



ORDINANCE 2022-004

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR NEW HOUSING CHOICES TO COMPLY WITH OREGON HB 2001

WHEREAS, Oregon House Bill 2001 (2019) aims to expand housing types in residential zones to include duplexes, tri and quad plexes, townhomes, and cottage clusters; and

WHEREAS, the Oregon Land Conservation and Development Commission adopted a set of Oregon Administrative Rules (OARs) that outlined the minimum standards large-sized cities must apply to middle housing to comply with HB 2001; and

WHEREAS, Sherwood is considered a large-size city because it is part of the Metro region, and Large Cities must comply with House Bill 2001 and adopt standards to implement it by the statutory deadline of June 30, 2022; and

WHEREAS, the proposed Housing Choices amendments, attached hereto as Exhibit 1, comply with the minimum standards identified in the OARs and will provide for housing choices that can meet the needs of the Sherwood community; and

WHEREAS, the proposed Housing Choices amendments are consistent with the 2040 Comprehensive Plan by providing a diversity of housing types; and

WHEREAS, the proposed amendments will allow for a variety of housing choices making it feasible for housing construction through clear and objective standards; and

WHEREAS, the Planning Commission has conducted 17 work sessions on Residential Design Standards and the proposed Housing Choices amendments; and

WHEREAS, the City Council held four work session briefings on Residential Design Standards and the proposed Housing Choices amendments; and

WHEREAS, at its meeting on March 22, 2022, the Planning Commission conducted a public hearing, considered proposed Housing Choices development standards, and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held the first public hearing on the proposed amendments on April 19, 2022, a second public hearing on May 3, 2022, a third public hearing on May 17, 2022, a fourth public hearing on June 7, 2022, and the fifth and final public hearing on the proposed amendments on June 13, 2022.

WHEREAS, in order to meet DLCD's deadline for acknowledgement and adoption of these amendments, it is necessary for the amendments to be adopted on an emergency basis, as permitted by Section 17 of the City Charter.

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. The proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

Section 3. The City Council declares that an emergency exists because a delay would unnecessarily prevent the orderly implementation of the provisions of this Ordinance; therefore, this Ordinance shall take effect on June 30, 2022.

Duly passed by the City Council this June 13, 2022.


Keith Mays, Mayor

6/13/2022
Date

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Title 16
ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

This document presents the “Clean” copy of the proposed HB 2001 / Housing Choices code amendments.

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.

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Division I. - GENERAL PROVISIONS

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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 - 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 townhomes, multi-family, and cottage cluster developments. 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,” “hungalow 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, Single-Family Detached:** A detached structure on a lot or parcel that is comprised of a single dwelling unit.
- **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 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.

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

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.

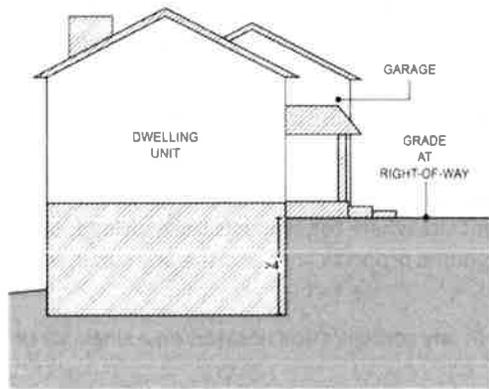
Family: Any-number of individuals living together regardless of familial or non-familial relationship.

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.

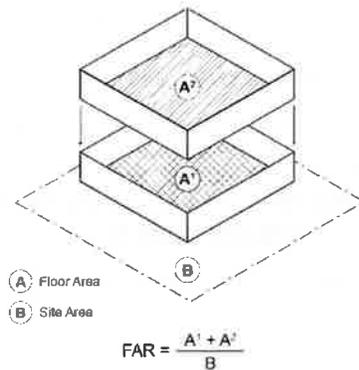
Figure 1. Areas Excluded from Floor Area Calculation

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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: 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 the following residential uses: 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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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.

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. [See the adopted Transportation System Plan]
- B. **Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [See the adopted Transportation System Plan]
- 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 (See the adopted Transportation System Plan).
- D. **Collector:** Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [See the adopted Transportation System Plan].
- E. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- F. **Half Street:** A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- G. **Local Street:** Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a and 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- H. **Marginal Access Street (frontage or backage road):** A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [See the adopted Transportation System Plan.]
- I. **Neighborhood Route:** Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [See the adopted Transportation System Plan.]
- J. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [See the adopted Transportation System Plan].

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

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- Connection to a public sewer system capable of meeting service levels established in the City Engineering Design and Standards Details Manual.
- Connection to a public water system capable of meeting service levels established in the City Engineering Design and Standards Details Manual.
- Access to a city's public street system via public or private streets meeting emergency vehicle access standards established in the City Engineering Design and Standards Details Manual.
- Storm drainage facilities capable of meeting service levels established in the City Engineering Design and Standards Details Manual for storm drainage.

Townhome: See "Dwelling Types: Townhome"

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

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Division II. - LAND USE AND DEVELOPMENT

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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 duplex 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 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 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.
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

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

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 Detached Dwellings	P	P	P	P	P
• Duplex	P	P	P	P	P
• Triplex and Quadplex	P	P	P	P	P
• Cottage Cluster	P	P	P	P	P
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes	P	P	P	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

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objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

- 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

1. Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.
2. Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.
3. Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.

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
• Duplex	40,000	10,000	7,000	5,000	5,000	5,000
• Triplex	40,000	10,000	7,000	5,000	5,000	5,000
• Quadplex	40,000	10,000	7,000	7,000	7,000	7,000

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Cottage Cluster	40,000	10,000	7,000	7,000	7,000	7,000
• Townhome ¹ :	Average of 1,500 SF per unit					
• Multi-Family-Dwelling: for the first 2 units	X	X	X	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
Minimum Lot width at front property line: (in feet) – Townhomes only	20	20	20	20	20	20
Minimum Lot width at building line ²: (in feet)						
• Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster	60	60	60	50	50	50
• Townhome	20	20	20	20	20	20
• Multi-Family dwelling	X	X	X	X	60	60
Minimum Lot Depth	80	80	80	80	80	80
Maximum Height (in feet) ³						
• Cottage Clusters	1.5 stories not to exceed 25 feet					

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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	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 ⁴	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁵	30	20	20	14	14	14
• Front yard – Cottage Clusters only	10	10	10	10	10	10
• Face of garage	35	20	20	20	20	20
• Interior side yard ⁶						
• Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster	5	5	5	5	5	5
• Townhome ⁷	5	5	5	5	5	5
• 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
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single-Family Detached; Duplex; Triplex; Quadplex; Townhome	20	20	20	15	15	15

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• 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
Floor Area						
Cottage Cluster	1st floor building foot print less than 900 sq. ft.	1st floor building foot print less than 900 sq. ft.	1 st floor building foot print less than 900 sq. ft.	1 st floor building foot print less than 900 sq. ft.	1 st floor building foot print less than 900 sq. ft.	1 st floor building foot print less than 900 sq. ft.
	2nd floor shall not exceed 50% of square footage of the 1st floor.	2nd floor shall not exceed 50% of square footage of the 1st floor.	2 nd floor shall not exceed 50% of square footage of the 1 st floor.	2 nd floor shall not exceed 50% of square footage of the 1 st floor.	2 nd floor shall not exceed 50% of square footage of the 1 st floor.	2 nd floor shall not exceed 50% of square footage of the 1 st floor.
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. Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed.
7. No side yard setback is required between attached townhomes within the same townhome block. The side yard setbacks in this table refer to the setbacks for the townhomes at each end of the townhome block on the side that is not attached to another townhome within the same townhome block.

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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)

16.12.040 - Community Design

A. Residential garages shall meet the minimum design standards listed on the table below:

	Minimum Width	Minimum Depth	Minimum Garage Door Width
One (1) Car Garage	12 ft.	20 ft.	8 ft.
Two (2) Car Garage	18 ft.	20 ft.	16 ft.
Three (3) Car Garage	26 ft.	20 ft.	Single Door – 8 ft. Double Door – 16 ft.

- B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.
- C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.
- D. For additional standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.

(Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.14 - RESIDENTIAL BUILDING DESIGN

16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.

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 residential 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. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.
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 building elevation(s) adjacent to a public right-of-way or public accessway, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and
 - b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway 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. Entry location and orientation	
<p>These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal. At least one main entrance for each residential structure, or each townhome unit, must meet the following standards.</p> <ol style="list-style-type: none"> 1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit. 2. The entrance must either: <ol style="list-style-type: none"> a. Face the street; or b. Be at an angle of up to 45 degrees from the street; or c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or d. Open onto a porch. If the entrance opens onto a porch, the porch must: <ol style="list-style-type: none"> 1) Be at least 25 square feet in area with a minimum four-foot depth; 2) Have at least one porch entry facing the street; 3) Have a roof that is no more than 12 feet above the floor of the porch; and 4) Have a roof that covers at least 30% of the porch area. 	<p>Building elevations facing streets and common courtyards 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.</p>
Additional provisions:	None
B. Garages and Off-Street Parking Areas	
<p>These standards apply to all residential housing development except for townhomes and Multi-family development.</p> <p>Where one or more garages face a street, all of the following standards apply:</p> <ol style="list-style-type: none"> 1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. 2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that 	<p>Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.</p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.</p> <p>3. Garages that face a street shall contain at least one of the following design features:</p> <ul style="list-style-type: none"> a. Garage trellis or pergola extending at least 12 inches from the building face b. Windows on 15 percent of the garage door c. Natural wood finish d. A recess of at least three (3) feet behind the primary dwelling e. Use of multiple materials finish or colors 	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>
C. Windows and Doors	
<p>These standards apply to all residential housing development except for Multi-family development.</p> <p>A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. 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.</p>	<p>Building elevations adjacent to streets and common courtyards should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.</p>
Additional provisions:	None
D. Detailed design¹	
<p>1. All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. 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.</p>	<p>Primary building elevations adjacent to streets and common courtyards should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.</p> <p>All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below.</p> <p>For corner lots, this standard applies to both street-facing elevations.</p> <p>a. Porches, entries and other offsets:</p> <ul style="list-style-type: none"> 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. 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. iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other. iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room. <p>b. Roof elements:</p> <ul style="list-style-type: none"> i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls. ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other. iii. Any roofing materials other than asphalt shingles. iv. Gable roof, hip roof, shed roof, or gambrel roof design. v. Dormer that is at least four (4) feet wide. vi. Decorative eave braces. 	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<ul style="list-style-type: none"> c. Window elements: <ul style="list-style-type: none"> i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep. ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade. iii. Bay window at least one (1) foot deep and three (3) feet wide. iv. Shutters on the exterior of ground floor windows. v. Window Grids. d. Garage elements: <ul style="list-style-type: none"> i. 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. ii. A balcony that extends out over the garage and includes columns. iii. Two separate doors for two car garages instead of one large door. iv. Decorative windows on the garage door. v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. e. Building materials: <ul style="list-style-type: none"> i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed). ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade. iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed). iv. Belly band trim v. Four (4) Paint Color Scheme 	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
Additional provisions:	None
E. Building Materials	
Prohibited building materials include: <ol style="list-style-type: none"> 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.
F. 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.
G. House plan variety	
This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters. <ol style="list-style-type: none"> 1. 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 facade. 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. 2. 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. <ol style="list-style-type: none"> a. For this standard a townhome block is the entire structure of attached townhome units. b. This standard does not apply to individual units within the townhome block. c. 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. 3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the 	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.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.</p> <p>4. 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.</p> <p>5. 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.</p> <p>6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.</p> <p>7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.</p> <p>8. 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.</p>	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>

Notes:

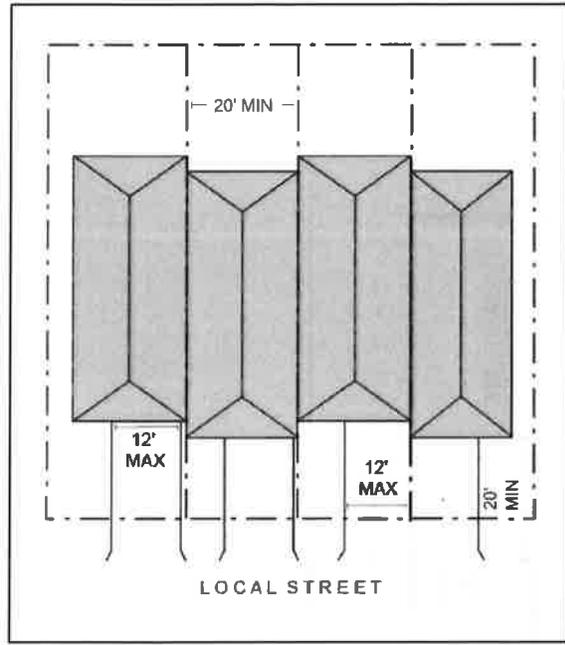
- The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.

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D. Illustrations

16.14.020 – Additional Townhome Design Standards

Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

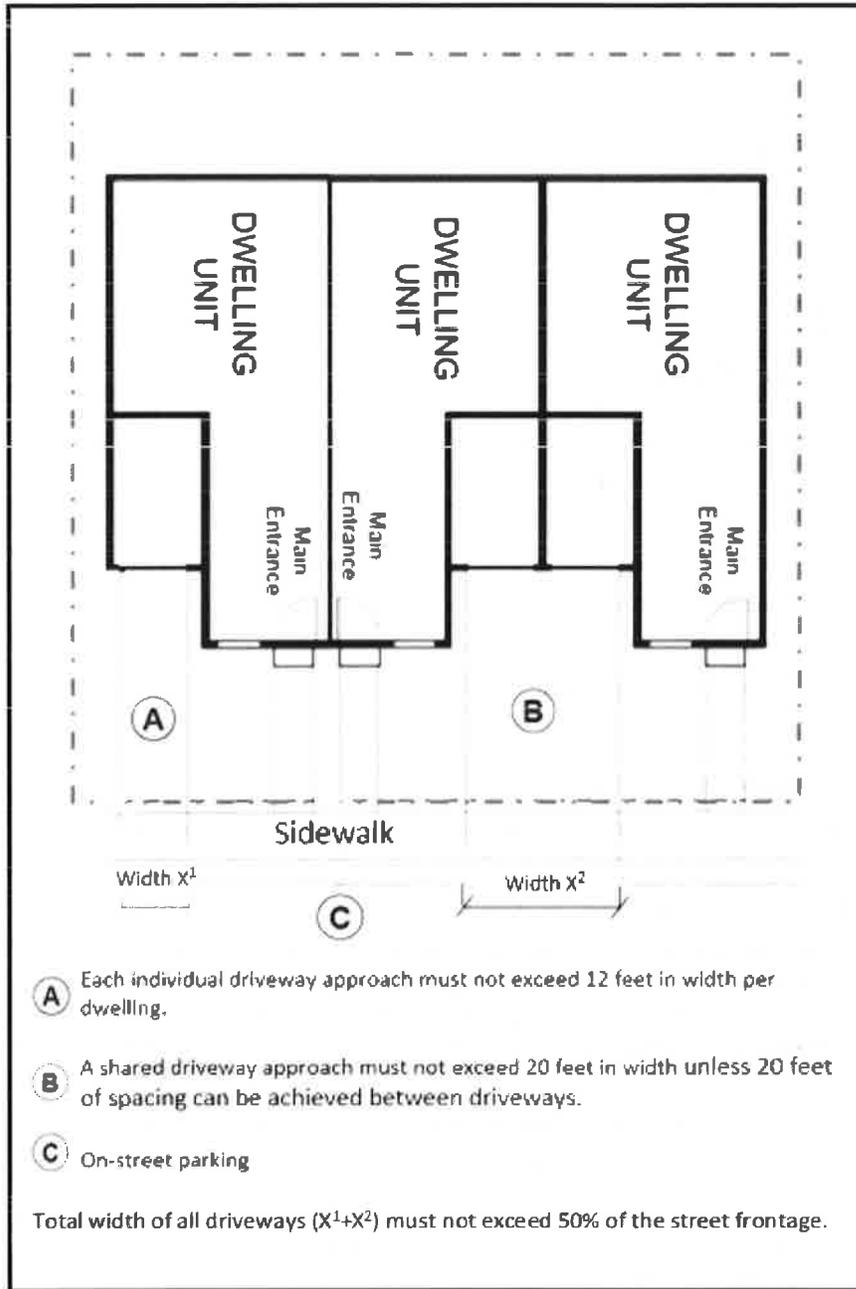
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. Each individual driveway approach must not exceed 12 feet in width per dwelling served by the driveway.
2. Total width of all driveways shall not exceed 50 percent of the street frontage.
3. To maximize on-street parking opportunities, shared driveways are required, unless access is obtained from a public alley. A shared driveway is a single driveway serving two units. Developments with an odd number of units are permitted one (1) single unit driveway. A shared driveway approach must not exceed 20 feet in width unless a minimum of 20 feet of spacing can be achieved between driveways.
4. Driveway approaches must meet applicable driveway spacing standards for local streets.
5. In addition, lots or parcels with more than one frontage must comply with the following:
 - 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. If classifications are identical, access can be taken from either or both, subject to the other requirements of this code.
 - 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.

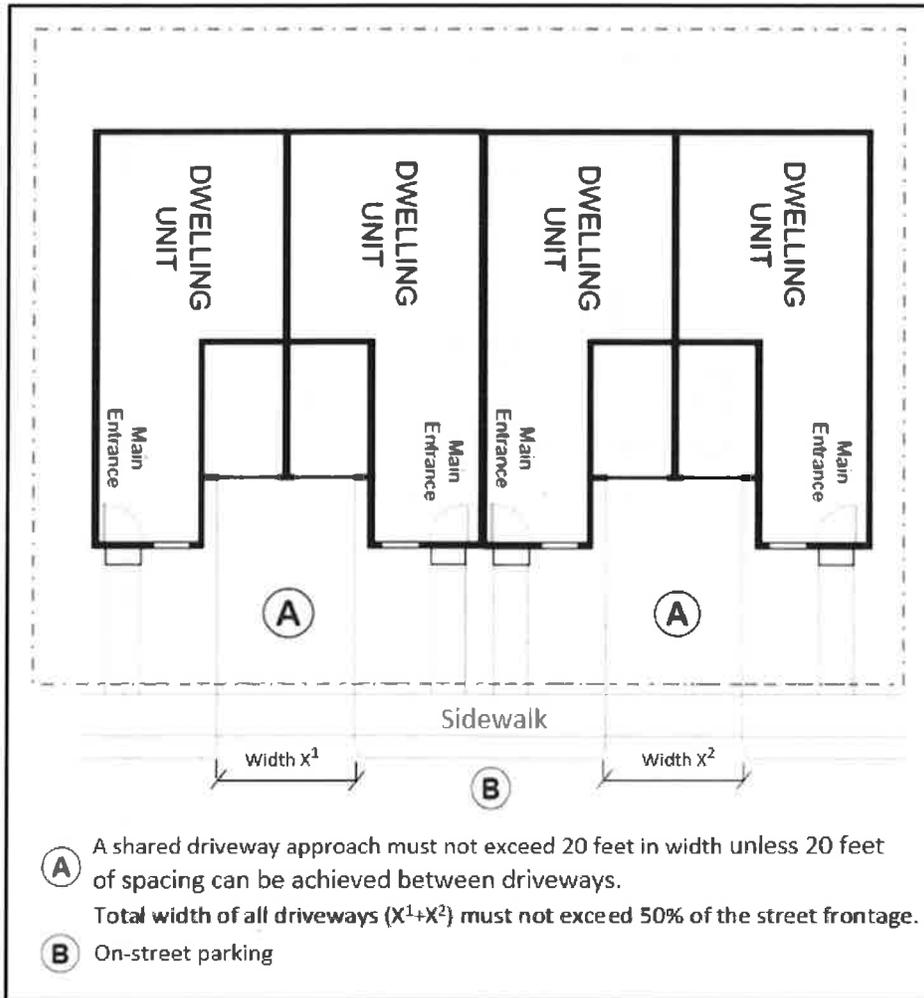
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Figure 11-A. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



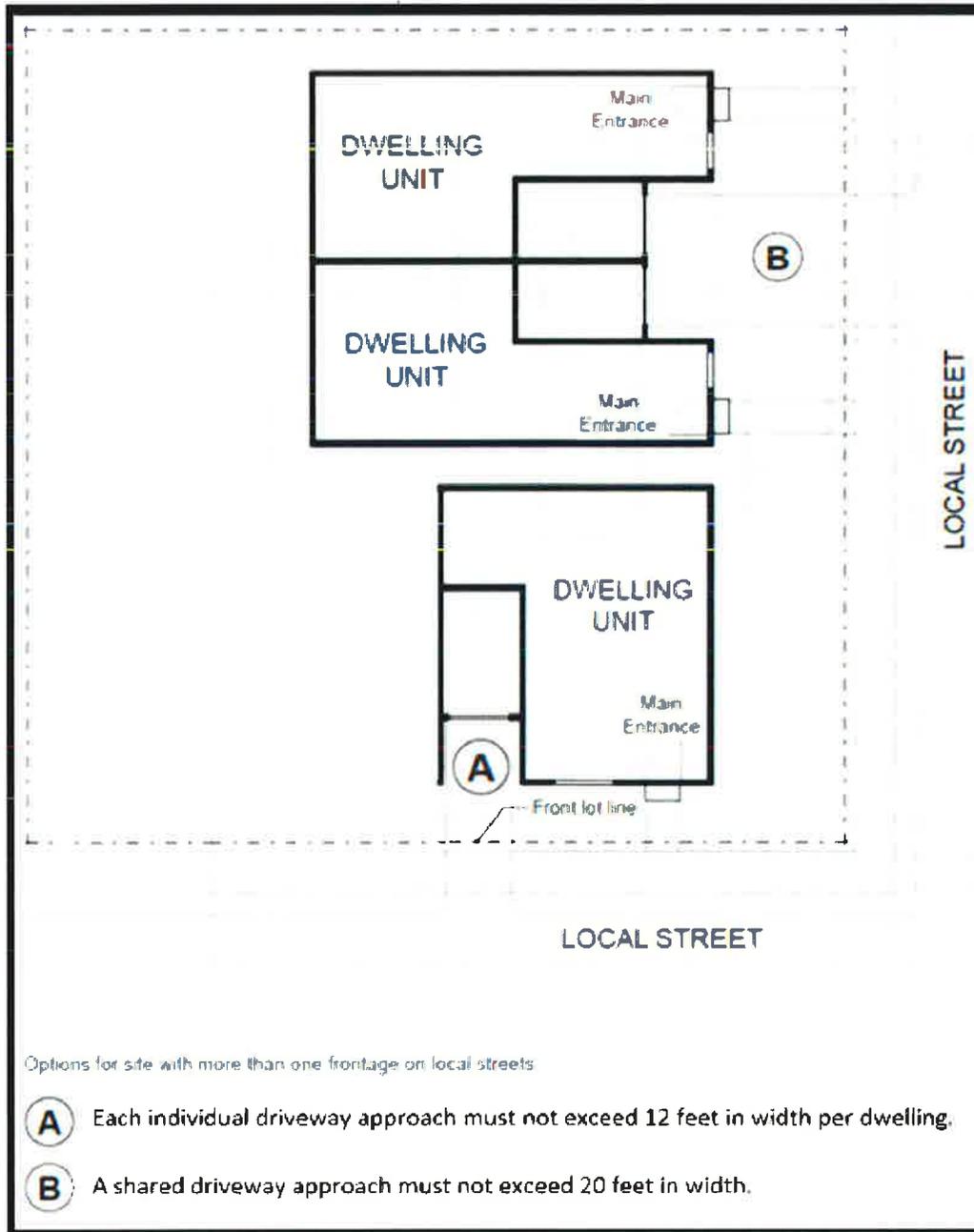
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Figure 11-B. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



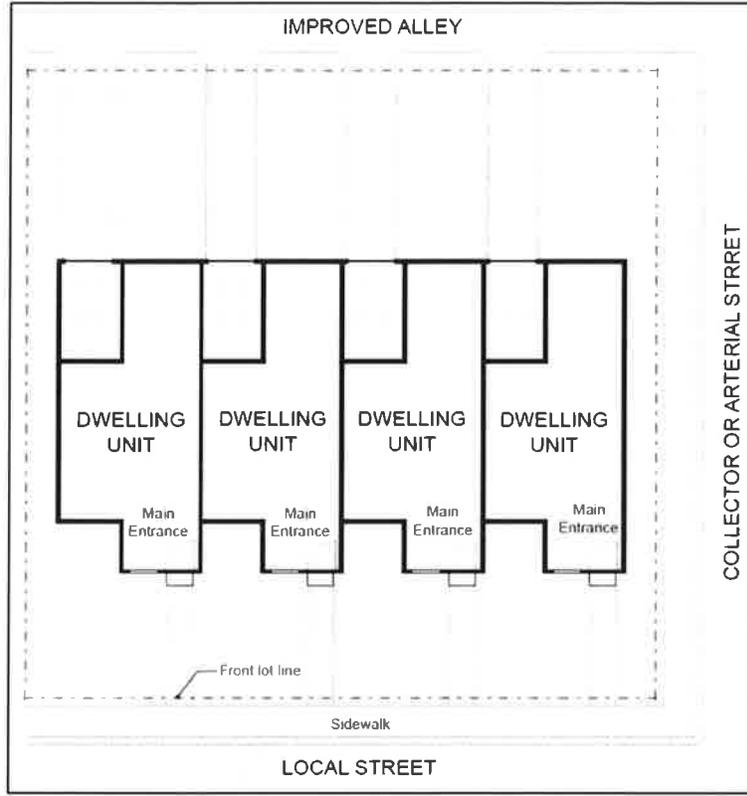
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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage



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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. A cottage cluster development may consist of one or more clusters. A cluster is a group of cottages sharing a single common courtyard.
2. Cottage clusters must include at least 4 dwellings and no more than 12 dwellings are allowed to share a single common courtyard.
3. The footprint of individual cottage units within a cottage cluster must be less than 900 sq. ft. An attached carport up to 200 sq. ft. may be exempted from the building footprint calculation.
4. Garages are not allowed in Cottage Cluster development.

C. Design Standards

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Each cottage shall have the master bedroom located on the main floor.

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3. The second floor of each cottage cannot exceed 50 percent of the square footage of the first floor.
4. Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards:
 - a. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common courtyard, defined as meeting all of the following requirements:
 - 1) Have a main entrance facing the common courtyard;
 - 2) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard; and
 - b. Cottages not facing the common courtyard must have their main entrances facing a pedestrian path that is directly connected to the common courtyard or, only if the entrance to the cottage is located within 20 feet of a street property line, may have their main entrances facing the street.
5. 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 courtyard must be a single, contiguous area of land.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard 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 courtyard shall not exceed 75 percent of the total area.
 - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
6. Community Buildings. Cottage cluster developments 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. One single-story community building that has a maximum of 1,800 square feet is allowed per cottage cluster development.
 - b. The primary use for the community building is not a primary residence and long-term rental (rental to any guest for a period exceeding thirty (30) consecutive calendar days) is not allowed.
 - 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.
7. 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) Any community buildings; and

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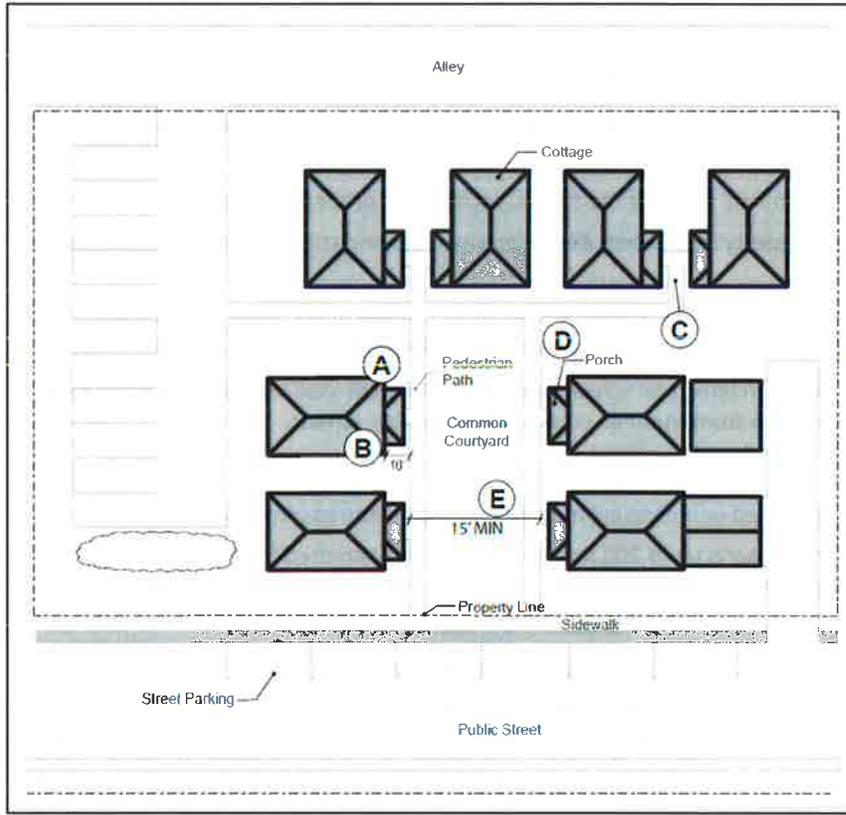
- 4) Sidewalks in public rights-of-way abutting the site, or roadways if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
 8. Windows. Cottages must meet the window standards per Table 16.14-1 Residential Design Standards.
 9. Parking Design.
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster developments are permitted parking clusters of not more than six (6) contiguous spaces.
 - ii. Parking clusters must be separated from other parking spaces by at least four (4) feet of landscaping.
 - iii. Clustered parking areas may be covered.
 - b. Off-street parking spaces and vehicle maneuvering areas (other than driveways and drive aisles) 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. Carports
 - 1) Carports (whether shared or individual) must not abut common courtyards.
 - 2) Individual attached carports up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - 3) Individual detached carports must not exceed 400 square feet in floor area.
 10. Vehicular Access – a public alley can be utilized for vehicular access.
 11. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 50 square feet in floor area, with a maximum of one (1) per unit, and are subject to the standards of Chapter 16.50.
 12. Existing Structures. On a lot or parcel to be used for a cottage cluster development, a pre-existing single family detached dwelling may remain within the cottage cluster development 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.4.
- 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. The Architectural Pattern Book required under Section 16.40.020.B.6, shall comply with the Residential Design Standards in Table 16.14-1.

E. Condominium Process. Cottage Cluster condominiums shall meet the standards in Section 16.120.090 CONDOMINIUMS.

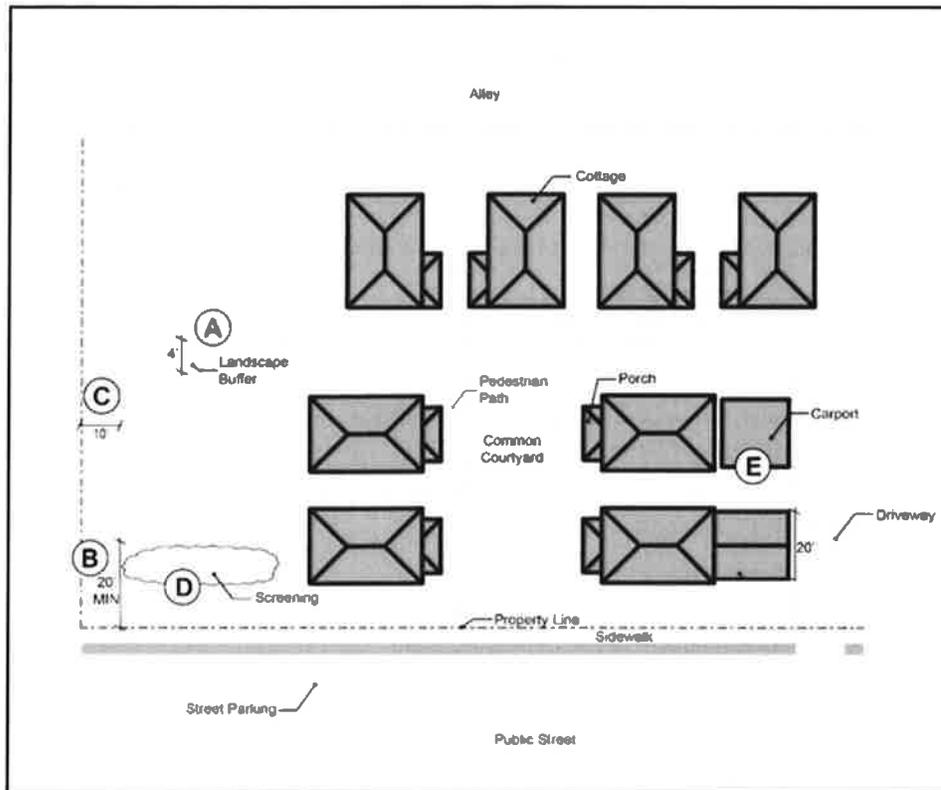
Figure 14. Cottage Cluster Orientation and Courtyard Design



- 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



- (A)** Parking allowed in clusters of up to 6 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Carports must not abut the common courtyard.

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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. Applicants are not required to use the PUD process in this Chapter and can instead use the clear and objective processes available through other chapters of this Code. The PUD process is intended to be an alternative option an applicant may select in lieu of the clear and objective processes in order to allow creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards. As such, approval of a PUD is based on discretionary standards.
- B. The PUD process 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 may be considered only:

1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
 - a. Natural features such as floodplains, wetlands, and extreme topography, or
 - b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or
3. For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or
4. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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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

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 detached dwellings, middle housing dwelling types, zero-lot line housing, 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 16.50 - 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 16.68 - 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 16.68.030;

(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 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 fifteen (15) 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.

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Division IV. - PLANNING PROCEDURES

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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 family 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.
 - (3) 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.
 - (6) Multi-Family dwelling - A structure consisting of five (5) or more dwelling units on the same parcel or lot. Multi-Family-dwelling homes include, but are not limited to garden apartments, apartments, condominiums. Multi-family dwellings do not include townhomes, which are located on individual lots.
 - (7) 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 - 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 and will be implemented at time of Residential Building Permit submittal. 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.(multi-family dwellings are subject to Section 16.90 review):

1. Accessory Dwelling Unit
2. Single detached dwelling
3. Duplex
4. Townhouse
5. Triplex
6. Quadplex
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).

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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.
 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 5 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 5 to 10 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

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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.

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Division V. - COMMUNITY DESIGN

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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 Family 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 16.94 - OFF-STREET PARKING AND LOADING

[...]

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 standards are per OAR Division 46)

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

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<ul style="list-style-type: none"> Lot area equal to or greater than 5,000 SF and less than 7,000 SF 	3 spaces total		
<ul style="list-style-type: none"> Lot area equal to or greater than 7,000 SF 	4 spaces total	None	None
Townhome	1 space per unit	None	None
Cottage Cluster	1 space per unit	None	None
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 dwelling (includes 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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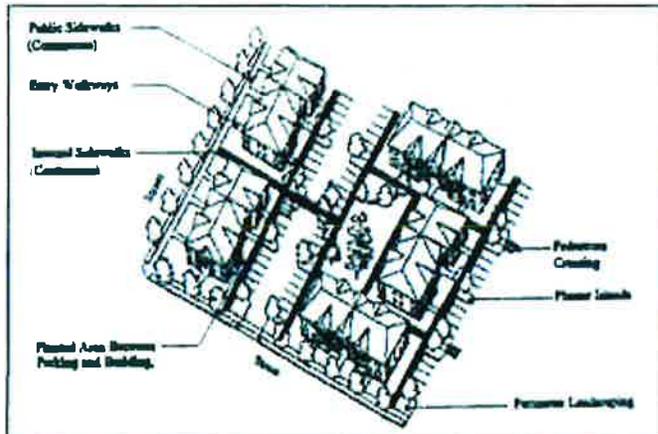
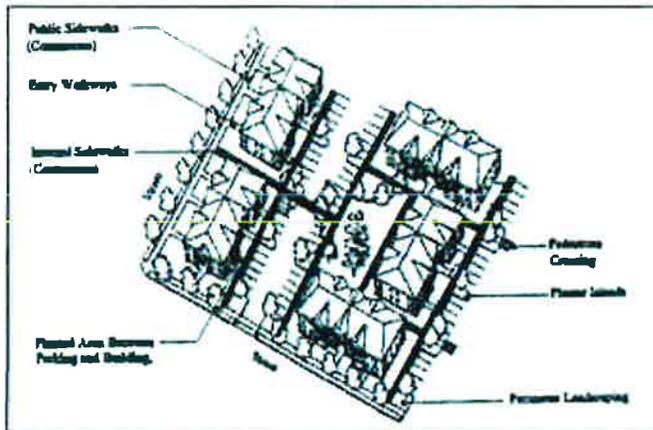
Chapter 16.96 - ON-SITE CIRCULATION

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 other than cottage clusters), 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 Family 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

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egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

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%.
2. 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.
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.
5. 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
5—49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

5. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

B. Sidewalks, Pathways and Curbs

1. Single Family Detached, Duplex, Triplex, Quadplex, Townhome, Cottage Cluster, and Manufactured Home on Individual Residential Lot: on-site sidewalks and curbs are not required when part of a proposed partition or subdivision. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.

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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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Division VI. - PUBLIC INFRASTRUCTURE

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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 - 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 family detached dwellings 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 family-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.

[...]

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

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Chapter 16.120 - SUBDIVISIONS^[51]

[...]

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

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

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.090 CONDOMINIUMS

A. Definition

A condominium is a building, or group of buildings, in which units are individually owned, and the shared structures, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis.

B. Procedure

A proposal for new construction of a condominium or conversion of existing units into condominiums is reviewed through the procedure applicable to the housing type (e.g., multi-family development or middle housing). All condominium proposals must meet the appropriate requirements of ORS Chapter 100 (Condominiums).

C. Public Improvements

1. An applicant must demonstrate adequate water, sanitary sewer and other public facilities exist to support the proposed condominium development. For the purposes of this section:

- a. Adequate water service shall mean: Ability to connect to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards.
- b. Adequate sanitary sewer service shall mean: Ability to connect to the City sanitary sewer system and the City sanitary sewer system has the capacity to provide service in compliance with City standards, if City sanitary sewer lines are located within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.
- c. Installation of private on-site septic sewage disposal facilities shall be deemed adequate when the lot proposed for condominiums is 15,000 square feet or more if the private on-site septic system is permitted by Washington County Health and City sewer lines are not located within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.
- d. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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2. An applicant must demonstrate that all public improvements required for the condominium development have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

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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.

[...]

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Division VIII. - ENVIRONMENTAL RESOURCES

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Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[...]

16.142.030 – All 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.
- 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 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.

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- 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.

[...]

16.142.070 - Trees on Property Subject to Certain Land Use Applications

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 – All Residential Developments subject to Type II-V 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

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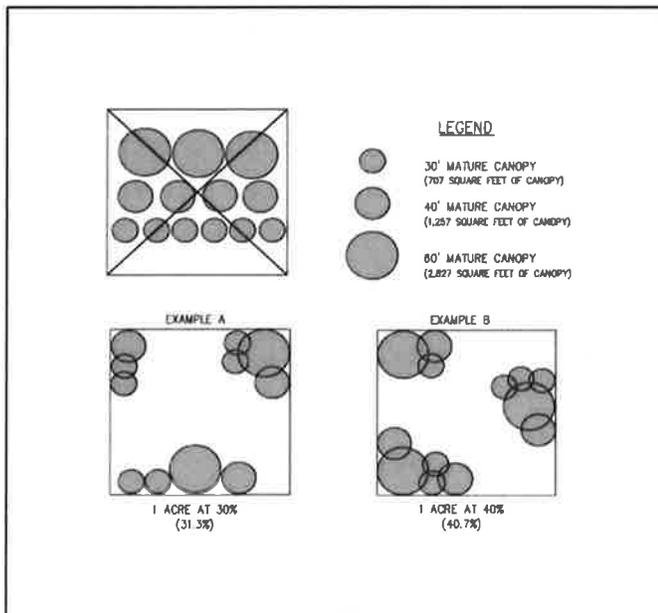
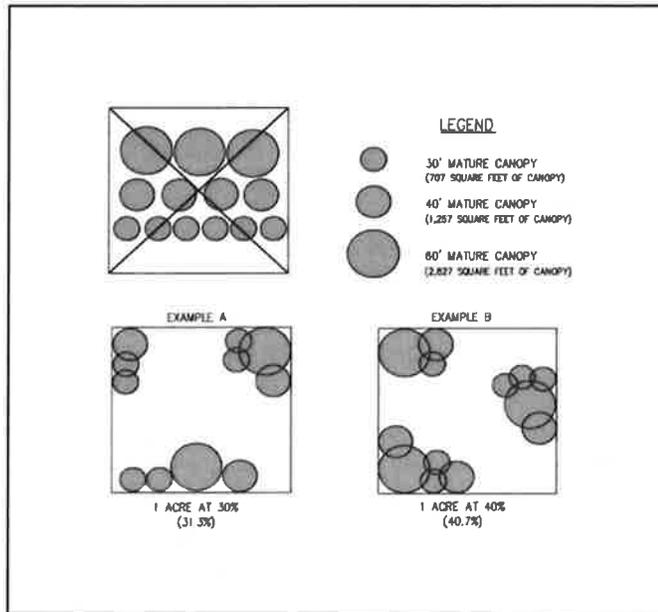
equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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 (single family detached and middle housing developments) subject to Residential Design Checklist or Type I review	Residential (single family detached and middle housing developments) subject to Type II-IV review	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-Family dwelling
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>				

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Canopy Calculation Example: Pin Oak
Mature canopy = 35'
(3.14159 * 17.5²) = 962 square feet



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

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said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per 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.

[...]

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.

B. Residential (Single Family Detached and 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

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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.

[...]

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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 or single detached, or middle housing development in residential zones.

16.156.030 - 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)

16.156.040 - 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)

END OF PROPOSED AMENDMENTS

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DEVELOPMENT CODE CROSS REFERENCES TABLE

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