

COPY

CITY OF SHERWOOD

ORDINANCE NO. 2001-1123

**AN ORDINANCE AMENDING THE SHERWOOD ZONING
& COMMUNITY DEVELOPMENT CODE AT SECTIONS 1.200,
2.104, 2.105 AND 2.204; (CASE NO. PA 01-02;
TOWNHOME DESIGN STANDARDS);
DECLARING AN EMERGENCY**

WHEREAS, the Sherwood Planning Commission has recommended to the Sherwood City Council amendments to the Sherwood Zoning & Community Development Code to allow for Townhome Design Standards; and

WHEREAS, the City Council has held hearings on this matter and considered the testimony given and the recommendation of the Sherwood Planning Commission; and

WHEREAS, the Sherwood City Council has determined that it is necessary and appropriate to amend the Sherwood Zoning & Community Development Code as set forth herein; and

WHEREAS, the Council finds that the City should respond immediately to the demand for owner-occupied, affordable housing of this type in the passage of this ordinance; and

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

Section 1.

FINDINGS. The Sherwood City Council hereby finds that such amendments meet the criteria set forth in state law and the Sherwood Zoning & Community Development Code and the Sherwood Comprehensive Plan.

Section 2.

AMENDMENT TO THE SHERWOOD ZONING & COMMUNITY DEVELOPMENT CODE. The Sherwood Zoning & Community Development Code is hereby amended by the adoption of Townhome Design Standards at Section 2.204 and a definition of townhomes in Section 1.200 (Definitions) as set forth in Attachment "A"

attached hereto; and at Section 2.104 (Medium Density Residential High (MDRH)), Section 2.105 (High Density Residential (HDR) as set forth in Attachment "B" attached hereto, and by this reference incorporated herein.

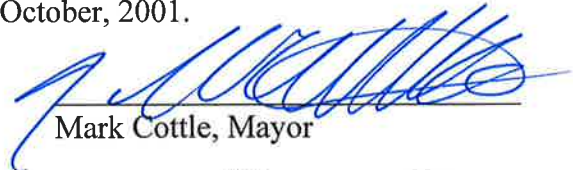
Section 3.

SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid, unconstitutional, or is denied acknowledgment by any court or board of competent jurisdiction, including, but not limited to the Land Use Board of Appeals, the Land Conservation and Development Commission and the Department of Land Conservation and Development, then such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

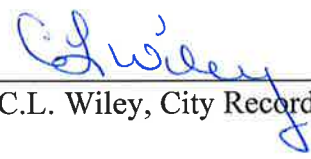
Section 4.

EMERGENCY CLAUSE. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the City Council and approval by the Mayor.

Duly passed by the City Council this 9th day of October, 2001.


Mark Cottle, Mayor

ATTEST:


C.L. Wiley, City Recorder

	<u>Aye</u>	<u>Nay</u>
Heironimus	<u>X</u>	—
Durrell	—	<u>X</u>
Claus	<u>X</u>	—
Weeks	<u>X</u>	—
Mays	<u>X</u>	—
Fox	<u>X</u>	—
Cottle	<u>X</u>	—

Attachment "A"

TOWNHOME DESIGN STANDARDS

1.200 DEFINITIONS

1.202.164A Townhome: 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.

2.204 TOWNHOMES

2.204.01 Townhome Standards

A. Generally

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development provided that the townhome meets the standards contained below, and other applicable standards of Chapter 5 Community Design. Such developments that propose townhomes shall do so in groups known as "townhome blocks", which consist of groups no less than two attached single family dwellings, that meet the general criteria of 2.204.02 below, and specific design and development criteria of this Chapter.

B. Standards

1. Each townhome shall have a minimum ground floor area of one thousand (1,000) square feet in the MDRH zone, and nine hundred (900) square feet in the HDR zone.
2. Lot sizes shall average a minimum of two thousand-five-hundred (2,500) square feet in the MDRH zone, and eighteen hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill", and meets the criteria of 2.204.04 below. Lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.
3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single family detached housing.
4. All townhomes shall include at least 2 off-street parking spaces in the HDR zone, and 2.5 spaces in the MDRH zone; garages and/or designated parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-

in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application

5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Chapter 2.204.05, Design Standards.
6. All townhomes in the MDRH zone shall have an attached or detached garage.
7. All other community design standards contained in Chapters 5, 8 and 9 relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by Section 2. shall apply to townhome blocks.
8. Developments over 2 acres shall accommodate an open space area no less than 5% (percent) of the total subject parcel. Parking areas may be counted toward this 5% requirement.
9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:

Greater than 140':	10' minimum
120' to 140':	8' minimum
100' to 120':	6' minimum

Less than 100': 5' minimum

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

C. Occupancy

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

D. Infill Standard

The minimum lot size required for single family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1 acre (43,560 sf) or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.

E. Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of Chp. 5.102, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

- 1. Building Mass:** The maximum number and width of consecutively attached townhouses shall not exceed (8) units, or (180) feet from end-wall to end-wall.
- 2. Designation of Access / Alleys:** Townhouses shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval.
- 3. Street Access:** Townhouses receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.
 - a. When garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of (1) one foot.
 - b. The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is sixty (60) percent of the total building width. For example, a 20-foot wide unit may have one 12-foot wide recessed garage door facing the street.
- 4. Building Design:** The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.
 - a. The front façade of a townhouse may not include more than forty percent (40%) of garage door area.

b. The roofs of each attached house must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel or gabled roofs are required. Flat roofs are not permitted.

c. A minimum of fifty percent (50%) of the residential units within in a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard and street-side yard setbacks, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 2.301.

d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.

e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in façade. A minimum of fifty percent (50%) of front street-facing elevations, and a minimum of (20%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story.

f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3 stories, or a maximum of 40 feet in height if located more than 150 feet from adjacent properties in single family (detached) residential use.

g. Townhomes developments which propose alley-loaded garages shall provide a mix of street-access garages, unless impractical due to lot depth, the proximity or function of local streets, or other factors identified in the parking plan.

5. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:

a. Thirty-six (36) feet, with parking allowed on two (2) sides.

b. Any street within the townhome block that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.

Attachment "B"

2.104 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)

2.104.01 Purpose

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing on individual lots, multi-family housing, and other related uses, with a density not to exceed eleven (11) dwelling units per acre.

2.104.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Manufactured homes on individual lots as per Section 2.205.01.
- D. Multi-family dwellings.
- E. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- F. Home occupations, subject to Section 2.203.
- G. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- H. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- I. PUDs, subject to Sections 2.202 and 2.101.07.
- J. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- K. Residential care facility.
- L. **Townhomes, subject to Section 2.204.**

2.104.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

2.104.04 Dimensional Standards

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

dimensions, area, setbacks or other requirements, except as permitted by Section 4.400.

A. Lot Dimensions

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

1. Lot areas:
 - a. Single-Family Detached: 5,000 sq ft
 - b. Single-Family Attached (duplex): 4,000 sq ft
 - c. Two-Family: 8,000 sq ft
 - d. Manufactured Homes: 5,000 sq ft
 - e. Multi-Family: 8,000 sq ft
(for the first two (2) units & 3,200 sq ft for each additional unit)
2. Lot width at front property line: 25 feet
3. Lot width at building line:
 - a. Single-Family: 50 feet
 - b. Two-Family & Multi-Family: 60 feet
 - c. Manufactured Homes: 50 feet
4. Lot depth: 80 feet
5. **Townhome lots are subject to Section 2.204**

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
 - a. Single-Family Detached: 5 feet
Corner Lot (street side): 15 feet

- b. Single-Family Attached (one side): 5 feet
- c. Two-Family: 5 feet
Corner Lot (street side): 15 feet
- d. Manufactured Home: 5 feet
Corner Lot (street side): 15 feet
- e. Multi-Family:
 - 1 Story: 5 feet
 - 2 Stories 7 feet
 - 2-1/2 Stories 8 feet
 - Corner Lot (street side) 20 feet
- 3. Rear yard: 20 feet
- 4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.
- 5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.
- 6. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.
- 7. **Townhomes, subject to Section 2.204.**

C. Height

Except as otherwise provided the maximum height of structures shall be two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. **Height of townhomes may be 3 stories, subject to Section 2.204.**

2.104.05 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapters 5, 8 and 9.

2.104.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.105 HIGH DENSITY RESIDENTIAL (HDR)

2.105.01 Purpose

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed sixteen (16) dwelling units per acre.

2.105.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Manufactured homes on individual lots as per Section 2.205.01.
- D. Multi-family dwellings, including boarding and rooming houses.
- E. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- F. Home occupations, subject to Section 2.203.
- G. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
- H. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- I. PUDs, subject to Sections 2.202 and 2.101.07.
- J. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.
- K. Residential Care Facility.
- L. Special Care Facilities including but not limited to convalescent homes, nursing homes, specialized living facilities and assisted living facilities.
- M. **Townhomes, subject to Section 2.204.**

2.105.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- H. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- I. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- J. Raising of animals other than household pets.
- K. Public golf courses.

2.105.04 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Section 4.400.

ORDINANCE NO. 2001-1123

October 9, 2001

Page 12 of 14 with Exhibits A & B Attached

A. Lot Dimensions

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

1. Lot areas:
 - a. Single-Family Detached: 5,000 sq ft
 - b. Single-Family Attached: 4,000 sq ft
 - c. Two-Family: 8,000 sq ft
 - d. Multi-Family: 8,000 sq ft
(for the first two (2) units & 2,200 sq ft for each additional unit)
2. Lot width at front property line: 25 feet
3. Lot width at building line:
 - a. Single-Family: 50 feet
 - b. Two-Family & Multi-Family: 60 feet
4. Lot depth: 80 feet
5. **Townhome lots are subject to Section 2.204.**

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
 - a. Single-Family Detached: 5 feet
Corner Lot (street side): 15 feet
 - b. Single-Family Attached (one side): 5 feet
 - c. Two-Family: 5 feet
Corner Lot (street side): 15 feet
 - d. Multi-Family:

1 Story: 5 feet
2 Stories 7 feet
2-1/2 Stories 8 feet
Corner Lot (street side) 30 feet

3. Rear yard: 20 feet
4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.
5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.
6. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.
7. **Townhomes, subject to Section 2.204.**

C. Height

Except as otherwise provided the maximum height of structures shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

2.105.05 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapters 5, 8 and 9.

2.105.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.