.
5. There shall be no exterior storage of vehicles of any kind used for the business with the exception of one commercially licensed vehicle of not more than one ton gross vehicle weight (GVW) that may be parked outside of a structure or screened area.

2.203.06 Type I Home Occupation Criteria Defined

- A. Type I home occupations shall be conducted in accordance with the following defined criteria:
1. Only the principal occupant(s) of a residential property may undertake home occupations.
 2. Storage of materials is confined to the interior of the residence with no exterior indication of a home occupation.
 3. No exterior signs that identify the property as a business location.
 4. No clients or customers to visit the premises for any reason.
 5. The address of the home shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other advertising media.
 6. Deliveries to the residence by suppliers may not exceed three per week and shall be prohibited on weekends.

2.203.07 Type II Home Occupation Permit Criteria Defined

- A. Type II home occupations require a permit and shall be conducted in conformance with the following criteria:
1. One non-illuminated exterior sign, not to exceed one (1) square foot.
 2. The number of customers and clients shall not exceed 5 visits per day. Customers and clients may not visit the business between the hours of 10:00 PM and 7:00 AM, Monday through Friday and between 7:00 PM and 8:00 AM, Saturday and Sunday.
 3. Storage of materials on the premises shall be screened entirely from view of neighboring properties by a solid fence. Exterior/outside storage of materials shall not exceed five percent (5%) of the total lot area and shall not encroach upon required setback areas of the zone.
 4. Commercial pick up and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.
 5. A maximum of one volunteer or one on-site employee, who is not a principal resident of the premises.

2.203.08 Prohibited Uses

- A. Because of the potential adverse impacts they pose to residential neighborhoods, the following uses are not allowed as home occupations and must be conducted as allowed in a commercial or industrial zone:
1. Auto body repair, restoration and painting.
 2. Commercial auto repair (auto repair for other than the property owners / tenants personal vehicles).
 3. Junk and salvage operations.
 4. Storage and/or sale of fireworks.

2.203.09 Permit Procedures for Type II Home Occupations

An application for a Type II Home Occupation Permit shall be filed according to the application procedures of Chapter 3.200, in conjunction with a City business license, accompanied by the appropriate fee as per Section 3.301. The application shall identify the type of use and address the conditions contained in Chapter 2.203 and other applicable sections of this Code. The Planning Director or his designee may impose additional conditions upon the approval of Type II home occupation permits to ensure compliance with the requirements of this chapter. The action of the Planning Director may be appealed as per Section 3.400.

2.203.10 Expiration and Revocation of Home Occupation Permits

A. Type II Home Occupation permit expiration.

A Type II home occupation permit shall be valid for a period of one (1) year. Renewal of the permit shall be accomplished in the same manner as an application for a new permit under this section.

B. Grounds for revocation.

The Planning Director may revoke a home occupation permit at any time for the following reasons:

1. A violation of any provision of Chapter 2.203.
2. A violation of any term or condition of the permit.
3. Failure to pay the City of Sherwood Business License fee in a timely manner.

When a Type II home occupation permit has been revoked, a new Type II home occupation permit will not be issued to the applicant or other persons residing with the applicant for a period of up to twenty-four (24) months.

2.203.11 Appeals

The action of the Planning Director may be appealed per the provisions of Section 3.400.

2.204 TOWNHOMES

2.204.01 Townhome Standards

A. Generally

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Chapter 5 Community Design. Such developments that propose townhomes shall do so in groups known as “townhome blocks”, which consist of groups no less than two attached single-family dwellings, that meet the general criteria of 2.204.01B below, and specific design and development criteria of this Chapter.

B. Standards

1. Each townhome shall have a minimum ground floor area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.

2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as “infill”, and meets the criteria of 2.204.01D below. Lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.
3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.
4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-1/2) spaces in the MDRH zone; garages and/or designated parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.
5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Chapter 2.204.01E, Design Standards.
6. All townhomes in the MDRH zone shall have an attached or detached garage.
7. All other community design standards contained in Chapters 5, 8 and 9 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 that are not specifically varied by Section 2, shall apply to townhome blocks.
8. Developments over two (2) acres shall accommodate an open space area no less than five percent (5%) of the total subject parcel. Parking areas may **not** be counted toward this five percent (5%) requirement.
9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each “townhome block” shall be provided relative to the size of the block, as follows:

• Greater than 140 feet	10 feet minimum
• 121 feet to 140 feet	8 feet minimum
• 100 feet to 120 feet	6 feet minimum
• Less than 100 feet	5 feet minimum

*In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to *each* townhome block.

C. Occupancy

1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the approved plan must be resubmitted to the City for review and approval, and may require additional site plan review.
2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

D. Infill Standard

The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is one (1) acre (43,560 sq ft) or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.

E. Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of Chapter 5.102, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

1. **Building Mass:** The maximum number and width of consecutively attached townhomes shall not exceed eight (8) units or one-hundred eighty (180) feet from end-wall to end-wall.
2. **Designation of Access/Alleys:** Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval.
3. **Street Access:** Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow

traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

- a. When garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.
- b. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a 20-foot wide unit may have one 12-foot wide recessed garage door and a 14-foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.

4. Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.

- a. The front façade of a townhome may not include more than forty percent (40%) of garage door area.
- b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted.
- c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard and street-side yard setbacks, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 2.301.
- d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.
- e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in façade. A minimum of fifty percent (50%) of front street-facing elevations, and a minimum of twenty percent (20%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story.

- f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.
- g. Townhome developments which propose alley-loaded garages shall provide a mix of street-access garages, unless impractical due to lot depth, the proximity or function of local streets, or other factors identified in the parking plan.

5. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:

- a. Thirty-six (36) feet, with parking allowed on two (2) sides.
- b. Any street within the townhome block that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.

2.205 MANUFACTURED HOMES

2.205.01 Manufactured Homes on Individual Residential Lots

A. Generally

One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in Sections 2.103 or 2.104, and Section 2.205.01B.

B. Standards

- 1. Each manufactured home shall be multi-sectional and have a minimum floor area of one thousand (1,000) square feet.
- 2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above the ground.
- 3. The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.

4. The manufactured home, and attached or detached garage, shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or which is consistent with the predominant materials used on surrounding dwellings, as determined by the City.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 445.010.
6. The manufactured home shall have an attached or detached garage.
7. In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

2.205.02 Manufactured Home Parks

Manufactured home parks may be located in the MDRL zone only. Except as herein provided, the standards of Section 2.205.02 and the MDRL zone, shall apply to all manufactured home parks. The following additional standards shall also apply:

A. Generally

1. Sale Prohibited

Manufactured home park spaces shall be available for rental or lease only. Individual sale is prohibited.

2. Uses Permitted

No building, structure, or land within a manufactured home park shall be used for any purpose except for:

- a. Residential manufactured homes, together with normal accessory uses such as cabanas, patio slabs, ramadas, carport or garages, and storage and washroom buildings.
- b. Private and public utilities and services.
- c. Community recreation facilities, including swimming pools, operated for the residents and guests of the park only.

- d. One (1) manufactured home or other residence for the use of a manager or a caretaker responsible for maintaining and operating the park.

3. Occupancy

No occupancy permit for any manufactured home park, building, or facility shall be issued by the City until the park or an approved phase of the park has been completed according to the final site plan approved by the Commission. Deviations from the approved plan must be resubmitted to the Commission for review and approval.

4. Alterations and Additions

The owner(s) of the manufactured home park property, or duly authorized park management, shall be held responsible for all alterations and additions to a manufactured home park or to individual homes within the park, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

B. Recreational Vehicles

- 1. The occupancy of recreational vehicles within manufactured home parks as permanent living quarters is prohibited.
- 2. Unoccupied recreational vehicles located in designated parking or storage areas within manufactured home parks are permitted.
- 3. If storage yards for recreational vehicles, boats or trailers are provided, an eight (8) foot high sight-obscuring fence shall be erected around the perimeter of the storage yard.

C. Design Standards

- 1. Spaces shall be a minimum of five thousand (5,000) square feet, with a width of no less than twenty-five (25) feet at the front space line and fifty (50) feet at the building line.
- 2. The boundaries of all spaces shall be surveyed or otherwise suitably and permanently marked on-site, as determined by the City.
- 3. Two (2) off-street parking spaces shall be provided for each manufactured home space. Additional off-street parking spaces shall be provided in the manufactured home park with not less than one (1) additional parking

space per every ten (10) manufactured homes. All off-street parking spaces shall be paved.

4. A minimum four (4) foot wide sidewalk shall be required on one (1) side of all private streets within manufactured home parks.

D. Siting Standards

1. Only one (1) manufactured home shall be permitted on a space.
2. The supplementary siting standards contained in Section 2.300 shall apply to manufactured home parks, provided that space lines shall be deemed to be the equivalent to lot lines for the purposes of applying those standards.
3. Building setbacks shall be equivalent to setbacks required in the MDRL zone, Section 2.103.04B, provided, however, that either the front yard or rear yard setbacks for manufactured homes may be reduced by up to ten (10) feet from the MDRL standard. Space lines shall be deemed the equivalent to lot lines for the purposes of applying those setback standards. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the manufactured home for setback purposes.

E. Unit Standards

1. Each Manufactured home shall be multi-sectional and have a minimum floor area of one-thousand (1,000) square feet.
2. Except as otherwise herein provided, accessory uses, buildings, and structures shall be treated as per Section 2.207.
3. All manufactured homes shall be placed on a foundation stand, adequate to provide a stable, fixed support. The stand shall be all-weather and surfaced with asphalt, concrete or crushed rock, and at least as large as the manufactured home.
4. All manufactured homes shall provide exterior finishing and construction as follows:
 - a. Skirting of moisture resistant, non-combustible material or fire retardant wood.
 - b. Pedestals or blocking supports, insuring adequate support and in compliance with the Oregon Department of Commerce manufactured home set-up procedures.

- c. Awnings, carports, cabanas, and similar structures shall be of a material, size, color and pattern similar to the manufactured home and shall conform to all applicable building codes.

F. Utility Standards

- 1. All manufactured homes, service buildings and accessory structures shall be connected to public water and sewer systems in accordance with City standards.
- 2. Sufficient fire hydrants shall be installed so that no manufactured home, and other structure is farther than three hundred (300) feet from a hydrant, as measured down the center lines of streets, whether private or public.

G. Vehicular Circulation

- 1. All private streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:
 - a. Twenty-eight (28) feet with no on-street parking allowed.
 - b. Thirty-two (32) feet with on-street parking allowed on one (1) side.
 - c. Thirty-six (36) feet with parking allowed on two (2) sides, provided that at least one (1) private street thirty-six (36) feet in width with no on-street parking allowed shall be constructed to intersect with an adjacent public street.
- 2. Any street within the manufactured home park that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.

H. Miscellaneous Park Standards

All other community design standards contained in Chapters 5, 8 and 9 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 that are not specifically varied by Section 2.205 shall apply to manufactured home parks.

2.205.03 Miscellaneous Uses of Manufactured Homes

A. Generally

In addition to uses permitted by Sections 2.205.01 and 2.205.02, manufactured homes may be used for the following purposes:

1. Security person quarters, as per Sections 2.110.02 and 2.111.02.
2. Temporary uses as per Section 4.500, and where the proposed use is otherwise permitted in the zone in which the manufactured home is to be located.

2.206 NON-CONFORMING USES

2.206.01 Purpose

Within the zones established by this Code or any amendments that may have been adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this Code, but which would be prohibited, regulated or restricted under the terms of this Code or any future amendments, or which do not meet in full all standards and provisions of this Code. Section 2.206 permits these nonconformities to continue until they are removed or discontinued, but does not encourage their perpetuation. Nonconformities shall not be enlarged, expanded or extended, nor be used as justification for adding other structures or uses not permitted elsewhere in the same zone, except as specifically provided elsewhere in this Section.

2.206.02 Exceptions

A. Generally

Nothing in Section 2.206 shall require any change in the location, plans, construction, size or designated use of any building, structure, or part thereof, for which a required City building permit has been granted prior to enactment of this Code. If a building permit is revoked or for any reason becomes void, all rights granted by Section 2.206.02 are extinguished and the project shall thereafter be required to conform to all the provisions of this Code.

B. Old Town (OT) Zone

Certain exceptions to Section 2.206 are permitted in the OT overlay zone, as per Section 9.202.06F.

C. Any otherwise lawful residential structure or use located on property zoned commercial or industrial shall be deemed conforming for the purposes of sections 2.206.05B and 2.206.06E.

2.206.03 Non-Conforming Lots of Record

- A. Except as provided in Section 2.206 and Section 2.304, no nonconforming lot of record at the effective date of adoption or amendment of this Code shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended, or reconstructed. Nonconforming lots of record are those of a width, area or depth, or other requirements less than the minimums prescribed by this Code.
- B. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be constructed on a single lot of record existing at the effective date of adoption of, or amendment to, this Code, notwithstanding limitations imposed by other provisions of this Code. Such lot must be in separate ownership and not contiguous with other lots in the same ownership.
- C. If two (2) or more lots or combinations of lots and portions of lots in single ownership are on record at the effective date of this code and are made nonconforming by this Code, the lots involved shall be considered to be an undivided parcel for the purposes of this Code. No portion of said undivided parcel which does not meet requirements established by this Code shall be conveyed, transferred or used in any manner. No division of the parcel shall be made which results in any lot of less than the minimum requirements of this Code.

2.206.04 Non-Conforming Uses of Land

Where at the time of adoption of this Code lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no structure or building, other than a single minor accessory structure or sign, the use may be continued as long as it remains otherwise lawful provided:

- A. No such use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code, provided however, that such use may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per Section 2.206.07.
- B. No such use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code.
- C. If any such use of land ceases for any reason for a period of more than one hundred and twenty (120) days, any subsequent use of land shall conform to the regulations specified by this Code for the zone in which such land is located.

- D. No additional structure, building or sign shall be constructed on the lot in connection with such use of land unless said structure, building, or sign reduces or further limits, in the City’s determination, the existing non-conformity.

2.206.05 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption of or amendment to this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per Section 2.206.07.
- B. Except as otherwise provided for in Section 2.206.02, should such structure or the non-conforming portion of a structure be destroyed by any means to an extent of more than sixty percent (60%) of its current value as established by the Washington County Assessor, it shall not be reconstructed except in conformity with the provisions of this Code; and
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.

2.206.06 Non-Conforming Uses of Structures

If a lawful use involving individual structures, or structure and premises in combination (except for a single, minor accessory structure) exists at the effective date of adoption or amendment of this Code that would not be allowed in the zone in which it is located; or which is non-conforming because of inadequate off-street parking, landscaping, or other deficiencies, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located.
- B. Any non-conforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but not such use shall be extended to occupy any land outside such building.

- C. If such use of a structure and premises is changed to another use, such new use shall conform to all provisions of this ordinance.
- D. When such use of a structure and premises is discontinued or abandoned for one hundred and twenty (120) days, the structure and premises shall not thereafter be used except in full conformity with all regulations of the zone in which it is located. A use shall be deemed to be discontinued or abandoned upon the occurrence of the earliest of any of the following events:
 - 1. On the date when the structure and/or premises are vacated.
 - 2. On the date the use ceases active sales, merchandising, the provision of services, other non-conforming activity.
 - 3. On the date of termination of any lease or contract under which the non-conforming use has occupied the premises.
 - 4. On the date a request for final reading of water and power meters is made to the City.
- E. Where non-conforming uses status applies to a structure and premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent (60%) of its current value, as appraised by the Washington County Assessor. Except as otherwise provided for in Section 2.205.02, any subsequent use shall conform fully to all provisions of the zone in which it is located.

2.206.07 Permitted Changes to Non-Conformities

- A. Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, normal repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing, may be performed in a manner not in conflict with the other provisions of this Section. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof officially declared to be unsafe by any official charged with protecting the public safety.

- B. A non-conforming use or structure may be enlarged or altered as per Sections 2.206.03A or 2.206.04A if, in the Commission’s determination, the change will not have greater adverse impact on surrounding properties or will decrease its non-conformity considering the following:

1. The character and history of the development and of development in the surrounding area.
 2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
 3. The comparative numbers and kinds of vehicular trips to the site.
 4. The comparative amount of nature of outside storage, loading and parking.
 5. The comparative visual appearance.
 6. The comparative hours of operation.
 7. The comparative effect on existing vegetation.
 8. The comparative effect on water drainage.
 9. The degree of service or other benefit to the area.
 10. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.
- C. Further exceptions to changes to non-conformities are permitted in the OT overlay zone, as per Section 9.202.06F.

2.206.08 Conditional Uses

A use existing before the effective date of this Code which is permitted as a conditional use shall not be deemed non-conforming if it otherwise conforms to the standards of the zone in which it is located. Enlargement, extension, reconstruction, or moving of such use shall only be allowed subject to Section 4.300.

2.207 ACCESSORY USES

2.207.01 Standards

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

- A. Any accessory building shall have not more than seven hundred and twenty (720) square feet of ground floor area and shall be no taller than 25 feet in height.

- B. No accessory building or structure over three (3) feet in height shall be allowed in any required front or side yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
- C. Detached accessory structures that do not require a building permit per the Building Code shall maintain a minimum 3-foot distance from any side or rear lot line and must be a minimum of six (6) feet from an accessory or primary structure. Attached accessory structures that do not require a building permit per the Building Code shall be setback a minimum of three (3) feet from any side property line and fifteen (15) feet from a rear property line.
- D. No accessory building or structure over three (3) feet in height that requires a building permit per the Building Code shall be located closer than five (5) feet to any side or rear property line and six (6) feet from any accessory or primary structure.
- E. Any accessory building or structure that requires a building permit per the Building Code attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.
- F. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

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

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

2.208 ACCESSORY DWELLING UNITS

2.208.01 Purpose

An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. The purpose of an ADU is to provide homeowners with a means of obtaining rental income, companionship and security. ADU's provide Sherwood residents another affordable housing option and a means to live independently with relatives.

2.208.02 Requirements for all Accessory Dwelling Units

All Accessory Dwelling Units must meet the following standards:

- A. **Creation:** One Accessory Dwelling Unit per residence may only be created through the following methods:
 - 1. Converting existing living area, attic, basement or garage;
 - 2. Adding floor area;
 - 3. Constructing a detached ADU on a site with an existing house;
 - 4. Constructing a new house with an internal or detached ADU.
- B. **Owner Occupancy:** The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
- C. **Number of Residents:** The total number of individuals that reside in both units may not exceed the number that is allowed for a household.
- D. **Location of Entrances:** The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.
- E. **Parking:** Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings.
- F. **Floor Area:** The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 40% of the GHFA of the primary residence on the lot.
- G. **Setbacks and Dimensional Requirements:** The ADU shall comply with the setback and dimensional requirements of the underlying zone. In addition, there shall be a minimum ten (10) foot separation between the primary residence and the ADU.
- H. **Design and Appearance:** The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics and style of the building, and appears to be a single-family residence.
- I. **Partitioning:** An ADU shall not be partitioned or divided off from the parent parcel.

2.209 ADULT ENTERTAINMENT

Where otherwise permitted by the provisions of this Code, an adult entertainment business shall not be located with one thousand (1,000) feet of an existing or previously approved adult entertainment business or within two hundred and fifty (250) feet of public parks,

churches, schools, day care centers, or residentially zoned property. Both distances shall be measured in a straight line, without regard to intervening structures, from the closest structural wall of the adult entertainment business to either the closest structural wall of an existing or previously approved adult entertainment business, or to the closest property line of all impacted properties.

2.210 OTHER LAND USE ACTIONS

Proposed land use actions or activities for which specific procedures and standards for application and review are not included in this Code shall be submitted to the Commission, on a form determined by the City and with a fee pursuant to Section 3.301. The Commission may recommend approval, approval with conditions, or denial of the request to the Council. The Council may approve, approve with conditions, or deny the request, or may elect to refer the request to a more appropriate approving authority.

2.300 SUPPLEMENTARY STANDARDS

2.301 CLEAR VISION AREAS

2.301.01 A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

2.301.02 A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

2.301.03 A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.

2.301.04 The following requirements shall govern clear vision areas:

- A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.

- B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
- C. Where no yards are required, buildings may be constructed within the clear vision area.

2.302 ADDITIONAL SETBACKS

2.302.01 Generally

Additional setbacks shall be provided along streets based on the functional classifications in Section VI of the Community Development Plan. Additional setbacks shall be measured at right angles from the centerline of the street.

Classification	Additional Setback
Major Arterial	45 feet
Minor Arterial	35 feet
Collector	27 feet
Local	24 feet

2.303 FENCES, WALLS AND HEDGES

2.303.01 Generally

- A. Purpose: The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Definition: For purposes of this Section, a corner lot adjoining two (2) City streets shall have both yards adjoining the streets considered as front yards.
- C. Types of Fences: The standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.

D. Location:

1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.
2. Fences up to six feet (6') high are allowed in required side or rear building setbacks.
3. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301.

E. Provisional Locations:

1. On corner lots in residential areas, where a home is characterized as back-to-back (See diagram adopted herein as shown in the illustration of these text provisions):
 - a. A six-foot (6') fence may extend into the required second front yard in an amount not to exceed fifty percent (50%) of the distance measured between the house and sidewalk.
 - b. Said fence may not extend beyond eight feet (8') from the rear of the house toward the front.
2. On corner lots in residential areas where a home is characterized as back-to-front (See diagram adopted herein as shown in the illustration of these text provisions):
 - a. A six-foot (6') fence may extend into the second required front yard in an amount no greater than five feet (5') from the house.
 - b. Said fence may not extend beyond eight feet (8') from the rear of the house to the front.
3. Fences in yards affecting cul-de-sacs are exempt from Section E.

F. Provisional Conditions: The following conditions are applied to those fences constructed pursuant to Section E.

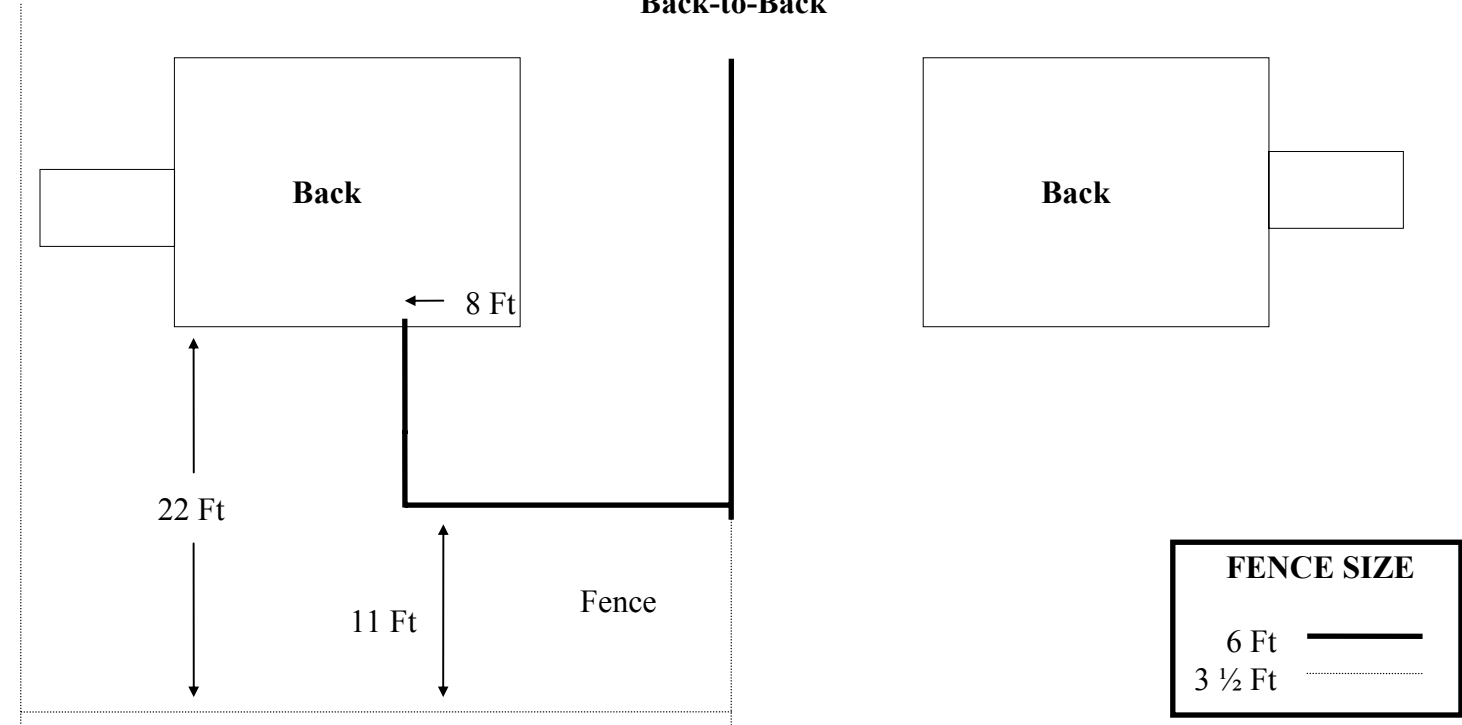
1. The clear vision standards of Section 2.301 apply and take precedence over these provisions in the event of conflict between this Section and Section 2.303.
2. Wire/chain link fencing is not allowed along any residential street frontage.

G. General Conditions

1. In all cases, the following standards are applied:
 - a. Chain link fencing is not allowed in any required residential front yard setback.
 - b. The finished side of the fence must face the street.
 - c. A fence permit from the City is required for all fences.
- H. Administrative Variance: The City Manager or his/her designee may grant an administrative variance to this Section.
- I. Abatement of Fences in Non-Compliance
 1. Fences that do not conform to Section E of this Code must come into compliance when the house is sold, when other permits are issued, or by September 1, 2003, whichever is earlier. Fences constructed affecting cul-de-sacs or fences creating inadequate site distances pursuant to Section 2.301 must come into compliance immediately.
 2. Chain link fences forty-two inches (42”) or under in front yard setbacks, erected prior to adoption of this ordinance, or other fences which, when installed, were legal under the Sherwood Code of Ordinances effective at that time, are exempt from Section 1.
- J. Penalties: Violations of Section 2.303.01 shall be subject to the penalties defined by Section 1.101.04.

(Example)

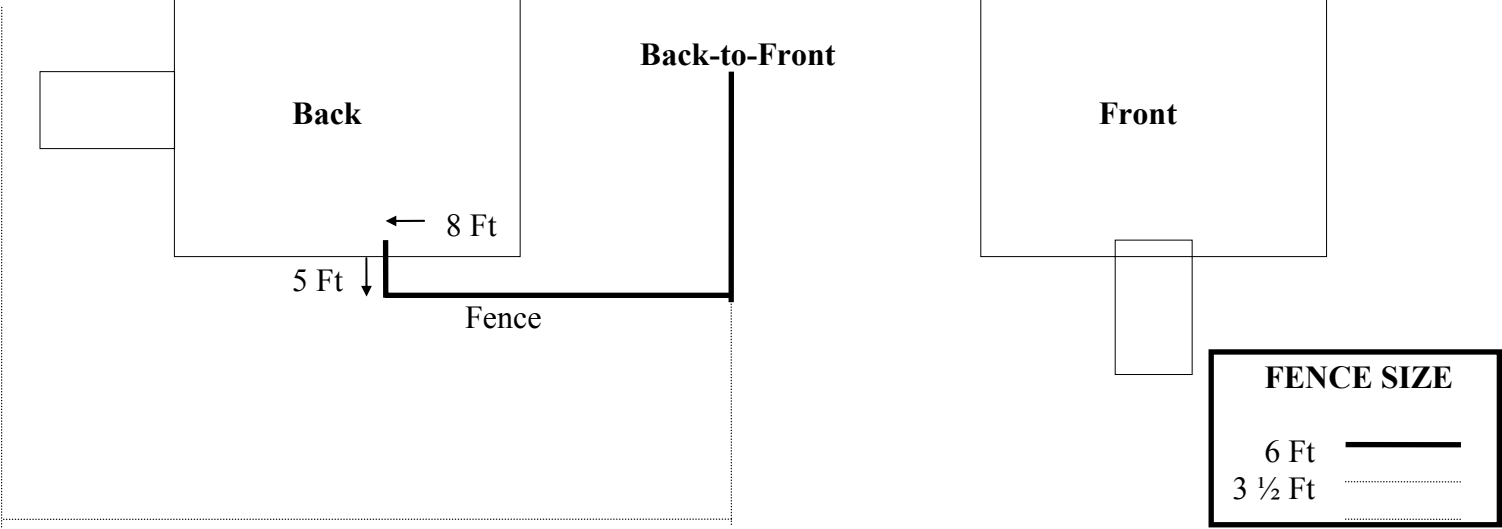
Back-to-Back



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)

(Example)

Back-to-Front



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)

2.304 LOT SIZES AND DIMENSIONS**2.304.01 Generally**

If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet.

2.304.02 Cul-de-Sacs

Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

2.305 YARD REQUIREMENTS**2.305.01 Through Lots**

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

2.305.02 Corner Lots

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

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

2.305.03 Yards

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

2.305.04 Exceptions

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

2.305.05 Decks

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

2.306 CHIMNEYS, SPIRES, ANTENNAS AND SIMILAR STRUCTURES**2.306.01 Heights**

Except as otherwise provided, the height limits established by this Code shall not apply to chimneys, stacks, water towers, radio or television antennas, towers, windmills, grain elevators, silos, elevator penthouses, monuments, domes, spires, belfries, hangars, solar heating devices, and to wireless communication facilities two hundred (200) feet in height or less.

2.306.02 Permit Required

Notwithstanding Section 2.306.01, a conditional use permit shall be required for all such structures that exceed the height limitations of a zoning district, except as specifically otherwise permitted in that district.

2.306.03 Parapets

A parapet wall not exceeding four (4) feet in height may be erected above the height limit of the building on which it rests.

2.307 DUAL USE OF REQUIRED SPACE

Except as otherwise provided, no lot area, setback, yard, landscaped area, open space, off-street parking or loading area, which is required by this Code for one use, shall be allowed as the required lot area, yard, open space, off-street parking or loading area for another use.

2.300 Supplementary Standards

2.308 Transportation Facilities and Improvements

Except as otherwise noted, transportation facilities and improvements as defined in Section 1.202.166 will be a permitted use in all zoning districts.

CHAPTER 3

ADMINISTRATIVE PROCEDURES

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CHAPTER 3

ADMINISTRATIVE PROCEDURES

3.100 GENERALLY

3.101 PRE-APPLICATION CONFERENCE

Pre-application conferences shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

3.102 APPLICATION MATERIALS

3.102.01 Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal.

3.102.02 Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit fifteen (15) copies of: the completed application form, with attachments or exhibits specifying and illustrating the proposed land use action; an existing conditions inventory; the proposed development plan; and any supplemental materials, as required by Section 4.100. Additional information may be required at the discretion of the City.

3.103 APPLICATION SUBMITTAL

3.103.01 Acceptance

Within thirty (30) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies. The application fees submitted are non-refundable. Provided however, that incomplete

applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction.

3.104 AVAILABILITY

3.104.01 Public Inspection

- A. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Hearing Authority. All application materials to be relied upon for Type II decisions as indicated in Section 3.201 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.
- B. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

3.104.02 Continuance

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Hearing Authority, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Section 3.200, any party to the application, or party notified of the hearing as per Section 3.202.03, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.

3.105 APPLICATION RESUBMISSION

A land use application denied in accordance with this Code, shall not be accepted for resubmission for one-hundred eighty (180) calendar days following the date of the denial, unless the application has been sufficiently modified to abrogate the reason for denial, as determined by the City. All applications resubmitted after being denied in accordance with this Code shall be required to provide new application materials, pay new fees, and shall be subject to the review process required by this Code for the land use action being considered.

3.200 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

3.201 GENERALLY

3.201.01 Classifications

Except for Administrative Variances, which are reviewed per Section 4.402.03, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 2.202.03, 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 5.102.06; 7.301.02, 7.504.02.

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 3.201.03D, below.

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 4.402.03.
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 3.201.01D, 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. Subdivisions – More than 50 lots.

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.

3.201.02 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 3.202 through 3.208.
 - 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 3.202 through 3.208.
 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).

3.201.03 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 4.302.03.

3.202 PUBLIC NOTICE AND HEARING

A. For Type II, III and IV actions on zoning map amendments, conditional uses, variances, site plans, planned unit developments, minor land partitions, subdivisions, annexations, landmarks, private access to streets and other land use action specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one hundred (100) feet from the property subject to the land use action, Oregon Department of Transportation (ODOT), Metro and the applicable transit service provider. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall be sent public notice.

3.202.01 Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation within the City in each of the two (2) calendar weeks prior to the initial hearing before the Hearing Authority.

3.202.02 Posted Notice

Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority. Additionally, signage shall be posted on the subject property either fourteen (14) days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the hearing before the Hearing Authority. The location, size and content of the sign shall be subject to the approval of the City Planner.

3.202.03 Mailed Notice

- A. For Type II, III, IV and V actions on zoning map amendments, conditional uses, variances, site plans, planned unit developments, minor land partitions, subdivisions, annexations, landmarks, and other land use action specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one hundred (100) feet from the property subject to the land use action.
- B. Except as otherwise provided herein, written notice to property owners shall be mailed at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council. Written notice to property owners for Type II actions shall be mailed in accordance with Section 3.200.
- C. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
- D. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
- E. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

3.202.04 Failure to Receive Notice

- A. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code Section 3.202.03 or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
- B. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Section 3.400. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

3.203 CONTENT OF NOTICE

3.203.01 Public Notices

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.
- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.
- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the

opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

3.204 PLANNING STAFF REPORTS

Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

3.205 CONDUCT OF PUBLIC HEARINGS

3.205.01 Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Hearing Authority at the beginning of any public hearing on a land use action:

- A. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Hearing Authority.
- B. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.
- C. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).
- D. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.
- E. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

3.205.02 Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 3.202, the general public, or the authorized representative of any of the foregoing persons,

may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

3.205.03 Hearing Record

- A. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The local Hearing Authority shall grant such request by continuing the public hearing pursuant to paragraph (B) of this section or leaving the record open for additional written evidence or testimony pursuant to paragraph (C) of this section.
- B. If the hearing authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
- C. If the Hearing Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Authority shall reopen the record pursuant to Section 3.205.03(F).
- D. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178, unless the continuance or extension is requested or agreed to by the applicant.
- E. Unless waived by the applicant, the local government shall allow the applicant at leave seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
- F. When a Hearing Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

3.205.04 Ex-parte Contacts

Ex-parte contacts with a member of the Hearing Authority shall not invalidate a final decision or action of the Hearing Authority, provided that the member receiving the contact indicates the substance of the content of the ex parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

3.206 NOTICE OF DECISION

Within seven (7) calendar days of a land use action by the Hearing Authority, the City shall notify the applicant in writing of said action. This notice of decision shall list the terms and conditions of approval or denial, and explain the applicant's rights of appeal.

3.207 REGISTRY OF DECISIONS

The City shall maintain a registry of all land use actions taken in the preceding twelve (12) months. This registry shall be kept on file in the City Recorder's office and shall be made available to the public for inspection at no cost. Copies of the registry shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

3.208 FINAL ACTION ON PERMIT OR ZONE CHANGE

Except for plan and land use regulation amendments or adoption of new regulations that must be submitted to the Director of the State Department of Land Conservation and Development under ORS 197.610(1), final action on a permit, appeal, or zone change application shall be taken within one hundred and twenty (120) days of the application submittal. The one hundred and twenty (120) days may be extended for a reasonable period of time at the request of the applicant. An applicant whose application does not receive final consideration within one hundred and twenty (120) days after the application was accepted by the City may seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's Comprehensive Plan or land use regulations.

3.300 APPLICATION FEES

3.301 FEES

Fees for land use actions are set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

3.302 EXCEPTIONS

Except when a land use action is initiated by the Commission or Council, application fees shall be paid to the City upon the filing of all land use applications. Full or partial waiver or

refund of the fees required by Section 3.301 may be granted by the Council, based on a written request by the applicant showing cause for such reduction.

3.400 APPEALS

3.401 GENERALLY

3.401.01 Issues on Appeal

- A. The only issues which may be raised on appeal are those issues which were raised on the record before the Hearing Authority with sufficient specificity so as to have provided the City, the applicant, or other persons with a reasonable opportunity to respond before the Hearing Authority.

3.401.02 Persons Eligible to Appeal

- A. Except as otherwise provided in this Code, only those persons who submitted written comments or appeared in person before the Hearing Authority may appeal the decision of the Hearing Authority.

3.401.03 Dismissal on Appeal

- A. If the Appeal Authority determines that the appellant was not a person to the action before the Hearing Authority, or the issue(s) that are the basis of the appeal were not properly raised per Section 3.401.01, then the Appeal Authority shall dismiss the appeal of that appellant or those issues, in writing.

3.401.04 Exception

- A. If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 3.203.01, an aggrieved person may, as provided by the laws of the State of Oregon, appeal directly to the State Land Use Board of Appeals (LUBA).

3.402 APPEAL DEADLINE

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the Planning Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address.

3.403 PETITION FOR REVIEW

Every petition for review shall include the date and a description of the land use action, including adopted findings of fact, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 3.301. The land use decision, supporting findings and conclusions, and evidence available upon the close of the record of the land use action and any City Staff review of the issues subject to the appeal shall be made a part of the record before the Appeal Authority.

3.404 APPEAL AUTHORITY ACTION

The review of the appealed land use action shall include a public hearing conducted by the Appeal Authority, as determined by Section 3.201.02, at which time only those persons who testified before the Hearing Authority or submitted written comments may present evidence and argument relevant to the approval criteria. The record before the Appeal Authority shall include only the evidence and argument submitted on the record before the Hearing Authority (including all testimony, all materials submitted at any previous stage of the review, staff reports and audio tape or transcript of the minutes of the public hearing. **New evidence may not be entered into the record.**

Except for the hearing being on the record and no new persons being allowed, the public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. The action of the Appeal Authority shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action.

CHAPTER 4

PLANNING PROCEDURES

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CHAPTER 4
PLANNING PROCEDURES

4.100 APPLICATION CONTENT

Section 4.100 sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Chapters 5, 6, and 7 of this Code must be reviewed for other applicable requirements.

INDEX

REFERENCE NUMBER	TYPE OF PROPOSED DEVELOPMENT
1	Annexation
2	Plan Map Amendment
3	Variance
4	Conditional Use
5	Minor Partition
6	Subdivision/Major Partition
7	Planned Unit Development
8	Site Plan

TYPE OF APPLICATION		
(See Index)		
TYPE OF INFORMATION		INFORMATION ITEM
EXISTING CONDITIONS INVENTORY		
General Information	1-8	A tax map showing property within 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.
	1-8	A current preliminary title report or lot book search.
	1-8	Name, address and phone numbers of all owner(s) and applicants.
Citizen Involvement	1-8	A list of tax lots, owners and their addresses within the following distances from the property subject to a land use action for which a public hearing is required: Wholly or partially within the UGB = 100 feet; Outside UGB, not in farm or forest zone = 250 feet; Outside UGB, in farm or forest zone = 500 feet.
Growth Management	1-8	Vicinity Map of property showing City limits and Urban Growth Boundary.
Land Use	1-8	Acreage of property, lot lines and dimensions.
	1-8	City and County zoning designations.
	1-8	Maximum allowable density.
	1-8	Existing land use including nature, size and location of existing structures within 300 feet.
	1-8	Map location, purpose, dimensions and ownership of easements.
Environmental Resources & Hazards	4-8	Topography map showing 5 foot contours.
	2-8	SCS Soil Information Map the following: 1) Areas with severe soil limitations for buildings, roads and streets, and the nature of the limitation including weak foundation, slopes above 10%, slide hazards, etc. 2) Areas with adverse soil characteristics including rapid run-off, high erosion hazard and poor natural drainage. 3) Agricultural capability classes.

	2-8	Flood Plains - Map all 100-year flood plain and floodway lines.
	2-8	Natural Drainage - Map streams, wetlands, ponds, springs and drainage patterns.
	2-8	Significant vegetation - Map general location, size and species of trees.
	2-8	Distinctive natural areas - Indicate views, historic sites, rock out-croppings, etc.
	2-8	Sun and wind exposures - Map general orientation.
Environmental Quality	3-8	Air, Water, Land Pollution, Noise Sources - Indicate the location of existing uses producing significant levels of air, water, land or noise pollution.
Recreational Resources	3-8	Existing Facilities - Map the location, size and distance to nearest park and open spaces.
Transportation	1-8	Street Locations and Dimensions - Map centerline and pavement locations and rights-of-way within 300 feet.
	1-8	Traffic Volumes - Indicate existing volumes for all streets on and within 300 feet.
	2-8	Access Points - Indicate access points to property within 300 feet.
	3-8	Street Condition - Map general condition of streets within 300 feet of property.
	3-8	Street Improvements - Indicate any committed street improvement projects within 300 feet and projected completion date (if known).
	3-8	Public Transit - Indicate routes and stops within 300 feet.
	3-8	Bikeways/Pathways - Map existing routes within 300 feet.
	8	Traffic Impact Analysis (for developments likely to generate more than 400 average daily trips (ADT)).
Water	1-8	Existing Facilities - Map locations, sizes and distances to water mains.
	3-8	Existing Services - Describe service levels, capacity, pressure and fire flow characteristics of water mains.

	1-8	Planned Improvements - Indicate sizes and locations of planned improvements.
Sewer	1-8	Existing Facilities - Map locations, sizes and distances to the nearest sewers.
	1-8	Existing Services - Describe flow characteristics, capacity and condition of sewers.
	1-8	Planned Improvement - Indicate sizes and locations of planned capital improvements.
Drainage	3-8	Existing Facilities - Map locations, sizes and distances to drainage facilities or natural drainage-ways.
	3-8	Existing Service - Describe capacity and condition of on-site and downstream drainage courses and facilities.
	3-8	Runoff Analysis - Indicate SCS soil permeability ratings.
	3-8	Planned Improvements - Indicate sizes and locations of planned improvements.
Private Utilities	3-8	Existing Facilities and Services - Describe availability of utilities.
Schools	3-8	Existing Facilities and Services - Indicate location, type, enrollment, capacity and distance to nearest schools.
	3-8	Planned Improvements - Describe planned improvements.

PROPOSED DEVELOPMENT PLAN

General Information	1-8	A plat or plan map depicting the proposed land use or change, showing properties within 300 feet, with scale appropriate to Project size, north point, date and legend.
	1-8	Name of Development - Indicate name of proposed development.
	1-8	Vicinity map showing Property within one-half mile.
<hr/>		
Citizen Involvement	1-8	Describe contacts with citizens or agencies including the Fire District, public and private utilities, schools, etc.
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Land Use	5	Proposed Lots - Map lot lines, dimensions, average and minimum lot sizes, block and lot numbers.
	2-8	Setbacks - Indicate all setbacks.
	1-8	Buildable Acres - Indicate net buildable acres.
	3-8	Proposed Land Use - Indicate the location of all proposed land uses. Show relationship to existing land use to be retained. Provide tables with total acres, densities, dwelling units, floor area, percentage distribution of total site acreage by use, and percentage dwelling unit distribution by dwelling type.
	2-8	Map location of proposed structures.
	2-8	Proposed Easements - Map location, purposes, and widths.
<hr/>		
Environmental Resources & Hazards	5-8	Topography - Map topography at 2 foot contours.
	6-8	Landscaping Plan - Provide plan in accordance with Sec. 5.200.
	4-8	Streams, Ponds, Wetlands - Indicate location and any measures to avoid environmental degradation.
	5-8	Natural Hazards - Provide soil analysis by a registered Soils Engineer or Geologist and any measures protecting against hazards.

	3-8	Significant natural areas - Indicate how areas are protected and preserved.
	5-8	Energy Conservation - Indicate relationship of site design to sun and wind exposure.
Environmental Quality	4-8	Provide certification by a Registered Engineer that the proposed uses meet or exceed City environmental performance standards.
Recreation Resources	4-8	Describe how proposal meets park and open space needs and requirements.
	5-8	Map proposed park and open space areas and describe maintenance provisions.
Transportation	5-8	Proposed Facilities - Provide general circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities. Describe the proposed circulation plan's conformity to Chapter VI, Community Development Plan.
	5-8	Indicate estimated curve and curb radii and typical street cross sections.
	5-8	Emergency Access - Show emergency access.
	5-8	Lot Access - Show the location and size of accesses, sight distances and any fixed objects on collectors or arterials.
	3-8	Future Rights-of-Way - Indicate distances from property lines to street centerlines and pavement.
	5-8	Traffic Volumes - Indicate existing and future traffic volumes.
	5-8	Street Profiles - Map profiles and indicate cuts and fills for roads with grades of 15% or more.
	5-8	Parking - Indicate the location, number and size of off-street parking spaces and loading and maneuvering areas.
Water	5-8	Proposed Facilities - Indicate the location and size of the proposed water distribution system and fire hydrants.

Sewer	5-8	Proposed Facilities - Indicate the location and size of the proposed sewage collection systems.
Drainage	5-8	Proposed Facilities - Indicate proposed runoff control and conveyance system.
Private Utilities	5-8	Lighting Plan - Indicate location, height, and sizes of street lighting structures and their connection points to power lines.
Economic Development	4-8	Industrial and Commercial Uses - Indicate number of new jobs to be created, the ratio of employees to site acreage, anticipated capital investment and tax impact.
	4-8	Commercial Uses - Provide evidence of local markets for the service or product to be marketed.
	4-8	Residential Uses - Provide evidence of local markets for type of housing proposed.
Structural Design and Construction	8	Proposed Structures - Provide architectural sketches and elevations of all proposed structures as they will appear upon completion.
	8	Construction Materials - Provide a description of external structural design including materials, textures and colors. Describe compatibility with other uses and natural features.
	8	Energy Conservation - Show the relationship of building orientation and sun and wind exposures. Describe how structures address energy conservation.
	8	Hazard Protection/Resources Preservation - Show how proposed structures relate to natural features and hazards.
	8	Signs - Indicate the locations, sizes and design of proposed signs.
	8	Solid Waste Storage - Indicate the location and design or storage facilities.
	8	Privacy - Describe how privacy is protected.
	8	Construction Measure - Describe how erosion, siltation and noise will be controlled during construction.

8	Fencing and Screening - Indicate the location, size and design of screening including fencing, berms and walls.
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4.200 PLAN AMENDMENTS

4.201 INITIATION OF AMENDMENTS

An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City.

4.202 AMENDMENT PROCEDURES

4.202.01 Zoning Map or Text Amendment

- A. **Application** - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 3.301.
- B. **Public Notice** - Public notice shall be given pursuant to Section 3.200.
- C. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 4.203.
- D. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 4.203. Approval of the request shall be in the form of an ordinance.

4.203 REVIEW CRITERIA

4.203.01 Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including 4.302.03.

4.203.02 Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
- B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
- C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
- D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

4.203.03 Transportation Planning Rule Consistency

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- 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. This shall be accomplished by one of the following:
 - 1. Limiting allowed uses to be consistent with the planned function of the transportation facility

-
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses
 3. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

4.300 CONDITIONAL USES

4.301 GENERALLY

4.301.01 Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in Section 4.300. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.

4.301.02 Changes in Conditional Uses

Changes in use or expansion of a legal non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this Code or were established pursuant to Section 4.300 shall require the filing of a new application for review confirming to the requirements of Section 4.300 if the proposed changes would increase the size, square footage, seating capacity or parking of existing permitted improvements by twenty percent (20%) or more.

Conditional uses may be authorized for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.

4.301.03 Application and Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 3.301. The applicant is responsible for submitting a complete application which addresses all criteria of Section 4.300 and other applicable sections of this Code.

4.302 PERMIT APPROVAL

4.302.01 Hearing Authority Action

The Hearings Authority shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Zoning and Community Development Code. The decision shall include appropriate findings of fact as required by Section 4.302.03, and an effective date.

4.302.02 Final Site Plan

Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 5.100. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

4.302.03 Findings of Fact

No conditional use shall be granted unless each of the following is found:

- A. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.
- B. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.
- C. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.
- D. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.
- E. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.
- F. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.
- G. For a proposed conditional use permit 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 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:

- H. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
- I. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- J. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- K. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- L. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria A-G). These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.

- M. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- N. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
- O. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.
- P. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section

A-G and M-P. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

4.302.04 Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of Section 4.300. These conditions may include but are not limited to the following:

- A. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
- B. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
- C. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
- D. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
- E. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
- F. Limiting the number, size, location, height and lighting of signs.
- G. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
- H. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

4.302.05 Time Limits

Unless approved under Section 4.301.02 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant

showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

4.302.06 Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

4.400 VARIANCES

4.401 GENERALLY

4.401.01 Authorization

The Commission may authorize variances from the standard requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of this Code would cause undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, the Commission may attach conditions which it finds necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and this Code.

4.401.02 Approval Criteria

No variance request shall be granted unless each of the following is found:

- A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

E. The hardship does not arise from a violation of this Code.

4.401.03 Application Content

An application for a variance shall be filed with the City and accompanied by a fee, as determined by Section 3.301. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The applicant is responsible for submitting a complete application which addresses the review criteria of Section 4.400 and other applicable sections of this Code. Except for variances authorized under Subsection 4.402.01, variance requests shall be subject to public notice and hearing as per Section 3.200.

4.401.04 Time Limits

Authorization of a variance shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction in the City's determination has taken place. The Hearing Authority may extend authorization for an additional period not to exceed one (1) year upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

4.401.05 Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of variance approval are not or cannot be satisfied, the variance or building and occupancy permits, shall be revoked.

4.402 ADMINISTRATIVE VARIANCE

4.402.01 Authorization to Grant or Deny Variances to on-site requirements

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

4.402.02 Criteria for Variances Granted Under Section 4.401.03

A. In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:

1. More efficient use of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

B. In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand. The following factors may be considered in granting such an exception:

1. Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly).
2. Opportunities for joint use of nearby off-street parking facilities.
3. Availability of public transit; and
4. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

4.402.03 Procedures for Variances Granted Under Section 4.402.01

A. An administrative variance shall be decided by the City Manager or his or her designee unless an individual entitled to notice under subsection (B) requests a hearing. If a hearing is requested, the proposal shall be decided by the Planning Commission. The application fee shall be less than for a variance requested under Section 4.401.01, and as specified in the City fee schedule. If a hearing is requested, the variance must be processed as a regular variance and requires the full fee. The administrative variance fee shall be credited against the regular variance fee in such

circumstances. If the applicant then decides to withdraw the request, the original fee is non-refundable.

- B. The City shall notify the applicant and all property owners within one hundred (100) feet of the proposal by mailed notice. Any property owner or person present may present written comments to the City which address the relevant criteria and standards. Such comments must be received by the City within ten (10) calendar days from the date on the notice.
- C. If a property owner or a person residing or doing business within the one hundred (100) feet of the proposal presents written comments as described in subsection (B), that individual may also request that a public hearing be held by the Planning Commission on the proposal. A request for a hearing must be submitted in writing and received within ten (10) calendar days from the date on the notice.
- D. If no public hearing is requested as described in subsection (C), the Manager shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all the relevant variance requirements. The applicant may appeal this decision to the Planning Commission.
- E. If a public hearing is requested as provided in subsection (C) or the Manager's decision is appealed as provided in subsection (D), the hearing shall be conducted pursuant to Section 3.200 of the Code.
- F. The decision of the Planning Commission may be appealed to the City Council by a party to the hearing in accordance with Section 3.400 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties.

4.500 TEMPORARY USES

4.501 GENERALLY

4.501.01 Purpose

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.

4.501.02 Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 3.301. The applicant is responsible for submitting a complete

application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Section 3.200.

4.502 PERMIT APPROVAL

4.502.01 Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Section 3.200 provided that the applicant demonstrates that the proposed use:

- A. Generally conforms to the standards and limitations of the zoning district in which it is located.
- B. Meets all applicable City and County health and sanitation requirements.
- C. Meets all applicable Uniform Building Code requirements.

4.502.02 Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to Section 4.500.

4.502.03 Additional Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.

4.502.04 Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

4.600 INTERPRETATION OF SIMILAR USES

4.601 GENERALLY

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.

4.602 APPLICATION CONTENT

The request shall be submitted with a fee pursuant to Section 3.302 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

4.603 APPROVALS

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Section 3.400.

CHAPTER 5

COMMUNITY DESIGN

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CHAPTER 5

COMMUNITY DESIGN

5.100 SITE PLANNING

5.101 PURPOSE

5.101.01 Generally

Chapter 5 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.

5.101.02 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 water-ways.

5.102 SITE PLAN REVIEW

5.102.01 Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 2.205.01, 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 Section 3.200. For the purposes of Section 5.102, 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 Section 2.206.
- D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.
- E. The activity is subject to site plan review by other requirements of this Code.
- F. Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

5.102.02 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 Section 3.400.

5.102.03 Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, and other development activities shall be carried out in accordance with the site development plans per section 3.200. 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 5.102.01, that conflict with original approvals, or that otherwise may conflict with the standards of Section 5.102.04, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.

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.

5.102.04 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 all provisions of Chapters 5, 6, 8 and 9.
- 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 feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.
- 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 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.
- 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 commercial, multi-family development, and 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, metal roofs, and artificial stucco material 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 Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.

5.102.05 Approvals

The application shall be reviewed pursuant to Section 3.200 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 5.102.04. The action may be appealed to the Council in accordance with Section 3.400.

5.102.06 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 3.301.

5.200 LANDSCAPING

5.201 LANDSCAPING PLAN

All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

5.202 LANDSCAPING MATERIALS

5.202.01 Varieties

Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.

5.202.02 Establishment of Healthy Growth and Size

Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

5.202.03 Non-Vegetative Features

Landscaped areas as required by Section 5.200 may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative paving, and graveled areas. Artificial plants are prohibited in any required landscaped area.

5.202.04 Existing Vegetation

All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 8.304.07.

5.203 LANDSCAPING STANDARDS

5.203.01 Perimeter Screening and Buffering

A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

5.203.02 Parking and Loading Areas

A. Total Landscaped Area

All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200.

B. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 2.303.

C. Perimeter Landscaping

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

D. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

E. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 2.301.

5.203.03 Visual Corridors

New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the of the Community Development Plan, Part II, and the provisions of Section 8.304.

5.204 INSTALLATION AND MAINTENANCE

5.204.01 Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.

5.204.02 Maintenance of Landscaped Areas

All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses.

5.300 OFF-STREET PARKING AND LOADING

5.301 GENERALLY

5.301.01 Off-Street Parking Required

No building permit shall be issued until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 5.302, or unless a variance from the minimum or maximum parking standards is approved in accordance with Section 4.400 Variances.

5.301.02 Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within six (6) months, the security may be used by the City to complete the installation.

5.301.03 Joint Use

Two (2) or more uses, structures, or parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

5.301.04 Multiple Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of 10% to 25% to account for cross-patronage of adjacent businesses or services.

5.301.05 Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

5.301.06 Location

Residential off-street parking spaces shall be located on the same lot as the residential use. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use.

5.301.07 Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

5.301.08 Drainage

Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.

5.301.09 Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired, broken or splintered wheel stops shall be replaced and painted parking space boundaries and directional symbols shall be maintained in a readable condition.

5.301.10 Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

- A. Delineation of individual parking and loading spaces and dimensions;
- B. Circulation areas necessary to serve parking and loading spaces;
- C. Location of accesses to streets, alleys and properties to be served, and any curb cuts;
- D. Landscaping as required by Section 5.200;
- E. Grading and drainage facilities;
- F. Signing and bumper guard specifications.
- G. Bicycle parking facilities as specified in Section 5.302.03E.
- H. Parking lots more than three (3) acres in size shall provide street-like features along major driveways including curbs, sidewalks, and street trees or planting strips.

5.301.11 Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

5.302 OFF-STREET PARKING STANDARDS

5.302.01 Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking and loading requirements for a use not specifically listed in Section 5.302.02 shall be determined by the Commission based upon the requirements of comparable uses.

**5.302.02 Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)**

	Minimum	Maximum A	Maximum B
Single, two-family & Manufactured Home on lot*	1 per du	None	None
Multi-Family	1 under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or Motel	1 per room	None	None
Boarding House	None	None	None
General Retail or Personal Service	4.1 (244 sf)	5.1	6.2
Vehicle Sales, Nursery	4.1	5.1	6.2
Furniture/Appliance Store	4.1	5.1	6.2
Tennis Racquetball Court	1.0	1.3	1.5
Golf Course	None	None	None
Sports Club/Recreation Facility	4.3 (233 sf)	5.4	6.5
General Office	2.7 (370 sf)	3.4	4.1
Bank with Drive-thru	4.3 (233 sf)	5.4	6.5
Medical or Dental Office	3.9 (256 sf)	4.9	5.9
Eating or Drinking Establishment	15.3 (65 sf)	19.1	23.0
Fast Food Drive-thru	9.9 (101 sf)	12.4	14.9
Movie Theater	0.3 per seat	0.4	0.5
Day Care	None	None	None
Elementary & Jr High	None	None	None
High School & College	0.2 per student + teacher	0.3	0.3
Church	0.4 per seat	0.6	0.8
Nursing Home	None	None	None
Library	None	None	None
Industrial	1.6	None	None

*An enclosed building or garage associated with any residential dwelling type cannot be counted towards the parking space requirement for that unit. Further, if the street on which the house has access is less than 28 feet wide, 2 off-street parking spaces are required per single-family residential unit (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot). If the abutting street is 28-feet or wider, one standard (9 ft x 18 ft) parking space is required.

5.302.03 Miscellaneous Standards

A. Dimensions

For the purpose of Section 5.300, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

B. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.

C. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G.

D. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

E. Bicycle Parking Facilities

1. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.

- 2. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- 3. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- 4. **Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
- 5. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- 6. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

MINIMUM RECOMMENDED BICYCLE PARKING SPACES

USE CATEGORIES	MINIMUM RECOMMENDED SPACES
Residential Categories	
Household Living	Multi-dwelling – 2 or 1 per 10 auto spaces. All other residential structure type – None.
Group Living	1 per 20 auto spaces
Commercial Categories	
Retail Sales/Service Office	2 or 1 per 20 auto spaces, whichever is greater.
Drive-Up Vehicle Servicing	None
Vehicle Repair	None
Commercial Parking Facilities Commercial Outdoor Recreation Major Event Entertainment	4 or 1 per 20 auto spaces, whichever is greater.
Self-Service Storage	None
Industrial Categories/Service Categories	
Basic Utilities	2 or 1 per 40 spaces, whichever is greater.
Park and Ride Facilities	2 or 1 per 20 auto spaces
Community Service Essential Service Providers Parks and Open Areas	2 or 1 per 20 auto spaces, whichever is greater.
Schools	High Schools – 4 per classroom Middle Schools – 2 per classroom Grade Schools – 2 per 4 th & 5 th grade classroom
Colleges Medical Centers	2 or 1 per 20 auto spaces whichever is greater.

Religious Institutions Daycare Uses	
Other Categories	
Agriculture	None
Aviation Facilities Detention Facilities	Per CU review
Mining, Radio and TV Towers	None
Utility Corridors	None

F. Credit for On-Street Parking

1. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. 45/60 degree diagonal, each with 10 feet of curb;
- c. 90 degree (perpendicular) parking, each with 8 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

G. Off-Street Vehicle Parking Requirements

- 1. Parking Location and Shared Parking.
 - a. Location. Vehicle parking is allowed only on approved parking shoulders (public streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to side or rear of buildings. All new development shall include preferential spaces for car pool and van pools, if business employs 20 employees or more. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

b. Off-site Parking. Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

c. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

d. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written notarized letter or legal instrument establishing the joint use.

e. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

5.303 OFF-STREET LOADING STANDARDS

5.303.01 Minimum Standards

A. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

B. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

1. 20,000 to 50,000 sq. ft. - 500 sq. ft.
2. 50,000 sq. ft. or more - 750 sq. ft.

5.303.02 Separation of Areas

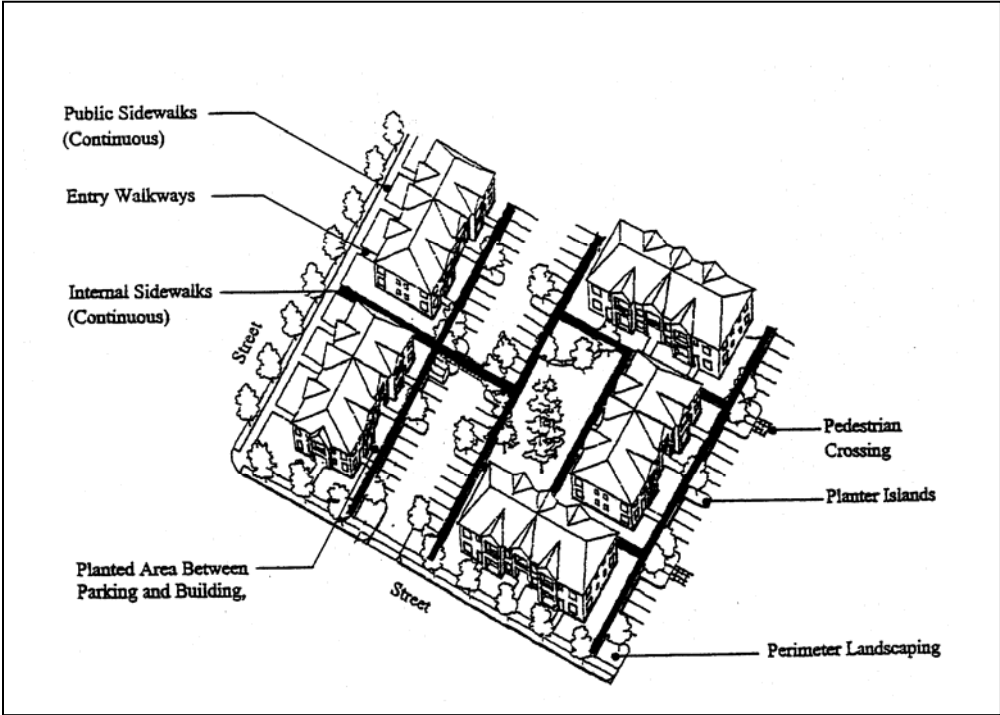
Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of Section 5.302 shall not be used for loading and unloading operations.

5.400 ON-SITE CIRCULATION

5.401 On-Site Pedestrian and Bicycle Circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

Figure. 5.401. On-Site Circulation System (Multi-Family Example)



5.401.01 Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with Section 5.400.

5.401.02 Joint Access

Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

5.401.03 Connection to Streets

- A. Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
- B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

5.401.04 Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

5.401.05 Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

- A. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- B. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
- C. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

5.401.06 Service Drives

Service drives shall be provided pursuant to Section 5.303.

5.402 MINIMUM RESIDENTIAL STANDARDS

Minimum standards for private, on-site circulation improvements in residential developments:

5.402.01 Driveways

- A. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
- B. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.
- C. Multi-Family: Improved hard surface driveways are required as follows:

Units	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
3 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

5.402.02 Sidewalks and Curbs

- A. **Single, Two-Family, and Manufactured Home on Individual Residential Lot:** No on-site sidewalks and curbs are required.
- B. Multi-family:
 - 1. A system of private pedestrian sidewalks/pathways extending throughout the development site, shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, to adjacent developments, to transit facilities within 500 feet of the site, and future phases of development. Main building entrances shall also be connected to one another.

2. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one side of approved driveways connecting to the public sidewalk or curb of the public street which provides required ingress and egress. Curbs shall also be required at a standard approved by the Commission.
3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick,/masonry pavers, or other durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

5.403 MINIMUM NON-RESIDENTIAL STANDARDS

Minimum standards for private, on-site circulation improvements in non-residential developments:

5.403.01 Driveways

A. Commercial: Improved hard surface driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

B. Industrial: Improved hard surfaced driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
1 - 249	1	15 feet	24 feet
250 & above	2	15 feet	24 feet

5.403.02 Sidewalks and Curbs

- A. Industrial and Commercial: A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within 500 feet of the site, future phases of development, and whenever possible to parks and open spaces.
- B. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
- C. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.
- D. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

5.404 On-site Vehicle Circulation

5.404.01 Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with Section 5.400.

5.404.02 Joint Access [See also Section 6.308]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require

a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

5.404.03 Connection to Streets

- A. Except for joint access as per Section 5.404.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
- B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress. [moved above]

5.404.04 Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

5.404.05 Service Drives

Service drives shall be provided pursuant to Section 5.303.

5.500 ON-SITE STORAGE

5.501 RECREATIONAL VEHICLES AND EQUIPMENT

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 5.203.

5.502 SOLID WASTE STORAGE

All uses shall provide solid waste storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste storage areas and receptacles shall be located out of public view. Solid waste receptacles for multi-family, commercial and industrial uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

5.503 MATERIAL STORAGE

5.503.01 Generally

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Commission as part of a site plan or as per Section 5.504.

5.503.02 Standards

Except as per Section 5.504, 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.

5.503.03 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.

5.504 OUTDOOR SALES AND MERCHANDISE DISPLAY

5.504.01 Sales Permitted

Outdoor sales and merchandise display activities shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use. Outdoor sales and merchandise display will be reviewed as conditional uses in accordance with Section 4.300.

5.504.02 Standards

- A. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
- B. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.

- C. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be paved with asphalt surfacing, crushed rock, or other dust-free materials.
- D. Additional standards may apply to outdoor sales and merchandise display in NC zones, as per Section 2.107.05A.

5.600 RESERVED

5.700 SIGNS

5.701 GENERALLY

5.701.01 Sign Permits

- A. Except as otherwise provided in Section 5.701, 5.704, 5.705, 5.706 and 5.707, no person shall construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Section 3.200 and making payment of the fee required by Section 3.301. In addition, all permitted illuminated signs shall be subject to the provisions of the State Electrical Code and any applicable permit fees.

5.701.02 Sign Application

Application for a sign permit shall be made upon forms provided by the City and shall include the following information:

- A. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the landowner.
- B. Location of the building structure or lot to which or upon which the sign is to be attached or erected.
- C. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
- D. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.

- E. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign.

5.701.03 Exceptions

The following signs shall not require a sign permit but shall conform to all other applicable provisions of Section 5.700:

- A. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
- B. Nameplates not exceeding one (1) square foot in area.
- C. Messages on a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy.
- D. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
- E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. A construction site sign denoting an architect, engineer, contractor, subdivision or development, not exceeding thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
- G. Portable/Temporary Signs allowed per Sections 5.704, 5.705, 5.706, and 5.707.
- H. Public utility signs and other signs required by law.
- I. Signs on private property 3 square feet or less per sign face and under 3 feet tall when freestanding and installed to be readable on private property.

5.701.04 Violations

The City shall order the removal of any sign erected or maintained in violation of the provisions of Section 5.700. The City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove such sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a

lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as similar liens.

5.701.05 Nonconforming Signs

Signs which do not conform to the provisions of Section 5.700 shall be regarded as nonconforming signs and shall be brought into compliance with this Code's standards. Any nonconforming sign in existence as of the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. Any nonconforming sign erected after the effective date of Ordinance 2005-002, shall be brought into compliance within five years of the issuance of a building permit to construct the sign. Any nonconforming sign not brought into compliance within five years shall be removed at the expense of its owner or the owner of the property upon which it is located. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance.

5.701.06 Abandoned Signs

Any person who owns or leases a sign shall remove the sign and sign structure when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice for removal of the sign. After ninety (90) days the City may remove such sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens.

5.701.07 Additional Setbacks

Where the supporting member of any sign is permanently erected or affixed to the ground within a setback area established pursuant to Section 2.302, no permit shall be issued for such sign until the owner(s) of the sign and premises upon which the sign will be erected, enter into a written agreement with the City providing the supporting member within ninety (90) days of written notice by the City. The agreement shall further provide that after ninety (90) days the City may remove such sign at the expense of the owner(s). All costs incurred by the City may be a lien against such land or premises and may be collected or foreclosed in the same manner as similar liens.

5.701.08 Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition.

5.701.09 Definitions

- A. Off-Premise Sign:** A sign placed at a location other than on the lot or property where the business or event being advertised or otherwise promoted is located.
- B. Sign Face Area:** The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - 1. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
 - 2. If the sign is composed of more than two sign cabinets, sign facia or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
- C. Single Business Site:** Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
- D. Commercial Center:** Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
- E. Commercial Plaza:** Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site. Any legally permitted off-premise sign on the site must comply with the provisions of section 5.700.
- F. Free-Standing Signs:**
 - 1. **Monument Sign:** A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.
 - 2. **Column Sign:** A sign supported by two square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches and a maximum width of thirty-six (36) inches. The columns must extend uninterrupted from grade level to the base of the sign face.
- G. Pole Sign:** A free-standing sign mounted on one (1) vertical support.

- H. Wall Sign:** A sign attached to, erected against or painted on a wall of a building.
- I. Permanent Residential Development Sign:** Any sign erected in association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD).
- J. Roof Signs:** Signs erected in or directly above a roof or parapet of a building or structure.

5.702 PROHIBITED SIGNS

5.702.01 Unsafe or Unmaintained Signs

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

5.702.02 Signs on Streets

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

5.702.03 Obstructing Signs

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

5.702.04 Rotating or Revolving Signs

Rotating or revolving signs are prohibited.

5.702.05 Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose

the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label.

5.702.06 Changing Image Signs

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

5.702.07 Pole Signs

5.702.08 Signs on Vacant Land

Any sign on unimproved property, unless allowed as a temporary sign under Sections 5.704, 5.705, 5.706, 5.707 shall be prohibited.

5.702.09 Permanent Residential Development Signs

5.702.10 Roof Signs

5.703 SIGN REGULATIONS BY ZONE

5.703.01 Residential Zones

No sign requiring a permit shall be allowed in residential zones except for the following:

A. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential or institutional public zone:

1. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
2. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to eight (8) feet from ground level at its base.

B. Multi-Family Development Signs

One (1) non-illuminated free-standing monument sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. The maximum height of any portion of a free-standing sign shall be limited to five (5) feet from ground level at its base.

C. Non-Residential Signs

One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed.

D. Temporary/Portable Signs

The requirements of Sections 5.704, 5.705, 5.706 and 5.707 shall apply.

5.703.02 Commercial Zones

No sign requiring a sign permit shall be allowed in commercial zones except for the following:

A. Free-Standing Signs

1. **Number Permitted:** One (1) multi-faced, free-standing sign designating the principal goods or services available on the premises shall be permitted. Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. No more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed, each sign shall be oriented to face a different direction or street frontage. Any off-premise free-standing sign legally located on a single business site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of Section 5.700.

2. **Height Limit:** The maximum sign height shall not exceed the following:

Single Business Site	25 feet
Commercial Center	30 feet
Commercial Plaza	35 feet

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites

with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

3. **Clearance:** Signs are prohibited over a driveway or parking area.
4. **Area:**
 - a. **Single Business Site:** The maximum sign face area for a single business site shall be no more than one-hundred fifty (150) square feet. The total for all free-standing sign faces shall not exceed three-hundred (300) square feet.
 - b. **Commercial Center:** The maximum sign face area for a commercial center sign shall be no more than two-hundred (200) square feet. The total for all free-standing sign faces shall not exceed four-hundred (400) square feet.
 - c. **Commercial Plaza:** The maximum sign face area for a commercial plaza sign shall be no more than three-hundred (300) square feet. The total for all free-standing sign faces shall not exceed six-hundred (600) square feet.
 - d. The maximum sign face area on any sign for any one (1) legally permitted business shall not exceed one-hundred fifty (150) square feet.
5. **Location:** No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 2.301.
6. **Off-Premise Signs:** Sign area will be calculated as part of the permitting business's total square footage requirements as described in Section 5.703.02(A)(4). Any off-premise free-standing sign legally located on a single business site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of Section 5.700.

All off-premise signs oriented to be viewed from State Highway 99W shall be subject to the standards and requirements of the Oregon Administrative Rules and Oregon Revised Statutes administered and enforced by the Oregon Department of Transportation (ODOT). Where there is a conflict between the standards or requirements of the City and the State, the more restrictive standards or requirements shall apply.

B. Wall Signs

Wall signs in combination with banner and projecting signs placed per Section 5.707 and defined in Section 5.704.01C, shall not exceed twenty percent (20%) of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signing. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1-1/2) feet from the wall to which they are attached.

C. Projecting Signs

Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:

1. Only one (1) projecting sign will be permitted on the same business frontage with wall signs.
2. No projecting sign shall be permitted on the same premises where there is a free-standing sign or roof sign.
3. A projecting sign shall be used solely to identify a business and shall not be used to advertise services or products sold on the premises.
4. No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.
5. No projecting sign shall be located within twenty (20) feet of another projecting sign in the same horizontal plane.
6. No projecting sign shall be supported by a frame, commonly known as an "A frame" or other visible frame located on the roof of a building.
7. No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

D. Directional Signs

The requirements of Section 5.703.01.C shall apply.

E. Temporary/Portable Signs

The requirements of Sections 5.704, 5.705, 5.706 and 5.707 shall apply.

5.703.03 Industrial Zones

No sign requiring a permit shall be allowed in industrial zones except for the following:

A. Signs permitted in commercial zones, provided that only one (1) multi-faced free-standing sign designating the principal uses of the premise shall be permitted in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60) square feet and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120) square feet.

B. Directional Signs

The requirements of Section 5.703.01C shall apply.

C. Temporary/Portable Signs

The requirements of Sections 5.704, 5.705, 5.706 and 5.707 shall apply.

5.704 TEMPORARY/PORTABLE SIGNS

5.704.01 Definitions

The following sign types are termed Temporary/Portable for the purposes of this Code.

A. Portable A-Frame Sign – a double-faced portable sign with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

B. Temporary/Portable Sign – small movable sign used for a temporary period of time (A-frame signs are considered a Temporary Portable Sign when used for a limited time period as specified by this Code).

C. Banner Sign – a sign made of lightweight fabric or other non-rigid material characteristically supported by two or more points and hung on the side of a building.

D. Temporary Over-Roadway Banner Sign – banner signs placed over a public roadway for a limited period of time.

5.704.02 Placement Requirements

- A. Temporary/Portable signs must remain movable by hand and shall not be attached or anchored in any way to trees, vehicles, trailers, utility poles, pavement or any public property.
- B. Temporary/Portable signs shall not obstruct pedestrian and disabled accessible ADA routes of travel, including but not limited to, transit stop areas, disabled parking spaces, disabled access ramps, building entrances and fire escapes.
- C. Temporary/Portable signs shall not create a traffic hazard by blocking vehicular sight distance or be placed within a vehicular travel lane.
- D. Temporary/Portable signs shall be kept in good condition and shall not be rusty, faded or splintered.

5.705 PORTABLE A-FRAME SIGNS

5.705.01 Prohibited Locations

A. Industrial Zoning Districts

To preserve industrial zoning districts as employment-based manufacturing areas and to encourage retail uses and retail signage in commercial zones, portable A-frame signs are prohibited in industrial zones, including General Industrial (GI) and Light Industrial (LI) zones.

B. Temporary/Portable signs are permitted per Section 5.706.

5.705.02 Permitted Locations

A. Commercial and Institutional Public Zoning Districts

Each business having a valid City of Sherwood business license which is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC) or Institutional Public (IP) zoning district may display one (1) portable A-frame sign on private property within 25-feet of the main entrance to the business.

Each portable sign shall be a maximum of six (6) square feet per sign face.

Signs shall be sited per Section 5.704.02.

B. Multi-family zoning districts including High Density Residential (HDR) and Medium Density Residential High (MDRH).

One (1) portable A-frame sign on private property.

Each portable sign shall be a maximum of six (6) square feet per sign face.

Signs shall be sited per Section 5.704.02

C. Old Town Overlay District

Businesses who have a valid City of Sherwood business license and are physically located within the Old Town Overlay District, may display two (2) portable signs on private property or within the public right-of-way in the Old Town Overlay District.

Each portable sign shall be a maximum of six (6) square feet per sign face.

If a business wishes to place a portable sign on the sidewalk in front of someone else's property that business must receive written permission from the property owner whose property is adjacent to where the sign is placed.

Signs shall be sited per Section 5.704.02.

5.706 TEMPORARY/PORTABLE SIGNS & OVER-THE-ROADWAY BANNER SIGNS

5.706.01 Prohibited Locations

Temporary/Portable and Over-the-Roadway Banner Signs are prohibited in the following locations, unless otherwise approved due to road construction and/or closure per Section 5.706.03C:

- A. ODOT right-of-way, including but not limited to Highway 99W.
- B. Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road and Tualatin-Sherwood Road.

5.706.02 Temporary/Portable Sign Exemptions

- A. Four (4) off-site temporary/portable signs not exceeding six (6) square feet each per sign face may be displayed without permit from Thursday at 6:00 PM until Sunday at 8:00 PM and on Tuesday.
- B. Public notice signs as required by Section 3.202.02.
- C. Tenants and property owners may display temporary/portable signs a maximum of eight (8) square feet per sign face without permit on private residential property where the tenant or owner resides.
- D. Signs shall be sited per Section 5.704.02.

5.706.03 Permits Required

- A. Temporary/Portable sign users that are not exempt per Section 5.706.02 shall obtain a permit from the City of Sherwood. Permits shall be issued by the Planning Director without public notice of public hearing per Section 3.201A, Type I review action.

- B. A temporary/portable sign user may be permitted to display temporary signs a total of four (4) times in one (1) calendar year for a period of two (2) weeks prior to an event. The signs shall be removed two (2) days following the event. As an alternative to four, two-week periods, signs may be permitted for a two-month period per calendar year for seasonal, temporary events.
- C. In the event that the temporary sign is requested by a business whose regular access is blocked due to road construction and/or road closures, temporary/portable signs may be permitted to remain until construction is completed. These signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by these agencies.
- D. Signs shall be sited per Section 5.704.02.

5.706.04 Permit Forms

All temporary sign users requiring permits per this code shall make application on forms provided by the City. Such forms shall be created and maintained by the City Manager or his or her designee. A permit fee may be charged and set out in a City Council resolution. When placing signs on private property, an owner's signature granting permission to place the sign on their property is required.

5.706.05 Permit Types

Temporary sign permits are classified as follows:

A. General Temporary Sign Permit

The sign user may display no more than one (1) temporary sign at up to ten (10) approved locations throughout the City. Temporary signs are limited to six (6) square feet per sign face and shall be spaced a minimum of ten (10) feet apart. Applications must be submitted to the City four (4) weeks prior to the requested date of sign placement.

A temporary sign may be permitted to be larger than six (6) square feet, if one or more of the following criteria is met:

1. The location where the sign is proposed is on a high-speed roadway, 35 mph or greater, that warrants a larger sign making the sign readable and improving traffic safety.
2. Installing a larger sign would eliminate the need for several smaller signs reducing visual clutter.

3. The proposed event for which the sign is being permitted is expected to attract a larger number of people and would require closing roads.

B. Temporary Over-the-Roadway Banner Signs

An applicant may be approved for one (1) temporary over-the-roadway banner sign to be attached to power poles. Over-the-roadway banner signs shall be installed only after receiving a permit from Portland General Electric (PGE) or its successor. Once a PGE permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.

Over-the-roadway banner signs are allowed at the following locations:

1. North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.

C. Pre-approved Temporary Portable Sign Permits

Temporary sign permits may be renewed for reoccurring annual events without submitting for a new permit to the City. However, over-the-roadway banner signs require a new permit from Portland General Electric (PGE). A new permit from the City is required if changes are made to the existing permit.

5.707 BANNER SIGNS

5.707.01 Placement Requirements

- A. Except for banner signs exempted by Section 5.707.03, banner signs shall be firmly attached to the side of a building only. No banner sign shall be attached to building roofs, fences, vehicles, trailers, or anything else that is not the side or part of the side of a building.
- B. Banner signs shall not cover building windows.
- C. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
- D. Banner signs shall be made of all-weather material.

5.707.02 Prohibited Locations

- A. Banner signs are prohibited in all residential and industrial zoning districts.

5.707.03 Exemptions

- A. Banner signs not intended to be viewed from a public street.

5.707.04 Permitted Locations

- A. Commercial and Institutional Public Zoning Districts

Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC) or Institutional Public (IP) zoning district may display banner signs on private property.

Banner sign size shall be regulated per Section 5.703.02B.

Signs shall be displayed per Section 5.707.01.

- B. Multi-family zoning districts, including High Density Residential (HDR) and Medium Density Residential High (MDRH).

One banner sign not exceeding 32 square feet per tax lot.

Signs shall be displayed per Section 5.707.01.

5.708 TEMPORARY/PORTABLE SIGN VIOLATIONS

- A. Fines shall be set in a City Council resolution.

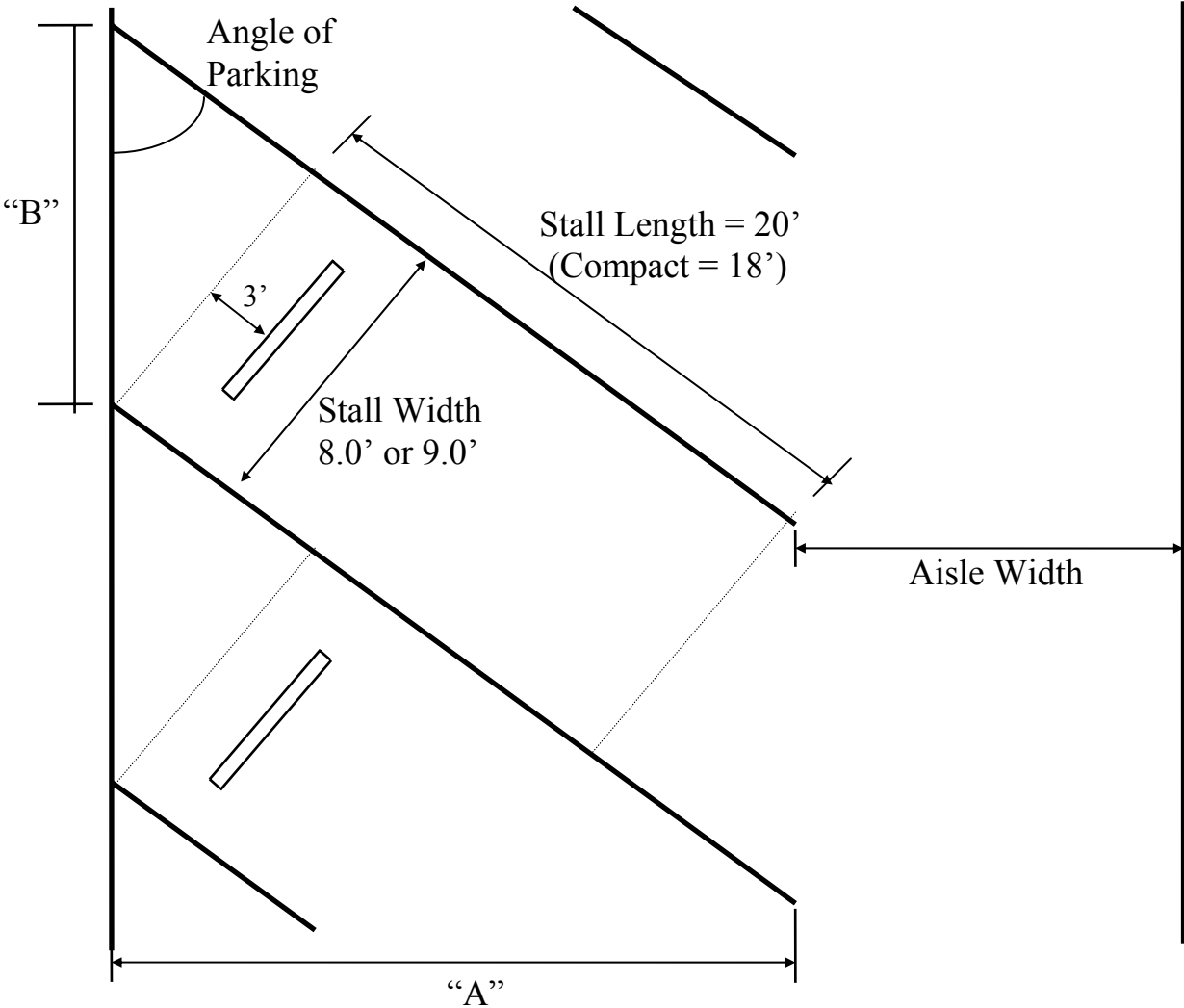
5.708.01 Temporary/Portable Signs, Banner Signs and Over-the-Roadway Banner Signs

Individuals in violation shall be subject to the sign being removed and a fine for the first offense and the find doubled for each subsequent offense.

5.708.02 Portable A-frame Signs

- A. First Violation – Written warning stating corrective action required to bring the portable sign into conformance.
- B. Second Violation – Fine.
- C. Third Violation – Portable sign removed and held for 30 calendar days. During this period the sign will be returned to the owner subject to a fine. After 30 days the City is no longer responsible for returning the sign.
- D. Fourth Violation – The business loses portable sign privileges for one year. City can remove signs and fine for each offense during this one year probation period.

Appendix G
Minimum Standards for Parking Areas



Angle of Parking	Direction of Parking	Aisle Width		"A"		"B"	
		Stall Width		Stall Width		Stall Width	
		8'	9'	8'	9'	8'	9'
30 ⁰	Drive-In	12.5	12.5	17.8	18.2	18.0	19.0
45 ⁰	Drive-In	12.5	12.5	20.5	20.9	12.7	13.4
60 ⁰	Drive-In	19.0	18.0	21.8	22.1	10.4	11.0
60 ⁰	Back-In	17.0	17.0	21.8	22.1	10.4	11.0
90 ⁰	Drive-In	23.0	23.0	20.0	20.0	9.0	9.6
90 ⁰	Back-In	22.0	22.0	20.0	20.0	9.0	9.6

CHAPTER 6

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CHAPTER 6

PUBLIC IMPROVEMENTS

6.100 GENERALLY

6.101 STANDARDS

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require proposed buildings and development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. The Council may establish specifications to supplement the standards of this Code and other applicable ordinances. Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved at the standards established by this Code and other City regulations.

6.102 FUTURE IMPROVEMENTS

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of public improvements shall be established during the actual development process and shall be depicted on public improvement plans submitted and approved pursuant to Section 6.200 and other applicable sections of this Code.

6.103 IMPROVEMENT PROCEDURES

Except as otherwise provided, all public improvements shall conform to City standards and specifications and shall be installed in accordance with Section 6.200. No public improvements shall be undertaken until an improvement plan review fee has been paid, improvement plans have been approved by the City, and an improvement permit has been issued.

6.200 IMPROVEMENT PLAN REVIEW

6.201 PREPARATION AND SUBMISSION

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per Section 6.201.01.

6.201.01 Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

6.201.02 Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

- A. Surveying sufficient to prepare construction plans.
- B. Preparation of construction plans and specifications.
- C. Construction staking, and adequate inspection.
- D. Construction notes sufficient to develop accurate as-built plans.
- E. Drawing of accurate as-built plans and submission of reproducible mylars to the City.
- F. Certificate stating that construction was completed in accordance with required plans and specifications.

6.202 CONSTRUCTION PERMIT

6.202.01 Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

6.202.02 Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

6.202.03 Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

6.202.04 Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

A. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

B. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

6.203 CONSTRUCTION

6.203.01 Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

6.203.02 Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

6.203.03 As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

6.203.04 Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

6.204 ACCEPTANCE OF IMPROVEMENTS

6.204.01 Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

6.204.02 Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of Section 6.200 and the specifications of all approved plans.

6.204.03 Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

6.300 STREETS

6.301 GENERALLY

6.301.01 Creation

Public streets shall be created in accordance with provisions of Section 7.304. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, attached as Appendix B, in Chapter 6 of the Community Development Plan, and in other applicable City standards.

6.301.02 Street Naming

- A. All streets created by the subdivision process will be named prior to submission of the final plat.

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- B. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
 - C. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in Section 6.301.03.
 - D. All streets named shall conform to the general requirements as outlined in Section 6.301.04.
 - E. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

6.301.03 Street Renaming

- A. An action to rename a street in the City may be initiated by the Council:
 - 1. On its own action; or
 - 2. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.
- B. A petition for naming or renaming a street shall include the following:
 - 1. A statement of the reasons for the proposed name change.
 - 2. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.
 - 3. Signatures of either owners of percent sixty (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.
- C. Notice and Hearing
 - 1. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.
 - 2. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:
 - a. Notice by posting in no less than two (2) conspicuous places abutting the subject road; and
 - b. Notice by publication in a newspaper of general circulation in the area of the subject road.

3. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.
4. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.
5. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.
6. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

6.301.04 Street Name Standards

- A. All streets named or renamed shall comply with the following criteria:
 1. Major streets and highways shall maintain a common name or number for the entire alignment.
 2. Whenever practicable, names as specified in Section 6.301.05 shall be utilized or retained.
 3. Hyphenated or exceptionally long names shall be avoided.
 4. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
 5. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
- B. The following classifications (suffixes) shall be utilized in the assignment of all street names:
 1. Boulevards: North/south arterials providing through traffic movement across the community.
 2. Roads: East/west arterials providing through traffic movement across the community.
 3. Avenues: Continuous, north/south collectors or extensions thereof.
 4. Streets: Continuous, east-west collectors or extensions thereof.

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5. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
 6. Lanes: Short east/west local streets under 1,000 feet in length.
 7. Terraces: short north/south local streets under 1,000 feet in length.
 8. Court: All east/west cul-de-sacs.
 9. Place: All north/south cul-de-sacs.
 10. Ways: All looped local streets (exceeding 180 degrees).
 11. Parkway: A broad landscaped collector or arterial.
- C. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
- D. All proposed street names shall be approved, prior to use, by the City.

6.301.05 Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

- A. Original holders of Donation Land Claims in Sherwood.
- B. Early homesteaders or settlers of Sherwood.
- C. Heirs of original settlers or long-time (50-100 years) residents of Sherwood.
- D. Explorers of or having to do with Sherwood.
- E. Indian tribes of Washington County.
- F. Early leaders and pioneers of eminence.
- G. Names related to Sherwood's flora and fauna.
- H. Names associated with the Robin Hood legend.

6.302 STREET SYSTEMS IMPROVEMENT FEES (SIF)

6.302.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development and redevelopment of public rights-of-way, streets, bikepaths, sidewalks, traffic control devices, and appurtenant structures, designed to provide extra system capacity, and as designated on the Transportation Plan Map, attached as Appendix B, and in Chapter 6 of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for street preservation improvements or for routine street system maintenance and operations.

6.302.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity street improvements. The SIF for streets shall be set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for purposes of information, but is deemed to be separate from and independent of this Code.

6.302.03 Assessment

Except as otherwise provided by this Code or by State Law, the SIF is immediately due and payable and shall be collected prior to issuance of any building permits for new residential construction; for alterations or additions to buildings that increase the number of residential dwelling units; or for commercial, industrial, or institutional construction requiring new or additional off-street parking as per Section 5.302.

6.302.04 Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the full SIF is paid in full.

6.303 REQUIRED IMPROVEMENTS

6.303.01 Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

6.303.02 Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located

between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

6.303.03 Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

6.303.04 Extent of Improvements

Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the Standard Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.

6.303.05 Street Modifications

- A. Modifications to standards contained within Sections 6.300, 2.301 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.
- B. Types of Modifications. Requests fall within the following two categories:
 1. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in Sections 6.300, 2.301 or Chapter 8 contained in the adopted Transportation System Plan:
 - a. Surfacing materials for roads or pedestrian facilities;
 - b. Asphalt and/or base rock thickness less than required;
 - c. Pavement marking layout;
 - d. Exceeding the maximum street grade;
 - e. Type and/or location of signage;
 - f. Channelization;
 - g. Intersection interior angles and curb radii less than required;

-
- h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
 - i. Access-related modifications onto collectors, arterials, and state routes; provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.
 - j. Needed changes as a result of a field investigation during construction; and
 - k. Similar revisions to the standards.
2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from Section 6.300, 2.301 or Chapter 8 cross sections in the adopted Transportation System Plan.
- a. Reduced sight distances;
 - b. Vertical alignment;
 - c. Horizontal alignment;
 - d. Geometric design (length, width, bulb radius, etc.);
 - e. Design speed;
 - f. Crossroads;
 - g. Access policy;
 - h. A proposed alternative design which provides a plan superior to these standards; and
 - i. All other standards.
- C. Procedure. A modification request shall be classified as an administrative decision by the City Engineer.
- 1. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.
 - 2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal and processed as a Type III application. Design modification requests shall be processed in conjunction with the underlying development proposal unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:
 - a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;
 - b. Include a letter of Concurrency from the City Engineer.
 - c. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments;
 - d. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard; and

-
- e. For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.
- D. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:
1. A letter of concurrency is obtained from the City Engineer or designee.
 2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
 3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
 4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
 5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
 6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

6.304 LOCATION AND DESIGN

6.304.01 Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Section 8.311, and topographical considerations.

6.304.02 Street Connectivity and Future Street Systems

- A. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).
- B. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that responds to and expands on the Local Street Connectivity map contained in the TSP.
- C. Block Length. For new streets except arterials and principal arterials, block length shall not exceed 530 feet. The length of blocks adjacent to principal arterials shall not exceed 1,800 feet.

- D. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
- E. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
- F. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.
- G. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
 - 1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
 - 2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - 3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

6.304.03 Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

6.305 STREET DESIGN

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, Technical Standards, and the City of Sherwood Public Works Standards, or whichever is most current.

6.305.02 Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City.

6.305.03 Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.

6.305.04 Future Extension

Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 6.305.06, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.

6.305.05 Intersection Angles

- A. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.
- B. Principal arterial, arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.

6.305.06 Cul-de-Sacs

1. All cul-de-sacs shall be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation.
2. All cul-de-sacs shall terminate with a circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead turnaround in accordance with the specifications in the Public Works Standards. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
4. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards. of 6.303.04 and other City standards.

6.305.07 Grades and Curves

Grades shall not exceed six percent (6%) for principal arterials or arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for principal arterials, two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).

6.305.08 Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

6.305.09 Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 8.304.04, and all applicable access provisions of Section 5.400, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

6.305.10 Median Islands

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be used on principal arterial, arterial or collector streets for the purpose of controlling access, or for aesthetic purposes.

6.305.11 Curbs

Except in the Old Town Overlay District where curbless (*woonerf*) streets are permitted, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.

6.305.12 Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

6.305.13 Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

6.305.14 Traffic Calming

- A. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
1. Curb extensions (bulb-outs);
 2. Traffic diverters/circles;
 3. Alternative paving and painting patterns;
 4. Raised crosswalks, speed humps, and pedestrian refuges; and
 5. Other methods demonstrated as effective through peer reviewed engineering studies.
- B. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

6.305.15 Vehicular Access Management

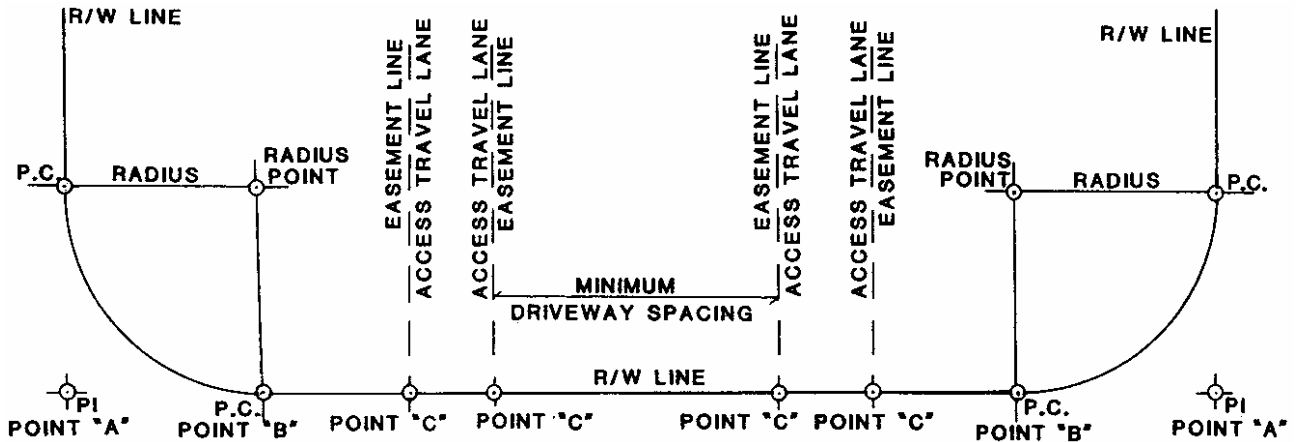
All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted

street standards in the *City of Sherwood Transportation Technical Standards* and the standards of Chapter 6.

A. Measurement

See following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

1. Minimum right-of-way radius at intersections shall conform to city standards. Where city standards do not exist, the County Road Standards shall apply.
2. All minimum distances stated in the following sections shall be governed by sight distance requirements according to County Road Standards.
3. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
5. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

1. Local Streets

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

2. Neighborhood Routes

Minimum spacing between driveways (Point “C” to Point “C”) shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point “C” to Point “C”). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than fifty (50) feet.

3. Collectors

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 5.404.02, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point “A.” Minimum spacing between driveways (Point “C” to Point “C”) shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

4. Principal Arterials, Arterials, and Highway 99W

Points of ingress or egress to and from Highway 99W, principal arterials, and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- a. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W, principal arterials, and arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- b. Other private ingress or egress from Highway 99W, principal arterials, and arterial roadways shall be minimized. Where alternatives to Highway 99W, principal arterials, or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage road. When alternatives do not exist, access shall comply with the following standards:

- 1) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
- 2) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
- c. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

C. Exceptions to Access Criteria for City-Owned Streets

1. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the City Engineer after considering the applicant's compliance with this Chapter.
2. An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.
3. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
 - (a) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 6.306.B., measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.
 - (b) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.

- (c) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
- (d) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
- (e) Notice for a proposed access management plan shall include all property owners within the study area defined above.

D. Access in the Old Town (OT) Overlay Zone

- 1. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.
- 2. Partial Access Management Plan.
 - a. A partial access management plan shall include:
 - 1) Drawings identifying proposed or modified access points
 - 2) A list of improvements and recommendations necessary to implement the proposed or modified access.
 - 3) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.
 - b. Access permits shall be required even if no other land use approval is requested.

6.306 SIDEWALKS

6.306.01 Required Improvements

- A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

- B. For Highway 99W, major or minor arterials, or in special industrial districts, the Commission may approve a development without sidewalks if alternative pedestrian routes are available.
- C. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the Commission.

6.306.02 Sidewalk Design Standards

A. Arterial Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

C. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

6.306.03 Pedestrian and Bicycle Paths

- A. Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

6.307 HIGHWAY 99W CAPACITY ALLOCATION PROGRAM (CAP)

A. Purpose

The purpose of the Highway 99W Capacity Allocation Program is to:

1. Prevent failure of Highway 99W through Sherwood;
2. Preserve capacity on Highway 99W over the next 20 years for new development within Sherwood;
3. Preserve land values in Sherwood by preventing failure of one of the City's key transportation links;
4. Insure improvements to Highway 99W and adjacent primary roadways are constructed at the time development occurs; and

5. Minimize the regulatory burden on developments that have minimal impact on Highway 99W.

B. Exclusions

The following types of projects and activities are specifically excluded from the provisions of this program:

1. Churches;
2. Elementary, middle, and high schools; and
3. Changes in use that do not increase the number of trips generated by the current use.

C. Definitions

1. “**Base Application**” means the site plan or conditional use application which invokes the provisions of this chapter.
2. “**Capacity**” means the maximum number of peak hour vehicle trips that Highway 99W through Sherwood may accommodate at the Level of Service Standard assuming full build-out of all land zoned for residential and industrial development in Sherwood.
3. “**Full Access Intersections**” means the following intersections on Highway 99W in Sherwood:

Sunset, Meinecke, Edy/N. Sherwood, Tualatin-Sherwood/Scholls-Sherwood (Roy Rogers Road, and Home Depot (Adams Street).
4. “**ITE Manual**” means the latest edition of the public titled “Trip Generation” by the Institute of Transportation Engineers.
5. “**Level of Service (LOS) Standard**” means the lowest acceptable level of service on a transportation corridor within Sherwood as stated in the Standard Requirements Section.
6. “**Mitigation**” means improvements to the transportation system that increase or enhance capacity.
7. “**Net Trips**” means the number of trips generated by a regulated activity during the PM Peak Hours. Net trips equal new trips, diverted trips, and trips from existing activities on a site that will remain. Net trips do not include: Pass-by trips, Internal trips, trips from existing facilities that will be removed, and Trips Reduced due to implementation of transportation demand strategies.

8. **“Peak Hour”** means a consecutive sixty (60) minute period during the twelve (12) PM hours of an average day, which experience the highest sum of traffic volumes on a roadway.
9. **“Regulated Activity”** means project(s) or activities proposed in the base application.
10. **“Site Trip Limit”** means the trip limit multiplied by the acreage of the site containing the regulated activity.
11. **“Trip Allocation Certificate”** means a certificate or letter from the City Engineer specifying that a regulated activity meets the trip limit and specifying any required mitigation.
12. **“Trip Analysis”** means a study or report that specifies the net trips from a regulated activity and analyzes the trip distribution and assignment from the activity.
13. **“Trip Limit”** means the maximum number of trips per acre from regulated activities that can be accommodated without violating the LOS Standard.

D. Standard Requirements

1. All regulated activities shall acquire a Trip Allocation Certificate prior to approval of their base application. Lack of a Trip Allocation Certificate shall be the basis for denial of a base application.
2. A Trip Analysis is required for **all** regulated activities prior to being considered for a Trip Allocation Certificate.
3. The Level of Service Standard for Highway 99W through Sherwood through the year 2020 is “E”.
4. The trip limit for a regulated activity shall be forty-three (43) net trips per acre.
5. Mitigation shall not be required for regulated activities occurring on land zoned General Industrial (GI) or Light Industrial (LI) when the activity produces less than eight (8) net trips per acre.

E. Trip Analysis

1. Purpose

The first step in the process of seeking a Trip Allocation Certificate is preparation of a Trip Analysis by the applicant for the regulated activity.

The purpose of the Trip Analysis is to evaluate whether the net trips from a regulated activity exceed the site trip limit.

2. Timing

The Trip Analysis shall be submitted with the relevant base application. Base applications without a Trip Analysis shall be deemed incomplete.

3. Format

At a minimum, the Trip Analysis shall contain all the following information:

- a. The type and location of the regulated activity;
- b. A tax map clearly identifying the parcel(s) involved in the Trip Analysis;
- c. Square footage used to estimate trips, in accordance with methods outlined in the ITE Manual;
- d. Description of the type of activity, especially as it corresponds to activities described in the ITE Manual;
- e. Copy of the ITE Manual page used to estimate trips;
- f. Acreage of the site containing the regulated activity calculated to two (2) decimal points.
- g. Trip distributions and assignments from the regulated activity to all full access intersections impacted by ten (10) or more trips from the regulated activity with identification of the method used to distribute trips from the site.
- h. Copies of any other studies utilized in the Trip Analysis;
- i. Summary of the net trips generated by the regulated activity in comparison to the site trip limit.
- j. Signature and stamp of a professional engineer, registered in the State of Oregon, with expertise in traffic or transportation engineering, who prepared the analysis.

4. Methods

- a. The Trip Analysis and trip generation for an activity shall be based on the ITE Manual.
- b. If a trip generation for the proposed use is not available in the ITE Manual or the applicant wishes to dispute the findings in the ITE Manual, the trip generation calculation may be based on an analysis of trips from five (5) sites with the same type of activity as that proposed.

5. Modification of Trip Analysis Requirements

The City Engineer may waive, **in writing**, some of the requirements of the Trip Analysis if:

- a. The proposed regulated activity is part of a previously approved Trip Allocation Certificate that meets the requirements of this chapter and the applicant demonstrates, to the satisfaction of the City Engineer, that the applicable provisions of the previously approved Trip Allocation Certificate shall be met; or
- b. The City Engineer determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter.

F. Trip Allocation Certificate

1. General

- a. Trip Allocation Certificates shall be issued by the City Engineer.
- b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.
- c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgment, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.

2. Approval Criteria

- a. Upon receipt of a Trip Analysis, the City Engineer shall review the analysis. The Trip Analysis shall meet both of the following criteria to justify issuance of a Trip Allocation Certificate for the regulated activity:
 - 1) Adequacy of analysis; and
 - 2) Projected net trips less than the site trip limit.
- b. Adequacy of Analysis
The City Engineer shall judge this criterion based on the following factors:
 - 1) Adherence to the Trip Analysis format and methods described in this chapter;
 - 2) Appropriate use of data and assumptions; and

3) Completeness of the Trip Analysis.

3. Mitigation

- a. The Trip Allocation Certificate shall specify required mitigation measures for the regulated activity.
- b. Mitigation measures shall include improvements to Highway 99W and nearby transportation corridors that, in the judgment of the City Engineer, are needed to meet the LOS Standard and provide capacity for the regulated activity.
- c. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.
- d. Mitigation measures shall be implemented in tandem with work associated with the regulated activity.
- e. Failure to implement required mitigation measures shall be grounds for revoking the regulated activity's base application approval.

G. Other Provisions

1. Acreage Calculation for a Regulated Activity

- a. Acreage calculations used to calculate net trips per acre in the Trip Analysis must use the entire area of the tax lot(s) containing the regulated activity, less 100-year flood plain area, in accordance with FIRM map for Sherwood.
- b. If the site contains existing uses, the net trips generated by these uses shall be included in the calculation of net trips generated from the site.

2. Partial Development of a Site

- a. If a regulated activity utilizes a portion of a vacant tax lot, such that the site could be further developed in the future, the applicant shall identify the potential uses for the vacant portion and reserve trips for that portion of the site in accordance with the uses identified. These reserve trips shall be included in the calculation of the net trips generated from the site.

- b. The Trip Allocation Certificate shall not be issued if the proposed future uses of the vacant area and the reserve trips are unrealistic in the opinion of the City Engineer.

6.308 BIKE PATHS

If shown on the Transportation Plan Map, attached as Appendix B, or in Chapter 5 of the Community Development Plan, bicycle paths shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve (12) inch stripe, not a curb, and should be a minimum of five (5) feet wide. Bike paths should not be combined with a sidewalk.

6.400 SANITARY SEWERS

6.401 REQUIRED IMPROVEMENTS

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Unified Sewerage Agency and State sewage disposal standards.

6.402 DESIGN STANDARDS

6.402.01 Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map attached as Appendix F, Chapter 7 of the Community Development Plan, and other applicable Unified Sewerage Agency and City standards, in order to adequately serve the proposed development and allow for future extensions.

6.402.02 Over-Sizing

- A. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
- B. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

6.403 SERVICE AVAILABILITY

Approval of construction plans for new facilities pursuant to Section 6.200, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.

6.500 WATER SUPPLY

6.501 REQUIRED IMPROVEMENTS

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.

6.502 DESIGN STANDARDS

6.502.01 Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water Service Plan Map, attached as Appendix D, Chapter 7 of the Community Development Plan, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

6.502.02 Fire Protection

All new development shall comply with the fire protection requirements of Section 6.700, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

6.502.03 Over-Sizing

- A. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
- B. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

6.503 SERVICE AVAILABILITY

Approval of construction plans for new water facilities pursuant to Section 6.200, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

6.600 STORM WATER

6.601 REQUIRED IMPROVEMENTS

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Unified Sewerage Agency's water quality regulations contained in their Design and Construction Standards R&O 00-7, or its replacement.

6.602 STORM WATER SYSTEM IMPROVEMENT FEES (SIF)

6.602.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development or redevelopment of public storm water conveyance systems, specific street improvements designed to direct and control storm water flows, storm water treatment facilities, storm water detention or retention ponds, or other storm water facilities, designed to provide extra system capacity, and as designated on the Storm Drainage Plan Map, attached as Appendix E, in Chapter 7 of the Community Development Plan, or in the plans of Washington County's storm water management authority. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for storm water system preservation improvements or for routine storm water system maintenance and operations.

6.602.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity storm water improvements. The SIF for storm water shall be set by the "Schedule of Development Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

6.602.03 Assessment

Except as otherwise provided, the SIF is immediately due and payable and shall be collected prior to the issuance of any building permits for new construction, or for alterations or additions to buildings or sites that increase the area of impermeable surface.

6.602.04 Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

6.603 DESIGN STANDARDS

6.603.01 Capacity

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Unified Sewerage Agency's Design and Construction standards R&O 00-7 or its replacement, and hydrologic data and improvement plans submitted by the developer.

6.603.02 On-Site Source Control

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed to limit the site discharge of storm water from a development to a level below that produced by a twenty-five (25) year storm on the undeveloped site.

6.603.03 Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to receive the floodwater discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in floodwater caused by new development, provisions shall be made by the developer to increase the downstream capacity.

6.604 SERVICE AVAILABILITY

Approval of construction plans for new storm water drainage facilities pursuant to Section 6.200, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

6.700 FIRE PROTECTION

6.701 REQUIRED IMPROVEMENTS

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500)

feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

6.702 STANDARDS

6.702.01 Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

6.702.02 Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

6.702.03 Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by Section 6.700, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

6.702.04 Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

6.703 MISCELLANEOUS REQUIREMENTS

6.703.01 Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in

the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

6.703.02 Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

6.703.03 Modification of Facilities

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of Section 6.700.

6.800 PRIVATE IMPROVEMENTS

6.801 UTILITY STANDARDS

Private utilities shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

6.802 UNDERGROUND FACILITIES

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, and cable television, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the Commission.

6.803 EXCEPTIONS

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.

6.804 PRIVATE STREETS

The construction of new private streets shall be prohibited unless it provides principal access to two or fewer lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or

restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".

CHAPTER 7
SUBDIVISIONS AND PARTITIONS

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CHAPTER 7

SUBDIVISIONS AND PARTITIONS

7.100 GENERALLY

7.101 PURPOSE

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

7.102 PLATTING AUTHORITY

7.102.01 Approval Authority

- A. The approving authority for preliminary and final plats of subdivisions and partitions shall be in accordance with Section 3.201 of this Code.
- B. Approval of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Section 3.400.

7.102.02 Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

7.102.03 Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.

7.102.04 Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.

7.200 PRELIMINARY PLATS

7.201 GENERALLY

7.201.01 Approval Required

All subdivisions and major partitions are subject to preliminary plat approval through the Type II or Type III review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

7.201.02 Action

The City shall review preliminary plat applications submitted in accordance with Section 4.100 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

7.201.03 Required Findings

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.
- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
- C. The plat complies with Comprehensive Plan and applicable zoning district regulations.
- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

- G. Tree and woodland inventories have been submitted and approved as per Section 8.304.07.

7.300 FINAL PLATS

7.301 GENERALLY

7.301.01 Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

7.301.02 Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. The City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected.

7.301.03 Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.

7.302 FINAL PLAT INFORMATION

7.302.01 Shown on Plat

The following information shall be shown on the final plat:

- A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.
- B. Legal description of the plat boundaries.
- C. Existing surveys related to the plat by distances and bearings, and referenced as follows:

1. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.
 2. Adjoining corners of all contiguous subdivisions.
 3. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.
 4. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.
- D. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- E. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.
- F. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.
- G. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.
- H. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.
- I. The following certificates, which may be combined where appropriate:
1. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and

recording of the map and dedicating all parcels of land shown on the final map and intended for public use.

2. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.
3. Provisions for all other certifications required.

7.302.02 Submitted With Plat

The following information shall be submitted with the final plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.
- B. Sheets and drawings showing the following:
 1. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.
 2. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
- C. Copies of any deed restrictions and dedications, including building setbacks.
- D. Proof that all taxes and assessments on the tract are paid for the current year.

7.303 FINAL PLAT REVIEW

7.303.01 Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Chapter 6, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

7.303.02 Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

7.303.03 Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.

7.303.04 Plat Approval

When the City Manager or his/her designee determines that the plat conforms to all requirements, the plat shall be approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.

7.303.05 County Approval

After approval, the City shall transmit the final map, tracing, and other data to Washington County, to determine that there has been compliance with all provisions of State and local statutes. The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

7.303.06 Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

7.303.07 Required Findings

No final subdivision plat shall be approved unless:

- A. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.
- B. Streets and roads held for private use have been approved by the City.

- C. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.
- D. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.
- E. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - 1. Adequate water service shall be deemed to be connection to the City water supply system.
 - 2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.
 - 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.
- F. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

7.304 CREATION OF STREETS

7.304.01 Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.

7.304.02 Exceptions

The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

- A. The street creation is required by the City and is essential to general traffic circulation.
- B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.

7.304.03 Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:

- A. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or
- B. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.

7.400 DESIGN STANDARDS

7.401 BLOCKS

7.401 Connectivity

- A. **Block Size.** The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.
- B. **Block Length.** Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.
- C. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

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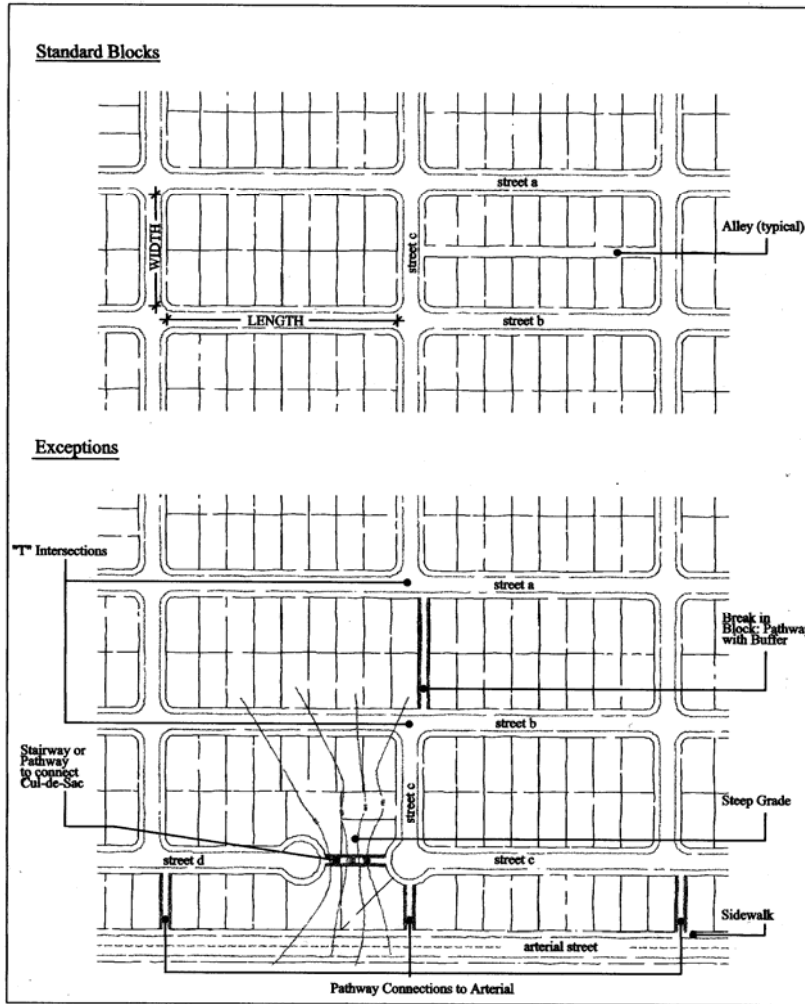
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Figure 7.401 – Block Connectivity



Deleted: <#>Exceptions. Streets need not be constructed when any of the following conditions exists: ¶
 <#>Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; ¶
 <#>Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or ¶
 <#>Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection. ¶

7.402 EASEMENTS

7.402.01 Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

7.402.02 Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

7.403 PEDESTRIAN AND BICYCLE WAYS

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

7.404 LOTS

7.404.01 Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

- A. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

7.404.02 Access

All lots in a subdivision shall abut a public street.

7.404.03 Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

7.404.04 Side Lot Lines

Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

7.404.05 Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

- A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

7.500 LAND PARTITIONS

7.501 GENERALLY

7.501.01 Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a minor partition application has been approved by the City Manager or his/her designee.

7.501.02 City Action

The City Manager or his/her designee shall review the minor partition applications submitted in accordance with Section 4.100 and shall approve, approve with conditions or deny the application. The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.

7.501.03 Required Findings

Minor partitions shall not be approved unless:

- A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.
- B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- C. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
- D. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - 1. Adequate water service shall be deemed to be connection to the City water supply system.

2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.
- E. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

7.501.04 Future Developability

In addition to the findings required by Section 7.501.03, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

7.502 SUBDIVISION COMPLIANCE

7.502.01 Generally

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

7.503 DEDICATIONS

7.503.01 Generally

The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee.

7.503.02 Dedications Acceptance

The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.

7.503.03 Owner Declaration

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.

7.504 FILING REQUIREMENTS

7.504.01 Generally

Within twelve (12) months after City approval of a minor land partition, a partition plat shall be submitted to Washington County in accordance with its final partition plat and recording requirements.

7.504.02 Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected.

7.600 PROPERTY LINE ADJUSTMENTS

7.601 GENERALLY

The City Manager or his or her designee may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

7.602 FILING REQUIREMENTS

If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

CHAPTER 8
ENVIRONMENTAL RESOURCES

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CHAPTER 8

ENVIRONMENTAL RESOURCES

8.100 PURPOSE

Chapter 8 is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.

8.200 SPECIAL RESOURCE ZONES

8.201 GENERALLY

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

8.202 FLOOD PLAIN (FP) OVERLAY

8.202.01 Purpose

- A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.
- B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 8.202.01C. These FEMA documents are adopted by reference as part of this Code, and are on file in the office of the City Public Works Director.

- C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

8.202.02 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Chapter 5, Section 8.304 of this Code, in addition to the requirements of Section 8.202 and the Unified Sewerage Agency's Design and Construction Standards R&O 00-7, or its replacement.

8.202.03 Development Application

- A. Provided land is not required to be dedicated as per Section 8.202.02, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 8.202.04.
- B. Application for a CUP for development in a flood plain shall conform to the requirements of Section 4.300 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.
- C. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.
 - 1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
 - 2. Elevations in relation to mean sea level to which any structure has been floodproofed;
 - 3. That the floodproofing methods for any structure meet the requirements of Section 8.202.08.
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 - 5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.
 7. Any other information required by Section 8.202, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.
- D. Where elevation data is not available as per Section 8.202.01B, or from other sources as per Section 2.202.01C, a flood plain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building floodproofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

8.202.04 Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 8.202.02:

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.
- C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 8.202.07 and 8.202.08.
- D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

8.202.05 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of Section 8.202 and Section 4.300, when greenway dedication is not required as per Section 8.202.02:

- A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

8.202.06 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.
- B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.
- C. Any use or activity not permitted in the underlying zoning district.
- D. Any use or activity that, in the City’s determination, will materially alter the stability or storm drainage absorption capability of the flood plain.
- E. Any use or activity that, in the City’s determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.
- F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 8.202.04, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge.

8.202.07 Flood Plain Development

- A. Flood Plain Alterations
 - 1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

- 2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or

drainageway, two (2) feet for ground slopes between five and ten percent (5% to 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

- a. Proposed flood plain fill or diked lands may be developed if a site plan for the area to be altered within the flood plain is prepared and certified by a Registered Civil Engineer and approved by the Commission pursuant to the applicable provisions of this Code.
- b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

- a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.
- b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase in flood heights.
- c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.
- d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.
- e. On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone shall establish the boundaries of the base flood by survey and shall

dedicate said land as per Section 8.202.02. The balance of the land and development shall:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.
- b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.

8.202.08 Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1-1/2) feet above the base flood elevation and the building site shall comply with the provisions of Section 8.202.07A.
3. The lower portions of all structures shall be floodproofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half (1-1/2) feet above the base flood elevation.
4. The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainageway unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed

and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half (1-1/2) feet above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Engineer or Architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of Section 8.202.
- d. Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as per Section 8.202.08C2.

8.202.09 Additional Requirements

- A. Dimensional standards or developments in the FP zone shall be the same as in the underlying zoning district, except as provided in Section 8.202.09.
- B. Approval of a site plan pursuant to Section 5.100, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:
 - 1. Increasing the required lot sizes, yard dimensions, street widths, or off-street parking spaces.
 - 2. Limiting the height, size, or location of buildings.
 - 3. Controlling the location and number of vehicle access points.
 - 4. Limiting the number, size, location, or lighting of signs.
 - 5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.
 - 6. Designating sites for open space or water retention purposes.
 - 7. Construction, implementation, and maintenance of special drainage facilities and activities.

8.300 STANDARDS

8.301 PROCEDURES

8.301.01 Applicability

The standards of Section 8.300, and applicable portions of Chapter 5 of the Community Development Plan, shall apply to any new uses or changes to existing uses in commercial, industrial and institutional zones, except as per Section 8.301.05.

8.301.02 Conformance

Conformance with the standards of Section 8.300 shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Section 5.100, except as per Section 8.301.05. The written certification shall include:

- A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.
- B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.

8.301.03 Additional Information

- A. Prior to accepting any land use application to which Section 8.300 applies, the City Manager or his or her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.
- B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.

8.301.04 Referenced Statutes and Rules

The Federal, State or regional statutes and rules cited in Section 8.300 are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

8.301.05 Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his or her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per Section 8.300. The findings of the City Manager or his or her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

8.302 MINERAL RESOURCES

8.302.01 Permitted Activities

Mineral extraction and processing, including sand and gravel pits, rock crushers, concrete and asphalt mixing plants, are permitted in the GI zone as conditional uses, subject to Section 4.300, and the following special conditions.

8.302.02 Special Conditions

The following special conditions apply to mineral extraction and processing activities:

- A. The applicant shall provide a plan for the land from which the sand and gravel will be excavated showing contours on at least five (5) foot intervals, and all improvements on the land and within three-hundred (300) feet of the property.
- B. Mineral extraction and processing shall not be permitted closer than thirty (30) feet to the boundary of adjacent property, nor closer than three-hundred (300) feet to any existing residence, unless the owner or owners of such adjacent property sign a written consent to a lesser distance, and the Commission approves such lesser distance. The Commission may set greater separations as warranted by specific site conditions.
- C. The Commission shall specify depth, degree of bank slopes and the distance from any public structures, for all excavations made in or near stream beds. The Commission shall determine setbacks from public rights-of-way when excavations are near such rights-of-way.

- D. Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet, or more if specified by the Commission, of undisturbed material over the entire excavation tract. Excavations shall be conducted so that excavated areas will not collect and retain stagnant water.
- E. After dry pit sand and gravel excavations have been completed, the operator shall evenly spread excess waste materials over the bottom of the pit, and then shall evenly spread topsoil to a minimum depth of one and one-half (1-1/2) feet, unless evidence is produced that the land excavated had less than one and one-half (1-1/2) feet of topsoil prior to commencement of operations.
- F. Haulage roads within the excavation tract shall be maintained in a reasonably dust-free condition. Hours of operation, unless otherwise specified by the Commission, shall be from 6:00 AM to 7:00 PM.
- G. Rock crushers, concrete and asphalt mixing plants may be permitted, providing that the crushers and plants are accessory to the sand and gravel operations and primarily use materials excavated on-site.
- H. The operator shall post security in a form acceptable to the City in a sum equal to the number of acres within the excavation tract, multiplied by five-hundred dollars (\$500.00), to ensure full compliance with all of the terms and regulations pertaining to the extraction and processing of sand and gravel. The minimum amount of such bond shall be two-thousand, five-hundred dollars (\$2,500.00) and the maximum amount twenty-five thousand dollars (\$25,000.00).
- I. The operator shall furnish evidence of liability insurance of not less than fifty-thousand dollars (\$50,000.00) for any negligent act or omission in the operation or maintenance of sand and gravel pit, and the extraction and production of sand and gravel, and all activities connected with, or incidental thereto.
- J. Prior to Commission action on a conditional use permit, the action shall be advertised as per Section 3.200 and the property shall be posted as to the proposed use for a period of fifteen (15) days. This posting shall consist of a sign or signs, the number of which shall be determined by the City, three (3) feet by four (4) feet, posted in conspicuous locations visible from public rights-of-way.

8.303 SOLID WASTE

8.303.01 Solid Waste Facilities

Solid waste facilities are permitted in the General Industrial (GI) and Light Industrial (LI) zones as described in those sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of Section 8.303.

8.303.02 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(2). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

8.303.03 Accessory Use Solid Waste Facilities

The following solid waste facilities are permitted, subject to the applicable regulations of the zone, as an accessory use to a permitted or conditional use without being subject to the conditional use review:

1. Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.
2. Small scale specialized incinerator, provided the facility complies with Section 8.303.02 and does not accept more than two-hundred twenty (220) pounds per day of waste from off-site.
3. Recycling drop boxes, provided they also comply with Section 8.303.09E5.

8.303.04 Multiple Purpose Solid Waste Facility

A solid waste facility may include more than one kind of facility as defined in Section 1.200, Definitions. Any application that includes more than one kind of facility is permitted in a given zone only if all of the uses proposed in the facility are permitted in

that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses.

8.303.05 Temporary Solid Waste Facility

The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 8.303.09, Site Improvements and the appropriate requirements of Sections 8.303.06 through 8.303.08:

1. Household hazardous waste
2. Resource Recovery Facility
3. Yard debris depot

8.303.06 Application Contents

A. In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:

1. Capacity and project life.
2. The population or industries to be served.
3. The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.
4. For a landfill, planned future uses of the site after closure.
5. The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.
6. The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use and a traffic study, if required by Section 8.303.09 of this Code.
7. The kind or kinds of facility or facilities proposed based on the solid waste facility definitions in Section 1.200, Definitions.

- B. The applicant shall submit the following information as part of the application, unless the Planning Director finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.
1. A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.
 2. A legal description of the tract or tracts to be used for the facility.
 3. Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two-hundred fifty (250) foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five-hundred (500) foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing table.
 4. Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.
 5. Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies and wetlands; the boundary of the one-hundred (100) year flood plain based on Federal Emergency Management Agency data; public easements of record; manmade features including buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.
 6. For a landfill, data regarding average and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.

7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gauging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.
8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.
9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.
10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.
11. Responses to the applicable standards of Section 8.303.09 of this Code.
12. If other local, state or federal permits are required for construction and operation of the proposed facility:
 - a. The applicant shall submit a copy of such permit(s); or
 - b. The applicant shall submit:
 - (1) A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and
 - (2) A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with the local, state or federal agency; and
 - c. A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency.

8.303.07 Review Procedures and Burden of Proof

- A. Before accepting an application as complete, the Planning Director may decide additional expertise is warranted to evaluate it due to exceptional circumstances,

the complexity of the proposed facility, or its potential impacts. The Planning Director may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.

1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the Planning Director shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.
 2. The Planning Director shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided the cost of such services shall not exceed one-hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.
 3. The provision does not authorize the City to collect money from an applicant for independent evaluation of on-going operations or performance review of a facility. A fee may be required pursuant to Section 8.303.08F before renewal, but not at the time of application or approval.
- B. An application for a solid waste facility under this Code is complete if any written evaluation required under Section 8.303.07 has been completed, and if:
1. The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 8.303.09 or conditions that may be necessary to ensure compliance; or
 2. The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 8.303.09, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission;
 3. The application includes information required to be submitted under Section 8.303.06 of this Code, except to the extent waived by the Planning Director.

- C. The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.
- D. An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:
1. An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 8.303.09 and conditions proposed by the Planning Director to ensure such compliance.
 2. Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject. Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.
 3. If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.
 4. The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.
 5. If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:

- a. There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes;
 - b. There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and
 - c. It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:
 - (1) Issue a written final decision approving the proposed facility in concept that, among other things:
 - (a) Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;
 - (b) Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to Section 8.303.07A above; and
 - (c) Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.
 - (2) Issues all necessary land use compatibility statements to the applicant or to applicable local, state or federal agencies.
6. The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:
- a. The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or
 - b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the

imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and

- c. The applicant declines to supplement the record regarding standards identified pursuant to Sections 8.303.07D and 6a and 6b above, or it is not likely that substantial evidence necessary to address standards identified pursuant to Sections 8.303.07D and 6a and 6b above will be available within six (6) months after the date of the decision.

8.303.08 Conditions of Approval and Enforcement

- A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs, structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.
- B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.
 1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and
 2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 8.303.09.
- C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.

- D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.
- E. The City shall enforce the conditions of approval pursuant to Section 1.101.04, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.
- F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review.

8.303.09 Site Improvement

- A. Setbacks, Landscaping and Site Design Impacts:
 - 1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one-hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two-hundred (200) feet.
 - 2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to Section 8.303.09A1 above, except that:
 - a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site;
 - b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback;

- c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone;
 - d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and
 - e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, State of Oregon Structural Specialty Code, as adopted in Oregon.
3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.
 4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one-thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.
 5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.
 6. The facility shall not cause glare or lights to shine off-site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.
 7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off-site.
 8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.
 9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than

the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

The facility shall not adversely affect historic resources listed in the Community Development Plan, Part 2 (or inventory of historic resources adopted by the City). A facility complies with this standard if the site and adjoining land do not contain an identified historic resource and are not in an historic district. If the site or adjoining land contains such a resource, then the applicant shall show the facility design preserves the historic resource character.

C. Operating Impacts

1. Exterior activities are prohibited between 10:00 PM and 7:00 AM daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Sections 8.304, Noise, 8.305, Vibration, and Sections 8.303.09A6, 8.303.09A8 and 8.303.09I2 during any hours.
2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.

D. Signage Impacts

1. Signs shall comply with sign regulations of Section 5.700, except as provided herein.
2. If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade, unless the zone allows larger

signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.

3. A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and consistent in appearance.
4. Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.

E. Outdoor Storage Impacts

1. No mixed solid waste or recovered material shall be stored outside in unsealed containers, except;
 - a. In a landfill or composting facility approved for that purpose;
 - b. Solid waste or recovered material that is inert; or
 - c. As otherwise allowed in Section 8.303.09E. In all circumstances, outdoor storage of hazardous waste is prohibited.
2. Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such material shall be enclosed on any side visible from adjoining public or private property and roofed.
3. Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.
4. Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.
5. Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or

reusable are prohibited, unless the box is designed for that purpose. The name and telephone number of the operator shall also be posted on the box.

6. Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (1/4) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (3/8) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.

F. Litter Impacts

1. For purposes of litter control, an area described as the “Primary Impact Area” shall be established around the proposed facility. The Primary Impact Area is the area within which litter and illegally dumped solid waste is presumed to be a result of the presence of a solid waste facility. Illegally dumped waste consists of solid waste in excess of two (2) cubic yards at a given location and litter includes lesser amounts of solid waste at a given location.
2. The Primary Impact Area shall extend at least one-half (1/2) mile from the facility boundary along primary routes to the facility, as identified in the traffic study. The approval authority may expand the Primary Impact Area based on specific conditions or if otherwise warranted based on annual review of illegal dumping and litter patterns in the area.
3. Except as specified in Subsection 5 of this Section, the applicant shall submit to the City a plan to eliminate litter in the Primary Impact Area. The plan shall include at least the following:
 - a. A proposed delineation of the Primary Impact Area;
 - b. Appropriate gates, signs and other traffic control devices to direct traffic to the facility along approved routes that, to the extent possible, avoid public parks, residential and retail districts and major public attractions;
 - c. Establishment of a patrol to remove litter along designated routes within the Primary Impact Area on a schedule that, in the opinion

of the approval authority, is sufficient to prevent accumulation of litter;

- d. Provisions for the removal of illegally dumped waste within the primary impact area within twenty-four (24) hours of discovery;
 - e. Provisions to make available written information that describes access routes to the facility, fees for wastes permitted at the facility, surcharges for delivery of uncovered loads, if appropriate, and recycling incentives; and
 - f. For a landfill, a description of measures to be used to minimize blowing of litter from the site, such as periodic application of cover material, spraying with liquid, or use of portable fencing.
4. The facility operator shall be responsible for the cost of collecting, removing and disposing of litter and illegally dumped waste within the Primary Impact Area. In addition, the operator shall take reasonable measures to assist the City in identifying sources of illegal waste. If the City identifies a source of illegal waste, the City may take measures to reimburse the operator for the cost of collection and proper disposal of the waste.
5. The requirements of this Section 8.303.09F shall not apply to a facility that is not open to the public and receives waste only in sealed containers, or to any facility involved exclusively in recycling.

G. Vector Control Impacts

For any facility where solid waste could sustain or attract rodents or insects, because of the solid waste in question or the environmental characteristics of the site, the applicant shall submit and implement a plan to reduce the potential for rodent and insect propagation using methods designed to minimize nuisance conditions and health hazards.

H. Traffic Circulation and Access

- 1. Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed facility

shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.

2. The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.
3. For a facility that generates more than two-hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any intersection, the applicant shall propose street modifications acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.
4. A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in Section 8.303.09I3. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.

I. Odor Impacts

1. The applicant shall demonstrate that the facility meets the requirements of Section 8.309, and:
 - a. Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and
 - b. Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.

2. Open burning of solid waste will not be allowed unless:
 - a. Open burning is consistent with standards of the DEQ; or
 - b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.

J. Ground and Surface Water Impacts

1. The applicant shall demonstrate that the facility will:
 - a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:
 - (1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and
 - (2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or
 - b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ; or
 - c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or
 - d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.
2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection of ground and surface water resources potentially affected by the facility.
3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that area required to be submitted to the DEQ.
4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or

processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.

5. An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pretreat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.
6. The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.
7. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:
 - a. Storm water disposal shall comply with the Storm Drainage Master Plan of the City.
 - b. If a storm sewer with adequate capacity is not available, the applicant shall:
 - (1) Retain storm water on site; and/or
 - (2) Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or
 - (3) Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:
 - (a) Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or

(b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:

(i) Provide such improvements before operation of the facility, or

(ii) Contribute necessary funds to the City and USA so that the City and USA can undertake such improvements.

(c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the City and USA shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.

8. Except as otherwise provided by the storm drainage master plan of the City and USA, the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming permitted development of that area, as determined by a professional civil engineer or landscape architect.
9. Before storm water is discharged from the site or into the ground, the applicant will direct it through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the City and USA.
10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.
11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.

K. Methane Gas Impacts

1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or

2. The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:
 - a. The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;
 - b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and
 - c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Section 8.306 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

8.304 PARKS AND OPEN SPACE

8.304.01 Purpose

Section 8.304 is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan.

8.304.02 Parks and Open Space System Improvement Fees (SIF)

A. Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, and capital development or redevelopment of greenways, parks, open space, or recreational facilities, designed to provide extra system capacity, and as designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such

improvements. The SIF may not be used for parks system preservation improvements or for routine parks system maintenance or operations.

B. Schedule of Charges

SIFs shall be assessed against new residential development in the City to support extra-capacity parks and open space improvements. The SIF for parks and open space development shall be set by the “Schedule of Development Fees” adopted by Resolution of the Council. This schedule is included herein as Appendix J for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Assessment

Except as otherwise provided, the SIF is due and payable and shall be collected prior to issuance of any building permits for new residential construction, or for alterations or additions to buildings that increase the number of residential dwelling units.

D. Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

E. Waiver

When a proposed development contains lands designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, for greenways, parks, open space, or recreational facilities, such land may be dedicated to the City in lieu of an equivalent portion of the SIF, or in the case of multi-family development, in lieu of the equivalent portion of common open space, as per Section 8.304.03. The value of the dedication shall be established by a formal appraisal provided at the developers cost, by County Assessors records, or some other method deemed acceptable by the City. The value of the dedication, as determined by the City, shall be deducted from the SIF.

8.304.03 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

8.304.04 Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor according to the following standards:

Category	Width
Highway 99W	25 feet
Arterial	15 feet
Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the Commission to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 8.304.06, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Section 5.200. To assure continuous maintenance of the visual corridors, the Commission may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited or trees be removed from within the required visual corridor.

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.
2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

8.304.05 Density Transfer and Park Reservation

A. Density Transfer

1. When a proposed development includes lands designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, for the uses specified in Section 8.304.02E, density transfers may be authorized to other portions of the site in exchange for the dedication of those lands.
2. Residential densities as a result of density transfers shall not exceed the maximum allowed for the zone in which the development is proposed, as measured against the area of the site prior to dedication.
3. Non-residential densities shall as a result of density transfers not exceed eighty percent (80%) building coverage on buildable portions of the site.
4. Density transfers shall be allowed only when the portion of the site to which density is transferred can accommodate the additional density without causing undue adverse effects on the surrounding area, including public facilities and services, and is otherwise compatible with the applicable zoning district, as determined by the City.

B. Park Reservations

Areas designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 8.304.02E or 8.202.02, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.

8.304.06 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new development.

Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.

1. Tree location: On private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. The land use applicant may, at their option, provide for a minimum four (4) foot deep continuous planter strip between curb and

sidewalk for the purposes of street tree planting. The City may grant a corresponding reduction in right-of-way or street width, or equivalent on-street parking requirements.

2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.
3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.
4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of Section 8.304.06A.
5. Tree types: As per Appendix J of this Code.

B. Prohibited Trees and Shrubs

1. Poplar, conifer, cottonwood, willow, ailanthus, any other native tree species, and fruit and nut trees, are prohibited along public streets as such trees tend to grow in such manner as to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same.
2. Poplar, cottonwood, and willow trees are prohibited on other public or private property not along public streets, when, in the City's determination, such trees may tend to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same. English ivy, holly and Himalayan blackberries are also prohibited on public property.

C. Removal and Cutting of Trees

1. For the purposes of this Section, "removal and cutting" shall be defined as the falling or removal of a tree, or any other deliberate action by any person, the natural result of which is to cause the death or substantial destruction of the tree. Prohibited removal and cutting activities do not include normal trimming or pruning when done in accordance with generally accepted arborcultural practices. The authorizations required by Section 8.304.06C shall not apply to any removal or cutting associated with development activities authorized by the land use approvals contemplated by Section 8.304.07. Section 8.304.06C shall only govern

the removal or cutting of trees along public streets or of trees and woodlands on public property not part of a land use application.

2. Any tree located on public property or along public streets, as per this Section, shall not be subsequently removed or cut without the authorization of the Parks Advisory Board, unless removal or cutting is necessitated by the tree:
 - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
 - b. Obstructing public ways or sight distance so as to cause a safety hazard, or
 - c. Interfering with or damaging public or private utilities, or
 - d. Being defined as a nuisance as per City nuisance abatement ordinances, or
 - e. Otherwise becoming a hazard to life or property, in the City's determination.
3. All requests for authorization to remove or cut trees or woodland shall be made in writing stating the reasons and circumstances necessitating said removal or cutting. The Parks Advisory Board shall consider the request in open session at any duly convened Board meeting. Any Board authorization for the removal and cutting of such trees or woodlands shall be made in writing, setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records, as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.
4. In the specific circumstances listed in Section 8.304.06C2 only, the City Manager or his or her designee may administratively authorize the immediate removal of such trees or woodlands without Parks Advisory Board review. Any administrative authorization for the removal or cutting of such trees or woodlands shall be made in writing setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records as per other Notices

of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

D. Trees on Private Property

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee without Parks Advisory Board review. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and processed as per applicable City nuisance abatement ordinances.

E. Penalties

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 1.101.04, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

8.304.07 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of Section 8.304.07 is to establish processes and standards which will minimize cutting or destruction of certain trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

1. All Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the

proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Section 8.304.07 shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection 8.304.07C5, which shall apply to all building permits issued after the effective date to that Ordinance.

2. For the inventory purposes of Section 8.304.07, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07, as are any living woody plants under five (5) inches DBH.
 - a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut.....Ten (10) inches or greater.
 - b. All other tree species.....Five (5) inches or greater.

In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in Section 8.304.07C3 shall be inventoried.

3. For the inventory purposes of Section 8.304.07, a woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a five (5) inches or greater DBH. Woodlands planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07.

B. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in Section 8.304.07A shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in Section 8.304.07C, and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and

experience. The City may also require the submission of additional information as per Section 8.301.03.

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.
 - a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.
 - b. Mapping indicating the location of trees and woodlands, as defined by Section 8.304.07A2-3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.
 - c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.
 - d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.
 - e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.
 - f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.
 - g. Proposed mitigation and replacement efforts as per Section 8.304.07D, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

C. Tree and Woodland Retention

1. The Commission, or in the case of Planned Unit Developments (PUD), the Council acting on the Commission's recommendation, shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per Section 8.304.07D1-3, or acquire said trees and woodlands as per Section 8.304.07D4. Prior to making any such determinations or recommendations, the Commission and Council shall receive and consider the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention of replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 8.304.06B.
2. To require retention of trees or woodlands as per Section 8.304.07B, the Commission or Council must make specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
 - a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or
 - d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.
4. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per Section 8.304.07C2, which may be removed or shall be retained as per Section 8.304.07B, and which shall be mitigated as per Section 8.304.07D, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods.
5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per Section 8.304.07C, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 3.301, provided however that said inspection is not deemed to be a land use action.

6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Section 4.400, subject to the satisfaction of all other applicable criteria in Section 4.400.
7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

D. Mitigation

1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.
2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 8.304.06B2. Said replacement trees shall be in addition to trees along public streets required by Section 8.304.06A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section.

3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:
 - a. Different species of trees to be submitted, or
 - b. Replacement trees to be planted on another, more suitable site within the City, or
 - c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.
4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per Section 8.304.07D.

E. Penalties

Violations of Section 8.304.07 shall be subject to the penalties defined by Section 1.101.04, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

APPENDIX J
City of Sherwood
RECOMMENDED STREET TREES

Acer - Maple

Acer platanoides cavalier - Cavalier Norway Maple

- p. clevelandCleveland Norway Maple
- p. clevelandCleveland II Norway Maple
- p. columnare.....Columnar Norway Maple
- p. fairwayFairway Sugar Maple
- p. olmsted.....Olmsted Norway Maple
- p. summershade.....Summershade Maple

Acer rubrum red sunset - Red Sunset Maple (Old Town)

- r. royal red.....Royal Red Maple
- r. gerling.....Gerling Red Maple
- r. tilford.....Tilford Red Maple

Carpinus - Hornbeam

- Carpinus betulus pyramidals.....Pyramidal European Hornbeam
- b. columnaris.....Pyramidal European Hornbeam
- b. fastigiata.....Pyramidal European Hornbeam

Cercidiphyllum - Katsura Tree

- c. japonicum.....Katsura Tree

Cercix, canadensis - Canadian Red Bud

Fraxinus - Ash

- americanaWhite Ash
- americanaAutumn Purple Ash
- angustifolia dr. pirone.....Dr. Pirone Ash
- oxycarpa flame.....Flame Ash
- raywoodiRaywood Ash
- latifoliaOregon Ash

Ginkgo

- bilboaMaidenhair Tree
- bilboaAutumn Gold
- bilboaFairmount

Gleditsia

- triacanthos sunburstHoney Locust

Liquidamber

- styraciflua.....American Sweetgum

Liriodenrod

- tulipifera.....Tulip Tree

Magnolia

- grandiflora vars.....Evergreen Magnolia
- grandiflora.....Southern Magnolia
- kobus dr. merrill.....Dr. Merrill Magnolia

Platanus

- acerifloraLondon Plane Tree

Purnus - Cherry - Plum

- avium plena.....Double Flowering Cherry
- avium scanlonScanlon Globe Cherry
- serrulata vars (nonweeping).....Japanese Cherry
- okame.....Okame Cherry
- blireana.....Blireana Plum

cerasifera newport.....	Newport Plum
pissardi	Pissardi Plum
thundercloud	Thundercloud Plum
vesuvius	Krauter’s Vesuvius Plum
maacki	Amur Chokecherry
serrula.....	Redbark Cherry
padus alberti.....	Alberti Cherry
spaethi	Spaethi Cherry
virginiana var. mellanocarpa canada red	Chokecherry
padus	European Birdcherry
grandiflora.....	Bigflowered Birdcherry
berg	Rancho Birdcherry
purpurea	Purpleleaf Birdcherry

Quercus

palustris	Pin Oak
rubra	Red Oak

Tilia - Linden

americana	American Linden
cordata.....	Little Leaf Linden
glenleven	Glenleven Linden
redmond	Redmond Linden
euchlora.....	Crimean Linden
tomentosa	Silver Linden
bicentennial	Bicentennial Linden
greenspire.....	Greenspire Linden
salem	Salem Linden

RECOMMENDED TREES UNDER POWER LINES

- Acer ginnala – Amur Maple
- Acer campestre – Hedge Maple
- Acer palmatum – Japanese Maple
- Acer griseum – Paperbark Maple
- Acer circinatum – Vine Maple
- Amelanchier x grandiflora – Apple Serviceberry
- Amelanchier Canadensis – Shadblow Serviceberry
- Cercis Canadensis – Eastern Redbud
- Clerodendrum trichotomum – Glorybower Tree
- Cornus florida – Flowering Dogwood
- Cornus kousa – Japanese Dogwood
- Crataegus phaenopyrum – Washington Hawthorn
- Crataegus x lavellei – Lavelle Hawthorn
- Fraxinus excelsior globosum – Globe-Headed European Ash

Fraxinus ornus – Flowering Ash
Fraxinus oxycarpa aureopolia – Golden Desert Ash
Koelreuteria paniculata – Goldenrain Tree
Laburnum x waterii – Golden Chain Tree
Malus – Flowering Crabapple
Prunus – Flowering Cherry
Pyrus calleryana – Flowering Pear “Cleveland Select”
Styrax japonica – Japanese Snowbell
Syringa reticulata – Japanese Tree Lilac

PROHIBITED STREET TREES

Acer, Silver Maple
Acer, Boxelder
Ailanthus, gladiosa - Tree-of-heaven
Betula; common varieties of Birch
Ulmus; common varieties of Elm
Morus; common varieties of Mulberry
Salix; common varieties of willow
Coniferous Evergreen (Fir, Pine, Cedar, etc.)

8.305 WETLAND, HABITAT AND NATURAL AREAS

8.305.01 Generally

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City’s Wetland Inventory and the Comprehensive Plan Natural Resource Inventory.

8.305.02 Standards

- A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of Section 8.305A.1.a and 8.305A.1.b, below::
 - 1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Unified Sewerage Agency’s Design and Construction Standards R&O 00-7 or its replacement provided Section 8.303.09 does not require more than the requested setback.
 - a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

- b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.
 - c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.
 2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.
- B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:
 1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).
 2. The facility will comply with applicable requirements of the zone.
 3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.
 4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.
 5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Unified Sewerage Agency's Design and Construction standards R&O 00-7 or its replacement, provided Section 8.303.09A does not require more than the

requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in Section 8.305.02A.1 above.

8.306 NOISE

8.306.01 Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

8.306.02 Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.
- B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.
- C. If the use exceeds applicable noise standards as per Section 8.306.02B, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

8.306.03 Exceptions

Section 8.306 does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. Section 8.306 also does not apply to noise produced by humans or animals. Nothing in Section 8.306 shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

8.307 VIBRATIONS

8.307.01 Generally

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

8.307.02 Exceptions

Section 8.307 does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in Section 8.307 shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

8.308 AIR QUALITY

8.308.01 Generally

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
- B. Incinerators, if otherwise permitted by Section 8.303.02, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

8.308.02 Proof of Compliance

Proof of compliance with air quality standards as per Section 8.308.01 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

8.308.03 Exceptions

Nothing in Section 8.308 shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

8.309 ODORS

8.309.01 Generally

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

8.309.02 Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

8.309.03 Exceptions

Nothing in Section 8.309 shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

8.310 HEAT AND GLARE

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

8.310.01 Exceptions

Nothing in Section 8.310 shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

8.311 ENERGY CONSERVATION

8.311.01 Purpose

Section 8.311 and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of Section 8.311 shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

8.311.02 Standards

A. Building Orientation

The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

B. Wind

The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

8.311.03 Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Section 4.400 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

CHAPTER 9
HISTORIC RESOURCES

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HISTORIC RESOURCES

9.100 PURPOSE

Chapter 9 is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

9.200 SPECIAL RESOURCE ZONES

9.201 GENERALLY

Special resource zones are established to provide for the preservation, protection, and management of unique historic and cultural resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

9.202 OLD TOWN (OT) OVERLAY DISTRICT

9.202.01 Purpose

The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Sections 9.400 and 9.500. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area" which have specific criteria or standards related to height and off-street parking.

9.202.02 Objectives

Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- A. Encourage development that is compatible with the existing natural and man-made 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, appearances 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.

9.202.03 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Uses permitted outright in the RC zones, Section 2.109.02; the HDR zone, Section 2.105.02; and the MDRL zone, Section 2.103.02; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.
- B. In addition to the home occupations permitted under Section 2.203.02, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Sections 2.203 and 9.202, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Section 4.600.

- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

9.202.04 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300.

- A. Uses permitted as conditional uses in the RC zone, Section 2.109.03, HDR zone, Section 2.105.03, and the MDRL zone, Section 2.103.03, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.

9.202.05 Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC, HDR or MDRL zones:

- A. Adult entertainment businesses.
- B. Manufactured homes on individual lots.
- C. Manufactured home parks.
- D. Restaurants with drive-through.

9.202.06 Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

- A. Lot Dimensions

Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

- B. Setbacks

Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and

the site design standards of this Code, not otherwise varied by Section 9.202, are met.

C. Height

The purpose of this standard is to encourage taller buildings in the Old Town area consistent with a traditional mixed-use building type of ground floor active uses with housing or office uses above.

Except as provided in Section 9.202.08, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet in the “Smockville Area” and fifty-five (55) feet in the “Old Cannery Area”. Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.

D. Coverage

Home occupations permitted as per Section 2.203 and 9.202.03 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

9.202.07 Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, in addition to the Old Town design standards below:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design standards of Section 9.202.08.

B. Landscaping for Residential Structures

1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.
2. Minimum landscaped areas are not required for off-street parking for approved home occupations.

3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.

4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

C. Off-Street Parking

For all property and uses within the “Smockville Area” of the Old Town Overlay District off-street parking is not required. For all property and uses within the “Old Cannery Area” of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 5.302.02. Shared parking agreements may be approved, subject to the standards of Section 5.301.03.

D. Off-Street Loading

1. Off-street loading spaces for commercial uses may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 5.303.01B.

2. For all property and uses within the “Smockville Area” of the Old Town Overlay District, off-street loading is not required.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) exterior sign, up to a maximum of sixteen (16) square feet in surface area, may be permitted for each approved home occupation.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

G. Downtown Street Standards

All streets shall conform to the Downtown Street Designations and Street Standards in the City of Sherwood Street Cross-sections dated May 1999, and as hereafter

amended. Streetscape improvements shall conform to the Construction Standards and Specifications adopted by Ordinance 98-1065, and as hereafter amended.

9.202.08 Standards for All Commercial, Institutional and Mixed-Use Structures

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the Old Town Design Overlay zone. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

A. Building Placement and the Street. The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph. All street-facing elevations must comply with one of the following options:

1. **Option 1: Foundation landscaping.** All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building façade that provide access for pedestrian or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least thirty (30%) of the linear street frontage;
 - b. There must be at least one (1) three-gallon shrub for every 3 lineal feet of foundation in the landscaped area; and,
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. **Option 2: Arcade.** All street-facing elevations must have an arcade as a part of the primary structure, meeting the following requirements:
 - a. The arcade must be at least three (3) feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of one or a series of arched openings that are at least six (6) feet wide. The arcade, or combination of them, should cover a minimum of sixty (60%) of the street facing elevation;

- c. The arcade elevation facing a street must be at least fourteen (14) feet in height and at least twenty-five percent (25%) solid, but no more than fifty percent (50%) solid; and,
- d. The arcade must be open to the air on 3 sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material; and,
- e. Each dwelling that occupies space adjacent to the arcade must have its main entrance opening into the arcade.

3. **Option 3: Hard-surface sidewalk extension.** The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.

- a. The building walls may be set back no more than six (6) feet from the street lot line.
- b. For each one-hundred (100) square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided.
 - (1) A bench or other seating.
 - (2) A tree.
 - (3) A landscape planter.
 - (4) A drinking fountain.
 - (5) A kiosk.

B. Reinforce the Corner. The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least **two** of these options.

- 1. **Option 1:** The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.
- 2. **Option 2:** The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.
- 3. **Option 3:** The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.
- 4. **Option 4:** There is no on-site parking or access drives within 40 feet of the corner.

5. **Option 5:** Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the façade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.
- C. Residential Buffer.** The purpose of this standard is to provide a transition in scale where the Old Town Overlay District is adjacent to a lower density residential zone. Where a site in the Old Town Design Overlay District abuts or is across a street from a residential zone, the following is required.
1. On sites that directly abut a residential zone the following must be met:
 - a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,
 - b. A 6-foot deep area landscaped to at least the Section 5.203.02B standard must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.
- D. Main Entrance.** The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.
1. **Location of main entrance.** The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:
 - a. For buildings that have more than one main entrance, only one entrance must meet this requirement.
 - b. Entrances that face a shared landscaped courtyard are exempt from this requirement.
 2. **Front porch design requirement.** There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.
- E. Off-Street Parking and Loading Areas.** The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings

connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.

1. **Access to off-street parking areas and adjacent residential zones.** Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.
2. **Parking lot coverage.** No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.
3. **Vehicle screening.** Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the **Section 5.202** standard.

F. Exterior Finish Materials. The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.

1. Plain concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of the surface area of each façade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.
2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph F.1 above, any material that meets the standards of Paragraph F.1 may be used.

G. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using **one** of the methods listed below. Solar heating panels are exempt from this standard.

1. A parapet as tall as the tallest part of the equipment.
2. A screen around the equipment that is as tall as the tallest part of the equipment.
3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

H. Ground Floor Windows. The purpose of this standard is to encourage interested and active ground floor uses where activities within buildings have a positive connection to pedestrian in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards.

1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 5.203.02C standard.
2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.

I. Distinct Ground Floor. The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:

1. A cornice above the ground level;
2. An arcade;
3. Changes in material or texture; or
4. A row of clerestory windows on the building's street-facing elevation.

J. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

1. A sloped roof with a pitch no flatter than 6/12; or
2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b. The height of the cornice or parapet is based on the height of the building as follows:

- (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
- (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.
- (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.

K. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.

9.300 LANDMARKS ADVISORY BOARD

9.301 GENERALLY

- A. The City Landmarks Advisory Board shall consist of seven (7) members to be appointed by the Council for terms of two (2) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Landmarks Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Landmarks Board member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. Landmarks Board membership may be drawn from all segments of the community, provided however, that the Council shall strive to appoint individuals in a variety of professions to the Landmarks Board, and shall give preference to owners of historic properties, architects, real estate brokers, attorneys, builders, historians, and other professions providing background and expertise relevant to historic preservation.
- D. No more than two (2) Landmarks Board members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade, or profession.

9.301.01 Officers, Minutes, and Voting

- A. The Landmarks Board shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Landmarks Board.
- B. Before any meeting of the Landmarks Board, public notice shall be given as required by State Statute and this Code. Accurate records of all Landmarks Board proceedings shall be kept by the City, and maintained on file in the City Recorder's office.
- C. A majority of members of the Landmarks Board shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Landmarks Board shall be necessary to legally act on any matter before the Landmarks Board. The Landmarks Board may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

9.301.02 Conflicts of Interest

- A. Landmarks Board members shall not participate in any Landmarks Board proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by a Landmarks Board member in an action as per Section 9.301.03A shall be disclosed by that member at the meeting of the Landmarks Board where the action is being taken. Landmarks Board members shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Landmarks Board. Ex-parte contacts with a Landmarks Board member shall not invalidate a final decision or action of the Landmarks Board provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

9.301.03 Powers and Duties

Except as otherwise provided by law, the Landmarks Board shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances. The Landmarks Board shall:

- A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with Section 9.400. Subject to the approval of the Council, the Board may employ the services of a qualified architect or historian in the

designation process. The landmark alteration criteria contained in Section 9.500 shall only apply to designated landmarks or historic districts.

- B. Review and take action, or make recommendations, on building alteration applications for designated landmarks and in designated historic districts, in accordance with Section 9.500, and if the building alteration involves a site plan application as per Section 5.100, the Board shall substitute for the Planning Commission and act as the approving authority for such applications.
- C. For any land use application, other than site plan review, that is for a designated landmark or in a designated historic district, the Board shall provide formal written recommendations to the Planning Commission, prior to the Commission's decision on the application.
- D. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
- E. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits and grant and loan opportunities.
- F. Determine an appropriate system of marks and signs for designated landmarks and historic districts.

9.400 LANDMARK DESIGNATION

9.401 DESIGNATION STANDARDS AND PROCEDURES

9.401.01 Generally

- A. The Landmarks Board shall make recommendations on the designation of structures, buildings, places, landscapes and sites, having special historical, architectural, or cultural significance, as historic landmarks or historic districts.
- B. Subject to the procedures and standards of Sections 9.401.03 and 9.401.04, historic resources may be designated as landmarks having Primary or Secondary significance based on the historic, architectural, site, and use evaluation criteria contained in Section 9.401.04.

9.401.02 Effect of Designation

- A. Any historic resource designated as per Section 9.400, shall be subject to Section 9.500, except as otherwise provided by this Code. Any building or site that is considered for landmarks designation, but rejected as per Section 9.400, may not be reconsidered for a minimum period of two (2) years. The classification of any designated landmark once established as per Section 9.400 may not be reconsidered for a minimum period of two (2) years.
- B. The landmark alteration criteria contained in Section 9.500 shall apply only to designated landmarks or historic districts. Historic resources designated as landmarks of either Primary or Secondary significance that are within a special historic resource zone or historic district are subject to Section 9.500. Historic resources designated as landmarks of either Primary or Secondary significance that are not within a special historic resource zone or historic district are subject to Section 9.500.
- C. Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area within a designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.

9.401.03 Procedures

- A. Except as otherwise provided herein, the Council, Commission, Landmarks Board, the owners of a potential landmark, or a citizen may initiate historic landmark or district designation in accordance with Section 9.401. Application for landmark designation shall be made on forms provided by the City. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.
- B. Initiation of consideration of a new historic district designation, or amendment to any established historic district, may be initiated by the Council, Commission, or Landmarks Board, or by petition specifying a proposed district boundary and signed by at least twenty-five percent (25%) of the property owners within the proposed district. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.
- C. Upon receipt of the report and recommendation of the Landmarks Board, the Council shall conduct a further public hearing as per Section 3.200. Approval of the landmark or district designation shall be in the form of an ordinance. If a resource or area is approved for designation by the Council, it shall be listed as a designated

historic landmark or district in the Community Development Plan element of the City Comprehensive Plan.

- D. Once City action on historic district designation is complete, the designation shall not go into effect until the City has adopted design guidelines and standards for the district, similar to those adopted for the Smockville Old Town Historic District, Appendix I. Unless otherwise impractical, historic district design guidelines and standards should be developed and considered concurrently with historic district designation.

9.401.04 Standards

In determining whether historic resources or groups of historic resources should be designated as landmarks of either Primary or Secondary significance or as historic districts, the Landmarks Board and Council shall make written findings with respect to the following factors.

- A. That the potential historic resource has a quality or significance in American or local history, architecture, archeology, engineering, or culture, and retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association, and:
 - 1. Is associated with events or persons significant in American or local history; or
 - 2. Embodies the distinctive characteristics of a type, style, period, or method of construction or architecture, or represents the work of a master craftsman, architect or builder, or possesses significant artistic, aesthetic or architectural values; or
 - 3. Has yielded, or may be likely to yield, information important in American or local prehistory or history; or
 - 4. Is listed on the National Register of Historic Places.
- B. The Board and Council shall also examine and make findings regarding specific uses allowed in the zoning districts where the proposed landmark lies, identify consistencies and/or conflicts with the allowed uses and proposed designation, and determine the economic, social, environmental and energy (ESEE) impacts of designation on the proposed landmark and adjacent allowed uses.
- C. The Board, after considering the criteria in Section 9.401.04A of this Section and the ESEE analysis required by Section 9.401.04B, shall recommend to the Council approval of the landmark's designation as a Primary or Secondary historic resource approval, approval with conditions, or determine that the resource should not receive any landmarks designation. The Council's final decision on the Board's recommendation shall be in the form of an ordinance amending the Community

Development Plan element of the City Comprehensive Plan and listing the resource as a designated historic site, approving the designation with conditions, or determining that the resource should not receive any landmarks designation.

9.500 LANDMARK ALTERATION

9.501 PROCEDURES

9.501.01 Alteration Application

- A. Application for any alteration of a designated landmark, except as per Section 9.501.03, shall be made on forms provided by the City.
- B. The following information shall be required in an application for alteration of a landmark:
 - 1. The applicant's name and address.
 - 2. The property owner's name(s) and address(es), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.
 - 3. The street address or other easily understood geographical reference to the landmark property.
 - 4. A drawing or site map illustrating the location of the landmark.
 - 5. A statement explaining compliance with the applicable approval criteria 9.500, as appropriate.
 - 6. Ten (10) sets of plan drawings to include site, landscaping and elevations, drawn to scale.
 - 7. Photographs of the landmark which show all exterior features.
 - 8. A list of owners of property (fee title) within one hundred (100') feet of the subject property together with their current mailing addresses.
 - 9. Any other information deemed necessary by the City Manager or his or her designee.
- C. The Landmarks Board shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. If the alteration involves site plan review as per Section 5.100, the Board shall also act for the Planning Commission as the site plan approving authority. The Landmarks Board decision shall be based on compliance with the review standards

in Section 9.502 and shall consider the original finding made in the landmark designation process as per Section 9.400.

- D. In any alteration action, the Landmarks Board shall give full consideration and weight to the importance of the landmark, its landmarks classification and designation, any adverse economic or visual impacts on adjacent landmarks, special historic resource zones, or historic districts, and, if the proposed landmark is within a special historic resource zone or designated historic district, the standards and guidelines of that zone or district.

9.501.02 Appeals

A decision rendered by the Landmarks Board regarding approval, approval with conditions, or denial of a permit for construction, alteration, removal, or demolition of a designated landmark, may be appealed to the Council as per Section 3.400.

9.501.03 Exceptions

- A. Nothing in this Section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature, or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition. Except as otherwise provided in this Chapter and Section 9.501.03B, if no City building permit or land use approval is otherwise required, facade alterations which, in the City's determination, adversely impact or lessen a landmarks historic character, shall be subject to landmark alteration review. Such alterations subject to review could include, but are not limited to painting of facade elements or construction of materials normally left unpainted within the historic context of the landmark; replacement of windows, transoms, awnings, doors, exterior lighting, or other exterior features; the addition and replacement of exterior heating, ventilating and air conditioning equipment, except for temporary equipment such as portable in-window air conditioners; or any overlay of an existing facade with new siding materials.
- B. Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:
 - 1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided however that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark;
 - 2. Installation of storm windows and doors, insulation, caulking, weather-stripping and other energy efficient improvements which complement or match the existing color, detail and proportions of the landmark;

3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the landmark would not have been originally painted, or where the preparation could damage exterior surfaces.
 4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.
 5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.
 6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.
 7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and powerwashing if done at no more than 600 psi with mild detergent.
 8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.
- C. Landmarks designated as Primary historic resources as per Section 9.401 that are not within special historic resource zones or historic districts shall be subject to landmarks alteration review, but such review shall be advisory and non-binding. Landmarks designated as Secondary historic resources as per Section 9.401 that are not within special historic resource zones or designated historic districts shall not be subject to Section 9.500 review or compliance.
- D. Except as otherwise provided in this Chapter, interior alterations not visually or structurally modifying a designated landmarks external appearance or facade shall not be subject to landmarks alteration review, unless the interior is specifically cited as part of the reason for the landmarks designation, as per Section 9.401.04.
- E. Signs shall be subject to Section 5.700 only, provided that the City Manager or his or her designee finds that the proposed sign or signs comply with the standards of Section 9.500 and the guidelines and standards of any applicable special historic resource zones or designated historic districts. These findings shall be prepared and reviewed as per Section 9.501.01B.

9.502 ALTERATION STANDARDS

The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to Section 9.500. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Board shall make written findings indicating compliance with these standards.

9.502.01 Generally

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.
- B. In cases where the physical or structural integrity of a landmark is questionable, that the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity or to preserve the feasibility of the continued occupation or use of the landmark given its structural condition.
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.
- D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.
- E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.
- F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark's or historic district's history and original or later significant additions architecture shall not be permitted.

9.502.02 Architectural Features

- A. The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.
- B. Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.

- C. Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- D. The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
- E. Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.
- F. Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.

9.503 VARIANCES TO ALTERATION STANDARDS

9.503.01 Generally

- A. Any variances to landmark alteration standards shall be considered as per Section 4.400, provided however, that the Planning Commission shall first receive and consider a report and recommendation of the Landmarks Board, in addition to considering the criteria specified in Section 9.503.01B. Variances to landmark alteration standards as per Section 4.400, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 9.501.
- B. In any variance action, the Landmarks Board and the Commission shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of Section 9.503, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.

9.504 LANDMARK DESIGNATION INCENTIVES

9.504.01 Generally

To facilitate the purposes of this Chapter and in recognition of the extraordinary costs sometimes associated with the appropriate preservation of historic resources, incentives shall be made available at the time such resources undergo an alteration subject to Section 9.500.

Such incentives shall be in addition to the activities of the Landmarks Board required by Section 9.301.03D-E.

9.504.02 Incentives

Any landmark designated as per this Chapter, whether Primary or Secondary, or within or outside of a special historic resource zone or historic district, may be granted one or more of the following incentives, provided that in exercising or accepting any incentive contained herein, a landmark not otherwise subject to Section 9.500 shall thereafter be subject to all the terms and conditions of that Section. Incentives shall be granted only if the proposed alteration has undergone landmarks alteration review and is fully consistent with Section 9.500 and the landmark's designation as per Section 9.400. Monetary incentives, such as property tax rebates and fee waivers, may be granted in any combination, as determined by the Landmarks Board, provided however, that the total amount of the monetary incentives shall not exceed the additional cost of the historically appropriate alteration over that of a more conventional improvement, also as determined by the Landmarks Board.

A. Property Tax Rebates:

1. A property owner who has expended funds for labor and materials necessary to comply with Section 9.500, may apply to the City for rebate of the City's portion of real property taxes levied and collected by the Washington County Department of Assessment and Taxation for the fiscal real property tax year following the tax year in which the investment for labor and materials was made by the owner, and for each subsequent tax year thereafter for not to exceed ten (10) tax years. In no event shall the total rebates paid by the City to the applicant exceed the total cost of the labor and materials expense necessary to comply with Section 9.500. The applicant shall submit with the application, on a form to be provided by the City, such verification of the expenditures for labor and materials, as shall be determined sufficient by the City.
2. No rebates shall be allowed for any property for which real property tax payments are delinquent, nor shall rebates continue to be paid for a property which ceases to meet the standards of this ordinance as a qualifying historical resource. No rebates shall be allowed for tax payments made in the year the funds are expended for compliance with Section 9.500 or any year prior thereto.
3. Nothing in this section shall be deemed to obligate the City to rebate any taxes levied and paid for the benefit of any other governmental entity, and shall apply only to real property taxes assessed, levied, and payable to the City of Sherwood by the Washington County Department of Assessment and Taxation.

B. City Fee Waiver:

1. The City Building Official shall waive all building permit fees established by the current Uniform Building Code Fee Schedule that would normally be applicable to a landmarks alteration.
2. The City Planning Director shall waive all required land use application fees established by the City that would normally be applicable to a landmarks alteration, including any fees for processing the landmarks alteration application itself.

C. Building Code Variances:

Consistent with Section 104 (f) of the Uniform Building Code, the City Building Official is authorized to permit alterations to designated landmarks without conformance to all requirements of the Uniform Building Code or other applicable codes adopted by the City provided:

1. The landmark has been designated as per Section 9.400, and the alteration is fully consistent with Section 9.500, and
2. The altered landmark will be no more hazardous based on life safety, fire safety and sanitation than the existing landmark.
3. The alteration is approved by the Landmarks Board.