

ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE 4.113(.02) RELATING TO OPEN SPACE AREA STANDARDS IN RESIDENTIAL DEVELOPMENTS

WHEREAS, Wilsonville Planning and Land Development Code section 4.113 requires minimum outdoor recreational (open space) areas in residential developments to provide adequate light, air, open space and usable recreational facilities; and,

WHEREAS, Section 4.113 (.02) A. provides that for the minimum twenty-five percent of open space area, required front and side yard areas may not be counted toward the open space area but that required rear yard areas may; and,

WHEREAS, operation of this provision over time has demonstrated that inclusion of the required rear yard area in the minimum open space area is inadequate to provide sufficient open space and recreational facilities for residential developments consistent with the intent of the section,

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

1. Findings.

The above-mentioned recitals are hereby adopted as findings, along with that staff report in this matter dated November 3, 2004, attached as Exhibit "1", and incorporated by reference as fully set forth herein.

2. Order.

Wilsonville Code 4.113 (.02) is hereby amended as follows:

(.02) Open Space Area shall be provided in the following manner:

A. In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as

a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1 - 5)

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of July, at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon and scheduled for second reading at a regular meeting thereof on the 18th day of August 2005 at 7:00PM at the Wilsonville Community Center.



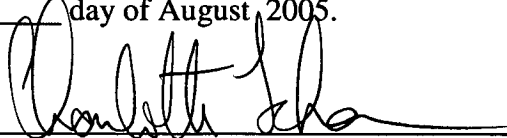
SANDRA C. KING, MMC, City Recorder

ENACTED by the City Council on the 18th day of August, 2005 by the following votes:

Yes: -5- No: -0-


SANDRA C. KING, MMC, City Recorder

DATED and signed by the Mayor this 16th day of August, 2005.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>

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WHEREAS, Wilsonville Planning and Land Development Code section 4.113 requires minimum outdoor recreational (open space) areas in residential developments to provide adequate light, air, open space and usable recreational facilities; and,

WHEREAS, Section 4.113 (.02) A. provides that for the minimum twenty-five percent of open space area, required front and side yard areas may not be counted toward the open space area but that required rear yard areas may; and,

WHEREAS, operation of this provision over time has demonstrated that inclusion of the required rear yard area in the minimum open space area is inadequate to provide sufficient open space and recreational facilities for residential developments consistent with the intent of the section,

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

1. Findings.

The above-mentioned recitals are hereby adopted as findings, along with that staff report in this matter dated November 3, 2004, attached as Exhibit "1", and incorporated by reference as fully set forth herein.

2. Order.

Wilsonville Code 4.113 (.02) is hereby amended as follows:

(.02) Open Space Area shall be provided in the following manner:

A. ~~In all residential developments and in mixed use developments where the majority of the developed square footage is to be in residential use, at least twenty five percent (25%) of the area shall be open space, excluding streets. In other developments containing residential uses, the Development Review Board shall establish appropriate requirements~~

~~for open space, consistent with this Section. Required front, rear, and side yard areas may not be counted towards the required open space area. Required rear yard areas and other landscaped areas that are not within required front, rear, or side yards may be counted as part of the required open space.~~

A. In all residential subdivisions developments and in including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and 1/4 to 1/2 acre per each 30-100 lots development of usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be 1/4 acre of usable park area for 50 or less lots, 1/2 acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space. for developments with lots of 10,000 square feet or less.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide 1/4 acre of usable park area for a development of less than 100 lots, and 1/2 acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development that is greater than 100 lots may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1 - 5)

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of July, at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon and scheduled for second reading at a regular meeting thereof on the 18th day of August 2005 at 7:00PM at the Wilsonville Community Center.

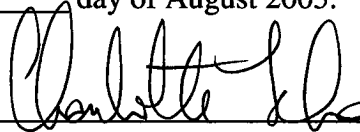

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SUMMARY OF VOTES:

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Councilor Holt	<u>Yes</u>