

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

This document presents proposed code amendments. Underlined formatting indicates added text, while strikethrough formatting shows what text is deleted. The document has also been color coded to reflect a two-phased adoption approach: the Residential Design Standards amendments that will be adopted in 2021, and Housing Choices/HB2001 implementation amendments that will be adopted in 2022. See color code below:

BLUE UNDERLINED = NEW TEXT TO BE ADOPTED THIS YEAR

BLUE STRIKETHROUGH = TEXT TO BE DELETED THIS YEAR

ORANGE UNDERLINED = NEW TEXT TO BE ADOPTED TO IMPLEMENT HB2001

The proposed amendments are organized by code chapter. Only those sections of the code that are proposed to be amended are included in the document.

Commentary

A discussion of the purpose of the proposed amendments and the direction provided to date from City staff and the Planning Commission have been added to this draft of amendments.

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Division I. - GENERAL PROVISIONS

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Chapter 16.02 Commentary

An additional purpose statement is added to reflect the Sherwood 2040 *Attractive and Attainable Housing Goals and Policies*. This language is not required to implement HB2001, but does implement the Sherwood 2040 policies related to housing.

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Chapter 16.02 - INTRODUCTION*

16.02.020 - Purpose

This Code is enacted to:

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

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Chapter 16.10 Commentary

New definitions are added to reflect the new middle housing types required by HB2001: triplex, quadplex, and cottage cluster. Definitions have also been added to define components of middle housing developments related to access and open space (primarily cottage cluster housing), and update definitions of single detached dwellings and households to reflect best practices.

Definitions and figures for Floor Area Ratio (FAR) are not required by HB2001 but were requested by City staff to clarify the existing use of FAR in Chapter 16.68.

The definition for "duplex" has been refined per direction from the Planning Commission. New dwelling unit definitions remain under the heading of "Dwelling Units" but have been further indented to clarify that they are subordinate to the "Dwelling Unit" heading.

A definition for "Sufficient Infrastructure" was added because its use in HB2001/OAR Division 46 rules is specific and allows the City to evaluate new middle housing development to verify the availability of sufficient infrastructure.

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Chapter 16.10 - DEFINITIONS

[...]

16.10.020 - Specifically

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

Common Courtyard: A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages

Driveway Approach: The edge of a driveway where it abuts a public right-of-way.

Dwelling Types:

Accessory Dwelling Unit: An interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel. Also known as an ADU.

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

Cottage Cluster, Community Building: A building that is part of a cottage cluster for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or other similar uses.

Cottage Cluster Development: A development site with one or more cottage clusters.

Duplex: Two (2) attached dwelling units, in any configuration, located on a single lot or parcel.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one family household as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Multi-dwelling: A single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called garden apartments, apartments and condominiums.

Single Detached: A detached structure on a lot or parcel that is comprised of a single dwelling unit.

Townhome: A dwelling unit that is part of a row of two (2) or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.

Townhome Block: A unit of a townhome development consisting of no less than two (2) and no more than six (6) townhomes.

Townhome Project: One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhome property lines and the any commonly owned property.

Triplex: Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.

Quadplex: Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.

Dwelling, Single-Family: A structure containing one dwelling unit.

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~~Dwelling, Single-Family Attached: A single structure on two lots, containing two individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.~~

~~Dwelling, Two-Family or Duplex: A single structure on one lot containing two individual dwelling units, sharing a common wall, but with separate entrances.~~

~~Dwelling, Townhome or Row House: A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.~~

~~Dwelling, Multi-Family: A single structure containing three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwellings include structures commonly called garden apartments, apartments and condominiums. Multi-family dwellings that are attached on one or both sides to similar adjacent but distinct units are considered townhomes (see definition above).~~

Entrance, Main: The entrance to a dwelling or building that most pedestrians are expected to use. Typically, this is the front door of a dwelling unit. Each dwelling may have a main entrance from the outside, or multiple dwellings may share one main entrance. In multi-dwelling or multitenant buildings, main entrances open directly into the building's lobby or principal interior ground-level circulation space. When a multi-dwelling or multitenant building does not have a lobby or common interior circulation space, each dwelling unit or tenant's outside entrance is a main entrance.

Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

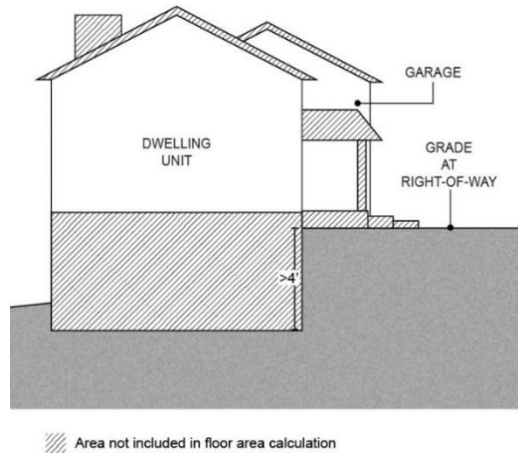
Family: One person living alone or two or more persons related by blood, marriage, or adoption; or a group not exceeding five persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.

Floor area: The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

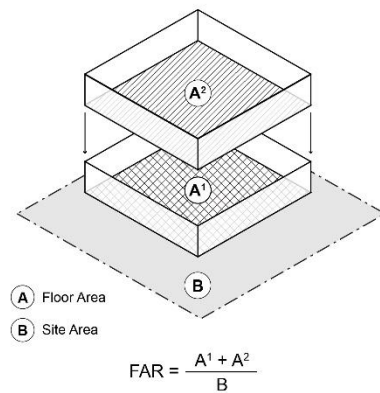
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Figure 1. Areas Excluded from Floor Area Calculation



Floor area ratio (FAR): The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



Household: All persons occupying a group of rooms or a single room which constitutes a dwelling unit. One person living alone or a group of people living together as a single unit, excluding occupants of a boardinghouse, fraternity, hotel, accessory dwelling unit, or similar use.

Middle Housing: A term for residential uses that includes duplexes, triplexes, quadplexes, cottage clusters, and townhomes.

Open Space, Common: Private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.

Porch: A roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building; a carport is not considered a porch.

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Street: A public or private road, easement or right-of-way that is created to provide access to one (1) or more lots, parcels, areas or tracts of land. Categories of streets include:

- A. Alley: A narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]
- B. Arterial: Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]
- C. Bikeway: Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) Multi-use Path. A paved way (typically eight (8) to twelve (12) feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (2) Bike Lane. A portion of the street (typically four (4) to six (6) feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (3) Shoulder Bikeway. The paved shoulder of a street that does not have curbs or sidewalks that is four feet or wider and is typically shared with pedestrians.
 - (4) Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles. Also called "bike route."
 - (5) Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multiuse path and trail cross-sections).
- D. [Common Green: A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.](#)
- ~~D~~E. Collector: Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- ~~E~~F. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- ~~F~~G. Half Street: A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- ~~G~~H. Local Street: Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a and 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- ~~H~~I. Marginal Access Street (frontage or backage road): A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]
- ~~I~~K. Neighborhood Route: Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]

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

L. Shared Court: A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

Sufficient Infrastructure: Per OAR 660-046-020, the following level of public services to serve new Triplexes, Quadplexes, Townhomes, or Cottage Cluster development:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

Townhome: See "Dwelling Types: Townhome ~~or Row House~~."

Window area: The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Division II. - LAND USE AND DEVELOPMENT

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Chapter 16.12 Commentary

Multiple amendments are proposed to comply with HB2001 minimum compliance requirements:

- Exemptions to the density maximums of 16.12.010 for middle housing in residential zones, with the exception of townhomes, which are subject to density maximums of 4 times the allowable density or 25 dwelling units per acre, whichever is less.
- A new section 16.12.010.F was added to further clarify allowable housing density maximums for various middle housing types per the specific allowances/restrictions of HB2001/OAR Division 46. This section also includes housing density minimums for cottage clusters.
- Subsection 16.12.020 - Allowed Residential Land Uses was updated to reflect HB2001 requirements that all middle housing types be permitted in all residential zones that permit single detached dwellings.
- Subsection 16.12.030 - Residential Land Use Development Standards was updated to reflect the minimum requirements of HB2001/Division 46 for middle housing. The proposed revisions reflect minimum compliance with HB2001 standards.

Additional amendments are proposed for consistency within the development code, and are not related to HB2001 requirements:

- Per Planning Commission direction, the minimum lot width and depths in the VLDR and VLDR-PUD zones were updated to reflect the minimum lot widths and depths of other residential zones.
- Footnotes have been converted to end notes for ease of reference.

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Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot ~~single-family~~ housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre (except middle housing types pursuant to 16.12.010.F).

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F) under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F).
- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.

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- (6) The housing design types that are compatible with both surrounding and existing development.
 - c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
 - d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.
- B. Low Density Residential (LDR)
- The LDR zoning district provides for ~~single-family~~ housing and other related uses with a density of 3.5 to 5 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- C. Medium Density Residential (MDRL)
- The MDRL zoning district provides for ~~single-family and two-family~~ housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirements.
- D. Medium Density Residential High (MDRH)
- The MDRH zoning district provides for ~~a variety of medium-density housing, including single-family, two-family housing, manufactured housing multi-family housing,~~ and other related uses with a density of 5.5 to 11 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions are exempt from the minimum density requirement.
- E. High Density Residential (HDR)
- The HDR zoning district provides for ~~higher density multi-family~~ housing and other related uses with density of 16.8 to 24 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- F. Density Standards for Middle Housing.
- In the residential zones, density standards shall be applied to middle housing types as established here. Middle housing types include: duplex, triplex, quadplex, townhome, and cottage cluster.
- 1. Maximum density standards shall not be applied to duplex, triplex, quadplex or cottage cluster development.
 - 2. Cottage clusters must meet a minimum density of four (4) units per net buildable acre.
 - 3. For townhome development, the follow maximum densities shall apply:
 - a. VLDR Zone: 4 units/acre
 - b. VLDR PUD Zone: 8 units/acre
 - c. SE Sherwood Master PUD Zone: 16 units/acre
 - d. LDR Zone: 20 units/acre
 - e. MDRL Zone: 25 units/acre
 - f. MDRH Zone: 25 units/acre
 - g. HDR Zone: 25 units/acre

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

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16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single Family Attached or Detached Dwellings	P	P	P	P	P
• Duplex Two-Family Dwelling Units	N <u>P</u>	N <u>P</u>	P	P	P
• <u>Triplex and Quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Cottage Cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Multi- family Dwellings	N	N	N	P	P
• Townhomes subject to Chapter 16.44	N <u>P</u>	N <u>P</u>	N <u>P</u>	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

¹ Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

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- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 - Residential Land Use 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 modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) ~~Chapter 16.44 (Townhomes)~~, or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

Creation of new lots or parcels as part of a townhome or cottage cluster development is subject to the applicable land division or Planned Unit Development approval process.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• <u>Duplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
• <u>Triplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
• <u>Quadplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
• <u>Cottage Cluster</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
• <u>Townhome¹:</u>	<u>Average of 1,500 SF per unit</u>	<u>Average of 1,500 SF per unit</u>	<u>Average of 1,500 SF per unit</u>	<u>Average of 1,500 SF per unit</u>	<u>Average of 1,500 SF per unit</u>	<u>Average of 1,500 SF per unit</u>
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Two or Multi-Family Dwelling : for the first 2 units	X	X	X	10,000 X	8,000	8,000
• Multi-Family Dwelling: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
<u>Minimum Lot width at front property line: (in feet) – Townhomes only</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Minimum Lot width at building line ⁷² : (in feet)						
• <u>Single Detached; Duplex; Triplex; Quadplex and Cottage Cluster</u> Single-Family	None <u>60</u>	None <u>60</u>	60	50	50	50
• <u>Townhome</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
• Two-Family	X	X	X	60	60	60
• Multi-dwelling family	X	X	X	X	60	60
Lot Depth	None <u>80</u>	None <u>80</u>	80	80	80	80
Maximum Height (in feet) ⁷³						
• <u>Cottage Clusters</u>	<u>25 feet or 2 stories</u>	<u>25 feet or 2 stories</u>	<u>25 feet or 2 stories</u>	<u>25 feet or 2 stories</u>	<u>25 feet or 2 stories</u>	<u>25 feet or 2 stories</u>

⁷² Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• All other dwelling types	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	35 feet or 2.5 stories	40 feet or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ²⁴	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁴⁹⁵	20	20	20	14	14	14
• Front yard – Cottage Clusters only	10	10	10	10	10	10
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster	5	5	5	5	5	5
• Townhome	0	0	0	0	0	0
• Single-Family Attached	20	20	20	20	20	20
• Two-Family	X	X	X	X	X	X
• Multi-Family Dwelling						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18—24 ft. in height	X	X	X	X	7	7

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Detached ; Duplex ; Triplex ; Quadplex ; Townhome Family or Two Family	20	20	20	15	15	15
• Cottage Cluster	10	10	10	10	10	10
• Multi- Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20
• Rear yard – Cottage Clusters only	10	10	10	10	10	10
Minimum Landscaping Required (percent of total lot area)	20	20	15	15	10	10
Maximum Floor Area						
• Cottage Cluster ⁶	Average 1,400 SF per unit	Average 1,400 SF per unit	Average 1,400 SF per unit	Average 1,400 SF per unit	Average 1,400 SF per unit	Average 1,400 SF per unit
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions						

Notes:

1. [For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.](#)
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.
3. Maximum height is the lesser of feet or stories.
4. 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 (Chimneys, Spires, Antennas and Similar Structures).
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.
6. [Includes community building floor area if a community building is included. Maximum allowed footprint for individual cottage units in a cottage cluster development is 900 SF.](#)

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(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-006, § 2, 3-4-2014; Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.14 Commentary

Chapter 16.14 Residential Building Design

HB2001 requires that all middle housing be reviewed through the same process and against the same standards as single detached dwellings. In addition, the Planning Commission had identified the adoption of residential design standards as part of the Sherwood 2040 project.

The community's desire for residential design standards was reinforced through the Visual Preference Survey and Virtual Open House.

This is a new code section that contains new design standards for single detached, duplex, triplex, quadplex, and cottage cluster development.

16.14.010 - Single Detached, Duplex, Triplex, Quadplex, Townhome, and Cottage Cluster Design Standards

16.14.010.B. Review Process

In order to comply with HB2001 requirements for a clear and objective review process for middle housing (which expands existing State requirements for a clear and objective review process for all "needed housing," which includes all residential development within the Metro area), a new ministerial Residential Design Checklist review is proposed. A ministerial application is one that is reviewed against clear and objective standards and requires no discretion by reviewers.

In order to accommodate creative approaches and/or situations created by unique lot configurations without creating an entirely new system, the City's existing Type I Adjustment and Type II Class B Variance applications were modified to allow minor revisions to the new proposed design standards.

To allow for developments that do not meet the standards but meet the intent of the standards and propose a creative approach to residential design, a Type IV Design Review process is available. This is based on the existing Type IV Design Review process for industrial developments.

16.14.010.C. Design Standards

The proposed design standards are a combination of TGM Model Code standards that are applied frequently in communities similar in size to Sherwood; specific standards that are consistent with feedback received from the Visual Preference Survey; and standards requested by the Planning Commission and/or City staff.

Table 16.14-1 includes two columns: Design Standards, which can be reviewed through the clear and objective Residential Design Checklist process; and Design Guidelines, which can be reviewed through the Type IV Design Review process. The applicant can select the desired review type.

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These standards are generally applicable to all single detached and middle housing, with some exceptions for cottage clusters. The standards are intended to guarantee a minimum level of design on street-facing and/or common courtyard-facing (in cottage clusters) facades.

In response to Planning Commission direction, as well as current limitations on the number of adjustments and variances that can be requested during a calendar year (3), the proposed design standards A-C can be modified through the Type I Adjustment or Type II Variance process. The detailed design standards included in section D cannot be adjusted. The concept is that an applicant would select standards from the menu that can be met; if the detailed design standards can't be met, then the Type IV Design Review option is available.

16.14.010.D. Illustrations

New figures are added to illustrate concepts for various housing types. This makes the code more user-friendly for applicants and staff reviewers.

16.14.020 – Additional Townhome Design Standards [relocated from Chapter 16.44]

The existing townhouse standards of Chapter 16.44 Townhomes were relocated to this section for organizational consistency, and edited to remove discretionary standards, design requirements that conflict with HB2001, and parking requirements that conflict with HB2001.

16.14.030 – Additional Triplex and Quadplex Design Standards

The proposed standards are largely taken from the DLCD HB2001 Model Code. They address unique design considerations such as the number and location of driveways and the orientation of front entrances. To comply with HB2001, the standards relate to the size and location of the structure rather than the number of units.

16.14.040 – Additional Cottage Cluster Development and Design Standards

The proposed language is taken from the DLCD HB2001 Model Code for Large Cities and is intended to be a starting point for Planning Commission and City Council discussion. The standards apply to cottage clusters developed on one lot. If an applicant desires to create a cottage cluster development with each home on a separate lot, a Planned Unit Development will be required.

Cottage clusters are intended to consist of smaller homes at a lower price point. To that end, HB2001 requirements include:

- At least 4 dwellings per buildable acre
- At least 8 dwellings per cottage cluster
- Maximum footprint of 900 sq. ft. per cottage (no maximum of floor area, which allows for multi-story cottages)

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The proposed amendments require a minimum of 4 cottages per cottage cluster, regardless of lot size, and propose a maximum of between 8 and 12 cottages. Allowing 8 cottages per cottage clusters would provide minimum compliance with HB2001, allowing more than 8 cottages would exceed minimum compliance.

In cottage cluster developments, which consist of more than one cottage cluster, each cluster must be allowed up to 8 units, so a cottage cluster development of two clusters would include between 16 and 24 units, depending on the maximum established.

The DLCDC Model Code for Large Cities introduces allowances for community buildings, and incorporates the square footage of community buildings into the overall average square footage of the cottages. However, this provision does not increase the maximum 900 sq. ft. footprint mandated by HB2001.

As proposed, if cottage cluster developments are not able to meet the clear and objective standards, they are not eligible for Type I Adjustment or Type II Class B Variance review, but will required Planned Unit Development review and/or Residential Design Review.

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Chapter 16.14 - RESIDENTIAL BUILDING DESIGN [NEW SECTION]

16.14.010 – Single Detached, Duplex, Triplex, Quadplex, Townhome, and Cottage Cluster Design Standards

A. Purpose

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.

The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89. Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.

B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.
3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

C. Applicability

1. The standards in this section apply to all new single detached, duplex, triplex, quadplex, townhome, and cottage cluster development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040.
2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any street-facing façade, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall street-facing façade closer to conformance with applicable standards; and
 - b. The expansion or conversion shall not bring the overall street-facing façade further out of conformance with applicable standards. Elements of the existing street-facing façade that are currently out of conformance shall not be made more non-conforming. Elements of the existing street-facing façade that are currently in conformance shall not be made non-conforming.

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Table 16.14-1. Residential Design Standards

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
A. <u>Entry location and orientation</u>	
<p><u>These standards apply to single detached, duplex, triplex, quadplex, and townhome development.</u></p> <p><u>At least one main entrance for each residential structure, or each townhome unit, must meet the following standards.</u></p> <ol style="list-style-type: none"> 1. <u>The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.</u> 2. <u>The entrance must either:</u> <ol style="list-style-type: none"> a. <u>Face the street; or</u> b. <u>Be at an angle of up to 45 degrees from the street; or</u> c. <u>Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</u> d. <u>Open onto a porch. If the entrance opens onto a porch, the porch must:</u> <ol style="list-style-type: none"> 1) <u>Be at least 25 square feet in area with a minimum four-foot depth;</u> 2) <u>Have at least one porch entry facing the street;</u> 3) <u>Have a roof that is no more than 12 feet above the floor of the porch; and</u> 4) <u>Have a roof that covers at least 30% of the porch area.</u> 	<p><u>Building elevations facing streets, shared courts, and common greens should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.</u></p>
<u>Additional provisions:</u>	<u>None</u>
B. <u>Garages and Off-Street Parking Areas</u>	
<p><u>These standards apply to single detached, duplex, triplex and quadplex development.</u></p> <p><u>Where one or more garages face a street, all of the following standards apply:</u></p> <ol style="list-style-type: none"> 1. <u>The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.</u> 2. <u>The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that</u> 	<p><u>Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.</u></p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p><u>elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.</u></p> <p>3. <u>Garages that face a street shall contain at least one of the following design features:</u></p> <ul style="list-style-type: none"> a. <u>Garage trellis or pergola extending at least 12 inches from the building face</u> b. <u>Windows on 15 percent of the garage door</u> c. <u>Natural wood finish</u> d. <u>A recess of at least three (3) feet behind the primary dwelling</u> e. <u>Use of multiple materials finish or colors</u> 	
<p style="text-align: right;"><u>Additional provisions:</u></p>	<p><u>16.14.020 – Additional Townhome Design Standards</u></p> <p><u>16.14.030 – Additional Triplex and Quadplex Design Standards</u></p>
C. <u>Windows</u>	
<p><u>These standards apply to single detached, duplex, triplex quadplex, townhome, and cottage cluster dwellings.</u></p> <p><u>A minimum of 15 percent of the area of all street-facing or common courtyard elevations must include windows or entrance doors. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.</u></p>	<p><u>Building elevations facing streets, shared courts, and common greens should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.</u></p>
<p style="text-align: right;"><u>Additional provisions:</u></p>	<p><u>None</u></p>
D. <u>Detailed design¹</u>	
<p>1. <u>All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the street-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.</u></p> <p><u>All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the street-facing and/or common courtyard-facing elevation. At</u></p>	<p><u>Building elevations facing streets, shared courts, and common greens should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</u></p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p><u>least one element shall be incorporated from each of Subsections a, b and c below.</u></p> <p><u>All townhome units shall incorporate at least two (2) of the following elements on the street-facing elevation. At least one element shall be incorporated from two (2) of Subsections a, b and c below.</u></p> <p><u>For corner lots, this standard applies to both street-facing elevations.</u></p> <p><u>a. Porches, entries and other offsets:</u></p> <ul style="list-style-type: none"> <u>i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.</u> <u>ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.</u> <u>iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.</u> <u>iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.</u> <p><u>b. Roof elements:</u></p> <ul style="list-style-type: none"> <u>i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.</u> <u>ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.</u> <u>iii. Tile shingle roofs.</u> <u>iv. Gable roof, hip roof, shed roof, or gambrel roof design.</u> <u>v. Dormer that is at least four (4) feet wide.</u> <p><u>c. Window elements:</u></p> <ul style="list-style-type: none"> <u>i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.</u> 	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<ul style="list-style-type: none"> ii. <u>Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.</u> iii. <u>Bay window at least one (1) foot deep and three (3) feet wide.</u> iv. <u>Shutters on the exterior of ground floor windows.</u> d. <u>Building materials:</u> <ul style="list-style-type: none"> i. <u>Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).</u> ii. <u>Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.</u> e. <u>Other elements:</u> <ul style="list-style-type: none"> i. <u>Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.</u> 	
<u>Additional provisions:</u>	<u>None</u>
E. <u>House plan variety</u>	
<p><u>This standard applies to new detached single dwelling and townhome developments only. It does not apply to cottage clusters.</u></p> <ul style="list-style-type: none"> 1. <u>No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing façade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.</u> 2. <u>No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade.</u> <ul style="list-style-type: none"> a. <u>For this standard a townhome block is the entire structure of attached townhome units.</u> 	<p><u>New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.</u></p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>b. <u>This standard does not apply to individual units within the townhome block.</u></p> <p>c. <u>This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below.</u></p> <p>3. <u>Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.</u></p> <p>4. <u>Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.</u></p> <p>5. <u>Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.</u></p> <p>6. <u>Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.</u></p> <p>7. <u>Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.</u></p> <p>8. <u>Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.</u></p>	
Additional provisions:	None

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
F. Building Materials	
Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding	Residential buildings should utilize durable and high-quality exterior building materials that create a visually appealing façade.
G. Limitation on parking	
Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.	Parking is located in a manner that does not overwhelm the street-facing façade.
Additional provisions:	16.14.020 – Additional Townhome Design Standards 16.14.030 – Additional Triplex and Quadplex Design Standards

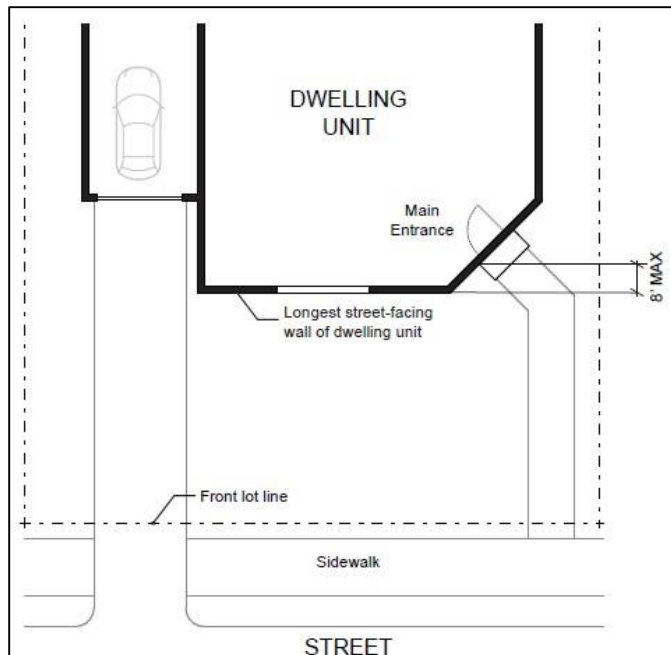
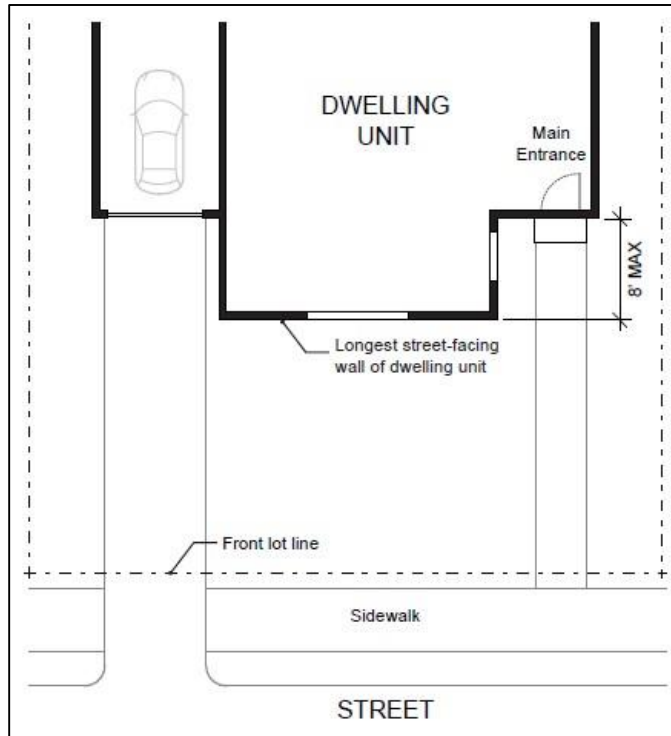
Notes:

1. [The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.](#)

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D. Illustrations

Figure 3. Entry Location and Orientation – Main Entrance



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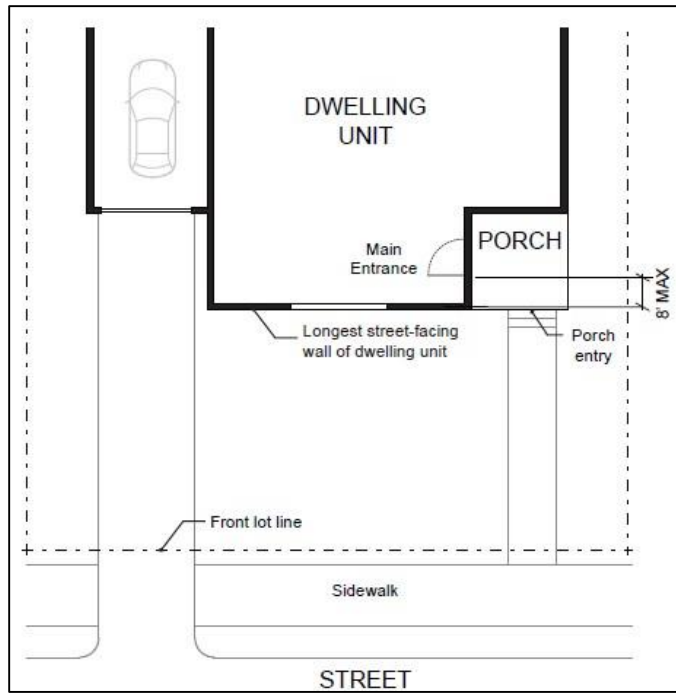
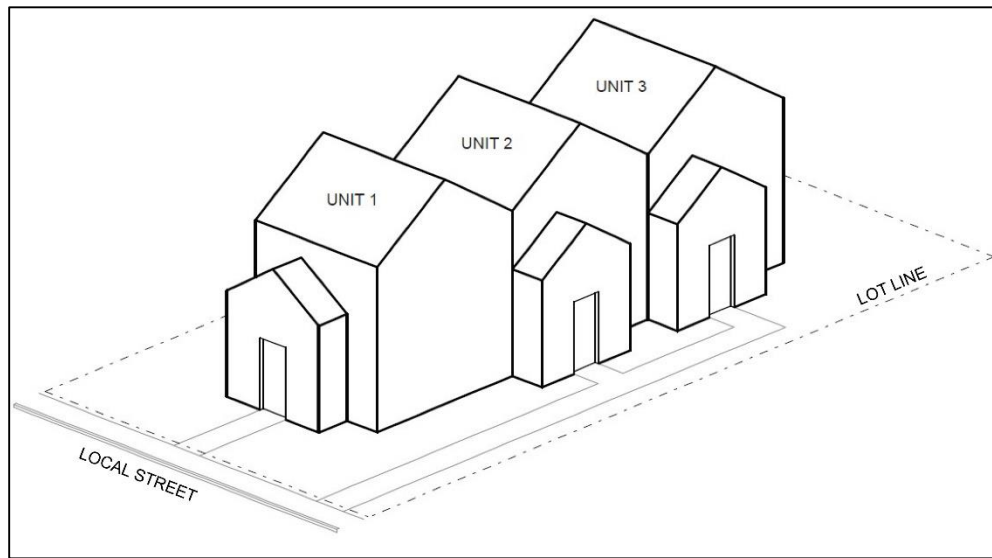


Figure 4. Entrance Location and Orientation – Triplex and Quadplex with Attached Interior Units



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Figure 5. Example Entrance Location and Orientation – Side-by-Side or Stacked Units

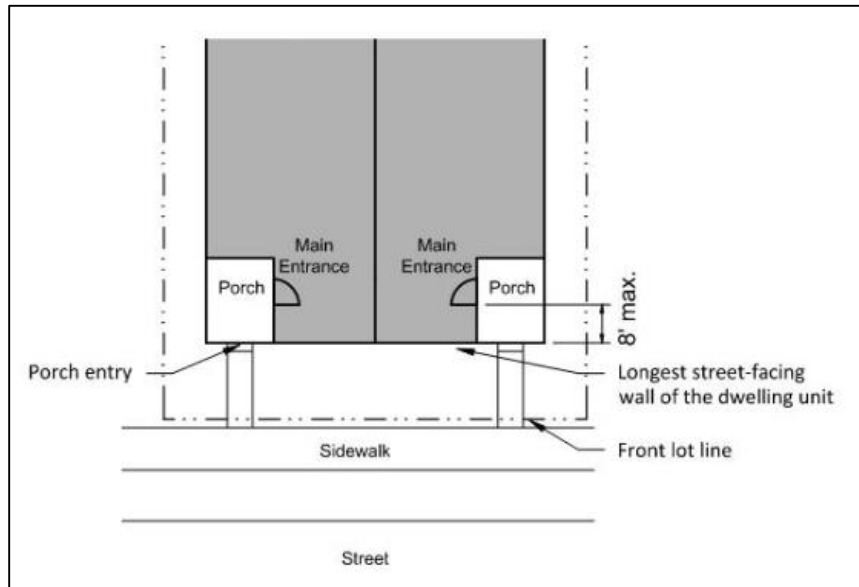


Figure 6. Window Coverage Calculations



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Figure 7. Example of Detailed Design – Single Detached (5 elements required)

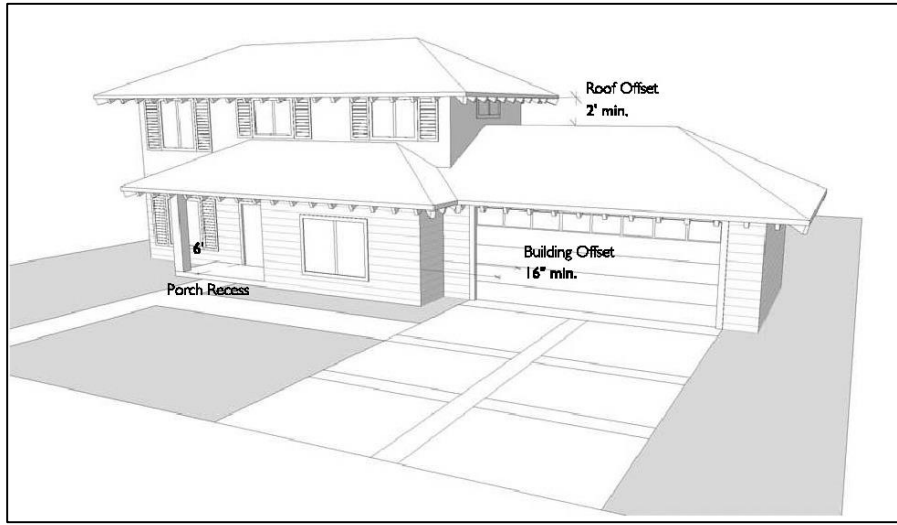


Figure 8. Example of Detailed Design -Townhome (2 elements required)



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Figure 9. House Plan Variety – Single Detached



16.14.020 – Additional Townhome Design Standards [relocated from Chapter 16.44]

A. Generally

A townhome may be located on property zoned MDRH, HDR, or in other zones as specified in an approved Planned Unit Development or as a Conditional Use on property zoned RC in the Old Cannery area in the Old Town Overlay District, provided that the townhome meets the standards contained below, and other applicable standards of Division V—Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

Townhomes are located in groups known as "townhome blocks," which consist of no less than two (2) attached dwellings and no more than six (6) attached dwellings on their own lots.

B. Standards

1. Each townhome shall have a minimum dwelling area of twelve hundred (1,200) square feet in the MDRH zone, and one thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.
2. Lot sizes shall average a minimum of two thousand five hundred (2,500) square feet in the MDRH zone, and one thousand eight hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.
3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.
4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2 ½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.
5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.
6. All townhomes in the MDRH zone shall have an attached or detached garage.

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7. ~~All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by this Chapter, shall apply to townhome blocks.~~
8. ~~All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.~~
9. ~~Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:~~

- | | |
|------------------------------------|---------------------------|
| a. 100 feet to 150 feet | 6 feet minimum |
| b. Less than 100 feet | 5 feet minimum |

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

C. ~~Occupancy~~

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

D. ~~Infill Standard~~

~~The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.~~

E. ~~Design Standards~~

~~Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.~~

1C. ~~Building Mass~~

~~The minimum number of attached townhomes is two (2); the maximum number and width of consecutively attached townhomes shall not exceed six (6) units. or one-hundred fifty (150) feet from end wall to end wall. Each of these groups is a Townhome Block.~~

D. ~~Garages.~~

~~Townhomes with frontage on a public street shall meet the following standards:~~

1. ~~Garages on the front façade of a townhome, off-street parking areas in the front yard, and driveways in front of a townhome are prohibited unless the following standards are met.~~
 - a. ~~Each townhome lot has a street frontage of at least 20 feet on a street.~~
 - b. ~~A maximum of one (1) driveway approach is allowed for every townhome. Driveways may be shared.~~

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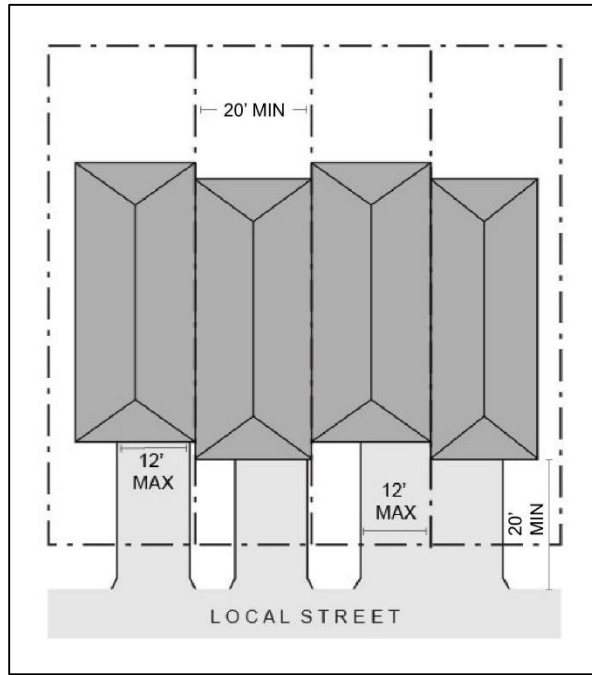
- c. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
 - d. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.
- ~~2E.~~ Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.
- ~~3.~~ Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.
- a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.
 - b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.
 - c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.
- ~~4.~~ Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.
- a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.
 - b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.
 - c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010.
 - d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of ways. Windows shall be provided with architectural surround at the jamb, head and sill.
 - e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.
 - f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty five percent (25%) of townhomes in the MDRH zone may be 3 stories, or a maximum of forty (40) feet in height if located more than one hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.
- ~~5 E.~~ Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:
- a. Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.

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- ~~b. Neighborhood Route: Thirty-six (36) feet, with parking on both sides.~~
- ~~c. Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.~~
- d1. In lieu of a new public street, or available connection to an existing or planned public street, a private 20-foot minimum driveway, without on-street parking, and built to public improvement standards is allowed. ~~for infill properties as defined in Section 16.44.010(D).~~ All townhome developments in excess of thirty (30) units require a secondary access.
- ~~e. Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.~~

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)

Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

A. Driveway Approach.

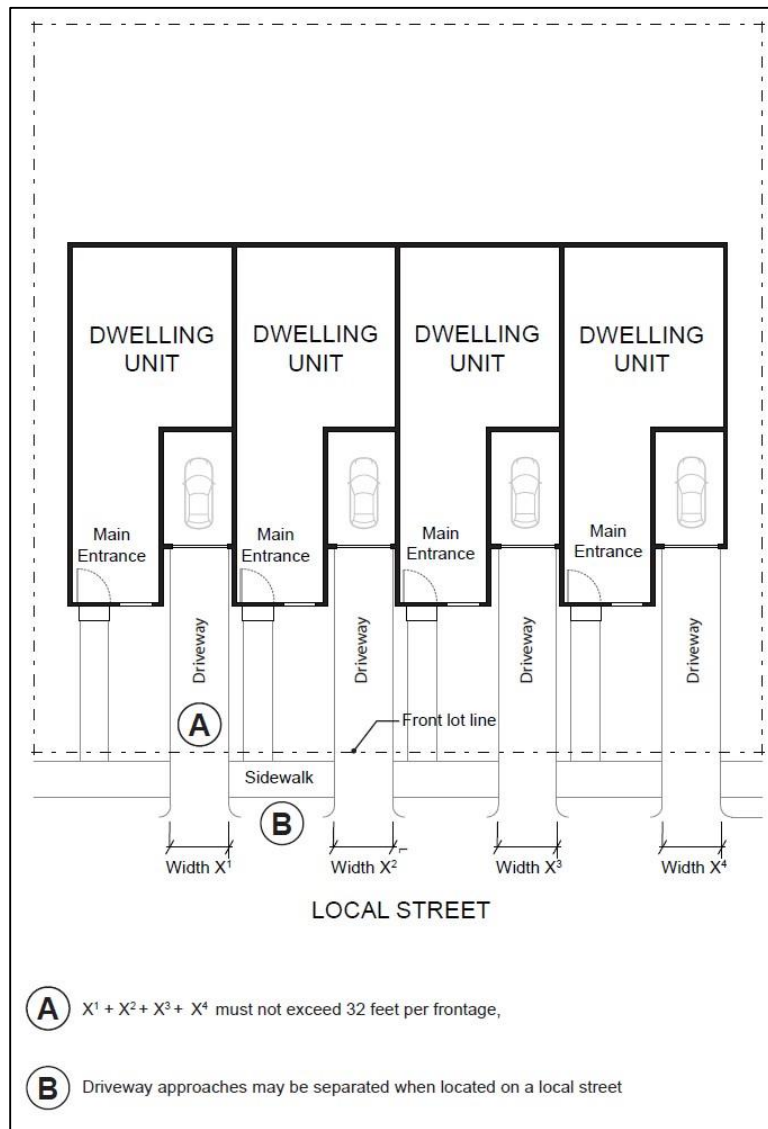
Driveway approaches shall comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line. For lots or parcels with more than one frontage, see subsection (3) below.
2. Driveway approaches may be separated when located on a local street. If approaches are separated, they must meet applicable driveway spacing standards for local streets.
3. In addition, lots or parcels with more than one frontage must comply with the following:

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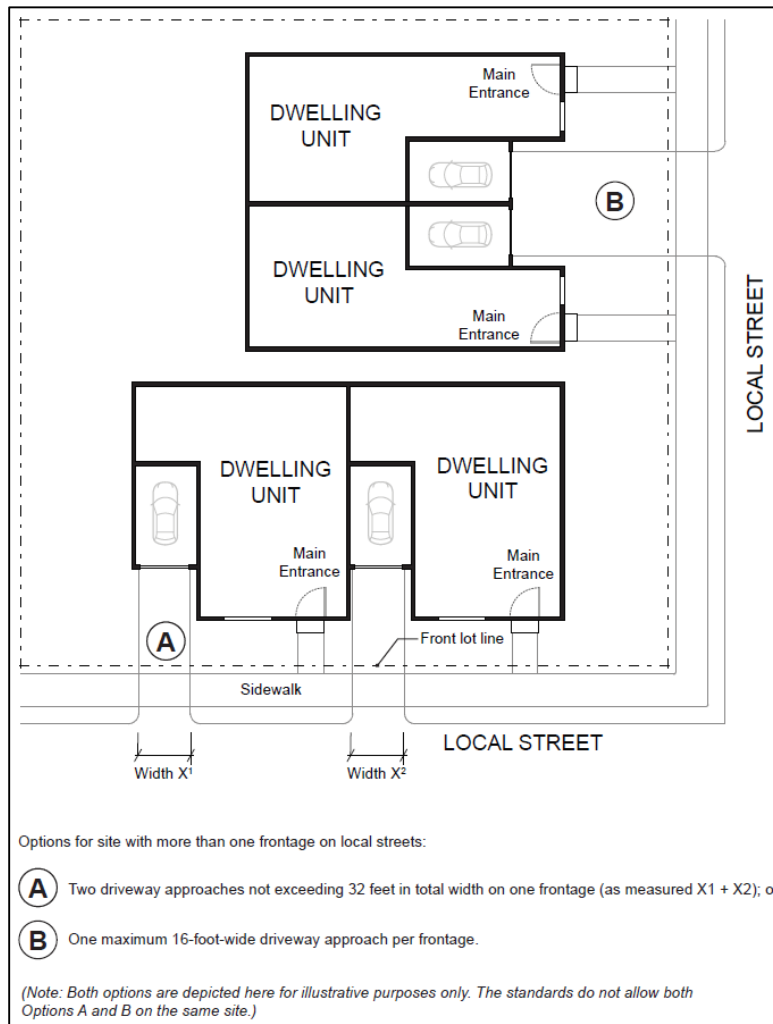
- a. Lots or parcels must access the street with the lowest classification. For lots or parcels abutting an alley, access must be taken from the alley.
- b. Lots or parcels with frontages only on collectors and/or arterial streets must meet the applicable driveway access standards for collectors and/or arterials.
- c. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - 1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - 2) One maximum 16-foot-wide driveway approach per frontage.

Figure 11. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



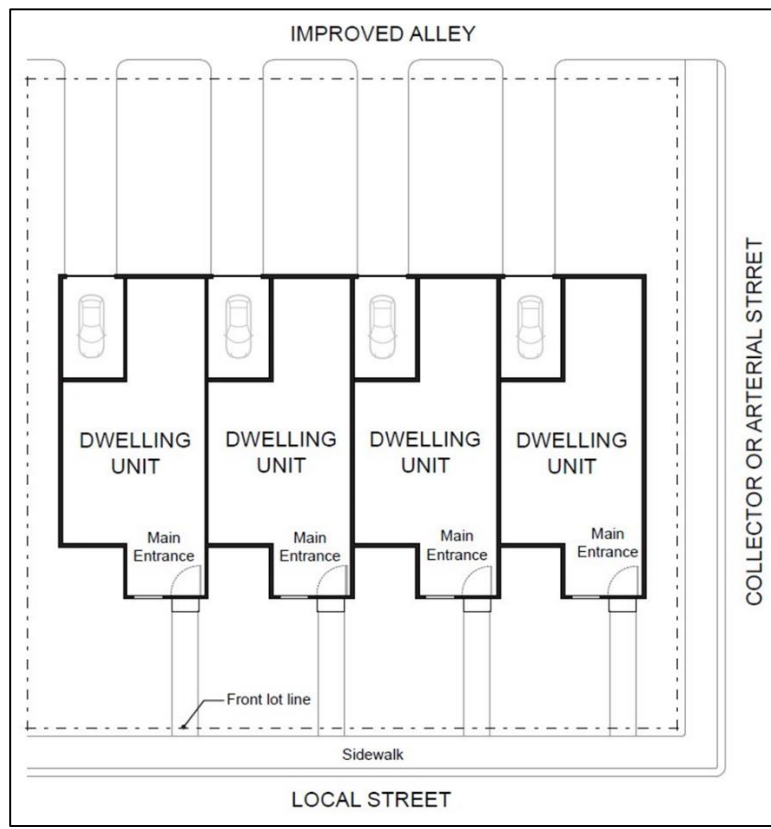
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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage



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Figure 13. Side-by-Side Triplex/Quadplex Driveway Approaches – Alley Access from Collector or Arterial Street



16.14.040 – Additional Cottage Cluster Development and Design Standards

A. Purpose

The purpose of these cottage cluster standards is to promote development of clusters of small homes that are designed around a common open space or courtyard. The cottage cluster is intended to provide opportunity for community gathering; pedestrian connections within the cluster and to surrounding streets; clustered parking that is located to the side or behind the cottages; and smaller homes that are oriented inward toward the common courtyard rather than the adjacent streets.

B. Development Standards

1. Cottage clusters must include at least 4 dwellings and may not contain more than 8-12 dwellings.
2. The footprint of individual cottage units within a cottage cluster is limited to 900 sq. ft. An attached garage or carport up to 200 sq. ft. may be exempted from the building footprint calculation.
3. The average floor area of dwellings within a cottage cluster is limited to 1,400 sq. ft. The average floor area calculation includes any community buildings.

C. Design Standards

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Cottage Orientation. Cottages must be clustered around a common area/courtyard and must meet the following standards:
 - a. Each cottage within a cluster must either abut the common area/courtyard or must be directly connected to it by a pedestrian path.

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- b. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common area/courtyard and must:
 - 1) Have a main entrance facing the common area;
 - 2) Be within 10 feet from the common area, measured from the façade of the cottage to the nearest delineation of the common area; and
 - 3) Be connected to the common area by a pedestrian path.
- c. Cottages within 20 feet of a street property line may have their entrances facing the street.
- d. Cottages not facing the common area or the street must have their main entrances facing a pedestrian path that is directly connected to the common area.
- 3. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community for residents. Each cottage cluster as part of a cottage cluster development must have its own common courtyard. Common courtyards must meet the following standards:
 - a. The common space must be a single, contiguous area of land.
 - b. Cottages must abut the common area on at least two sides of the courtyard.
 - c. The common area must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common area must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common area shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common area shall not exceed 75 percent of the total common area.
 - f. Pedestrian paths qualify as part of a common area. Parking areas, required setbacks, and driveways do not qualify as part of a common area.
- 4. Community Buildings. Cottage cluster development may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to Subsection 16.14.040.B.2.
 - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
 - c. Community Buildings must meet the design and development standards applicable to cottages within the development.
 - d. A community building is not considered an accessory structure.
- 5. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - 1) The common courtyard;
 - 2) Shared parking areas;
 - 3) Community buildings; and

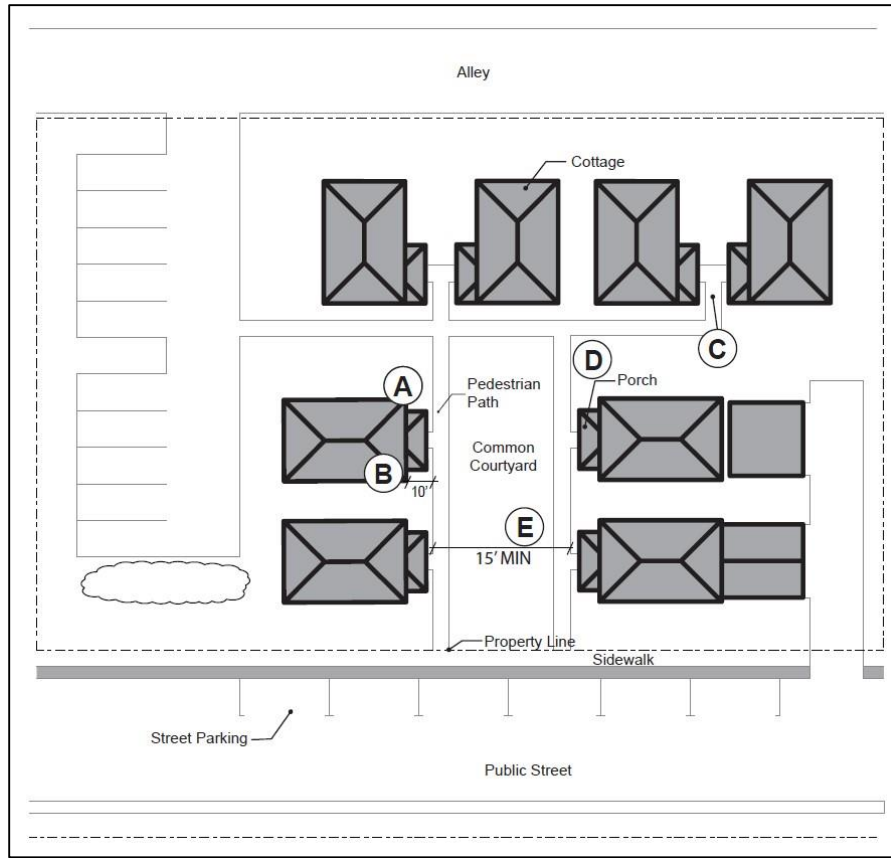
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- 4) Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
 - 6. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single detached dwellings in the same zone.
 - 7. Parking Design.
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster developments with fewer than 16-24 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - ii. Cottage cluster developments with 16-24 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.
 - b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - 1) Within of 20 feet from any street property line, except alley property lines;
 - 2) Between a street property line, except alley property lines, and cottages abutting the street property line.
 - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - d. Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - e. Garages and carports
 - 1) Garages and carports (whether shared or individual) must not abut common courtyards.
 - 2) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - 3) Individual detached garages must not exceed 400 square feet in floor area.
 - 4) Garage doors for attached and detached individual garages must not exceed 20 feet in width.
 - 8. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 400 square feet in floor area and are subject to the standards of Chapter 16.50.
 - 9. Existing Structures. On a lot or parcel to be used for a cottage cluster project, a pre-existing detached single dwelling may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. Existing dwellings may be expanded up to the maximum height or footprint allowed or required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.
 - c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.14.040.C.1.b.
- D. Review Process. The following review processes shall be used to review a cottage cluster development. The applicable review process depends on the level of compliance with the clear and objective standards in this section.
 - 1. If all applicable standards from this section are met, a Residential Design Checklist review is applied per Chapter 16.89.

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2. If any of the standards are not met outright, a Planned Unit Development review process is applied per Chapter 16.40. For the Architectural Pattern Book in Section 16.40.020.B.6, direct reference shall be given to the Residential Design Standards in Table 16.14-1 of this section.

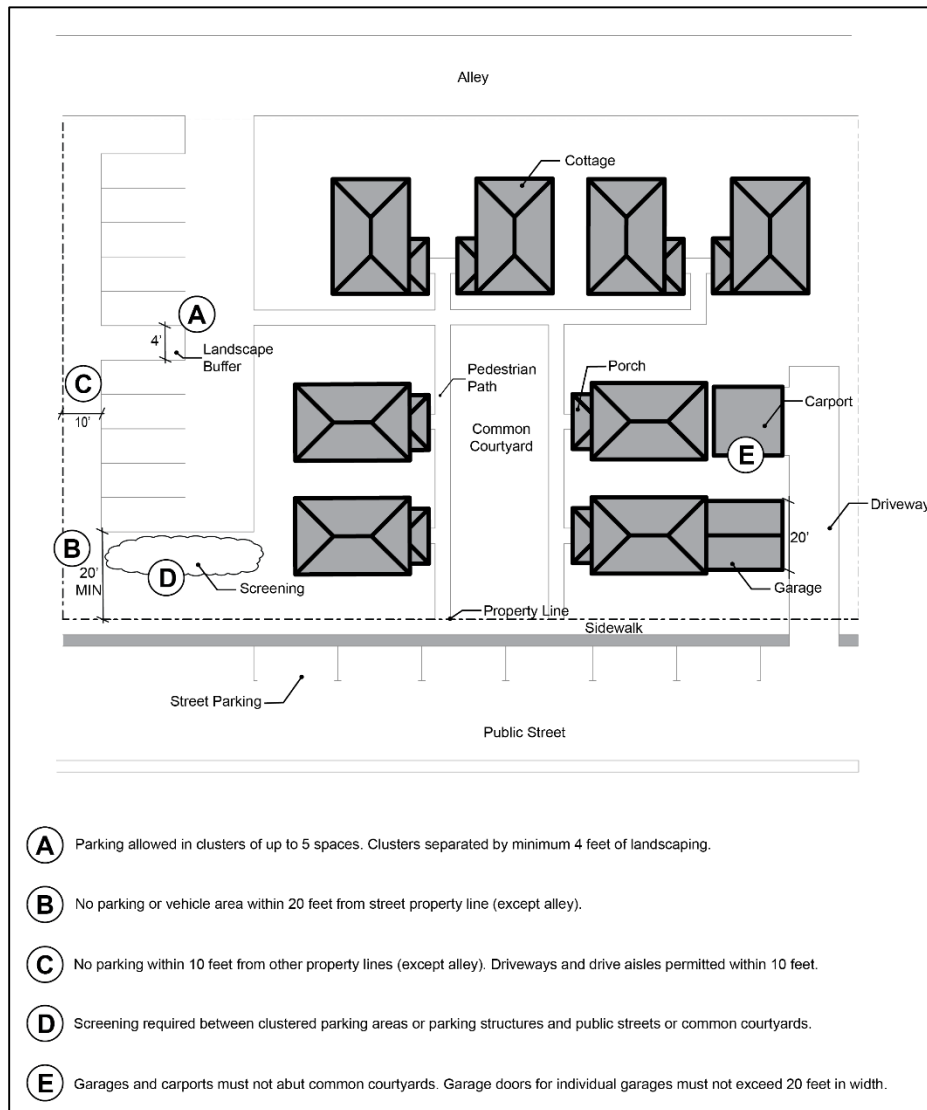
Figure 14. Cottage Cluster Orientation and Courtyard Design



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

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Figure 15. Cottage Cluster Parking Design



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Chapter 16.22 Commentary

Amendments to this section are focused on updating dwelling descriptions for consistency with the residential code updates.

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Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

[...]

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 dwelling 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.	P	P	P	P

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Chapter 16.40 Commentary

Amendments to this section clarify that cottage cluster developments that are unable to meet the clear and objective standards of Chapter 16.14 are subject to PUD review, and to clarify that all single detached and middle housing types are permitted in PUDs as required by HB2001.

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Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

16.40.010 - Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
- B. The PUD district is intended to achieve the following objectives:
 - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 - 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 - 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 - 4. Achieve maximum energy efficiency in land uses.
 - 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; c.) for cottage cluster development that is unable to meet the standards of Section 16.14.040, or ed.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family dwelling structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

[...]

16.40.050 - Residential PUD

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A. Permitted Uses

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

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

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Chapter 16.44 Commentary

The standards of this section have been relocated to the new Chapter 16.14 for ease of reference.

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Chapter 16.44 - TOWNHOMES* (Deleted per Ordinance 2022-...)

16.44.010—Townhome Standards

A.—Generally

A townhome may be located on property zoned MDRH, HDR, or in other zones as specified in an approved Planned Unit Development or as a Conditional Use on property zoned RC in the Old Cannery area in the Old Town Overlay District, provided that the townhome meets the standards contained below, and other applicable standards of Division V—Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

B.—Standards

- ~~1.— Each townhome shall have a minimum dwelling area of twelve hundred (1,200) square feet in the MDRH zone, and one thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.~~
- ~~2.— Lot sizes shall average a minimum of two thousand five hundred (2,500) square feet in the MDRH zone, and one thousand eight hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.~~
- ~~3.— The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single family detached housing.~~
- ~~4.— All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2 ½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.~~
- ~~5.— All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.~~
- ~~6.— All townhomes in the MDRH zone shall have an attached or detached garage.~~
- ~~7.— All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by this Chapter, shall apply to townhome blocks.~~
- ~~8.— All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.~~
- ~~9.— Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:~~
 - ~~a. 100 feet to 150 feet 6-foot minimum~~

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- b. ~~Less than 100 feet~~ 5-foot minimum

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

C. ~~Occupancy~~

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

D. ~~Infill Standard~~

~~The minimum lot size required for single family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.~~

E. ~~Design Standards~~

~~Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.~~

- ~~1. Building Mass: The maximum number and width of consecutively attached townhomes shall not exceed six (6) units or one hundred fifty (150) feet from end wall to end wall.~~
- ~~2. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.~~
- ~~3. Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.~~
 - ~~a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.~~
 - ~~b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.~~
 - ~~c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12 foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24 foot wide unit may have a 14 foot, 4 inch wide garage door with a 16 foot, 4 inch wide driveway.~~

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4. ~~Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.~~
- a. ~~The front facade of a townhome may not include more than forty percent (40%) of garage door area.~~
 - b. ~~The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.~~
 - c. ~~A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010.~~
 - d. ~~Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.~~
 - e. ~~All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.~~
 - f. ~~The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty five percent (25%) of townhomes in the MDRH zone may be 3 stories, or a maximum of forty (40) feet in height if located more than one hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.~~
5. ~~Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:~~
- a. ~~Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.~~
 - b. ~~Neighborhood Route: Thirty-six (36) feet, with parking on both sides.~~
 - c. ~~Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.~~
 - d. ~~In lieu of a new public street, or available connection to an existing or planned public street, a private 20-foot minimum driveway, without on-street parking, and built to public improvement standards, is allowed for infill properties as defined in Section 16.44.010(D). All townhome developments in excess of thirty (30) units require a secondary access.~~
 - e. ~~Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.~~

~~(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)~~

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Chapter 16.50 Commentary

This section is lightly amended to reflect the new cottage cluster design and development standards of Chapter 16.40.

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Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS

16.50.010 - Standards and Definition

A. Reserved

B. Generally

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

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height, except as specified for cottage cluster community buildings per 16.14.040.C.
 2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
 3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
 4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:
 - a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
 5. When a Building Permit is required:
 - a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.
- D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

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Chapter 16.52 Commentary

Additional review procedure language was added to reflect the new Residential Design Checklist and Residential Design Review applications proposed in Chapter 16.89.

Amendments to owner-occupancy and off-street parking requirements reflect HB2001 clarifications for ADUs. Per HB2001, jurisdictions cannot require that an ADU or primary dwelling be owner-occupied, and cannot require additional off-street parking for ADUs.

Minor revisions are proposed to the ADU design standards for consistency with the proposed residential design standards in Table 16.14-1:

- Revised ADU window and door trim width from 3.5 in. to 3 in. and apply to windows only
- Expand the width of siding to 8 in. per industry standard
- Remove vinyl from permitted siding materials as the new Table 16.14-1 lists it as a prohibited material.

The City will be completing a code amendment project to update the design standards for ADUs to provide clear and objective review standards and a clear and objective review path per SB1051.

Considerations for these amendments could include:

- Separate ADU design standards from the primary structure (for example, depth of eaves) to avoid replicating undesirable situations and maintain a clear and objective path to review.
- Increased lot coverage standards for lots with ADUs
- Reduced setback allowances for detached ADUs
- Consider allowing the height of ADUs to exceed the primary residence, to allow for detached ADUs above detached garages. In the case where a primary residence is one story, a detached ADU above a detached garage would exceed the height of the primary residence.

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Chapter 16.52 - ACCESSORY DWELLING UNITS

16.52.010 - Purpose

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

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. 2000-1108, § 3)

B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
2. If any of the standards are not met outright, a Type I Adjustment or Type II Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89.
3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

16.52.020 - Requirements for all accessory dwelling units

All accessory dwelling units must meet the following standards:

- A. Creation: One accessory dwelling unit per single-family detached dwelling may only be created through the following methods:

1. Converting existing living area, attic, basement or garage;
2. Adding floor area;
3. Constructing a detached ADU on a site with an existing house;
4. Constructing a new house with an internal or detached ADU.

~~B. Owner occupancy: The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner-occupied unit.~~

~~C. Number of residents: An ADU shall not be occupied by more than 3 persons.~~

- D. Location of entrances: The entrance to a detached ADU shall not be visible from the street that the primary residence is addressed from.

- E. Parking: ~~Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings. If the ADU has more than one bedroom conformance with the Multi-Family parking standards shall apply. No additional parking is required for ADUs.~~

- F. Floor area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet.

- G. Setbacks and dimensional requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone. A detached ADU shall only be located in the rear yard or above a detached garage.

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H. Design and appearance:

Height: The height of a detached ADU shall be no higher than the primary residence.

A detached and attached ADU shall meet the following standards for design and appearance.

Design and appearance standards: Detached ADUs must meet one option from each row below:

Exterior finish materials	Must be the same or visually match in type, size and placement, the exterior finish material of the primary structure	OR	Siding made from wood, composite boards, vinyl or aluminum products. Siding must be a shingle pattern or in a horizontal clapboard or shiplap pattern ≤ 6 inches in width. <u>Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).</u>
Roof pitch	Predominant roof pitch must be the same as the predominant roof pitch of the primary structure	OR	Roof pitch must be at least 6/12
Trim	Must be the same in type, size, and location as the trim used on the primary structure	OR	All windows s and door trim must be at least 3.5 inches wide
Eaves	Same projection distance as primary structure	OR	All eaves project at least 1 foot <u>12 inches</u> from the building walls

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Chapter 16.60 Commentary

This chapter is amended to reflect the middle housing allowances and revised minimum lot size for townhomes in 16.12.30 (an average of 1,500 sq. ft.) required by HB2001.

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Chapter 16.60 - YARD REQUIREMENTS

[...]

16.60.040 - Lot Sizes and Dimensions

- A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.
- B. Exceptions
 - 1. Residential uses are limited to ~~a single-family dwelling, or to~~ the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except for townhomes, and as provided in Chapter 16.68.
 - 2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.64 Commentary

This item was deleted per staff direction. It is unrelated to HB2001 compliance, but removes ambiguity from the code.

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Chapter 16.64 - DUAL USE OF REQUIRED SPACE* ([Deleted per Ordinance 2021-_____](#))

~~16.64.010—Generally~~

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

~~(Ord. 91-922, § 3)~~

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Chapter 16.68 Commentary

These amendments update cross-references to other code sections and clarify that the floor area ratios (FARs) of this section do not apply to cottage clusters, which are subject to floor area maximums per HB2001.

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Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*

[...]

5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.040030;

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.030 - Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a ~~single~~ ~~family~~ dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:
 1. Low Density Residential (LDR): 50% of lot area
 2. Medium Density Residential Low (MDRL): 55% of lot area
 3. Medium Density Residential High (MDRH): 60% of lot area
 4. High Density Residential (HDR): 65% of lot area
 5. The floor area standards in this section do not apply to cottage clusters.

Division III. - ADMINISTRATIVE PROCEDURES

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Chapter 16.70 Commentary

A new Residential Design Checklist review is proposed for single detached and middle housing. This review is a clear and objective review, as required by HB2001. Per City staff direction, the application requirements are streamlined and include a Residential Design Checklist form and building elevations. Planning staff will review the proposed residential development against the design standards of Chapter 16.14.

Currently, site development requirements (setbacks, height, landscaping, parking, etc.) are reviewed separately at the time of building permit submittal. This process is expected to continue to apply to new residential development; therefore, materials demonstrating compliance with site development standards (such as site plans, landscape plans etc.) are not included in the list of required materials for the Residential Design Checklist review.

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Chapter 16.70 - GENERAL PROVISIONS

16.70.030 - Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

1. In addition to the required application form, all applications for Residential Design Checklist approval must include the following:

a. Residential Design Checklist.

b. Building elevations including enough detail to confirm conformance with the design standards of Chapter 16.14.

2. In addition to the required application form, all applications for Type I approval must include the following:

a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.

b. Tax Map showing property within at least 300 ft. with scale (1" = 100' or 1" = 200'), north arrow, date, and legend

c. Vicinity Map

~~1.~~ 3. In addition to the required application form, all applications for Type II-V land use approval must include the following:

a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.

b. Documentation of neighborhood meeting per 16.70.020.

c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.

d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.

e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.

f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.

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- g. Two (2) copies of a current preliminary title report.
- h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.
- i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.
- j. A traffic study, if required by other sections of this Code.
- k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:
 - 1) Wetland assessment and delineation;
 - 2) Geotechnical report;
 - 3) Traffic study;
 - 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.
- l. Plan sets must have:
 - 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
 - 2) The name, address and phone of the owner, developer, applicant and plan producer.
 - 3) North arrow,
 - 4) Legend,
 - 5) Date plans were prepared and date of any revisions
 - 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
 - 7) All dimensions clearly shown.
- 2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

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Chapter 16.72 Commentary

This section has been updated to include four new review procedures for single detached and middle housing residential development:

- A new Residential Design Checklist Review application and process. This review process is available to proposals that meet all of design standards of Chapters 16.14. As noted in Chapter 16.70, per City staff direction, the Residential Design Checklist Review is intended to address only the design standards of Chapter 16.14 and not the development standards of Chapter 16.12 and others.
- Type I Residential Design Checklist Review with Adjustment. As described further in Chapter 16.84, this option is available for proposals that request adjustment of up to 10 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C.
- Type II Residential Design Checklist Review with Class B Variance. As described further in Chapter 16.84, this option is available for proposals that request adjustment of 10-20 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C.
- A new Type IV Residential Design Review. As described further in Chapter 16.84, this option is available for proposals that request adjustment of more than 20 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C, or opt to address the design guidelines of Table 16.14-1 rather than the design standards. The Planning Commission would review these proposals against the design guidelines of Table 16.14-1.

The description of the review types have been revised to reflect the definitions of ORS 197.015 and common practices.

Section 16.72.010.B has been rearranged and references to Planning Director changed to Community Development Director per City staff direction, and to clarify that Type IV Residential Design Review applications do not need to address the Conditional Use criteria of Section 16.82.020.

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Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 - Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all [ministerial, administrative, and](#) quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Residential Design Checklist Review

[The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion \(i.e., they are clear and objective standards\).](#)

[The Community Development Director, or designee, reviews proposals for single detached and middle housing types requiring a clear and objective review using the Residential Design Checklist. The Residential design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.](#)

2. Type I

The following ~~quasi-judicial~~ [administrative](#) actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units;

o. Residential Design Checklist Review with Adjustment

23. Type II

The following ~~quasi-judicial~~ [administrative](#) actions shall be subject to a Type II review process:

- a. Land Partitions ([creation of 3 or fewer lots within 1 calendar year](#))

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- b. Expedited Land Divisions - The ~~Planning Director~~ [Community Development Director](#) shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the ~~Planning Director~~ [Community Development Director](#) if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical marijuana dispensary permit

[k. Residential Design Checklist Review with Class B Variance](#)

~~34.~~ Type III

The following quasi-judicial actions shall be subject to a Type III review process:

- a. Conditional Uses
- b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.
- c. Subdivisions between 11—50 lots.

~~45.~~ Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

- a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
- b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
- c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.
- d. Site Plans subject to Section 16.90.020.D.6.f.
- e. Industrial Site Plans subject to Section 16.90.020.D.7.b.
- f. Subdivisions — over 50 lots.

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g. Class A Variance

h. Residential Design Review

~~56.~~ Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments
- b. Plan Text Amendments
- c. Planned Unit Development — Preliminary Development Plan and Overlay District.

B. Hearing and Appeal Authority

~~31.~~ The ~~quasi-judicial~~ Hearing and Appeal Authorities shall be as follows:

- a. The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).
- ~~ab.~~ The Type I Hearing Authority is the ~~Planning Director~~ Community Development Director and the Appeal Authority is the Planning Commission.
 - (1) The ~~Planning Director~~ Community Development Director 's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 - (2) The applicant may appeal the ~~Planning Director~~ Community Development Director's decision.
- ~~bc.~~ The Type II Hearing Authority is the ~~Planning Director~~ Community Development Director and the Appeal Authority is the Planning Commission.
 - (1) The ~~Planning Director~~ Community Development Director 's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the ~~Planning Director~~ Community Development Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 - (2) Any person providing written comments may appeal the ~~Planning Director~~ Community Development Director 's decision.
- ~~cd.~~ The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 - (1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
- ~~de.~~ The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 - (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

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- (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

ef. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.
3. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
2. In addition to Section 1 above, all Type IV quasi-judicial applications [except Residential Design Review](#) shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

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Chapter 16.76 Commentary

This section has been amended to replace Planning Director with Community Development Director per City staff direction.

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Chapter 16.76 - APPEALS*

16.76.010 - Generally

[...]

16.76.020 - Appeal Deadline

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

(Ord. 2003-1148, § 3; 2001-1119; 91-922)

Division IV. - PLANNING PROCEDURES

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Chapter 16.84 Commentary

The existing Adjustment and Class B variance approval criteria are amended to include adjustments and variances to the new residential design standards of Chapter 16.14. For simplicity, the City's existing approval criteria is applied to these adjustment and variance requests.

The intent of the Residential Design Checklist with Adjustment and Residential Design Checklist with Class B Variance is to provide a measure of flexibility for residential development on lots that have unusual characteristics. As proposed, the approval criteria are not intended to be onerous.

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Chapter 16.84 - VARIANCES

[...]

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A. Adjustments

1. Applicability: The following variances and [Residential Design Checklist with Adjustment](#) are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:
 - a. Front yard setbacks Up to a 10 percent change to the front yard setback standard in the land use district.
 - b. Interior setbacks Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.
 - c. Landscape area Up to a 10% [percent](#) reduction in landscape area (overall area or interior parking lot landscape area).
 - d. A 5% [percent](#) increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.
 - e. [Up to a 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C \(no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted\).](#)
2. Approval Criteria: Adjustments [subject to the provisions of this section](#) shall be granted if the applicant demonstrates compliance with all of the following criteria:
 - a. The adjustment requested is required due to the lot configuration, or other conditions of the site;
 - b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
 - c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.
 - d. An application for an adjustment is limited to one lot or parcel per application.
 - e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. Generally
 - a. The Class B variance standards apply to individual platted and recorded lots only.
 - b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.
 - c. Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.

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- d. Interior setbacks: Up to a 20 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.
- e. A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.
- f. [Between 10 percent and 20 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C.](#)

2. Approval Process: Class B variances [and Residential Design Checklist with Class B Variance](#) shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria [\(subject to the provisions of this section\)](#): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

- a. The variance requested is required due to the lot configuration, or other conditions of the site;
- b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
- c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.
- d. An application for a Class B variance is limited to three or fewer lots per application.
- e. The variance will have minimal impact to the adjacent properties.
- f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

1. Generally

- a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.
- b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.
- c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

2. Approval Process:

- a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.
- b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

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- b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
- c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance that would alleviate the hardship.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.88 Commentary

This chapter is revised to include new middle housing residential use types, and to clarify how cottage cluster development and townhome development are classified.

Because middle housing types now include quadplexes per HB2001, multi-dwelling thresholds increase from 3 dwelling units on one lot to 5 dwelling units on one lot.

The term "rowhouse" is deleted because it is not used or defined elsewhere in the zoning code.

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Chapter 16.88 - INTERPRETATION OF SIMILAR USES

[...]

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 (1) 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 (1) or more persons on a single parcel or lot. Cottage clusters are a type of single detached housing when each cottage is located on a single lot.
 - (2) Single-family attached - A structure consisting of one (1) or more attached single dwelling unit which is for occupancy by one (1) or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.
 - (3) Two-family Duplex - A structure consisting of two (2) dwelling units on the same parcel or lot. Two (2) family homes are commonly referred to as a duplex.
 - (4) Triplex – Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (5) Quadplex – Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (46) Multi-family dwelling - A structure consisting of ~~three~~ five (35) or more dwelling units on the same parcel or lot. Multi-family dwelling 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~~ and cottage clusters where cottages are located on the same lot. Multi-dwellings do not include townhomes, which are located on individual lots.
 - (57) 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.

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Chapter 16.89 Commentary

This is a new chapter and a new procedure that is applicable specifically to single detached and middle housing development.

There are four review types for new residential development that is subject to the design standards of Chapter 16.14:

- Ministerial Residential Design Checklist Review
- Type I Residential Design Checklist Review with Adjustment
- Type II Residential Design Checklist Review with Class B Variance
- Type IV Residential Design Review

No Type III review option is proposed; Type III review is a Hearings Officer review and the Planning Commission indicated a desire to review Residential Design applications against the applicable design guidelines. Planning Commission review is a Type IV review.

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Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW

16.89.010 – Purpose and Intent

A. Purpose

The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.

This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.

For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.

B. Intent

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design. Should the Residential Design Review process be applied, see the design guidelines in Table 16.14-1, Residential Design Standards for design intent for each standard.

16.89.020 – Residential Design Checklist Review or Residential Design Review Required

A. When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.

Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types:

1. Accessory Dwelling Unit
2. Single detached dwelling
3. Duplex
4. Triplex
5. Quadplex
6. Townhouse
7. Cottage Cluster development

B. Applicability. For the purposes of Section 16.89.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and exhibits one or more of the following characteristics:

1. Construction of new residential dwelling(s).
2. The activity involves changes in the use of a structure, building, or property from a non-residential to a residential use listed above.
3. The activity involves non-conforming uses as defined in Chapter 16.48.

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4. The activity is identified as an expansion or conversion per 16.14.010.C.2

C. Exemption to Residential Design Checklist Review Requirement

1. Residential accessory structure subject to Chapter 16.50.

D. Required Standards

1. For the Residential Design Checklist Review application, all of the following are to be met:

a. All of the design standards noted in Subsection 16.14.010, Subsection 16.14.040, and/or Chapter 16.52 Accessory Dwelling Units

b. For a stand-alone Accessory Dwelling Unit, the standards and criteria in 16.52.020.H shall apply

2. If the standards listed in Subsection D above cannot be met outright, there are two concurrent options with the Residential Design Checklist Review:

a. Adjustment. See Section 16.84.030 for a Type I Adjustment for up to 10 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Adjustment provision creates a concurrent review that is no longer clear and objective.

b. Variance. See Section 16.84.030 for a Type II Class B Variance for 10 to 20 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Variance provision, creates a concurrent review that is no longer clear and objective.

E. Time Limits

Residential Design Checklist approvals are void after one (1) year unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

16.89.030 - Residential Design Review.

As an alternative to meeting the clear and objective standards in Sections 16.89.020.A, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the design guidelines of Section 16.14.010.B, Table 16.14-1:

A. Intent. The intent of this Review is to provide a flexible option for projects which implement the design guidelines rather than the design standards.

B. Approval Criteria:

1. The proposed development demonstrates conformance with the applicable design guidelines of Section 16.14.010.B, Table 16.14-1.

2. The proposed development meets applicable zoning district standards and standards in Division II, and all applicable provisions of Divisions V, VI, VIII and IX unless revised through the Adjustment or Variance process

3. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications

C. Time Limits

Residential Design Review approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

Division V. - COMMUNITY DESIGN

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Chapter 16.90 Commentary

The new Chapter 16.89 will apply to new single detached and middle housing residential development. As a result, the applicability of Chapter 16.90 is revised to apply to multi-dwelling residential development (5 or more dwelling units), commercial, multi-family dwelling, institutional or mixed-use development. A new list of applicable development types has been added to make this application explicit.

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Chapter 16.90 - SITE PLANNING*

[...]

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that [is not subject to Residential Design Checklist or Residential Design Review](#), does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. [Exemptions noted below.](#)

[Site Plan Review is required for the following development:](#)

1. [Multi-dwelling](#)
2. [Commercial](#)
3. [Industrial](#)
4. [Mixed-use](#)

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. [Exemption to Site Plan Requirement](#)

1. [Single and two family uses](#) [Single detached and middle housing developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.](#)
2. Manufactured homes located on individual residential lots per Section 16.46.010, [and](#) including manufactured home parks.

C. Reserved

D. Required Findings

No site plan approval will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

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2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. The proposed commercial, multi-family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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Chapter 16.92 Commentary

The amendments to this chapter reflect the revised applicability of site plan review per Chapter 16.90, and clarifies that perimeter screening is required between residential zones and other zones rather than between housing types.

Applicability language is added to parking area landscaping requirements to apply to parking areas of 4 or more spaces. Typically this size of parking area would accompany a quadplex, multi-dwelling, or a cottage cluster proposal and reflects the minimum number of cottages required. The suggested number of spaces is a starting point for discussion.

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Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

All proposed developments for which a site plan review is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. 2006-021; Ord. 86-851, § 3)

[...]

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating ~~single and two family uses from multi-family uses, and along property lines separating~~ residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

- a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.
- b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.
- c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

2. Perimeter Landscaping Buffer

- a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.
- b. The access drives to rear lots in the residential zones (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.

3. Perimeter Landscape Buffer Reduction

If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

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B. Parking Area Landscaping

1. Purpose

The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

2. Applicability. The provisions of this section apply to off-street parking areas of more than four (4) parking and/or loading spaces.

~~23.~~ Definitions

a. **Parking Area Landscaping:** Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).

b. **Canopy Factor**

(1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

~~34.~~ Required Landscaping

There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

~~45.~~ Amount and Type of Required Parking Area Landscaping

a. **Number of Trees required based on Canopy Factor**

Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);

(1) Any combination of the following is required:

(i) One (1) large tree is required per four (4) parking spaces;

(ii) One (1) medium tree is required per three (3) parking spaces; or

(iii) One (1) small tree is required per two (2) parking spaces.

(iv) At least five (5) percent of the required trees must be evergreen.

(2) Street trees may be included in the calculation for the number of required trees in the parking area.

b. **Shrubs:**

(1) Two (2) shrubs are required per each space.

(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

c. **Ground cover plants:**

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- (1) Any remainder in the parking area must be planted with ground cover plants.
- (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

56. Individual Landscape Islands Requirements

- a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
- b. Each landscape island shall be planted with at least one (1) tree.
- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
 - (1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
 - (3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.
- e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.
- f. Exception to Landscape Requirement

Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:

- (1) Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.
- (2) The minimum unobstructed sidewalk width is at least six (6) feet wide.
- (3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

67. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

78. Exceptions

- a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.
- b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

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All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142(Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

[...]

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Chapter 16.94 Commentary

E. Location has been revised to clarify that on-street parking spaces may count toward off-street parking requirements for non-residential uses only.

I. Parking and Loading Plan has been revised to exempt middle housing types from this requirement, since single detached dwellings are exempt.

HB2001 establishes maximum parking requirements for duplex, triplex, quadplex, townhome, and cottage cluster development. HB2001 allows for 3 required parking spaces for triplexes on parcels greater than 5,000 sq. ft., and 4 required parking spaces for quadplexes on parcels equal to or greater than 7,000. Other middle housing types can be required to provide one space per dwelling unit. All amended and new parking standards comply with HB2001/OAR 660-046.

Per HB2001 clarifications, no additional parking spaces can be required for ADUs. The off-street parking requirements for ADUs have been added to Table 1 and revised to clarify that no additional parking is required per HB2001.

No revisions are proposed to the City's existing single detached or multi-dwelling parking standards.

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Chapter 16.94 - OFF-STREET PARKING AND LOADING

[...]

E. Location

1. Residential off-street parking spaces:
 - a. Shall be located on the same lot or development as the residential use.
 - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily-multi-dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
 - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
 - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

[...]

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals. A parking and loading plan is not required for except for single and two family dwellings, and manufactured homes on residential lots- single detached, duplex, triplex, quadplex, townhome or cottage cluster developments, or for manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

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[...]

16.94.020 - Off-Street Parking Standards

A. Generally

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

Table 1: Minimum and Maximum Parking Standards

(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU and middle housing standards are per OAR Division 46)

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
<u>Accessory Dwelling Unit</u>	<u>None</u> <u>1 per 1 bdr</u> <u>1.5 per 2 bdr</u> <u>1.75 per 3 bdr</u>	<u>None</u>	<u>None</u>
Single, two-family detached and manufactured home on lot ³	1 per dwelling unit	None	None
<u>Duplex</u>	<u>1 space per dwelling unit</u> <u>(total of 2 per duplex)</u>	<u>None</u>	<u>None</u>
<u>Triplex</u>			
<ul style="list-style-type: none"> <u>Lot area less than 3,000 SF</u> 	<u>1 space total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u> 	<u>2 spaces total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 5,000 SF</u> 	<u>3 spaces total</u>	<u>None</u>	<u>None</u>
<u>Quadplex</u>			
<ul style="list-style-type: none"> <u>Lot area less than 3,000 SF</u> 	<u>1 space total</u>	<u>None</u>	<u>None</u>

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<ul style="list-style-type: none"> • <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u> 	<u>2 spaces total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> • <u>Lot area equal to or greater than 5,000 SF and less than 7,000 SF</u> 	<u>3 spaces total</u>		
<ul style="list-style-type: none"> • <u>Lot area equal to or greater than 7,000 SF</u> 	<u>4 spaces total</u>	<u>None</u>	<u>None</u>
<u>Townhome</u>	<u>1 space per unit</u>	<u>None</u>	<u>None</u>
<u>Cottage Cluster</u>	<u>1 space per unit</u>	<u>None</u>	<u>None</u>
Multi-family dwelling ⁴	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family detached residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

B. Dimensional and General Configuration Standards

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

[...]

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5. Credit for On-Street Parking

- a. On-Street Parking Credit. Except for residential uses, the ~~The~~ amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
- b. The following constitutes an on-street parking space:
 - (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
 - (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
 - (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
 - (4) Curb space must be connected to the lot which contains the use;
 - (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
 - (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

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Chapter 16.96 Commentary

The revisions to this section update the residential dwelling names per the revised definitions, and clarify that middle housing types are exempt from requirements that do not apply to detached single housing, per HB2001.

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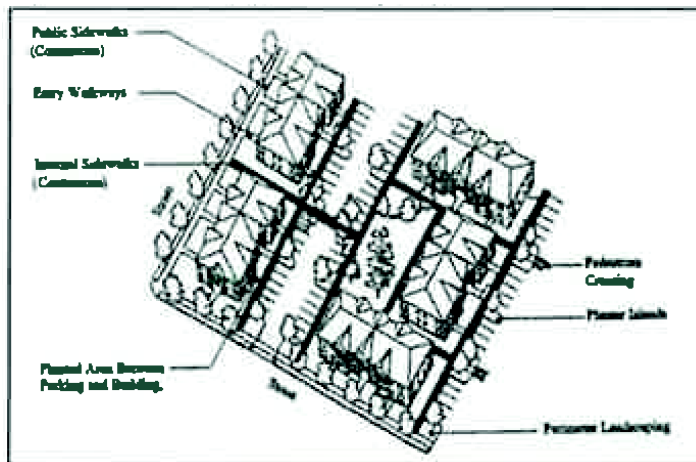
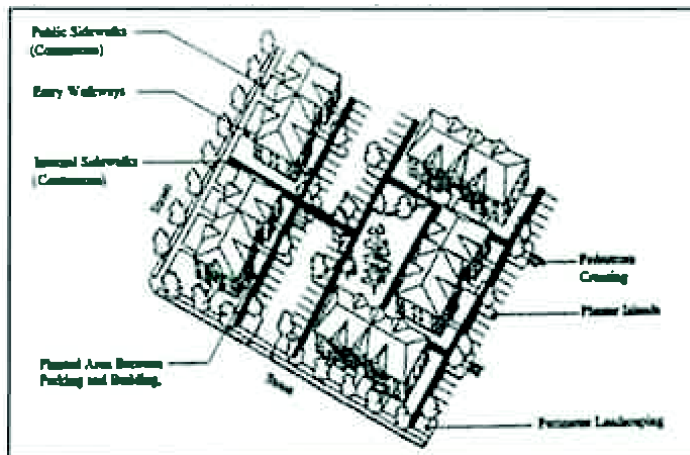
Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

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

On-Site Circulation System (Multi-Family Dwelling Example)



[...]

F. Access to Major Roadways

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

1. Single and two-family uses detached homes, middle housing types, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not

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available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans [or Residential Design Checklists](#) for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum - Residential standards

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

A. Driveways

1. [ADU/Single-Family Detached](#): One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. [Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.](#)
2. ~~Two-Family Duplex~~: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. [Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.](#)
3. [Townhome](#): A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of [16.14.020.D](#).
4. [Triplex and Quadplex](#): See the provisions of [16.14.030.A](#).

35. ~~Multi-Family Dwelling~~: Improved hard surface driveways are required as follows:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
35 —49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

6. [Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.](#)

B. Sidewalks, Pathways and Curbs

1. Single [Detached](#), ~~Two-Family Duplex~~, [Triplex](#), [Quadplex](#), [Townhome](#), [Cottage Cluster](#), and Manufactured Home on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a

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proposed partition or subdivision. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.

2. ~~Multi-family dwelling~~:

- a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
- d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

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Chapter 16.100 - PERMANENT SIGNS

[...]

16.100.015 Sign - Related definitions

- L. Permanent Residential Development Sign: Any sign erected in association with a ~~single-family attached,~~
~~single-family~~ detached, duplex or townhome subdivision or Planned Unit Development (PUD).

[...]

16.100.030 - Sign Regulations by Zone

A. Residential Zones

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

1. Public/Semi-Public Uses

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

- a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
- b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family Dwelling Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

3. Non-Residential Signs

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

[...]

Division VI. - PUBLIC INFRASTRUCTURE

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Chapter 16.104 Commentary

Language regarding Sufficient Infrastructure has been added for compliance with HB2001 and to clarify that the City can continue to require sufficient infrastructure to support middle housing development.

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Chapter 16.104 - GENERAL PROVISIONS^[46]

[...]

16.104.030 - Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.

(Ord. No. 2011-011, § 1, 10-4-2011)

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Chapter 16.106 Commentary

Additional language has been added to clarify that where single detached dwellings are exempt from requirements, middle housing dwellings are also exempt per HB2001.

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Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.040 - Design

[...]

M. Vehicular Access Management

[...]

2. Roadway Access

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

[...]

b. Neighborhood Routes:

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

[...]

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

- (1) Single ~~and two family uses~~ detached dwellings, middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
 - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

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- (3) All site plans [or Residential Design Checklists](#) for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

[...]

**Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE
ADJUSTMENTS AND MODIFICATIONS**

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Chapter 16.120 Commentary

Proposed revisions remove references to Chapter 16.44, which has been consolidated into Chapter 16.14. Per HB2001, open space requirements cannot be applied to townhome development unless they are also applied to single detached dwellings.

The Oregon Legislature approved Senate Bill 458 (SB458) on May 17, 2021. SB458 is effective June 30, 2022, and requires jurisdictions to permit land division for middle housing through an expedited land division (ELD) process. Implementation of this legislation will require revisions to the City's Subdivision and Land Division regulations.

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Chapter 16.120 - SUBDIVISIONS^[51]

[...]

16.120.040 - Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.
- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
- C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).
- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.
- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.
- I. A minimum of five percent (5%) open space has been provided per [Section 16.44.010.B.8 \(Townhome Standards\)](#) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

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Chapter 16.128 Commentary

Because cottage clusters are required to be oriented to a common open space, and may be served by a private street, alley, or pathway, provisions were added to this section to allow cottage cluster lots to abut a public street, private street, shared open space, or a shared pathway.

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Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

[...]

16.128.030 - Lots

A. Size and Shape

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

1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68 or for cottage clusters as described below.

1. Cottage cluster lots shall abut a public street, private street, alley, shared open space, or a shared pathway.

[...]

Division VIII. - ENVIRONMENTAL RESOURCES

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Chapter 16.142 Commentary

References to Chapter 16.44 have been removed, as the townhome standards have been incorporated into Chapter 16.14.

A cross-reference to the cottage cluster open space requirements of 16.14.040 has been added, and the applicability of the previous single-family and duplex residential subdivision open space requirements has been extended to triplex, quadplex, and townhome developments.

The current provisions of 16.142.070 apply only to residential developments subject to Type II-IV land use review. Per HB2001, single detached and middle housing development is subject to Residential Design Checklist review, Type I review with Adjustment, Type II review with Class B Variance, or Type IV Design Review. This means that a residential development that meets all applicable development and design standards would not be subject to the tree retention provisions.

Additional language has been added to the text and table to clarify that residential developments are subject to these requirements based on the level of land use review required.

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Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[...]

16.142.020 - Multi-Family Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family dwelling residential developments to the following standards. ~~(townhome development requirements for open space dedication can be found in Chapter 16.44.B.8 Townhome Standards):~~

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

16.142.030 - ~~Single Family or Duplex~~ Single Detached, Duplex, Triplex, Quadplex, and Townhome Residential Subdivisions

- A.** A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:

1. Required yards or setbacks.
2. Required visual corridors.
3. Required sensitive areas and buffers.
4. Any area required to meet a standard found elsewhere in this code.

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- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.
1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.
- C. The open space shall be conveyed in accordance with one of the following methods:
1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a ~~single-family~~ residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.
- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.

[...]

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, ~~with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).~~

[...]

16.142.070 - Trees on Property Subject to Certain Land Use Applications

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A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

[...]

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
2. Required Tree Canopy – Single Detached and Middle Housing Residential Developments (Single Family Attached, Single Family Detached and Two-Family) subject to Type II-IV land use review.

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

3. Required Tree Canopy - Non-Residential and Multi-family Dwelling Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

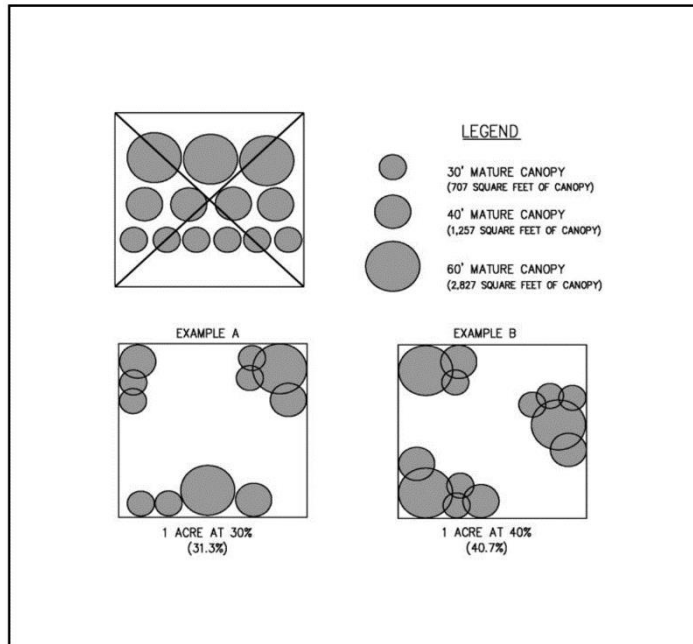
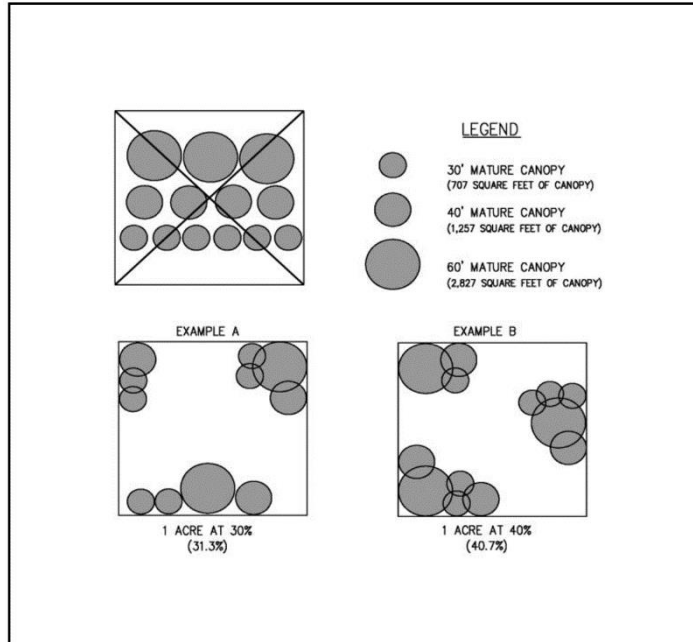
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

Residential (<u>single detached and middle housing developments</u>) (single family & two-family developments) <u>subject to Residential</u>	Residential (<u>single detached and middle housing developments</u>) (single family & two-family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family <u>dwelling</u>
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	Design Checklist or Type I review	subject to Type II-IV review		
Canopy Requirement	N/A	40%	N/A	30%
Counted Toward the Canopy Requirement				
Street trees included in canopy requirement	N/A	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	N/A	Yes
Existing trees onsite	N/A	Yes x2	N/A	Yes x2
Planting new trees onsite	N/A	Yes	N/A	Yes
<p>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle.</p> <p>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</p>				
<p>Canopy Calculation Example: Pin Oak</p> <p>Mature canopy = 35'</p> <p>$(3.14159 * 17.5^2) = 962$ square feet</p>				

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4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
 - a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or

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- b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.
6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.
7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

E. Tree Preservation Incentive

Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

F. Additional Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.
2. Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.
 - a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;
 - b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.

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- (1) Reductions allowed:
 - (a.) Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
 - (b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.
 - (c.) Perimeter side and rear yard setbacks shall not be reduced through this provision.
 - c. Approval criteria:
 - (1.) A demonstration that the reduction requested is the least required to preserve trees; and
 - (2.) The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and
 - (3.) The reduction will not impede adequate emergency access to the site and structure.
 3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.
 4. Adjustments to Commercial and Industrial development Standards. [...]
- G. Tree Protection During Development
- The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.
- H. Penalties
- Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; Ord. 91-922, § 3)

16.142.080 - Trees on Private Property — not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

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B. Residential (Single ~~Family Detached~~ and ~~Two-Family-Middle Housing~~) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.
2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
 - a. The applicant shall submit the following;
 - (1.) A narrative describing the need to remove the tree(s),
 - (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
 - (3.) A plan showing the location of the tree and
 - (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.
3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.
 - a. If removal is proposed within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicality of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.
 - b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:
 - (1.) Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - (2.) A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - (3.) Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - (4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

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- (5.) Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

C. Non-Residential and Multi-family dwelling Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.
2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.
 - a. Removal of up to 25 percent of the trees on site can be removed and replaced through a ~~€~~Type I review process. The applicant shall submit the following;
 - (1.) A narrative describing the need to remove the trees,
 - (2.) A plan showing the location of the trees and
 - (3.) A replacement tree plan. One-half (1/2) of the number of trees removed shall be replaced. The replacement shall take place on site with similar trees within six months from the date of removal.
 - (4.) Exemption to replacement. If less than one-half (1/2) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
 - b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;
 - (1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,
 - (2.) A plan showing the location of the tree and
 - (3.) A replacement tree plan. Two-thirds of the number of trees removed shall be replaced on site with similar trees within six months from the date of removal.
 - (4.) Exemption to replacement. If less than one-half (½) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.
 - a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.
 - b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

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- (1.) Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
- (2.) A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
- (3.) Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
- (4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
- (5.) Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

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Chapter 16.156 Commentary

A new applicability statement has been added to clarify that these standards do not apply to single detached or middle housing residential development.

The City may want to discuss this proposed approach to determine if that exemption is appropriate. Alternatives include:

- Apply to residential land divisions, and exempt infill development
- Apply to subdivisions that require dedication and construction of public streets

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Chapter 16.156 - ENERGY CONSERVATION*

Sections:

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

16.156.020 – Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit, single detached, or middle housing development in residential zones.

16.156.~~020~~030 - Standards

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

(Ord. 91-922, § 3)

16.156.~~030~~040 - Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. 91-922, § 3)

Division IX. - HISTORIC RESOURCES

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Chapter 16.162 Commentary

The Old Town Overlay District is considered a Goal 5 protected area and the City can request exemption from HB2001 compliance on that basis. Therefore, no revisions are proposed to this section.

Edits to the townhome standards are proposed to reflect the revised definition of townhomes (as shared wall dwellings on separate lots) and deletion of Chapter 16.44.

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Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT*

[...]

16.162.030 - Permitted Uses

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

- A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.

(Ord. 2006-009 § 2)

- B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Chapter 16.88.
- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.040 - Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:

- A. Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.
- B. Townhouses (~~shared wall single family attached~~) on property zoned RC in the Old Cannery area subject to ~~Chapter 16.44 and the~~ HDR standards and Chapter 16.14. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.
- C. Public and commercial (non-accessory) parking within residential zoning districts when both of the following apply:
 - 1. On May 1, 2016, no buildings existed on the property where the parking is to be located; and

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2. The property has street frontage on an arterial and/or collector street as identified within the Sherwood Transportation System Plan.

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2016-010, § 2, 6-21-2016; Ord. 2006-009 § 2; Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.050 - Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC, HDR or MDRL zones:

- A. Adult entertainment businesses.
- B. Manufactured homes on individual lots.
- C. Manufactured home parks.
- D. Restaurants with drive-through.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

- E. Stand alone cellular or wireless communication towers and facilities. Co-location of existing legally permitted facilities is acceptable.

(Ord. 2006-009 § 2)

16.162.060 - Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

- A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.
- B. Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.
- C. Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.

(Ord. 2006-009 § 2)

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- D. Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

END OF PROPOSED AMENDMENTS

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DEVELOPMENT CODE CROSS REFERENCES TABLE

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