



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/20/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sherwood Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 30, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Brad Kilby, City of Sherwood
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



PROF 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

AUG 13 2012

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Sherwood**

Local file number: **PA 12-01**

Date of Adoption: **8/7/2012**

Date Mailed: **8/9/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/18/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Proposal to consolidate the Commercial Chapters into Chapter 16.22, and the Industrial Chapters into Chapter 16.31, ensure that the nomenclature of uses is consistent throughout the use tables, eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation, clarify how multi-family uses are permitted within commercial zones, and establish a use classification system to aid staff and citizens in the interpretation of similar uses.

Does the Adoption differ from proposal? Yes, Please explain below:

Yes, some of the names assigned to specific uses have been changed. (i.e. health clubs vs. health clubs and studios).

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Citywide**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 001-12 (19303) [17131]

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: **Brad Kilby, Senior Planner**

Phone: (503) 625-4206 Extension:

Address: 22560 SW Pine Street

Fax Number: 503-625-629

City: Sherwood

Zip: 97140

E-mail Address: kilbyb@sherwoodoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**



ORDINANCE 2012-011

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISION, II and IV, RELATING TO COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL AND PUBLIC USE CLASSIFICATIONS

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years, and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, The amendments are specifically related to the uses within all Commercial, Industrial, and Public and Institutional zoning classifications; and

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

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearings were held before the Planning Commission on May 22, 2012 and June 12, 2012; and

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

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on August 7, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibits 1-A through 1-D.

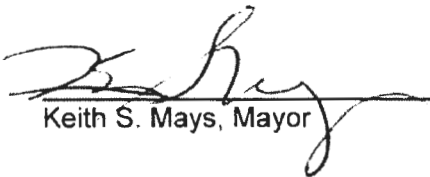
Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 12-01 identified in Exhibits 1-A through 1-D is hereby **APPROVED**.

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

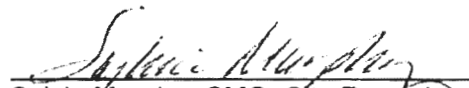
Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

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

Duly passed by the City Council this 7th day of August 2012.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder

	AYE	NAY
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Langer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City of Sherwood

July 20, 2012

Planning Commission Recommendation to the City Council

File No: PA 12-01 Commercial, Industrial, Public, and Institutional Uses

Recommendation: The Planning Commission Recommends that the City Council amend Chapters 16.22 (Office Commercial), 16.24 (Office Retail), 16.26 (Neighborhood Commercial), 16.28 (Retail Commercial), 16.30 (General Commercial), 16.31 (Employment Industrial), 16.32 (Light Industrial), 16.34 (General Industrial), and 16.36 (Institutional and Public). The overall objective of this proposal is to eliminate barriers to good quality development, and to clarify the language in a manner that is easier to understand. The proposal would accomplish five objectives. First, it would consolidate the Commercial Chapters into Chapter 16.22, and the Industrial Chapters into Chapter 16.31. Second, it will ensure that the nomenclature of uses is consistent throughout the use tables. Third, the amendments would eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation. Fourth, the changes would clarify how multi-family uses are permitted within commercial zones. Finally, the amendments would establish a use classification system within Chapter 16.88 Interpretation of Similar Uses.

I. **BACKGROUND**

- A. Applicant: This is a City initiated text amendment.
- B. Location: The proposed amendment is to the text of the development code and, applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on May 22, 2012 and June 12, 2012. At the close of the hearing, the Planning Commission decided to forward a recommendation to the City Council for their consideration on the matter. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the May 22, 2012 Planning Commission hearing on the proposed amendment was published in *The Times* on 5/10/12, and published in the May edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 5/2/12. In addition, a separate notice was sent to all commercial, Industrial, and Public and Institutionally zoned properties in town consistent with the provisions of ORS 227.186. The Planning Commission continued the hearing to June 12, 2012 at their May 22nd hearing.
- DLCD notice was mailed on April 18, 2012.
- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process.

Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code "clean-up" items were identified and placed into a work program for review and consideration.

This particular recommendation accomplishes five objectives including:

1. Consolidating three industrial chapters into one, and four commercial zoning chapters into one chapter, similar to what was accomplished with the Residential Zoning Chapter.
2. It would also include clarifying the "use" classifications within the use tables of each commercial, industrial, and public and institutional zone. Currently, the nomenclature for uses varies from one chapter to the next. Under this proposal, the uses would be uniformly labeled to the extent that it makes sense for each zone type.
3. The amended language would eliminate Chapter 16.24 (Office Retail) from the Sherwood Zoning and Community Development Code. Currently, there are no properties within the city that carry that designation. Furthermore, the zone itself is so similar to the retail commercial zone that it does not make sense to have both when one can perform the same function as the other.
4. The amended language would clarify how residential uses on commercially zoned properties are regulated as currently it is inconsistent among zones, and they are permitted as either a PUD or Conditional Use. Currently, multi-family developments located within the commercial zones are permitted through a planned development at densities of 16.8 to 24 dwelling units per acre. This is within the range of the prescribed density for the High Density Residential (HDR) zone.

Residential apartments are also possible in the commercial zones through the conditional use process; however, there is a stipulation that requires the units to be located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building. The language is essentially the same in all zones except in the Office Retail zone; which is proposed to be eliminated.

The Retail Commercial (RC) and General Commercial (GC) zones stipulate, "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."

The proposal would allow higher density residential uses as a permitted use within the commercial zones subject to the provision that already exists within the RC and GC zoning districts throughout all commercial districts. This would eliminate a barrier by simplifying the process while maintaining the requirements and presumably the community's desire to allow residential uses on commercially zoned land when it is ancillary to the commercial use.

5. Finally, the amended language would establish a use classification system. The use classification system would be located within chapter 16.88 Interpretation of Similar Uses. The use classification system attempts to describe the general characteristics of a use type, and provide examples of the uses that would generally fall within the category. This is a system that is used in quite a few other jurisdictions within the region, and generally serves two distinct purposes.

This change helps to give staff some clear direction on the types and characteristics of uses that are generally accepted by the community in making interpretations on uses that may be unlisted. The second benefit of a use classification system is that it allows the use tables to be much more abbreviated, and only requires that a specific use be listed when it is not intended to be included within a specific zoning district.

The current code language resides in Division II Land Use and Development, and Division III Planning Procedures. The Chapters within the Sherwood Zoning and Community Development Code (SZCDC) that would be affected by this proposal include Chapters 16.22 through 16.36 and Chapter 16.88, Interpretation of Similar Uses.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was sent on April 18, 2012. The City has not received any comments to date on the proposed amendments.

Public:

There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on Commercial/Industrial/Public and Institutional zones over the past year.

The consolidation and use classifications were discussed with the Planning Commission at length in several work sessions and meetings over the past year, and discussed with the public at the November Code Clean-up Open House.

The proposed language was "tested" in September of this past year. In order to test the language that the Planning Commission and staff developed, 132 businesses throughout Sherwood in the commercial, industrial, and institutional and public zones were surveyed. Staff utilized company websites and city permits to determine the use of each business and tried to match it up to the uses that would be permitted under the revised language. One obvious objective was to ensure that we were not creating a lot of non-conforming uses by implementing the revised language. The other objective was to determine if the use classifications were appropriate for what was actually occurring within the underlying zones.

Of the 132 businesses surveyed, 12 of the existing business would not be permitted, or would be considered existing non-conforming uses for a variety of reasons. Eleven (11) of those 12 uses are found in the industrial districts, and are either in conflict with the metro language for industrial services in that they occupy too much of the building, or are unlisted, and would fall within a use category that is more readily associated and permitted within a commercial zone. The 12th non-conformity was a single family residence in the Retail Commercial zone. It was determined that the proposed changes did not increase nonconformities.

Approximately 418 ballot measure 56 Notices were mailed to all owners of Commercial, Industrial, or Institutional and Publicly zoned lands within the City on May 2nd. Staff has received several telephone calls and counter calls, but once the changes have been explained,

the people have generally been supportive or not interested. No one from the public has voiced any objection to the proposal as of the date of this report.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - Text Amendment Review

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

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed language continues to implement the Land Use goals and policies as they apply to Commercial, Industrial, and Public and Institutional zoning uses.

There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. The Functional Plan does place limits on the amount of commercial uses that would be allowed in Employment areas. The proposed use tables are consistent with Title 4 Industrial and Other Employment Areas in that they limit the amount of retail and personal service uses within the Industrial and employment lands as applicable.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to provide clarity within the Code to staff, property owners, and developers.

The proposed amendments have been discussed in several public venues, and staff has always been available to discuss the proposed changes, and has invited public comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the May issue of the Gazette, has been posted around town in several conspicuous places, and is provided on the City's website.

A Ballot Measure 56 Notice was also provided to all property owners of Commercial, Public and Institutional, and Industrially Zoned property, and was published in the City Newsletter (the Archer).

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the Sherwood Zoning and Community Development Code. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, The Planning Commission recommends approval of PA 12-01 as amended on June 12, 2012.

V. EXHIBITS

Exhibit 1-A: Proposed Commercial Zone Code Amendments "Clean Copy"

Exhibit 1-B: Proposed Industrial Zone Code Amendments "Clean Copy"

Exhibit 1-C: Proposed Public and Institutional Zone Code Amendments "Clean Copy"

Exhibit 1-D: Proposed Interpretation of Similar Uses Code Amendments "Clean Copy"

Exhibit 1-E: Proposed Commercial Zone Code Amendments with "Track Changes"

Exhibit 1-F: Proposed Industrial Zone Code Amendments with "Track Changes"

Exhibit 1-G: Proposed Public and Institutional Zone Code Amendments with "Track Changes"

Exhibit 1-H: Proposed Interpretation of Similar Uses Code Amendments with "Track Changes"

Chapter 16.22

COMMERCIAL LAND USE DISTRICTS*

Sections:

16.22.010 Purpose

16.22.020 Allowed Uses

16.22.030 Development Standards

16.22.040 Special Criteria

16.22.050 Community Design

16.22.060 Floodplain

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

16.22.010 Purpose

- A. Office Commercial (OC) - 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. (Ord. 90-921, § 1)

Note: The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.

- B. Neighborhood Commercial (NC) - 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. (Ord. 87-870, § 5; Ord. 86-851)

- C. Retail Commercial (RC) - 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 Division VIII. (Ord. 87-870, § 5; Ord. 86-851)

Note: Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.

- D. General Commercial (GC) - 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 Division VIII. (Ord. 86-851, § 3)

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement

of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
<ul style="list-style-type: none"> Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.^{2,3} 	P	P	P	P
<ul style="list-style-type: none"> Residential Care Facilities 	N	N	C	C
<ul style="list-style-type: none"> 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 City. 	P	P	P	P
CIVIC				
<ul style="list-style-type: none"> Hospitals 	N	N	C	C
<ul style="list-style-type: none"> Correctional institutions 	N	N	N	C
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	N	N	C	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	N	C	C	C
<ul style="list-style-type: none"> Vehicle testing stations 	N	N	N	C
<ul style="list-style-type: none"> Postal services - Public 	N	C	C	C
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright. 	P	P	P	P
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices 	C	C	C	C
<ul style="list-style-type: none"> Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	N	N	C	C
<ul style="list-style-type: none"> Small-scale power generation facilities. 	P	P	P	P
<ul style="list-style-type: none"> Large-scale power generation facilities. 	N	N	N	C
<ul style="list-style-type: none"> Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	N	C	C

¹ See special Criteria for the NC zone, 16.22.050

² The residential portion of a mixed use development is considered secondary 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 the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

³ Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

	OC	NC ¹	RC	GC
• Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses,	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial Trade Schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P

⁴If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than 50% of the total area

	OC	NC ¹	RC	GC
<ul style="list-style-type: none"> • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities 	P	P	P	P
<ul style="list-style-type: none"> • Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building 	C	C	C	C
Childcare				
<ul style="list-style-type: none"> • Day cares, preschools, and kindergartens, when clearly secondary to a permitted use 	P	P	P	P
<ul style="list-style-type: none"> • Day cares, preschools, and kindergartens as a stand-alone use. 	N	P	P	P
General Retail – sales oriented				
<ul style="list-style-type: none"> • General retail trade, not exceeding 10,000 square feet of gross square footage. 	P	P	P	P
<ul style="list-style-type: none"> • General retail trade greater than 10,000 square feet of gross square footage 	N	P	P	P
<ul style="list-style-type: none"> • Tool and Equipment Rental and Sales, Including Truck Rental 	N	N	C	P
<ul style="list-style-type: none"> • Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) 	N	N	P	P
<ul style="list-style-type: none"> • Wholesale building material sales and service 	N	N	N	P
<ul style="list-style-type: none"> • Retail building material sales and lumberyards. 	N	N	C ⁵	P
Personal Services				
<ul style="list-style-type: none"> • Health clubs and studios less than 5,000 square feet in size. 	P	P	P	P
<ul style="list-style-type: none"> • Health clubs and studios greater than 5,000 square feet in size 	N	N	C	P
<ul style="list-style-type: none"> • Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services. 	N	P	P	P
<ul style="list-style-type: none"> • Public or commercial parking (non-accessory) 	C	C	P	P
<ul style="list-style-type: none"> • Veterinarian offices and animal hospitals. 	N	N	C	P
<ul style="list-style-type: none"> • Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁶ 	N	N	C	C
Eating and Drinking establishments				

⁵ All activities are required to be within an enclosed building

⁶ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

	OC	NC ⁷	RC	GC
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁸	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals • Farming and horticulture	N	N	P	P
• Truck and bus yards	N	N	N	P

16.22.030 Development Standards

A. Generally

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

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

⁷ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

⁸ except for towers located within 1,000 feet of the Old Town District which are prohibited.

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback⁹	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot⁹	0	20 ft on any side facing street		
Height^{10,11}	2 stories or 30 ft	Least restrictive height of abutting residential zone	50 ft ^{13, 14}	50 ft ^{13, 14}

16.22.060 NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, 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

⁹ Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030)

¹⁰ Maximum height is the lessor of feet or stories

¹¹ Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

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. (Ord. 87-870, § 5)

16.22.040 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 Divisions V, VIII and IX.

16.22.050 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

Chapter 16.31

INDUSTRIAL LAND USE DISTRICTS*

Sections:

- 16.31.010 Purpose**
- 16.31.020 Uses**
- 16.31.030 Development Standards**
- 16.31.040 Employment Industrial (EI) Special Restrictions**
- 16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions**
- 16.31.060 Community Design**
- 16.31.070 Flodplain**

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

16.31.010 Purpose

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

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

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. (Ord. 2010-014, § 3, 10-5-2010)

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

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

16.31.020 Uses

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

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	P	P	P
• Small-scale power generation facilities.	P	P	P
• Large-scale power generation facilities.	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			

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

Uses	LI	GI	EI ¹
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs.	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices. ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use. ⁶	C	C	C
General Retail – sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business. ⁷	C	C	P
• Tool and Equipment Rental and Sales, Including Truck Rental. ⁷	P	P	P

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

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

⁴ Limited to Cardlock or wholesale- no public retail fuel sales.

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

⁶ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

Uses	LI	GI	EI ¹
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size.	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services. ⁷	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals.	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁷	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental).	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N	C	N
• Building components, furniture, fixtures, signs.	P	P	N
• Non-motorized recreational vehicles and equipment.	P	P	N

⁷ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

⁷ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

Uses	LI	GI	EI¹
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers ⁸ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

⁸ Except for towers located within 1,000 feet of the Old Town District which are prohibited.

16.31.030 Development Standards

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

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

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback¹¹	20 feet	20 feet	None
Side Yard Setback¹⁰	None	None	None
Rear Yard Setback¹¹	None	None	None
Corner lot street side¹¹	20 feet	20 feet	None
Height¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

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

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

16.31.040 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

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

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

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

(Ord. 2010-014, § 3, 10-5-2010)

16.31.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

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

16.36.010 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.

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

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

IP	
RESIDENTIAL	
<ul style="list-style-type: none"> • 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 City. (Ord. 97-1019 § 3; Ord. 86-851) 	C
CIVIC	
<ul style="list-style-type: none"> • Cemeteries and crematory mausoleums. 	C
<ul style="list-style-type: none"> • Police and fire stations and other emergency services 	C
<ul style="list-style-type: none"> • Administrative Offices-Government 	C
<ul style="list-style-type: none"> • Postal services - Public 	C
<ul style="list-style-type: none"> • Public use buildings, including but not limited to libraries, museums, community centers, and senior centers. 	C
<ul style="list-style-type: none"> • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	C
<ul style="list-style-type: none"> • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C
<ul style="list-style-type: none"> • Religious Institutions 	C
<ul style="list-style-type: none"> • Public and private schools providing education at the elementary school level or higher 	C
COMMERCIAL	
<ul style="list-style-type: none"> • Commercial Trade Schools, commercial educational services and training facilities 	N
<ul style="list-style-type: none"> • Public Golf courses 	C
WIRELESS COMMUNICATION FACILITIES	
<ul style="list-style-type: none"> • Radio, television, and similar communication stations, including associated transmitters. 	C
<ul style="list-style-type: none"> • Wireless communication towers and transmitters¹ 	C
<ul style="list-style-type: none"> • Wireless communication facilities on City-owned property 	P

¹ except for towers located within 1,000 feet of the Old Town District which are prohibited.

<ul style="list-style-type: none"> • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure² 	P

16.36.050 Dimensional Standards

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

IP	
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
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. (Ord. 91-922, § 3)

16.36.060 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 Divisions V, VIII and IX.

(Ord. 91-922, § 3; Ord. 86-851)

² Provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 Generally

16.88.020 Application Content

16.88.030 Approvals

16.88.040 Uses

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

16.88.010 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.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 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.

(Ord. 86-851, § 3)

16.88.030 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, and described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. *Residential uses* are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:
 - (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.
 - (2) Single-family attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.
 - (3) Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.
 - (4) Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.
 - (5) Institutional and Residential Care Facilities – A facility licensed by or under the authority of the Department of Health and Human Services 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. Examples include residential care homes, group homes, halfway homes, etc.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:
 - (1) Churches, Mosques, Temples and other religious facilities
 - (2) Hospitals
 - (3) Schools

- (4) Major and minor utilities
- (5) Transportation facilities
- (6) Police and fire stations
- (7) Post offices
- (8) Senior centers
- (9) Community centers
- (10) Libraries
- (11) Museums
- (12) Fraternal lodges
- (13) Veterans organizations
- (14) Public parking garages
- (15) Cemeteries and crematory mausoleums
- (16) Public gardens, parks, trails, and playfields
- (17) Government offices
- (18) Treatment plants
- (19) Public works yards

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

- (1) Towers
- (2) Transmitters
- (3) Antennae
- (4) Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be

civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

a. *Entertainment and Recreation uses* establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:

- (1) Adult entertainment businesses
- (2) Theaters or Cinemas
- (3) Drive-in theaters
- (4) Country clubs
- (5) Recreational vehicle parks
- (6) Private sports and racquet clubs
- (7) Golf courses
- (8) Arcades or electronic game centers
- (9) Health and fitness clubs
- (10) Bowling alley
- (11) Ice/roller skating rinks

b. *Hospitality and lodging uses* are uses that provide temporary, short term lodging including:

- (1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.
- (2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.
- (3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A

motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

- c. *Motor vehicle related uses* include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category includes:
 - (1) Motorized vehicle and sport craft repairs and service
 - (2) Automotive, boat, trailer and recreational vehicle storage.
 - (3) Vehicle fueling stations
 - (4) Car wash facilities
 - (5) Junkyards
 - (6) Salvage yards
 - (7) Manufactured home sales and display areas.

- d. *Office and Professional Services uses* are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:
 - (1) Law offices
 - (2) Architecture and engineering offices
 - (3) Accounting offices
 - (4) Call centers
 - (5) Financial, insurance, and real estate offices

- e. *Medical and Dental Office uses* are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

- (1) Clinics
- (2) Veterinary offices
- (3) Animal hospitals
- (4) Dentist offices
- (5) Doctors' Offices
- (6) Urgent care facilities

f. *Childcare uses* are uses that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. Childcare uses include the following uses:

- (1) In-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.
- (2) Daycare Facility means 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.

g. *General Retail uses* are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

- (1) Grocery Stores
- (2) Department Stores
- (3) Convenience Stores without fuel sales
- (4) Furniture Stores
- (5) Hardware Stores
- (6) Pharmacies

- (7) Book Stores
- (8) Electronics Stores
- (9) Auto Parts Stores
- (10) Sporting Goods Stores
- (11) Toy Stores
- (12) Jewelry Stores

h. Personal Services uses are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

- (1) Barbershops and beauty salons
- (2) Dry cleaning pick-up stores with limited equipment
- (3) Laundromats (self-service laundries)
- (4) Locksmiths
- (5) Shoe repair shops
- (6) Tailors and seamstresses
- (7) Health and fitness clubs
- (8) Dance or music studios
- (9) Pet grooming
- (10) Indoor pet daycare

i. Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

- (1) Restaurants (including drive-through, fast food, and sit-down)
- (2) Taverns and lounges
- (3) Coffee shops
- (4) Ice cream shops
- (5) Sandwich Shops

D. Industrial Use Types

1. *Distribution, warehousing, and storage uses* are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:
 - (1) Moving companies
 - (2) Mini-storage
 - (3) specific retail storage and distribution
 - (4) Freight delivery
 - (5) Beverage distribution.
2. *Laboratory uses* are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.
3. *Metal Fabrication and Engineering uses* are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:
 - (1) Machine shops
 - (2) Fabrication shops
 - (3) Welding Shops
4. *Small-scale Industrial Service uses* are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. This category may also include:
 - (1) Contractor's storage and equipment yards
 - (2) Laundry and dry cleaning plants
 - (3) Fabric dyeing facilities
 - (4) Auto dismantling within an enclosed building
 - (5) Manufacture of stone works and concrete products (excluding concrete ready-mix plants)
 - (6) Commercial bakeries

(7) Small scale energy facilities include facilities, such as solar panels, that produce energy but are generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%.

5. *Large-scale Industrial Service uses* are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:

- (1) Sawmills
- (2) Pharmaceutical manufacturers
- (3) Pulp and paper mills
- (4) Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products
- (5) Metal rolling and extraction mills
- (6) Forge plants
- (7) Smelters
- (8) Blast furnaces
- (9) Sand and gravel pits
- (10) Rock crushing facilities
- (11) Aggregate storage and distribution facilities
- (12) Concrete or asphalt batch plants
- (13) Solid waste transfer stations
- (14) Large Scale energy facilities are facilities that generally exceed the impacts associated with a small-scale energy facility, and may include power plants, solar farms, and other similar uses.

6. *Hazardous Facilities* are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, insecticides, and similar chemicals or compounds.

E. Agriculture Use Types

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, "'farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm

use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.”

City of Sherwood
2560 SW Pine St
Sherwood, OR 97140



DEPT OF
AUG 13 2012
LAND CONSERVATION
AND DEVELOPMENT

Attention: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301 - 2540