City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
April 24, 2012 – 7PM

Planning Commission will hold a work session on April 24, 2011. Work sessions are informal. Public may attend.

Work sessions are informal meetings where the Commission and staff can discuss topics but no formal action is taken from these meetings. Work sessions are open to the public in accordance with public meeting laws.

Planning Commission Work Session agenda items on Code Clean Up topics:

1. Commercial, Industrial and Institutional and Public Uses

Next Meeting: May 8, 2012

Meeting documents may be found on the City of Sherwood website or by contacting the planning staff at 503-925-2308.

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2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

MEMORANDUM

DATE: April 16, 2012

TO: Sherwood Planning Commission

FROM: Brad Kilby, AICP

SUBJECT: Commercial, Industrial, Institutional and Public Uses

The purpose of this memorandum is to discuss a few items with the Planning Commission regarding the first drafts of consolidated Commercial and Industrial chapters. The discussion on the items identified within the enclosed drafts will help staff to identify any outstanding issues or concerns the Commission may have before coming forward with proposed language.

The language within the two drafts are the result of the testing that was conducted and reported back to you in October of this past year, and the staff discussions on the uses over the course of 2010 and 2011. The last work session on the matter was July 12, 2011, so staff felt that the subject was worth revisiting based on the time that has passed.

Within each chapter that you are going to review and discuss at our work session on the 24th of April, staff has identified several use classifications that could potentially be consolidated to streamline the code, or in other cases highlighted language where staff would like some further direction before bringing the language to the Commission in a public hearing.

The items/issues are identified by color highlights within the proposed language, and discussed below in this memorandum. It should be noted that the colors have no specific meaning other than to illustrate a relation between like uses or issues.

Land Use Districts

Chapter 16.22 represents the consolidation of four separate chapters in the existing code, and the proposed elimination of one other. The chapters that were consolidated as part of this effort include:

- Chapter 16.22 – Office Commercial
- Chapter 16.26 – Neighborhood Commercial
- Chapter 16.28 – Retail Commercial
- Chapter 16.34 – General Commercial

The Chapter that is proposed for removal from the Code is Chapter 16.24 Office Retail. There are currently no properties within the City of Sherwood with this designation.

The resulting chapter is organized so that it includes the purpose statement from each of the existing zone classification, the allowed, conditional, and prohibited uses as discussed with the Planning Commission, the actual development standards, special criteria related to the development of property within the Neighborhood Commercial Zone, provisions for community design, and a reference statement for properties that contain floodplains.

Chapter 16.31, the Industrial Chapter is the consolidation of three existing chapters. The chapters that were consolidated include:

Chapter 16.31 – Employment Industrial
Chapter 16.32 – Light Industrial
Chapter 16.34 – General Industrial

The resulting chapter is organized so that it includes the purpose statement from each of the existing zone classification, the allowed, conditional, and prohibited uses as discussed with the Planning Commission, the actual development standards, special criteria related to the development of property within the Employment Industrial Zone, and more specific Tonquin Employment Area, provisions for community design, and a reference statement for properties that contain floodplains.

Within the allowed, conditional and prohibited uses tables of each chapter, there are specific use classifications that have been identified by color coding and discussed below, that because of the way they are identified, could lead to some confusion in the future. Uses that share the same color coding are discussed below:

Issues

1. Beginning on page 2 of 7, within Residential use types, staff would like clarity on whether or not the Planning Commission would like to allow multi-family housing within commercial zones through either a Planned Unit Development process or through a Conditional Use Permit.

   It should be noted that staff has been approached several times over the past few months with questions related to this issue. The majority of the questions are related to specific properties zoned General Commercial, and

staff has maintained that the Community Design Standards in 16.30.060 require the residential portion of a mixed use project to be secondary to the commercial use since it is a standard that applies overall to the General Commercial Zone. The issue with that approach is that 16.030.020.V does not specifically state that the multi-family housing has to be clearly secondary or subject to the Community Design Standards of 16.30.060.

A memo from staff to the Planning Commission dated November 22, 2011 that discusses the issue and proposed alternatives are included and attached to this PC packet for your consideration.

There are pros and cons to both approaches; although, staff believes that the Planned Unit Development option would provide flexibility in decision making and negotiating with a potential developer over a Conditional Use since Planned Unit Developments are reviewed by the Planning Commission as opposed to the Hearings Officer. In this scenario, The Planning Commission would be permitted to apply the standards of the PUD code to a development to ensure that it was the best fit for the overall community; whereas a Conditional Use process focuses on the more clear and objective design standards of the code, with more attention being paid to the impacts of the overall development as opposed to the design.

The Conditional Use process is administered by the Hearings Officer, who may or may not live within the community; whereas a Planned Unit Development is reviewed by the Planning Commission, a decision making body made up of Sherwood citizens.

Ideally, the standards would be as clear and objective as possible with little room for subjectivity; thereby, affording the developer with regulatory certainty in a manner that provides the community with the most quality design possible.

At this point, there would be a benefit to choosing one process over the other or clarifying that footnote #2 on page 2 of 7 applies to all multi-family developments within commercial zones.

2. Item #2 can be found on page 4 of 7 of the Commercial Chapter and page 4 of 8 of the Industrial Chapter. Specifically, Wholesale Building Material Sales and Wholesale Plumbing supplies are listed as two separate classifications. The uses are permitted or not permitted in the same zones. Staff wonders if there is not some merit into combining this classification into "wholesale building and plumbing supplies and service?"

3. Item #3 can be found on page 4 of 7 of the Commercial Chapter and page 4 of 8 of the Industrial Chapter and is specifically associated with the Financial Institutions use underneath the personal services use types. The

Financial Institutions use underneath the personal services use types. The use category beneath that within the Commercial Chapter includes, "Personal services...including but not limited to financial...and similar services. Is there a way to make this more clear? What would be the concern in eliminating "Financial Institutions" from the table?

4. Item #4 can be found on page 5 of 7 of the Commercial Chapter and pages 5 of 8 of the Industrial Chapter There are "Truck and Bus Yards" and Truck and Bus Terminals. They are permitted differently, but are not defined. Does the commission have a definition or perception of what would make them different? We could define the difference based on size or impact, but it is not clear to staff why they would be regulated differently.

5. Item #5 can be found on page 6 of 7 of the Commercial Chapter. Essentially, staff would like to understand, and possibly discuss the ability to consolidate foot notes #'s 11 and 12. They both appear to allow certain uses within the zones to exceed the height limitation through a conditional use process. There is a limitation of twenty (20) feet, but since it is a conditional use, the 20-foot limitation would seem to be not necessary. Within the existing code, that provision could only be found in the Office Retail zone, which staff is proposing to eliminate from the Code.

Once staff has resolution to these issues, the language will be refined, and drafted as a formal amendment that is tentatively scheduled to be heard by the Planning Commission on May 22nd. The language that is included with this memorandum has been provided to DLCD for comment. Staff is scheduled to mail out a Ballot Measure 56 notice no later than May 2nd.

Formatting note:
The following chapter represents the consolidation and reformatting of 4 existing commercial use chapters into one chapter. Formatting changes are not reflected in the 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				
• Multi-family housing when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.[2]	C	C	C	C
• Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards [3]	P	P	P	P
• Residential Care Facilities	N	N	C	C
• 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				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	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.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	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.

• 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
• 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
• Public 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

[4] If 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

• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• 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				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail – sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales	N	N	N	P
• Wholesale plumbing supplies and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C[5]	P
Personal Services				
• Health clubs less than 5,000 square feet in size.	P	P	P	P
• Health clubs greater than 5,000 square feet in size	N	N	C	P
• Financial Institutions	N	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, dance or music classes, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas[6]	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"

• 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
• Truck and bus terminals	N	N	P	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 setback[9]	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback[9]	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback[9]	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot[9]	0	20 ft on any side facing street		
Height[10,11,12]	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:

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[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, 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.

[12] Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62.

[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.

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. (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)

Formatting note:
The following represents reformatting of 3 chapters to combine into one chapter. Formatting changes are not reflected in the track changes.

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, and other forms of residence normally associated with a conditional use, as determined by the City	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

[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]
• 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			
• 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[3, 4]	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[5]	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.[6]	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.[7]	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

[3] If 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

[4] 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.

[5] Limited to Cardlock or wholesale- no public retail fuel sales.

[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.

[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.

Uses	LI	GI	EI[1]
• Tool and Equipment Rental and Sales, Including Truck Rental.[7]	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).	P	P	N
• Wholesale building material sales	C	P	N
• Wholesale plumbing supplies and service	C	P	N
• Retail building material sales and lumberyards[7]	C	P	N
Personal Services			
• Health clubs 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, dance or music classes, 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[8]	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

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

Uses	LI	GI	EI[1]
• Non-motorized recreational vehicles and equipment.	P	P	N
• Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and 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 towers9 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

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

Uses	LI	GI	EI[1]
• Truck and bus terminals	N	P	N

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[10]	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 Setback[11]	20 feet	20 feet	None
Side Yard Setback[11]	None	None	None

[10] 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)

[11] 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.

Rear Yard Setback[11]	None	None	None
Corner lot street side[11]	20 feet	20 feet	None
Height[12]	50 feet		

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.

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

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)

City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

2009 Top Ten Selection

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: November 22, 2011

TO: Sherwood Planning Commission

FROM: Brad Kilby, AICP

SUBJECT: Density Calculations in Commercial Mixed Use projects **(issue paper)**

The purpose of this memorandum is to discuss how the City should determine the appropriate mix of residential and commercial uses within proposals for mixed use projects in commercial zones.

Background

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 also within the range of the prescribed density for the High Density Residential zone.

It should also be noted that a developer or property owner could request approval of residential apartments in the commercial zones through the conditional use process when they are 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 that the Office Retail zone allows, "Multi-family residential, including apartments, condominiums and townhouses when located on the upper floors..."

Further, the Retail and General Commercial 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."

Surrounding Community Practices

Tigard

The Community Commercial (CC) zoning district Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre.

The Mixed Use Employment (MUE) district The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits multi-family housing at a maximum density of 25 units/acre.

The Mixed Use Commercial (MUC) district - The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217, and permits mixed-use developments and housing at densities of 50 units per acre.

The Mixed Use Commercial -1 district permits housing at a minimum density of 25 units/acre and a maximum of 50 units/acre.

Lake Oswego

Allows a wide range of residential densities in their commercial zones. The uses can be on the ground floor provided they are located to the rear of a commercial use or above it.

Gresham

Mixed-Use Development is permitted provided the development remains primarily commercial. This is achieved by having: 1) at least 51% of the site's ground floor uses be commercial uses and 2) at least 75% of the linear street footage be fronted by a ground floor commercial use. The street frontage requirement only applies to a street classified as principal arterial, arterial or boulevard. The 75% standard does not apply to those parts of street not fronted by a building due to a driveway or other site element required by the Development Code, such as a required buffers or height transition areas.

Wilsonville

Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total ground floor area is commercial, or any other commercial uses provided that any such use is compatible with the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. (Planned Developments)

Portland

For new development, at least one square foot of residential development is required for each square foot of limited nonresidential floor area.

Issue

The primary concern related to the provisions is that there is no minimum requirement for the amount of commercial space that needs to be provided when residential uses are proposed. The Retail and General Commercial zones have the most comprehensive provision available to ensure that the commercial component is the primary use of the site. Should commercial zones include provisions that require a minimum amount of floor area dedicated to commercial space when residential uses are proposed?

A second concern is that a developer or property owner propose residential uses either through the PUD process as an outright permitted use, or through a conditional use process. Should this be consolidated so that all projects proposing residential uses in commercial zones be subjected to one process?

Discussion

The primary purpose for commercial zones is to preserve lands that are in locations conducive to promoting and operating businesses. By allowing multi-family uses within commercial zones the community:

- Expands its housing base in a location where people would have the option to live where they work.
- Potentially removes cars from the transportation system, and Increases densities in commercially vibrant areas in a manner that supports transit alternatives; and
- Locates development in areas with existing public facilities

The current Code language certainly allows for mixed use development and provides two separate permitting avenues to accomplish it. The Planned Development option requires review and approval by both the Planning Commission and the City Council; whereas, the Conditional Use option requires review and approval by the Hearings Officer. The conditional use permit would minimize process to potential developers, but remove the flexibility afforded to the Planning Commission and City Council by the Planned Unit Development process.

Options

The Planning Commission could entertain any of the following options in consideration of these issues, and these options are just offered to begin the discussion:

1. Leave the Code as is

2. Change the language across the zones to be consistent with RC and GC Zones
3. Add a minimum floor area for commercial uses when mixed use is proposed
4. Consider one of the adjacent community alternatives