

**City of Sherwood, Oregon
Ordinance 2006-0009**

**AN ORDINANCE APPROVING A PLAN TEXT AMENDMENT: ADDING AND
UPDATING THE TEXT OF THE SHERWOOD ZONING AND COMMUNITY
DEVELOPMENT CODE (SZCDC) CHAPTER 1 – DEFINITIONS & CHAPTER 9
– HISTORIC RESOURCES; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Planning Commission 2005 Work Program included a comprehensive review and update to Chapter 9 – Historic Resources of the SZCDC (Part 3) to revise and improve historic preservation standards, design standards, and refine the role of the Landmarks Advisory Board; and

WHEREAS, the Sherwood Planning Commission conducted a public hearing on the proposed plan text amendment (PA 05-04) on October 25, 2005, December 13, 2005, and February 28, 2006 and recommended approval of the plan text amendment to the City Council; and

WHEREAS, the SZCDC Code Section 4.203.01 specifies the criteria to approve a change in the Comprehensive Plan Text, and that the Sherwood City Council finds that the proposal complies based on the findings of fact and conclusions of law the Planning Commission made in their own deliberation; and

WHEREAS, the Sherwood City Council has received the Planning staff report (PA 05-04), the Planning Commission findings, and the Council reviewed the materials submitted and the facts of the proposal and conducted a public hearing on March 21, 2006.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review & Public Hearings. That the proposal by the Planning Commission for a Plan Text Amendment (city file No. PA 05-04) to amend the Sherwood Zoning and Community Development Code Sections in Chapter 9 ("Exhibit A") was subject to full and proper review and public hearings were held before the Planning Commission on October 25, 2005, December 13, 2005, February 28, 2006 and the City Council on March 21, 2006.

Section 2. Findings. That after full and due consideration of the application, the City Staff report ("Exhibit B"), the record, findings, and of the evidence presented at the public hearing, the Council finds that the text of the SZCDC should be amended to address historic preservation standards in the Old Cannery Area (Section 9.202.08) and add design standards for the Smockville area (Section 9.202.09), amend dimensional standards (Section 9.202.06), allow certain conditional uses in the Old Cannery Area (Section 9.202.04), redefine the role of the Landmarks Advisory Board (Section 9.300), accurately reflect such applicable ORS changes, add applicable definitions to Section 1.200, and

provide consistency in the Code; therefore, the Council adopts the findings of fact contained in the Planning Commission staff report dated October 18, 2005, and City Council staff reports of March 21, April 4, and June 6, 2006.

Section 3. Approval. That the proposal for Plan Text Amendment (PA 05-04) is hereby **APPROVED** as stipulated in the document labeled "Exhibit A" and attached to this ordinance.

Section 4. Manager Authorized. The Planning Supervisor is hereby directed to take such action as may be necessary to document this amendment, including preparation of a certified amendment of the Official City Zoning and Community Development Code in accordance with City ordinances and regulations.

Section 5. Effective Date. This ordinance shall become effective 30 days after its adoption.

Duly passed by the City Council this 6th day of June, 2006.


Keith S. Mays, Mayor

Attest:


Donna M. Martin, Deputy City Recorder

	<u>AYE</u>	<u>NAY</u>
Luman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PA 05-04 Chapter 9 – Historic Resources Code Update Plan Text Amendment
To Comprehensive Plan, Part 3
(Sherwood Zoning and Community Development Code)
“Exhibit A”**

June 6, 2006

CHAPTER 1

GENERAL PROVISIONS

Section	Page
1.100 INTRODUCTION.....	4
1.101 GENERALLY	4
1.102 ESTABLISHMENT OF ZONING DISTRICTS	4
1.103 PLANNING COMMISSION	7
1.104 HEARINGS OFFICER	9
1.200 DEFINITIONS	10
1.201 GENERALLY	10
1.202 SPECIFICALLY	10

CHAPTER 1

GENERAL PROVISIONS

1.100 INTRODUCTION

1.101 GENERALLY

1.101.01 Title

Title Ordinance shall be known as the City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City Comprehensive Plan, hereinafter referred to as the "Code".

1.101.02 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.

1.101.03 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City shall conform to the requirements of this Code, except as allowed by Section 2.206. Age, gender or physical disability shall not be an adverse consideration in making a land use decision as defined in ORS 197.015 § 10

1.101.04 Violations

Upon failure to comply with or maintain any provision of this Code, or with any restrictions or conditions imposed hereunder, the City may withhold or withdraw any City land use approvals, permits, licenses, or utility services until the appropriate correction(s) is made. Notwithstanding any such action taken by the City, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Code, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than five-hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1.101.05 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

1.101.06 Savings Clause

Should any section, clause or provision of this Code be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Code as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.101.07 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the City are superseded and replaced by this Code.

1.101.08 Regional, State and Federal Regulations

All development within the City shall adhere to all applicable regional, State and Federal air quality, water quality, noise, odor, building, wetlands, solid waste, natural resource, and other regulations and statutes.

1.101.09 Community Development Plan

This Code shall be administered in conjunction with, and in a manner that is consistent with, the policies and strategies adopted in the City of Sherwood, Oregon, Community Development Plan, Part 2 of the City Comprehensive Plan. The City Zoning Map, the Transportation Plan Map, the Natural Resources and Recreation Plan Map, the Water Service Plan Map, the Storm Drainage Plan Map, and the Sanitary Sewer Service Plan Map are extracted from the Community Development Plan, and attached to this Code as appendices. References to these maps shall be

deemed to include all applicable policies, standards and strategies contained in Chapters 4, 5, 6, and 7 of the Community Development Plan.

1.102 ESTABLISHMENT OF ZONING DISTRICTS

1.102.01 Districts

For the purposes of this Code, the City is hereby divided into the following zoning districts:

Very Low Density Residential	VLDR
Low Density Residential	LDR
Medium Density Residential-Low	MDRL
Medium Density Residential-High	MDRH
High Density Residential	HDR
Neighborhood Commercial	NC
Office Commercial	OC
Office Retail	OR
Retail Commercial	RC
General Commercial	GC
Light Industrial	LI
General Industrial	GI
Flood Plain Overlay	FP
Institutional/Public	IP
Old Town Overlay	OT

1.102.02 Official Map

Zoning district boundaries are shown on the Official Plan and Zoning Map of the City. This Map is made part of this Code by reference, and shall be kept on file in the City Recorder's office. Any future changes to the zoning of land within the City shall be appropriately depicted on the Plan and Zoning Map and certified as to the date of amendment. The Official Plan and Zoning Map shall be the first and final reference point for verifying other land use mapping and in determining actual zoning district boundaries. A dated reproduction of the Official Plan and Zoning Map is attached as Appendix A.

1.102.03 Zoning District Boundaries

The Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Official Plan and Zoning Map, the Commission shall rely on the following guidelines:

- A. Unless otherwise indicated, zoning district boundaries are the centerlines of streets, roads, highways, alleys, or such lines extended.

- B. Where a boundary line follows or nearly coincides with a section, lot or property ownership line, the boundary shall be construed as following such line.
- C. In the event that a dedicated street, road, highway, or alley is vacated by ordinance, the zoning regulations applicable to abutting property shall apply up to the centerline of such rights-of-way.
- D. If a right-of-way is vacated in total to one (1) property, the zoning of that property shall apply to the total vacated right-of-way.

1.102.04 Urban Growth Area

The zoning districts shown on the Official Plan and Zoning Map, for land outside of the incorporated area of the City but within the Urban Growth Boundary, shall serve as a guide to development in these areas. Actual land use regulation and development shall be controlled under the terms of the Urban Planning Area Agreement between the City and Washington County. This Agreement is made part of this Code by reference and is attached as Appendix H. An area incorporated into the City shall, upon annexation, be given an interim zoning consistent with the Official Plan and Zoning Map. The City shall provide notice of this interim zoning as per Section 3.202.03. No hearing shall be required and the interim zoning shall be considered final thirty (30) days after mailing of said notice.

1.103 PLANNING COMMISSION

1.103.01 Appointment and Membership

- A. The City Planning Commission shall consist of seven (7) members to be appointed by the Council for terms of four (4) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Commission members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Commission member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. No more than two (2) Commission members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for

profit. No more than two (2) members shall be engaged in the same kind of business, trade or profession.

1.103.02 Officers, Minutes, and Voting

- A. The Commission shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Commission.
- B. Before any meeting of the Commission, public notice shall be given as required by State statute and this Code. Accurate records of all Commission proceedings shall be kept by the City, and maintained on file in the City Recorder's office.
- C. A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

1.103.03 Conflicts of Interest

- A. Commission members shall not participate in any Commission proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by a Commission member in a land use action as per Section 1.103.03A shall be disclosed by that member at the meeting of the Commission where the action is being taken. Commission members shall also disclose any pre-hearing or ex parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Commission. Ex-parte contacts shall not invalidate a final decision or action of the Commission, provided that the member receiving the contact indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

1.103.04 Powers and Duties

Except as otherwise provided by law, the Commission shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances.

1.104 HEARINGS OFFICER

1.104.01 Appointment

- A. The City Council shall appoint a Hearings Officer for a term of two (2) years. The Hearings Officer shall be selected after requesting applications and interviewing selected candidates. The Hearings Officer may be terminated by a majority vote of the City Council.
- B. If the office of Hearings Officer is vacant or the Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.

1.104.02 Minutes

Before any meeting of the Hearings Officer, public notice shall be given as required by state statute and this Code. Accurate records of all Hearings officer proceedings shall be kept by the City and maintained on file in the City Recorder's Office.

1.104.03 Conflicts of Interest

- A. The Hearings Officer shall not participate in any proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, the Hearings Officer shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by the Hearings officer in a land use action shall be disclosed by the Hearings officer at the meeting where the action is being taken. The Hearings Officer shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Hearings Officer. Ex-parte contacts shall not invalidate a final decision or action of the Hearings Officer, provided that the Hearings Officer indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

1.104.04 Powers and Duties

Except as otherwise provided by law, the Hearings Officer shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, this Code, and City ordinances.

1.200 DEFINITIONS

1.201 GENERALLY

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1.202 SPECIFICALLY

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

- 1.202.01 Abut:** Contiguous to or adjoining with a common property line or right-of-way.
- .02 **Access:** The way or means by which pedestrians and vehicles enter and leave property.
- .03 **Accessory Building/Use:** A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.
- .04 **Alteration:** An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.
- .05 **Apartment:** Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.
- .06 **Assisted Living Facilities:** A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

- .07 **Automobile Sales Area:** An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done, except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.
- .08 **Basement:** Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.
- .09 **Board-and-batten:** Wall covering composed of solid wood wide boards, and solid wood narrow strips. Wide boards are attached vertically with small spaces remaining. Narrow strips, or batten, are attached over spaces between boards.
- .10 **Boarding or Rooming House:** Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.
- .11 **Building:** Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings shall be deemed a separate building.
- .12 **Building Area:** That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.
- .13 **Building, Existing:** Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.
- .14 **Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:
- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
 - B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in Section 1.202.12.A is more than ten (10) feet above lowest grade.
- .15 **Building Official:** The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.

- .16 **Building Permit:** A permit issued under the terms of the Uniform Building Code.
- .17 **Buffer:** A landscaped area, wall, berm or other structure or use established to separate and protect land uses.
- .18 **Change in Use:** A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.
- .19 **Church:** Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.
- .20 **City:** The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.
- .21 **Code:** The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.
- .22 **Co-Location:** The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.
- .23 **Commercial Trade School:** Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.
- .24 **Commission:** The City of Sherwood Planning Commission.
- .25 **Common-Wall Dwelling:** Dwelling units with shared walls such as two-family, and multi-family dwellings.
- .26 **Community Development Plan:** Part 2 of the City of Sherwood Comprehensive Plan.
- .27 **Compatible:** Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.
- .28 **Comprehensive Plan:** The City of Sherwood Comprehensive Plan.

- .29 **Conditional Use:** A use permitted subject to special conditions or requirements as defined in any given zoning district and Section 4.300 of this Code.
- .30 **Condominium:** An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.
- .31 **Convalescent Homes:** See Nursing Home in this Code.
- .32 **Council:** The City of Sherwood City Council.
- .33 **Day-Care Facility:** Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.
- .34 **Deed Restriction:** A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.
- .35 **Demolish:** To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.
- .36 **Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per net acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.
- .37 **Designated Landmark:** A property officially recognized by the City of Sherwood as important in its history, culture, or architectural significance.
- .38 **Designated Landmarks Register:** The list of, and record of information about, properties officially recognized by the City of Sherwood as important in its history.
- .39 **Development:** Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.

- .40 **Development Plan:** Any plan adopted by the City for the guidance of growth and improvement in the City.
- .41 **Drive-In Restaurant:** Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including any establishment designed for serving customers at a drive-up window or in automobiles.
- .42 **Dwelling Unit:** Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one (1) family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.
- .43 **Dwelling, Single-Family:** A structure containing one (1) dwelling unit.
- .44 **Dwelling, Single-Family Attached:** A single structure on two (2) lots, containing two (2) individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.
- .45 **Dwelling, Two-Family:** A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances. Also referred to as a duplex.
- .46 **Dwelling, Multi-Family:** A single structure containing three (3) or more dwelling units.
- .47 **Easement:** The grant of the legal right to use of land for specified purposes.
- .48 **Educational Institution:** Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 1.202.
- .49 **Expedited Land Division:** A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.
- .50 **Extraordinary Historic Importance:** The quality of historic significance achieved outside the usual norms of age, association, or rarity.

- .51 **Evergreen:** A plant which maintains year-round foliage.
- .52 **Ex-parte Contact:** Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.
- .53 **Extra Capacity Improvements:** Improvements that are defined as necessary in the interest of public health, safety and welfare by Chapter 5, 6, and 8 of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.
- .54 **Family:** One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.
- .55 **Family Day Care Provider:** A day care provider which accommodates fewer than thirteen (13) children in the provider's home.
- .56 **Fence:** Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.
- .57 **Fiber Board** (also pressboard or stucco board): A building material composed of wood chips or plant fibers bonded together with or without stucco and compressed into rigid sheets.
- .58 **Fiber Cement Board** (i.e. HardiPlank): A fire resistant building material composed of wood fiber and cement compressed into clapboard.
- .59 **Fire District:** Tualatin Valley Fire and Rescue.
- .60 **Flag Lot:** A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.

- .61 **Flood Plain:** The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.
- .62 **Floodway:** The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.
- .63 **Flood Fringe:** The area of the flood plain lying outside of the floodway.
- .64 **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".
- .65 **Footcandle:** A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.
- .66 **Frontage:** That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot facing a street, shall not be deemed the lot frontage.
- .67 **Garage:** A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.
- .68 **Government Structure:** Any structure used by a federal, state, local government, or special district agency.
- .69 **Ground Floor Area:** The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.
- .70 **Hard Surface:** Any man-made surface that prevents or retards the saturation of water into land, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impenmeable surface.
- .71 **Hazardous Waste:** Has the meaning given that term in ORS 466.005.
- .72 **Hearing Authority:** The City of Sherwood Planning Commission, City Council, Landmarks Advisory Board or Hearings Officer.

- .73 **Hearings Officer:** An individual appointed by the City Council to perform the duties as specified in this Code.
- .74 **Historic Integrity:** The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.
- .75 **Historic Resource:** A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:
- A. **Object:** A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.
 - B. **Site:** The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.
 - C. **District:** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential, neighborhood, military reservation, ranch complex, etc.
 - D. **Primary, Secondary, & Contributing:** Historic ranking in descending order based on four scoring criteria for surveyed properties – historical, architectural, use considerations, and physical and site characteristics.
- .76 **Historic Resources of Statewide Significance:** Buildings, structures, objects, sites, and districts which are listed on the Federal National Register of Historic Places.
- .77 **Hogged Fuel:** Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.
- .78 **Home Occupation:** An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of the family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- .79 **Hotel:** A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms

customarily do not contain full kitchen facilities, but may include kitchenettes.

- .80 **Homeowners Association:** A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, or parking maintenance, or other activities provided for by covenant or legal agreement.
- .81 **Household:** All persons occupying a group of rooms or a single room which constitutes a dwelling unit.
- .82 **Inert Material:** Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.
- .83 **Inventory of Historic Resources:** The record of information about resources potentially significant in the history of the City of Sherwood as listed in the Cultural Resource Inventory (1989), and hereafter amended.
- .84 **Junk:** Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.
- .85 **Junk-Yard:** Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.
- .86 **Kennel:** Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.
- .87 **Laboratory, Medical or Dental:** A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.
- .88 **Landmarks Board:** The City of Sherwood Landmarks Advisory Board.
- .89 **Leachate:** Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.
- .90 **Level of Service (LOS):** A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on

such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" through "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).

- .91 **Limited Land Use Decision:** A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition, or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.
- .92 **Loading or Unloading Space:** An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.
- .93 **Lower Explosive Limit:** The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.
- .94 **Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:
 - A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
 - B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.
- .95 **Lot Area:** The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.
- .96 **Lot, Corner:** A lot situated at the intersection of two (2) or more streets, other than an alley.
- .97 **Lot Coverage:** The proportional amount of land on a lot covered by buildings.
- .98 **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.

- .99 **Lot Frontage:** The distance parallel to the front lot line, measured between side lot lines at the street line.
- .100 **Lot, Interior:** A lot other than a corner lot.
- .101 **Lot of Record:** Any unit of land created as follows:
- A. A parcel in an existing, duly recorded subdivision or partition.
 - B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.
 - C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and bounds under the same ownership and not conforming to the minimum requirements of this Code shall be considered one (1) lot of record.
- .102 **Lot, Through:** A lot having frontage on two (2) parallel or approximately parallel streets.
- .103 **Lot Lines:** The property lines bounding a lot.
- .104 **Lot Line, Front:** The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.
- .105 **Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.
- .106 **Lot Line, Side:** Any lot line not a front or rear lot line.
- .107 **Lot Width:** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.
- .108 **Manufactured Home:** A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development and shall have been constructed after June 15, 1976.

- .109 **Manufactured Home Park:** A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.
- .110 **Manufactured Home Space:** A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.
- .111 **Mixed Solid Waste:** Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.
- .112 **Motel:** See Hotel.
- .113 **Municipal Solid Waste:** Solid waste primarily from residential, business, and institutional uses.
- .114 **Net Buildable Acre:** Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally sensitive areas, public parks and other public uses.
- .115 **Non-Attainment Area:** A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.
- .116 **Non-Conforming Structure or Use:** A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.
- .117 **Nursing Home:** An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.
- .118 **Occupancy Permit:** The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.
- .119 **Occupy:** To take or enter upon possession of.

- .120 **Office:** A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.
- .121 **Off-Street Parking:** Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.
- .122 **Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.
- .123 **Parks Board:** The City of Sherwood Parks Advisory Board.
- .124 **Partition:** The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.
- .125 **Partition Land:** A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).
- .126 **Partition Plat:** Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.
- .127 **Pedestrian Facilities:** Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.
- .128 **Pedestrian Way:** A right-of-way for pedestrian traffic.
- .129 **Person:** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

- .130 **Plat:** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.
- .131 **Plat, Preliminary:** A map and plan of a proposed subdivision, as specified by this Code.
- .132 **Principal Building/Use:** The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.
- .133 **Professional Engineer:** A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).
- .134 **Professions:** Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.
- .135 **Public Hearing:** Hearings held by the Commission or the Council for which a form of prescribed public notice is given.
- .136 **Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.
- .137 **Public Place:** Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.
- .138 **Public Use Building:** Any building or structure owned and operated by a government agency for the convenience and use of the general public.
- .139 **Public Utility Facilities:** Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.
- .140 **Recycled Materials:** Solid waste that is transformed into new products in such a manner that the original products may lose their identity.
- .141 **Recycling:** The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.
- .142 **Relocation:** The removal of a resource from its historic context.
- .143 **Residential Care Facility:** A facility licensed by or under the authority of the Department of Human Resources 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. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

- .144 **Residential Care Home:** A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.
- .145 **Residential Structure:** Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.
- .146 **Restrictive Covenant:** A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.
- .147 **Retail Trade:** The sale of goods and products to the consumer generally for direct consumption and not for resale.
- .148 **Retaining Wall:** A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.
- .149 **Right-of-Way:** The area between boundary lines of a street or other easement.
- .150 **Road:** The portion or portions of street rights-of-way developed for vehicular traffic.
- .151 **Rural Zone:** A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.
- .152 **Sanitariums:** An institution for the treatment of chronic diseases or for medically supervised recuperation.
- .153 **School:** See Educational Institution
- .154 **Sealed Container:** A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.
- .155 **Setback:** The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.

- .156 **Sidewalk:** A pedestrian walkway with hard surfacing.
- .157 **Sight Distance:** The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.
- .158 **Sign:** An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.
- .159 **Significant Vegetation:** A tree exceeding six (6) inches in diameter measured four (4) feet above grade at the base of the tree or other vegetation more than four (4) feet above grade, but not including blackberry or other vines or weeds.
- .160 **Skirting:** A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.
- .161 **Soil Amendment:** A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.
- .162 **Solid Waste:** Has the meaning given that term in ORS 159.005.
- .163 **Solid Waste Facility:**
- A. **Conditionally Exempt Small Quantity Collection Facility:** A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.
 - B. **Demolition Landfill:** A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.
 - C. **Household Hazardous Waste Depot:** A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.
 - D. **Limited Purpose Landfill:** A land disposal site for the receiving, sorting and disposing of solid waste material, including but not

limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.

- E. **Resource Recovery Facility:** A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.
- F. **Mixed Construction and Demolition Debris Recycling Facility:** A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.
- G. **Solid Waste Composting Facility:** A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.
- H. **Monofill:** A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.
- I. **Municipal Solid Waste Depot:** A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.
- J. **Small Scale Specialized Incinerator:** A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.
- K. **Solid Waste Facilities:** Any facility or use defined in Section 1.202.144 of this Code.
- L. **Solid Waste Transfer Station:** A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.
- M. **Treatment and Storage Facility:** A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC SS 6901-6987, for receiving, sorting, treating, and/or temporarily storing

hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.

- N. **Wood Waste Recycling Facility:** A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.
 - O. **Yard Debris Depot:** A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.
 - P. **Yard Debris Processing Facility:** A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.
- .164 **Solid Waste Processing:** An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.
- .165 **Special Care Facility:** A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this Code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility building(s).
- .166 **Specialized Living Facility:** Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.
- .167 **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is

more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.

.168 **Story, First:** The lowest story in a building, provided such floor level is not more than four (4) feet below grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.

.169 **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.

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

A. **Alley:** A narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]

B. **Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]

C. **Bikeway:** Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:

(1) **Multi-use Path.** A paved way (typically 8 to 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 4 to 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 4 feet or wider and is typically shared with pedestrians.

(4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles. Also called Bike Route.

- (5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multi-use path and trail cross-sections).

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. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]

E. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 6.305.06.

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 & 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. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]

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. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]

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

.171 **Street Line:** A dividing line between a lot and a street right-of-way.

.172 **Street Plug:** A narrow strip of land located between a subdivision and other property, that is conveyed to the City for the purpose of giving the City control over development on the adjacent property.

- .173 **Structure:** A structure must be more than one foot from grade to be considered a structure. (Ord. 2006-009 § 1)
- .174 **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- .175 **Stucco board:** A fiber cement board core product that mimics the appearance of stucco.
- .176 **Subdivision:** The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- .177 **Subdivision Improvements:** Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.
- .178 **Temporary Use:** A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.
- .179 **Townhomes:** 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.
- .180 **Transportation facilities and improvements:** The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:
1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
 2. Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way;
 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
 4. Landscaping as part of a transportation facility;
 5. Emergency measures necessary for the safety and protection of property.
 6. Street or road construction as part of an approved land use application;
 7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit; and

8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit.
- .181 **Unified Sewerage Agency:** An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.
- .182 **Urban Growth Boundary:** The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.
- .183 **Urban Zone:** A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.
- .184 **Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- .185 **Use by Right:** A use which is a "use permitted outright" in any given zoning district established by this Code.
- .186 **Warehouse:** A structure or part of a structure used for storing and securing goods, wares or merchandise.
- .187 **Wetlands:** Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).
- .188 **Wholesale Trade:** The sale of goods and products to an intermediary generally for resale.
- .189 **Wireless Communication Facility:** An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

- .190 **Yard:** The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:
- A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
 - B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.
 - C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.
- .191 **Zero-Lot-Line:** Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

CHAPTER 9 HISTORIC RESOURCES

Section	Page
1.100 INTRODUCTION	4
1.101 GENERALLY	4
1.102 ESTABLISHMENT OF ZONING DISTRICTS.....	6
1.103 PLANNING COMMISSION	7
1.200 DEFINITIONS	10
1.201 GENERALLY	10
1.202 SPECIFICALLY	10
9.100 PURPOSE	33
9.200 SPECIAL RESOURCE ZONES	33
9.201 GENERALLY	33
9.202 OLD TOWN (OT) OVERLAY DISTRICT	34
A. Purpose	45
9.401 DESIGNATION STANDARDS AND PROCEDURES	66
9.501 PROCEDURES	69
9.502 ALTERATION STANDARDS	72
9.503 VARIANCES TO ALTERATION STANDARDS	73
9.504 LANDMARK DESIGNATION INCENTIVES	74
I. BACKGROUND	76

9.100 PURPOSE

Chapter 9 is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

9.200 SPECIAL RESOURCE ZONES

9.201 GENERALLY

Special resource zones are established to provide for the preservation, protection, and management of unique historic and cultural resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

9.202 OLD TOWN (OT) OVERLAY DISTRICT

9.202.01 Purpose

The Old Town (OT) Overlay District is intended to establish objectives and define a set of development standards to guide physical development in the historic downtown of the City consistent with the Community Development Plan and this Code.

The OT zoning district is an overlay district generally applied to property identified on the Old Town Overlay District Map, and applied to the Sherwood Plan and Zone Map in the Smockville Subdivision and surrounding residential and commercial properties, generally known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Sections 9.400 and 9.500. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking.

9.202.02 Objectives

Land use applications within the Old Town Overlay District must demonstrate substantial conformance with the standards and criteria below:

- A. Encourage development that is compatible with the existing natural and man-made environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearances and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

9.202.03 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

- A. Uses permitted outright in the RC zone, Section 2.109.02; the HDR zone, Section 2.105.02; and the MDRL zone, Section 2.103.02; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.03 through 9.202.04.
- B. In addition to the home occupations permitted under Section 2.203.02, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Sections 2.203 and 9.202, in either the underlying RC or MDRL zones.
- C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.
- D. Motels and hotels, in the underlying RC zone only.
- E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.
- F. Other similar commercial uses or similar home occupations, subject to Section 4.600.
- G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.
- H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

9.202.04 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

- A. Uses permitted as conditional uses in the RC zone, Section 2.109.03, HDR zone, Section 2.105.03, and the MDRL zone, Section 2.103.03, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.03 through 9.202.04.

- B. Townhouses (shared wall single-family attached) subject to Section 2.204. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.

9.202.05 Prohibited Uses

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

- A. Adult entertainment businesses.
- B. Manufactured homes on individual lots.
- C. Manufactured home parks.
- D. Restaurants with drive-through.
- E. Stand alone cellular or wireless communication towers and facilities. Co-location of existing legally permitted facilities is acceptable.

9.202.06 Dimensional Standards

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

- A. Lot Dimensions

Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

- B. Setbacks

Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by Section 9.202, are met.

- C. Height

The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

Except as provided in Section 9.202.08, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories)

in the “Smockville Area” and fifty (50) feet (4 stories) in the “Old Cannery Area”. Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

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

D. Coverage

Home occupations permitted as per Section 2.203 and 9.202.03 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

9.202.07 Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, in addition to the Old Town design standards below:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design standards of Section 9.202.08 for the “Old Cannery Area” and the “Smokeyville Design Standards” for all proposals in that portion of the Old Town District.

B. Landscaping for Residential Structures

1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.
2. Minimum landscaped areas are not required for off-street parking for approved home occupations.
3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.
4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

C. Off-Street Parking

For all property and uses within the “Smockville Area” of the Old Town Overlay District off-street parking is not required. For all property and uses within the “Old Cannery Area” of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 5.302.02. Shared or joint use parking agreements may be approved, subject to the standards of Section 5.301.03.

D. Off-Street Loading

1. Off-street loading spaces for commercial uses in the “Old Cannery Area” may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 5.303.01B.
2. For all property and uses within the “Smockville Area” of the Old Town Overlay District, off-street loading is not required.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

G. Downtown Street Standards

All streets shall conform to the Downtown Street Standards in the City of Sherwood Transportation System Plan and Downtown Streetscape Master Plan, and as hereafter amended. Streetscape improvements shall conform to the Construction Standards and Specifications, and as hereafter amended.

H. Color

The color of all exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.

9.202.08 Standards for All Commercial, Institutional and Mixed-Use Structures in the Old Cannery Area.

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the “Old Cannery Area” of the Old Town Overlay District. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

- A. Building Placement and the Street.** The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph. All street-facing elevations must comply with one of the following options:

1. **Option 1: Foundation landscaping.** All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building façade that provide access for pedestrian or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least thirty (30%) of the linear street frontage;
 - b. There must be at least one (1) three-gallon shrub for every 3 lineal feet of foundation in the landscaped area; and,
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. **Option 2: Arcade.** All street-facing elevations must have an arcade as a part of the primary structure, meeting the following requirements:
 - a. The arcade must be at least four (4) feet deep between the front elevation and the parallel building wall;

- b. The arcade must consist of one or a series of arched openings that are at least six (6) feet wide. The arcade, or combination of them, should cover a minimum of sixty (60%) of the street facing elevation;
 - c. The arcade elevation facing a street must be at least fourteen (14) feet in height and at least twenty-five percent (25%) solid, but no more than fifty percent (50%) solid; and,
 - d. The arcade must be open to the air on 3 sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material; and,
 - e. Each dwelling that occupies space adjacent to the arcade must have its main entrance opening into the arcade.
3. **Option 3: Hard-surface sidewalk extension.** The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:
- a. The building walls may be set back no more than six (6) feet from the street lot line.
 - b. For each one-hundred (100) square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided.
 - (1) A bench or other seating.
 - (2) A tree.
 - (3) A landscape planter.
 - (4) A drinking fountain.
 - (5) A kiosk.

B. Reinforce the Corner. The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least **two** of these options.

1. **Option 1:** The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a

site has more than one corner, this requirement must be met on only one corner.

2. **Option 2:** The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.
3. **Option 3:** The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.
4. **Option 4:** There is no on-site parking or access drives within 40 feet of the corner.
5. **Option 5:** Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the façade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.

C. Residential Buffer. The purpose of this standard is to provide a transition in scale where the Old Cannery Area is adjacent to a lower density residential zone, outside the District. Where a site in the Old Cannery Area abuts or is across a street from a residential zone, the following is required:

1. On sites that directly abut a residential zone the following must be met:
 - a. In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,
 - b. A 6-foot deep area landscaped with, at a minimum, the materials listed in Section 5.203.02B is required along the property line abutting or across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D. Main Entrance. The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.

1. **Location of main entrance.** The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:

- a. For buildings that have more than one main entrance, only one entrance must meet this requirement.
 - b. Entrances that face a shared landscaped courtyard are exempt from this requirement.
 2. **Front porch design requirement.** There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least six (6) feet wide and six (6) feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 8 feet deep. No part of any porch may project into the public right-of-way or public utility easements, but may project into a side yard consistent with Section 2.305.04.
- E. Off-Street Parking and Loading Areas.** The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.
1. **Access to off-street parking areas and adjacent residential zones.** Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.
 2. **Parking lot coverage.** No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.
 3. **Vehicle screening.** Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the material requirements in Section 5.202.02B.
- F. Exterior Finish Materials.** The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.
1. Plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e. T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board), are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of

a surface area of each façade and are not visible from the public right-of-way. Natural building materials are preferred, such as clapboard, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete or block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.

2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph F.1 above, any material that meets the standards of Paragraph F.1 may be used.

G. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using **one** of the methods listed below. Solar heating panels are exempt from this standard.

1. A parapet as tall as the tallest part of the equipment.
2. A screen around the equipment that is as tall as the tallest part of the equipment.
3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment. On corner lots with two street facing areas, all equipment shall be centered.

H. Ground Floor Windows. The purpose of this standard is to encourage interesting and active ground floor uses where activities within buildings have a positive connection to pedestrians in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards:

1. Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set

back at least five (5) feet and landscaped to at least the Section 5.203.02C standard.

2. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.

I. Distinct Ground Floor. The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:

1. A cornice above the ground level;
2. An arcade;
3. Changes in material or texture; or
4. A row of clerestory windows on the building's street-facing elevation.

J. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:

1. A sloped roof with a pitch no flatter than 6/12; or
2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a. There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b. The height of the cornice or parapet is based on the height of the building as follows:
 - (1) Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.

- (2) Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.
- (3) Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.

K. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.

L. Height Bonus: A five foot height bonus shall be granted if at least two of the following amenities are included in the overall design:

- Awnings or Marquees subject to Section 9.202.09 – Commercial Standard 9
- Public art installation subject to Cultural Arts Commission and City Council approval
- Additional public bike parking: 1 additional space per residential unit
- A courtyard or plaza facing the street open to the public subject to Commission approval

9.202.09 Old Town Smockville Design Standards

A. Purpose

The purpose of the Old Town Smockville Design Standards is to respect and enhance the character of Sherwood's original business district and core area while maintaining the city's traditional, small town, vernacular architectural heritage. The Old Town area has been the commercial and residential heart of the community since Sherwood's settlement in the late 1800s and it is the intent of the City to retain a strong connection with that history as new construction, alteration, or additions to existing structures occurs.

Building upon previous studies in the City, the Cultural Resources Inventory (1989), and the adopted Natural Resources Element of the Comprehensive Plan (1991), the Old Town Smockville Design Standards are based upon common architectural designs, materials, and other built characteristics typical of Sherwood's original building forms. Using these historic models as a template for new construction allows growth and development that respects Sherwood's history and builds upon our vaunted quality of life. It is not the intent of the design standards to freeze time and halt progress or restrict an individual property owner's creativity, but rather to guide proposals and provide a set of parameters

for new construction and remodeling within the Old Town area to assure compatibility with and respect for their historic surroundings. The Old Town Smockville Design Standards do direct new design toward the modest architectural character that is traditional in the Old Town area, specifically prohibiting certain materials and design elements to avoid the introduction of overly grandiose designs at variance with our history. However, within those limitations, personal choice can and should be expressed within the basic framework of the standards.

The Old Town Smockville Design Standards also direct exterior remodeling projects to retain the modest, traditional character that exists by retaining original architectural elements on structures within the Old Town Overlay District. To this end, the design standards will provide the exterior design framework for property owners that want to participate in the Urban Renewal District's Façade Grant program.

That is, the Standards ensure that any remodeling efforts of existing vintage buildings retain their modest architectural characteristics by retaining as many original parts as possible. In the same way that an old car becomes a valuable collector's classic because it retains its original parts, so it goes with vintage buildings. The building that retains all its original parts, including windows, doors, chimneys and trim, and keeps them maintained, grows in value for both the property owner and the community. As an incentive, historic renovations that meet the applicable local standards are more likely to meet federal and state historic designation standards and therefore qualify for various city incentive programs.

Under the procedures of the City's Design Review Process established by Chapter 9 of this Code an applicant must demonstrate the proposal meets all of the following design standards in order for the decision making body to approve the proposal. As such, the standards should help increase objectivity and reduce subjectivity. As per Section 9.200, the Landmarks Advisory Board, which includes the Planning Commission, is the decision-making authority for applications under the following Standards. The Landmarks Advisory Board reviews and values all comments, suggestions, and recommendations prior to approval or denial of any application.

B. Applicability

The following standards are intended as an "overlay" to the underlying Old Town Overlay zoning district and shall be used as part of the land use approval process when exterior remodeling and new development is proposed in the "Smockville" portion of the Old Town Overlay District. Except in specific situations described herein, these Standards shall apply equally to all projects within the Smockville portion of the Old Town District. Applicants seeking variance from these Standards must demonstrate to the review body that compliance would result in an unnecessary and unavoidable hardship. Variances from the Standards will not

be allowed unless such hardship is adequately demonstrated and proven by the applicant. The variance process is provided in Section 4.400 of the SZCDC. These standards are not required for the "Old Cannery Area" portion of the Old Town District, but may be used in lieu of Section 9.202.08. The Old Cannery Area portion is still subject to the design standards in Section 9.202.08.

C. REMODELING OF EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES

Remodeling Standard 1: Original Elements

Elements that are *original* to a vintage, traditional or historic structure (defined in this standard as primary, secondary, or any structure 50 years or older that is eligible for landmark designation and professionally surveyed) are an important characteristic. These elements enhance appeal and retain the overall historic fabric of a neighborhood. In most cases, buildings with these original parts can and should be restored, first by restoring the original and, if that is not possible, replacing only those parts that are missing or badly damaged with in-kind material. With few exceptions, total replacements are unnecessary unless the original materials were not historically compatible or traditional at the time of construction. The Secretary of the Interior's Standards for Rehabilitation should be consulted in situations not covered by these standards. Where alterations to an exterior structure are proposed, they shall conform to the following:

- a. *Doors:* The original door and opening shall be retained, unless beyond local repair. If a new door must be used the style should match the original whenever possible.
- b. *Windows:* Original windows shall be retained and, if necessary, restored to working condition. If desired, they can be insulated using the energy conservation methods listed below. Original glass should be retained whenever possible. If all of the above is not possible, then the frame shall be retained and a true retrofit sash replacement shall be installed that matches the glass pattern of the original window.
- c. *Chimneys:* Chimneys made of brick or stone shall be retained, and repaired using proper masonry techniques and compatible mortar that will not chemically react with the original masonry and cause further deterioration. If the chimney is no longer in use, the opening should be covered with a metal or concrete cap. If the chimney is to be used, but has been determined to be unsound, the chimney masonry should be retained, as above, and a new flue inserted into the opening.
- d. *Skylights:* Skylights should be placed on the side of the structure not visible from the public right of way, and should be of a low profile type design.
- e. *Gutters:* Original gutters should be retained, if possible. Half round gutters

and round downspouts are highly desirable, and can be obtained from local manufacturers.

- f. *Architectural Elements:* Window trim, corner board trim, sills, eave decorations, eave vents, porch posts, and other types of original architectural trim should be retained. If parts are missing, they should be replicated using the same dimensions and materials as the original. If only a portion is damaged, the portion itself should be repaired or replaced, rather than replacing the whole element.
- g. *Siding:* Original siding should be maintained; first repairing damaged sections then, if that is not possible, replacing damaged or missing sections with in-kind matching material. In some cases, original siding may have been overlaid during a later historic period with combed cedar siding, which is a historically appropriate material that may be retained if desired.
- h. *Weatherization & Energy Conservation:* Modern energy conservation results can be obtained, by using traditional conservation methods. Attics and floors should be insulated to conserve heat loss in the winter and insulate against the heat in the summer. Windows and doors should be caulked around the inside trim, and copper leaf spring type weather stripping or similar installed to seal leaks. Storm windows (exterior or interior mounted) should be put up during the winter months to create insulation. Windows can be more insulated in winter with insulated-type curtains or honeycomb blinds; in summer, curtains or blinds reflect heat. Using deciduous trees and plants provides additional protection from sun.

D. Remodeling Standard 2: Front Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- a. *Skylights:* Skylights shall be placed on the side of the structure not visible from the public right-of-way, and shall be of a low profile design.
- b. *Roof vents:* Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- c. *Plumbing vents:* Vents should, wherever possible, be placed on the side of

the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

E.. COMMERCIAL STRUCTURES:

The traditional commercial core area of Sherwood, including those properties in the Smockville Plat and First Addition Plat, reflect the historic character of the community as a small, agricultural service area. Buildings here have historically been of modest scale and construction, consistent with the community's vernacular design heritage. In order to maintain that basic character in the core the following standards govern all new commercial construction and remodeling projects requiring a structural building permit.

NOTE: The City encourages applicants to consider mixed-use projects. The following standards covering commercial structures shall apply for all mixed-use projects in the Old Town Smockville Area.

The massing of a building includes its overall bulk, orientation, and placement on the site, forming the visual relationship between the building and its surroundings. Individual aspects of massing, particularly height, are subject to specific Standards below:

Commercial Standard 1: Volume & Mass

- a. *Orientation:* All buildings will be sited with the primary facade facing the public right-of-way. For corner buildings with a corner-facing entry, both street-facing elevations will be considered "facades" for purposes of this Standard.
- b. *Setback:* All buildings will be located directly upon the property line with zero setback from the public right-of-way. Portions of the facade, such as recessed entryways or similar features, are exempted from this Standard provided they total less than 50% of the total facade width.
- c. *Width:* Buildings shall extend from side lot line to side lot line to create a solid streetscape along the public right-of-way. An exception to this standard may be granted to provide for plazas, courtyards, dining areas, or pedestrian access. [See Standard 5, below, regarding vertical divisions).

Commercial Standard 2: Openings

To maintain and insure a pedestrian-friendly scale within Sherwood's traditional commercial core, storefronts and upper facades shall reflect the following:

- a. *Verticality:* All facade window openings shall maintain a generally vertical proportion (1.5:1 height/width ratio or greater, i.e. a 24" wide window must be a *minimum* 36" tall). An exception to this standard is allowed for large fixed storefront windows. Transom panels, spanning the

entire storefront glazed area, are encouraged.

- b. *Transparency*: Ground floor storefronts should be predominately “transparent,” with a minimum of 75% glazed surface area, including entry doors.
- c. *Symmetry*: Openings should generally reflect the bi-lateral symmetry of the traditional commercial development pattern. Asymmetrical facades that result from corner or other non-central entryways, or that result from varied massed forms joined into a single use are excluded from this Standard.
- d. *Prohibited Opening Types*: To maintain the traditional commercial character of the core area, the following are prohibited:
 - 1. Sliding or “French” entry door sets on the Facade (such doors are permitted on side and rear elevations only).
 - 2. *Roll-up* garage doors (metal or wood), on the Facade (such doors permitted on side and rear elevations only). Uses requiring large garage openings on facade may use sliding or bi-fold doors, or metal with six over six windows. Wood and glass doors are encouraged.
 - 3. Reflective glazing, “mirror glass” and similar
 - 4. Horizontal slider windows (i.e. vertically oriented slider windows)
 - 5. Arched or “fan light” type windows, except where inset into an articulated structural opening.

Commercial Standard 3: Height

In order to increase opportunities to transit, reduce transportation impacts, and promote pedestrian activity, multiple story commercial or mixed-use construction is encouraged. All new commercial and mixed-use construction in the zone is subject to the following standards:

- a. *Maximum*: No building may be greater than 40 feet in overall height.
- b. *Minimum*: No single story building shall have a plate height of less than 16 feet high at the public right-of-way.
- c. *Variation*: Building height shall be differentiated a minimum of 6” from the average height of adjacent buildings to avoid a solid street wall of uniform height. An exception to this standard will be made for buildings that incorporate a projecting vertical division in the facade treatment that visually separates the facade from adjacent buildings, such as a column, pilaster or post.

Commercial Standard 4: Horizontal Facade Rhythm

To maintain the rhythm of Sherwood's traditional architecture, all new commercial construction shall respect the three-part "base-shaft-capital" facade system common to pre-WWII commercial designs.

- a. *Base*: Buildings shall provide a visually articulated foundation or "base" feature, at ground level, typically rising to the bottom of the sill height. A "base" may be created by detail or a change in material or form that differentiates the base from the upper portions of the facade. (i.e. a brick or tiled "base" on a concrete building, or a paneled wood base on a horizontal sided wood building) This standard may also be met by projecting elements or change in surface planes that employ a common material, i.e. a projecting brick sill and "apron" on a brick wall or a cast concrete shoulder that projects away from a concrete wall.
- b. *Stringcourse*: Prominent horizontal lines shall be maintained between all floor levels, visually dividing the facade into horizontal sections that reflect the interior levels. Such features may be projecting or incised bands of common materials (as in brick or concrete) or applied trim, as in a wooden "bellyband."
- c. *Cornice Details*: All buildings shall have a "cap" element at the uppermost portion of the facade that visually terminates the main facade surface. Cornice details may be integrated into a stepped or decorative parapet or consist of an articulated line that projects from the main surface plane. Modest marker blocks stating building name and date of construction are strongly encouraged.

Commercial Standard 5: Vertical Facade Rhythm

Reflecting the narrow underlying land divisions common in Sherwood's downtown and creating visual interest that enhances the pedestrian scale, commercial facades shall have strong and clearly articulated vertical elements.

- a. *Multiple Bays*: All storefronts shall be divided into vertical "bays" through the use of structural members such as columns, pilasters, and posts, or by the use of other surface detailing that divides large walls into narrower visual panels. No structure shall have a single "bay" larger than 30 feet, based upon the lot width of the "Original Smockville Plat" of the Town of Sherwood. Buildings occupying one or more original town lots (i.e., greater than 30 feet in width) shall be visually divided into multiple bays of 30' or *one-half* the overall lot width, whichever is the lesser. *For example*, the facade of a 50-foot wide structure shall be visually divided into two 25' wide bays. An 80' foot structure may be divided into two 30' bays and one 20' bay *or* into four 20' bays, either of which will meet this standard.

- b. *Edge Definition:* All storefronts shall use a pilaster, engaged column, or other structural or decorative vertical element at each side lot line, to create visual division from the adjacent structure. (See Standard 3(C), above, regarding the use of projecting elements) For structures that do not extend from sideline to sideline (as per Standard 1(C) above) the outermost building corner will be treated as the edge for compliance with this Standard.

Commercial Standard 6: Sense of Entry

All commercial buildings shall have a clearly defined “sense of entry,” with the primary public access serving as a focal point in the visual organization of the facade. This can be accomplished via structural articulation, such as in a recessed entry, or through the use of trim, materials, or other elements. A clear and defined sense of entry facilitates retail activity and adds significantly to the pedestrian interest of the street.

- a. *Doors:* Primary commercial entrances shall be primarily “transparent with no less than 50% of the total surface consisting of glass.
- b. *Integration:* Entryways shall be architecturally integrated into the vertical and horizontal rhythms of the facade.
- c. *Depth:* Recessed porches shall be no less than three (3) feet in depth.

Commercial Standard 7: Roof Forms

Traditional commercial roof forms, including flat, single-slope, or bowstring and other trussed roofs, are all typical of downtown Sherwood. Other roof forms, particularly gables, were screened from the public right-of-way.

- a. Gable, hipped or similar residential style roof forms are prohibited for commercial buildings unless screened from the public right-of-way by a parapet or false front facade.
- b. Mansard-type projecting roof elements, other than small, pent elements of 6/12 pitch or less that are incorporated into a cornice treatment, are prohibited for commercial buildings in the Old Town Area.

Commercial Standard 8: Exterior Surface Materials

Exterior building materials shall be consistent with those traditionally used in commercial construction in Old Town Sherwood. These materials include but are not limited to:

- Horizontal wood siding, painted (concrete fiber cement siding, or manufactured wood-based materials are acceptable under this standard provided they present a smooth finished surface, not “rustic” wood grain

pattern)

- True board and batten vertical wood siding, painted
- Brick: Traditional use of red brick laid in common bond is preferred. Rustic, split-faced or “Roman” brick may be appropriate for bulkheads or detail treatments but is prohibited as a primary building material. Highly decorative “washed”, glazed, or molded brick forms are prohibited.
- Stucco (for foundations and decorative panels only)
- Poured concrete (painted or unpainted)
- Concrete block: Split faced concrete block is appropriate for foundations, bulkhead, or detail treatments but is prohibited as a primary building material. Smooth-faced Concrete Masonry Units (CMU) is prohibited when visible from the public right-of-way.
- Ceramic tile, as a detail treatment, particularly for use in bulkhead or storefront areas.

Use of the following exterior materials are specifically *prohibited* within the zone:

- Stucco, as a primary wall surface
- Stucco-clad foam (EIFS) and similar foam-based systems
- Standing seam metal sheet goods for siding or visible roofing
- T-111 or similar 4’ x 8’ sheet materials and plywood
- Horizontal metal or vinyl siding
- Metal/Glass curtain wall construction
- Plastic (vacuum-formed or sheet-goods)
- Faux stone (slump-stone, fake marble, cultured stone) and all similar stone veneer surface treatments) with the exception of 10% of frontal area is allowed of a brick-type faux material
- Shingle siding, log construction, fake “rustic” wood, pecky cedar and similar products designed to create a “Frontier” era effect.

Commercial Standard 9:

Awnings and Marquees

Awnings and marquees projecting from the facade over the public right-of-way are a traditional commercial element and enhance pedestrian interest and use by providing shelter. Such features are encouraged *but are not required* in the zone. Where

awnings or marquees are an element in a proposal they shall conform to the following and are eligible to receive a five foot height bonus:

- a. *Scale:* Awnings and marquees shall be proportionate in size to the facade and shall not obscure architectural detail.
- b. *Placement:* Awnings should fit entirely *within* the window or door openings, retaining the vertical line of columns and wall surfaces. Storefront awnings may be full width, crossing interior posts, to a maximum of 25 feet, provided the edge-definition (See Standard 5(B), above) remains visible.
- c. *Materials:* Awnings

Cotton, acrylic canvas, or canvas-like materials are required for use in the zone.

The use of vinyl awnings is specifically prohibited.

Fixed metal awnings of corrugated metal are permitted if pitch is 5/12 or less.

Wood shingle awnings are permitted provided the pitch is 5/12 or less.

- d. *Materials:* Marquees
 - 1. Natural or painted metal surfaces over an internal structural framework are traditional marquee design and are preferred.
 - 2. Painted wood marquees are permitted.
 - 3. Plastic panels or any form of internally illuminated marquees are prohibited.
 - 4. Glass or transparent elements that reveal other light sources are prohibited.
- e. *Shapes:* Traditional single-slope awnings are preferred. "Bubble" or rounded shapes are specifically prohibited except when used with rounded structural openings of the facade wall such as arch-topped windows.
- f. *Lighting:* Internal awning lighting is prohibited.
- g. *Signage:* Signs or painted graphics are limited to the valance or "edge" of the awning or marquee only.
- h. *Height Bonus:* In addition to awnings or marquees, the overall design shall include at least one of the following amenities:

- Public art installation subject to Cultural Arts Commission and City Council approval;

- Additional public bike parking: 1 additional space per residential unit; and
- A courtyard or plaza facing the street open to the public subject to Commission approval.

Commercial Standard 10: Secondary Elevations

By nature, non-street or alley-facing elevations were less detailed than the primary facade. Rear and sidewall elevation should accordingly be significantly less detailed than storefronts and built of simple materials.

- a. *Public Rear Entrance:* When a rear or alley entry serves as the primary or secondary public entrance, modest detail or highlight should create a “sense of entry” as in Standard 6, above. Rear entrances, *even when intended as the primary entrance to the use*, should remain essentially functional in character, reinforcing the primacy of the street-facing elevation.
- b. *Corner Entrances:* When a storefront includes a corner entry, both adjacent facades facing the public right-of-ways shall be treated as the “facade” for purposes of these Standards. When a storefront has a visible sidewall elevation as the result of Standard 1(C), above, that elevation shall be treated as a facade in addition to the primary facade.

Commercial Standard 11: Additions to Existing Buildings

Additions to existing commercial buildings in the Old Town Sherwood area are subject to the same standards as new construction, except as limited by the following:

- a. *Compatibility:* Additions to existing properties that are visible from the public right-of-way will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar “earlying-up” is prohibited. [Earlying-up is defined as the process of creating a false and more elaborate history than is appropriate within an area’s traditional development pattern. In Sherwood “earlying-up” would include the use of elaborate architectural styles, materials, or construction forms only found in San Francisco, Portland, or other larger cities]
- b. *Attachment:* Additions should “read” as such, and be clearly differentiated from the historic portion of the structure and shall be offset or “stepped” back from the original volume a minimum of four (4) inches to document the sequence of construction. An exception to this standard is allowed for the reconstruction of previously existing-volumes that can be documented

through physical or archival evidence.

- c. *Storefront volumes:* Additions that extend the storefront/facade of a structure, even when creating a joined internal space, shall be treated as a new and separate building facade for review under these Standards.
- d. *Non-Compatible Materials:* Repair of existing non-compatible materials is exempt from Standards 11(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.
- e. *Rear Additions, Excluded:* Storage with no physical attachment to the existing volume or other functional additions of less than 1,000 square feet located to the rear of an existing volume, and not visible from the public right-of-way are excluded from compliance with these Standards. Such functional additions shall include covered porches, loading docks, and similar features provided they are not intended for public use or access.

Commercial Standard 12: Front-Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- a. *Skylights:* Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.
- b. *Roof vents:* Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- c. *Plumbing vents:* Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

F. RESIDENTIAL STRUCTURES

Historically, the Old Town District contained both commercial and residential structures, often intermixed on the same block. Today, many of the city's oldest residential structures remain as private dwellings while others have been

converted to professional office or other commercial uses. The following standards are intended to reinforce the traditional mixed architectural character of the district and apply equally to all residential designs, including those now used for other commercial purposes, such as professional offices, restaurants, antique stores, and other similar uses. However, the International Building Code still dictates any requirements for interior remodeling.

Residential Standard 1: Volume & Mass

Historically, residential architecture in the Old Town core was comprised of multiple volumes or articulations, with extended porches, intersecting roof lines, dormers, and other features creating a complex whole rather than a single large volume. To maintain that traditional visual character the following standards apply:

- a. *Verticality*: Buildings shall have a generally vertical character or are comprised of a primary vertical element surrounded by more horizontally appearing wings.
- b. *Complexity*: Single large volumes are prohibited. Total area shall be contained within a minimum of two intersecting volumes, one of which may be a porch under a separate roof element. An attached garage does not constitute a second volume for purposes of this standard.
- c. *Height*: No building may be greater than 40 feet in overall height. Major roof ridges shall be no lower than 16 feet in height. [*Note: this lower limit is designed to encourage steeper gables as opposed to low-pitched roof forms*]

Residential Standard 2: Roof Forms

Roofs play a significant role in the overall character of a structure and, in combination with Standard 1, shelter the complex volumes typical of the traditional development pattern.

- a. *Pitch*: Roof pitches of less than 6/12 for gables are prohibited. Roof pitches of less than 5/12 for hipped roofs are prohibited. Flat roofs visible from the street are prohibited. An exception to this standard may be made for porch roofs attached to the primary volume.
- b. *Complexity*: As per Standard 1(B), single large roof forms are prohibited. A single roof form with two or more dormers is considered a complex roof form and accordingly will meet this Standard.

- c. *Materials:* Roofs shall be of historically appropriate materials, including asphalt shingle, wood shingle, or wood shake. The use of metal roofing, concrete tile roofing, hot-mopped asphalt, rolled asphalt, terra cotta tiles and other non-historic materials are prohibited in view of the public right-of-way.

Residential Standard 3: Siding/Exterior Cladding

Generally, vertical appearance of historic volumes in Sherwood was typically balanced by strong horizontal wood siding. The following standard requires a continuation of this horizontal character. All structures shall employ one or more of the following siding types:

- Horizontal wood siding, maximum 8" exposed to weather: Concrete or manufactured wood-based materials are acceptable under this Standard. This includes so-called "Cottage Siding" of wide panels scored to form multiple horizontal lines. *Applicants are strongly encouraged to use smooth surfaces, not "rustic" or exposed wood grain pattern materials, which are inconsistent with Sherwood's architecture.*
- Wood Shingle siding (painted shingles are preferred, with a maximum 12" to weather).
- True board and batten vertical wood siding, painted
- Brick
- Brick and stone veneer (see below)

Use of the following non-historic exterior materials are specifically *prohibited* within the zone:

- Stucco (other than as foundation cladding or a secondary detail material, as in a gable end or enframed panel.).
- Stucco-clad foam (EIFS, DryVit, and similar)
- T-111 or similar 4x8 sheet materials or plywood
- Horizontal metal or vinyl siding
- Plastic or fiberglass
- Faux stone (slump-stone, fake marble, cultured stone, and similar)
- Brick veneer or any other masonry-type material, when applied over wood-frame construction, of less than twelve (12) inches width in any visible dimension. This Standard specifically excludes the use of brick or similar

veneered “columns” on one face of an outside corner, as typically used to frame garage openings

Residential Standard 4: Trim and Architectural Detailing

The vernacular residential architecture of Sherwood reflects the construction techniques of the late 19th and early 20th century, when buildings had “parts” that allowed for easy construction in a pre-power saw era. Today, many of these traditional elements are considered “trim,” as newer materials better shed water and eliminate the original functional aspects of various historic building elements. This Standard provides for sufficient architectural detail within the Old Town Area to assure compatibility between new and old construction and create a rich and visually interesting streetscape. All residential construction shall employ at least FOUR (4) of the following elements to meet this Standard:

- Water table or decorative foundation treatments (including stucco)
- Corner boards
- Eave Returns
- Stringcourse or other horizontal trim at plate or floor levels
- Eave brackets or support elements
- Bargeboards/Raking cornice (decorative roof “edge” treatments)
- Decorative projecting rafter tails
- Decorative gable end wall details, including change of materials (shingle bands), decorative venting, eave compass features and similar
- Wide cornice-level frieze and wall treatments.

Residential Standard 5: Openings [Windows & Doors]

Doors and windows form the “eyes” and “mouth” of a building and play a significant role in forming its character.

Windows

- a. *Verticality:* All windows will reflect a basic vertical orientation with a width-to-height ratio of 1.5 to 2, or greater (i.e., a 24” wide window must be a *minimum* 36” tall). Larger window openings shall be formed by combining multiple window sash into groupings.
- b. *Types:* The following windows types are *permitted*:
 1. Single and double hung windows

2. Hopper and transom-type windows
3. Casement windows
4. Any combination of the above, including groupings containing a central single pane fixed window flanked by two or more operable windows.
5. Glass block windows
6. Fixed leaded or stained glass panels.

The following window types are specifically *prohibited* within the area:

1. Fixed pane windows (when not within a grouping, as in #4, above)
2. Horizontal slider windows (when visible from the public right-of-way)
3. Arched windows and fanlights, including “Palladian” window groupings, are inconsistent with the vernacular character of the area and are prohibited when visible from the public-right-of-way.
- c. *Lights*: (internal divisions of window, formed by ‘muntins’ or ‘mullions’) True-divided lights are preferred. “Pop-In” or fake muntins are not historic, nor appropriate within Sherwood’s vernacular tradition, and are prohibited when visible from the public right-of-way..
- d. *Sash Materials*: Wood windows or enameled metal clad windows are most consistent with the vernacular tradition and are preferred. Vinyl windows or paintable fiberglass windows are allowed. Anodized or mill-finish aluminum windows or storm windows are prohibited.
- e. *Mirror Glazing*: The use of “mirror” or reflective glass visible from the public right-of-way is prohibited.

Doors

- a. *Transparency*: Primary entry doors will retain a degree of transparency, with no less than 25% of the surface being glazed, either in clear, leaded, or stained glass materials. Solid, flat single, panel doors are prohibited.
- b. *Materials*: Doors may be of wood, metal-clad wood, or metal. Other materials that can be painted or stained, such as cast fiberglass, so as to reflect traditional materials are permitted.

Trim

- a. *Sills*: All windows will have a projecting sill and apron.
- b. *Side and Head Casing*: Door and window trim will including side and

head casing that sits no less than ½” proud of the surrounding wall surface. Trim mounted in plane with siding is not permitted in the Old Town area. Trim mounted atop siding is not recommended.

- c. *Other Trim Elements:* As discussed in Standard 4, above, the use of trim to articulate the construction process was a standard character-defining element of Sherwood’s vernacular architecture. Although not required by this Standard, the use of the following traditional door and window trim elements are encouraged, particularly on the primary facade.
 - Simple window “hoods,” mounted over the window opening. Such features are traditionally treated as pents and clad with roofing material
 - Parting bead, between the side and head casings
 - Crown moldings
 - Decorative corner elements at the head, apron, or both
 - Single or dual flanking sidelights at entryways
 - Transom windows above the major door or window openings

Residential Standard 6: Porches/Entrances

In combination with doors, front porches help create a “sense of entry” and typically serve as the focal point of the front-facing facade of the structure. Porches should be encouraged and adequately detailed to create that sense of entry and serve as a primary element of the exterior character.

- a. *Depth:* Projecting or recessed porches should be a minimum of five (5) feet deep. Projecting covered stoops should be a minimum of three (3) feet deep.
- b. *Width:* Projecting or recessed porches should be a minimum of ten (10) feet wide or 25% of the primary facade width, which ever is the lesser. Projecting covered stoops should be a minimum of five (5) feet wide.
- c. *Supports:* To assure appropriate visual weight for the design, vertical porch supports shall have a “base” of no less than six (6) inches square in finished dimension from floor level to a minimum 32” height. Upper posts shall be no less than four (4) inches square.
 - 1. Base features may be of boxed wood, brick, stone, true stucco, or other materials that reflect a support structure. The use of projecting “caps” or sills is encouraged at the transition between the base and column.

2. When the entire support post is a minimum of six (6) inches square no base feature is required.
3. Projecting covered stoops, with no full-height vertical support, shall utilize members of no less than four (4) inches square.

Residential Standard 7: Landscape, Fencing, and Perimeter Definition

Fencing or other edge-defining perimeter features, including the use of landscape materials, are traditional elements in Old Town Sherwood's residential areas. Please refer to Section 5.200 of the SZCDC for applicable landscaping standards and requirements. In addition to those provisions, such features within the Smockville Area shall also comply with the following Standard to maintain the area's character.

- a. *Materials:* The following fencing materials are permitted in the Smockville Area:
 1. Brick
 2. Concrete, including concrete block, "split faced" concrete block and similar
 3. Stone
 4. Wood, including vertical or horizontal board, pickets, split rail, and similar traditional fence designs.
 6. Woven-metal (arch-top wire), construction cloth (square-patterned) and similar.
 7. Vinyl, when used in simple plain board, picket, or post and board installations. (see #3, below)
 8. Natural metal colored or black-coated chain link fencing is permitted but discouraged when visible from the public-right-of-way.
 9. The mixed use of materials, as in brick columns with wood or woven wire "fields" is encouraged.

The following fencing materials are *prohibited* in the Smockville area:

1. Plywood or other solid wood panel systems
2. Open pattern concrete elements except as decorative elements

3. Vinyl, that includes the use of arches, latticework, finials, acorn tops, and other elaborate detailing not consistent with Old Town Sherwood's vernacular tradition.
 4. Vinyl or wood slat inserts in chain link fencing when in view from the public right-of-way
 5. Faux stone, including cultured stone, slump-stone, and similar materials
 6. Molded or cast aluminum
- b. *Transparency:* Solid barriers of any material built to the maximum allowable height are prohibited facing the public right of way(s). Pickets or wood slats should provide a *minimum* ½" spacing between vertical elements with large spacing encouraged. Base elements, as in a concrete "curb" or foundation element are excluded from this standard provided they are no higher than twelve (12) inches above grade.
 - c. *Gates/Entry Features:* In order to create a sense of entry, gates, arbors, pergolas, or similar elements integrated into a perimeter fence are strongly encouraged. Such features may exceed the maximum fence height limit of four (4) feet provided they are less than eight (8) feet in overall height, are located more than ten (10) feet from any public intersection, and do not otherwise reduce pedestrian or vehicular safety.

Residential Standard 8: Additions to Existing Buildings

- a. *Compatibility:* Additions to existing properties will continue the existing character of the resource or return to the documented original character in scale, design, and exterior materials. The creation of non-documented elements outside the traditional vernacular character such as towers, turrets, elaborate surface decoration and similar "earlying-up" is prohibited.
- b. *Attachment:* Additions should "read" as such, and be clearly differentiated from the historic portion of the structure and shall be offset or "stepped" back from the original volume a minimum of four (4) inches to document the sequence of construction. . An exception to this standard is allowed for the reconstruction of previously existing volumes that can be documented through physical or archival evidence.
- c. *Non-Compatible Materials:* Repair of existing non-compatible materials is exempt from Standard 8(A). Rear-facing additions to existing buildings may continue the use of these materials so long as they are a continuation of the attached materials.

Residential Standard 9: Front-Facing Presentation

Traditionally, the portions of a structure facing the public right of way were considered the most important for presenting an aesthetically pleasing appearance. Skylights were not used, and there was very little venting since the structures were not tightly enclosed and wrapped as they are today. Therefore, keeping all modern looking venting and utilities to the side that is not visible from the public right of way is important and greatly adds to the appearance.

- a. *Skylights:* Skylights shall be placed on the side of the structure not visible from the public right of way, and shall be of a low profile design.
- b. *Roof vents:* Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.
- c. *Plumbing vents:* Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

9.202.10 Architectural Guidelines. The Old Town Design Guidelines were developed to assist applicants during the architectural design, development and review process with illustrative examples of recommended designs. The guidelines are a user-friendly compendium of recommended designs that reference applicable sections of Section 9.202, and are hereby adopted and effective hereafter as amended. For any architectural definitions not listed in Section 1.200, *A Visual Dictionary of Architecture* (Francis DK Ching -1997) shall be used as a reference.

9.300 LANDMARK REVIEW

9.301

Generally

The Planning Commission shall act as the Landmarks Advisory Board (LAB) and the designated review and approval authority for historic and cultural landmarks unless otherwise stated herein; and

- A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with Section 9.400. Subject to the approval of the Council, the City Manager or designee may employ the services of a qualified architect or historian in the designation process. The landmark alteration criteria contained in Section 9.500 shall only apply to designated landmarks or historic districts.
- B. Review and take action, or make policy recommendations, on new building applications in accordance with Section 9.500. If a proposed addition is less than 250 SF, and/or is an exterior renovation only of a designated landmark, the application shall be processed as a Type 2 administrative review consistent with Section 3.201.01B. The latter requires a third party review by a qualified professional in historic preservation. All other proposals shall be processed as a Type 4 consistent with Section 3.201.. Landmark designation applications shall be Type 5 and follow Section 9.400.
- C. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.
- D. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits, as well as grant and loan opportunities.
- E. Determine an appropriate system of marks and signs for designated landmarks and historic districts subject to Council approval.

9.400 LANDMARK DESIGNATION

9.401 DESIGNATION STANDARDS AND PROCEDURES

9.401.01 Generally

- A. The Landmarks Advisory Board shall make recommendations to the City Council on the designation of structures, buildings, places, landscapes and sites, having special historical, architectural, or cultural significance, as historic landmarks or historic districts.
- B. Subject to the procedures and standards of Sections 9.401.03 and 9.401.04, historic resources may be designated as landmarks having Primary, Secondary, or Contributing significance based on the historic, architectural, site, and use evaluation criteria contained in Section 9.401.04.

9.401.02 Effect of Designation

- A. Any historic resource designated as per Section 9.400, shall be subject to Section 9.500, except as otherwise provided by this Code. Any building or site that is considered for landmarks designation, but rejected as per Section 9.400, may not be reconsidered for a minimum period of two (2) years. The classification of any designated landmark once established as per Section 9.400 may not be reconsidered for a minimum period of two (2) years.
- B. The landmark alteration criteria contained in Section 9.500 shall apply only to designated landmarks or historic districts. Historic resources designated as landmarks of either Primary or Secondary significance that are within a special historic resource zone or historic district are subject to Section 9.500. Historic resources designated as landmarks of either Primary or Secondary significance that are not within a special historic resource zone or historic district are subject to Section 9.500.
- C. Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area within a designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.
- D. If a property, building, or other feature has been designated as a historic resource after the effective date of this amendment, the owner shall be notified and consent to such designation consistent with ORS 197.772. The owner of an existing historic resource may also petition the City Council to

remove the property from said designation unless the original designation was done voluntarily.

9.401.03 Procedures

- A. Except as otherwise provided herein, the Council or the owners of a potential landmark, or a citizen may initiate historic landmark or district designation in accordance with Section 9.401. Application for landmark designation shall be made on forms provided by the City. A proposed designation shall be processed as a plan amendment. The Landmarks Advisory Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Advisory Board shall provide a report and recommendation on the proposed designation to the Council.
- B. Initiation of consideration of a new historic district designation, or amendment to any established historic district, may be initiated by the Council, or by petition specifying a proposed district boundary and signed by at least twenty-five percent (25%) of the property owners within the proposed district. A proposed designation shall be processed as a plan amendment. The Landmarks Advisory Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Advisory Board shall provide a report and recommendation on the proposed designation to the Council.
- C. Upon receipt of the report and recommendation of the Landmarks Advisory Board, the Council shall conduct a second public hearing as per Section 3.200. Approval of the landmark or district designation shall be in the form of an ordinance. If a resource or area is approved for designation by the Council, it shall be listed as a designated historic landmark or district in the Community Development Plan element of the City Comprehensive Plan. An official landmark map shall also be created, maintained, and updated with each change to a landmark designation.
- D. Once City action on a historic district designation is complete, the designation shall not go into effect until the City has adopted design guidelines and standards for the district, similar to those adopted for the Old Town Historic District. Unless otherwise impractical, historic district design guidelines and standards should be developed and considered concurrently with historic district designation.

9.401.04 Standards

In determining whether historic resources or groups of historic resources should be designated as landmarks of Primary, Secondary or Contributing

significance, or as historic districts, the Landmarks Advisory Board and Council shall make written findings with respect to the following factors:

- A. That the potential historic resource has a quality or significance in American or local history, architecture, archeology, engineering, or culture, and retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association, and:
 - 1. Is associated with events or persons significant in American or local history; or
 - 2. Embodies the distinctive characteristics of a type, style, period, or method of construction or architecture, or represents the work of a master craftsman, architect or builder, or possesses significant artistic, aesthetic or architectural values; or
 - 3. Has yielded, or may be likely to yield, information important in American or local prehistory or history.
- B. The Landmarks Advisory Board and Council shall also examine and make findings regarding specific uses allowed in the zoning districts where the proposed landmark lies, identify consistencies and/or conflicts with the allowed uses and proposed designation, and determine the economic, social, environmental and energy (ESEE) impacts of designation on the proposed landmark and adjacent allowed uses. Findings shall also indicate those elements of a property, including interior, landscape, and archaeological features that are directly related to the designation and subject to review under the provisions of the Code.
- C. The Landmarks Advisory Board, after considering the criteria in Section 9.401.04A of this Section and the ESEE analysis required by Section 9.401.04B, shall recommend to the Council approval of the landmark's designation as a Primary, Secondary, or Contributing historic resource, approval with conditions, or determine that the resource should not receive any landmark designation. The Council's final decision on the Landmarks Advisory Board's recommendation shall be in the form of an ordinance amending the Community Development Plan element of the City Comprehensive Plan and listing the resource as a designated historic site, approving the designation with conditions, or determining that the resource should not receive any landmark designation.

9.500 LANDMARK ALTERATION

9.501 PROCEDURES

9.501.01 Alteration Application

- A. Application for any alteration of a designated landmark, except as per Section 9.501.03, shall be made on forms provided by the City.
- B. The following information shall be required in an application for alteration of a landmark:
 - 1. The applicant's name and address.
 - 2. The property owner's name(s) and address(es), if different from the applicant(s) and a statement of authorization to act on behalf of the owner signed by the owner.
 - 3. The street address or other easily understood geographical reference to the landmark property.
 - 4. A drawing or site map illustrating the location of the landmark.
 - 5. A statement explaining compliance with the applicable approval criteria 9.500, as appropriate.
 - 6. Ten (10) sets of plan drawings to include site, landscaping and elevations, drawn to scale.
 - 7. Photographs of the landmark which show all exterior features.
 - 8. A list of owners of property (fee title) within one hundred (100') feet of the subject property together with their current mailing addresses.
 - 9. Any other information deemed necessary by the City Manager or his or her designee.
- C. The Landmarks Advisory Board shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Advisory Board decision shall be based on compliance with the review standards in Section 9.502 and shall consider the original finding made in the landmark designation process as per Section 9.400.
- D. In any alteration action, the Landmarks Advisory Board shall give full consideration and weight to the importance of the landmark, its landmark

classification and designation, any adverse economic or visual impacts on adjacent landmarks, special historic resource zones, or historic districts, and, if the proposed landmark is within a special historic resource zone or designated historic district, the standards and guidelines of that zone or district.

9.501.02 Appeals

A decision rendered by the Landmarks Advisory Board regarding approval, approval with conditions, or denial of a permit for construction, alteration, removal, or demolition of a designated landmark, may be appealed to the Council as per Section 3.400.

9.501.03 Exceptions

- A. Nothing in this Section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature, or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition. Except as otherwise provided in this Chapter and Section 9.501.03B, if no City building permit or land use approval is otherwise required, facade alterations which, in the City's determination, adversely impact or lessen a landmarks historic character, shall be subject to landmark alteration review. Such alterations subject to review could include, but are not limited to: painting of facade elements or construction of materials normally left unpainted within the historic context of the landmark; replacement of windows, transoms, awnings, doors, exterior lighting, or other exterior features; the addition and replacement of exterior heating, ventilating and air conditioning equipment, except for temporary equipment such as portable in-window air conditioners; or any overlay of an existing facade with new siding materials.
- B. Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:
 - 1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided, however, that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark;
 - 2. Installation of storm windows and doors, insulation, caulking, weather-stripping and other energy efficient improvements which

complement or match the existing color, detail and proportions of the landmark;

3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the landmark would not have been originally painted, or where the preparation could damage exterior surfaces.
 4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.
 5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.
 6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.
 7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and power washing if done at no more than 600 psi with mild detergent.
 8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.
- C. Landmarks designated as Primary and Secondary historic resources as per Section 9.401 that are not within special historic resource zones or historic districts shall be subject to landmarks alteration review. Landmarks designated as Contributing historic resources as per Section 9.401 that are not within special historic resource zones or designated historic districts shall be subject to review, but such review shall be advisory and non-binding.
- D. Except as otherwise provided in this Chapter, interior alterations not visually or structurally modifying a designated landmark's external appearance or facade shall not be subject to landmarks alteration review, unless the interior is specifically cited as part of the reason for the landmarks designation, as per Section 9.401.04.

- E. Signs shall be subject to Section 5.700 only, provided that the City Manager or his or her designee finds that the proposed sign or signs comply with the standards of Section 9.500, and the guidelines and standards of any applicable special historic resource zones or designated historic districts. These findings shall be prepared and reviewed as per Section 9.501.01B.

9.502 ALTERATION STANDARDS

The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to Section 9.500. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Advisory Board shall make written findings indicating compliance with these standards.

9.502.01 Generally

- A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.
- B. In cases where the physical or structural integrity of a landmark is questionable the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity, or to preserve the feasibility of the continued occupation, or use of the landmark given its structural condition.
- C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.
- D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.
- E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.
- F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark or historic district's

architectural history and vernacular based on the original architecture or later architecturally or historically significant additions shall not be permitted.

9.502.02 Architectural Features

- A. The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.
- B. Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.
- C. Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- D. The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
- E. Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.
- F. Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.

9.503 VARIANCES TO ALTERATION STANDARDS

9.503.01 Generally

- A. Any variances to landmark alteration standards shall be considered as per Section 4.400, provided, however, that the Landmarks Advisory Board shall first receive and consider a report and recommendation from city staff, in addition to considering the criteria specified in Section 9.503.01B. Variances to landmark alteration standards, as per Section 4.400, shall be

considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 9.501.

- B. In any variance action, the Landmarks Advisory Board shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of Section 9.503, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.

9.504 LANDMARK DESIGNATION INCENTIVES

9.504.01 Generally

To facilitate the purposes of this Chapter and in recognition of the extraordinary costs sometimes associated with the appropriate preservation of historic resources, incentives shall be made available at the time such resources undergo an alteration subject to Section 9.500. Such incentives shall be in addition to the activities of the Landmarks Advisory Board required by Section 9.301.03D-E.

9.504.02 Incentives

Any landmark designated as per this Chapter, whether Primary, or within or outside of a special historic resource zone or historic district, may be granted one or more of the following incentives, provided that in exercising or accepting any incentive contained herein, a landmark not otherwise subject to Section 9.500, shall thereafter be subject to all the terms and conditions of that Section. Incentives shall be granted only if the proposed alteration has undergone landmarks alteration review and is fully consistent with Section 9.500 and the landmark's designation as per Section 9.400. Monetary incentives, such as property tax rebates and planning fee waivers, may be granted in any combination, as determined by a recommendation of the Landmarks Advisory Board and decision by the City Council, provided however, that the total amount of the monetary incentives shall not exceed the additional cost of the historically appropriate alteration over that of a more conventional improvement, also as determined by the Landmarks Advisory Board.

A. Property Tax Rebates:

1. A property owner who has expended funds for labor and materials necessary to comply with Section 9.500, may apply to the City for rebate of the City's portion of real property taxes levied and collected by the Washington County Department of Assessment and Taxation for the fiscal real property tax year following the tax year in which the investment for labor and materials was made by the owner, and

for each subsequent tax year thereafter not to exceed ten (10) tax years. In no event shall the total rebates paid by the City to the applicant exceed 50 percent of the total cost of the labor and materials expense necessary to comply with Section 9.500. The applicant shall submit with the application, on a form to be provided by the City, such verification of the expenditures for labor and materials, as shall be determined sufficient by the City.

2. No rebates shall be allowed for any property that receives benefits under the State Special Assessment Program (ORS 358.475), for which real property tax payments are delinquent, nor shall rebates continue to be paid for a property which ceases to meet the standards of this ordinance as a qualifying historical resource. No rebates shall be allowed for tax payments made in the year the funds are expended for compliance with Section 9.500, or any year prior thereto.
3. Nothing in this section shall be deemed to obligate the City to rebate any taxes levied and paid for the benefit of any other governmental entity, and shall apply only to real property taxes assessed, levied, and payable to the City of Sherwood by the Washington County Department of Assessment and Taxation.

B. City Fee Waiver:

1. The City Manager or his designee shall have the authority to waive all or some of the required land use application fees established by the City that would normally be applicable to a landmarks alteration, including any fees for processing the landmarks alteration application itself.

C. Building Codes:

Consistent with Section 3407 of the International Building Code (IBC) and Section R119 of the Oregon Residential Specialty Code, the Building Official is authorized to permit alterations to designated landmarks without compromising all other building code requirements or other applicable codes adopted by the City provided:

1. The landmark has been designated as per Section 9.400, and the alteration is fully consistent with Section 9.500;
2. The altered landmark will be no more hazardous based on life safety, fire safety, and sanitation than the existing landmark;
3. Unsafe conditions are corrected; and
4. The alteration is approved by the Landmarks Advisory Board.

“EXHIBIT B”

CITY OF SHERWOOD

Report Date: October 18, 2005

Staff Report

File No: PA 05-04 Chapter 9 Plan Text Amendment

TO: PLANNING COMMISSION

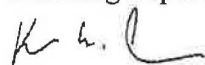
Hearing Date: October 25, 2005

Report Date: October 18, 2005

FROM: PLANNING DEPARTMENT

Kevin A. Cronin, AICP

Planning Supervisor



I. BACKGROUND

The current scope of Chapter 9 – Historic Resources of the Sherwood Zoning and Community Development Code (Comprehensive Plan - Part 3) was approved in 1995 (PA 95-01) and later revised in 2002 (PA 01-04) to include the current design standards instead of non-enforceable guidelines. In 2004, Gene Stewart, a local business owner, had frequently requested changes that either dissolves or reactivates the Landmarks Advisory Board (LAB), which was created in 1992 (Ordinance 92-946) to oversee the designation and review of historic resources as local landmarks.

Consequently, the Planning Department added this item to the “2005 Work Program” developed last January. An “Issue Paper” (Exhibit E) was presented to the Commission in May that initiated a discussion on the issues of a historic review board, review standards, and establishment of a historic preservation program in Sherwood. On September 13, 2005 the Planning Commission held a work session to openly discuss a number of proposed amendments and later initiated a plan text amendment application to update Chapter 9. This staff report summarizes those amendments and provides the findings of fact based on a plan text amendment process and criteria in Section 4.203. The criteria are *italicized* for reference.

II. PROPOSAL

As part of this update, staff reviewed a model ordinance (Exhibit B) developed by the State Historic Preservation Office (SHPO) in 1999 for local governments and compared those policies to existing Chapter 9 standards. A few minor items were incorporated (new definitions - Section 1.200 and expanded landmark review criteria – Section 9.400) into the proposed amendments, but by and large, Chapter 9 is already a very comprehensive ordinance with a diverse toolbox of provisions for historic preservation.

In addition, staff met with Dr. Stephen Poyser of SHPO on August 24, 2005 to discuss the proposed amendments and administrative measures to improve historic preservation in Sherwood. Two issues were raised that deserve attention: Certified Local Government (CLG) status and administrative review. CLG is a program offered through SHPO to local governments that provides training, grants, and other administrative, technical, and financial assistance for historic preservation. SHPO receives money from the federal Department of Interior - National Park Service and state lottery monies via an allocation to the Oregon Parks and Recreation Department. If Sherwood wants to tap into a new funding source that does not require local general fund monies, CLG status is *required and highly recommended*. For example, CLG status allows the City to apply for matching grants for restoration projects, technical assistance for education and awareness, preservation planning and policy making, and allows greater local authority for National Register nominations. However, to gain CLG status, a local government *must* have a historic review board like a LAB that requires accredited professionals in architecture, historic preservation, design, history, archaeology, or related fields. The Planning Commission will need to weigh the costs and benefits of having a Landmarks Review Board or some other review body in view of this requirement.

As a result of the work session, the Planning Commission directed staff to investigate the feasibility of three options for landmark review: (1) establish a memorandum of understanding with the Sherwood Historical Society and delegate advisory capacity, (2) transfer advisory capacity to the Cultural Arts Commission, or (3) establish an advisory, professional subcommittee under the Planning Commission purview. After consultation with Community Service Manager Kristen Switzer, staff found that the Cultural Arts Commission does not have any responsibilities or membership requirements in the bylaws related to cultural resources that would enable or facilitate review of landmarks. This type of change would require new legislative amendments, as well as a “cultural change” of this commission from event management and promotion of arts to cultural and historic preservation. After discussing with SHPO the transferability idea of delegating review responsibility to the Sherwood Historical Society, staff does not recommend this relationship because it jeopardizes the ability of Sherwood to apply for CLG status and elevates a role of a private, non-profit not traditionally found in local government.

In staff’s opinion, the last option is the only viable one; that is creating a subcommittee under the Commission OR creating a “super committee” for landmark review and major alterations. Either approach would require addition or amendment of bylaws to the Planning Commission responsibilities, while the later would not require another separate group and could be scheduled with Planning Commission meetings. Appointments would still need to be made by the City Council per the City Charter. Under the latter option a Historical Society member could serve on this super board and added to the landmark review bylaws in Chapter 9, along with accredited professionals from the historic preservation community. According to SHPO, this arrangement would meet the program requirements for CLG status thereby allowing the City to apply and receive state money to fund historic preservation activities on the condition that a third party professional would be retained to provide consultation. Under Section 9.300, staff is recommending

an enlarged review board with three additional, professional members for landmark and alteration applications. A member could also include a person that is interested in the field (student) or someone who has firsthand knowledge of preservation or renovation of a structure. In addition, LAB members receive training and experience needed to fill in for absent or vacant Commission positions. Staff can administer a recruitment and interview process for the Commission Chair and Mayor (liaison).

The second issue is using an administrative body, such as the Planning Department and a third party consultant as proposed, to review smaller projects instead of a LAB or the Planning Commission. The assumption is that a qualified and professional staff will be at the City and have access to a third party review. Whereas, the Planning Commission or another appointed body will have a broader perspective, and may identify different issues not anticipated at a staff level review. Under normal circumstances, a review board takes more time than staff review and decision. The benefits of a streamlined approach need to be weighed against the benefits of additional scrutiny and public process by an appointed review body.

Finally, staff will implement administrative measures subject to Planning Commission direction and Community Development Division approval, but separate from this plan text application. These ideas are listed in the e-mail correspondence dated September 6, 2005 (Exhibit C).

III. AGENCY & PUBLIC COMMENTS

Staff sent e-notice to affected agencies on September 16, 2005 and posted general public notice. To date no written comments have been submitted. Direct property notice is not required for a Type 5 – Legislative amendment. Staff sent 45-day notice to DLCD on July 8, 2005.

IV. FINDINGS

TEXT AMENDMENT (SECTION 4.203.01)

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and this Code, and with any applicable State or City statutes and regulations.

Plan Amendment Initiation: The proposed SZCDC (Part 3) text amendment (Exhibit A) is the result of a need raised by a concerned citizen and later acknowledged by the Planning Commission and City Council in respective goal setting for 2005. The Planning Commission initiated the plan text amendment application on September 13, 2005 after considering the changes during a regular meeting.

Consistency with Comprehensive Plan: Regarding consistency of the proposed changes with the Comprehensive Plan (Part 2), Chapter 5, most recently revised in December 2000, (Ordinance 2000-1103), has the following policies:

12. *The 1989 Sherwood Cultural Resource Inventory is included as an appendix to this Plan. The Survey identified 132 potential historic landmarks of varying value. The City has adopted a process by which sites will be reviewed for historic landmark designation and protection. Until completion of that process, if any significant structure listed in the survey is proposed for alteration, construction or demolition, the City shall initiate the review of such building for historic landmark designation, and will not issue a building permit until that process is complete. (Planning Goals: Recreational Resources, p 9)*

Policy 5 The City will protect designated historic and cultural landmarks in accordance with the Code standards.

Strategy:

- *The City will evaluate the 132 identified historic and cultural sites in accordance with adopted Code standards and determine which sites should be designated landmarks. (Chapter 5, p 20)*

- 5.d *Historic and Cultural Resources: Structures and sites which maintain continuity with the City's past and which provide places for persons to congregate and enjoy cultural activities will be developed and/or preserved. The City will consider the preservation of structures and sites of historic and/or architectural significance as identified by the 1989 Sherwood Cultural Resources Inventory. It is the intention of this plan to preserve and develop distinctive historic or cultural features of the Planning Area so as to maintain the City's unique identity in the face of urban growth. The 132 sites identified in the 1989 Cultural and Historic Resources Survey shall be reviewed to determine which should be designated landmarks to be protected by historic landmark protection standards in the code. (PARK AND OPEN SPACE PLAN FEATURES, Chapter 5: p 25)*

The proposed code changes do not alter the above policies and is consistent with the policy to preserve historic resources. These policies were developed prior to the owner consent law in 1995 (Exhibit D) that requires notice to the subject property owner and approval of the designation before adoption of landmark status. Under the same law, future property owners are not bound to prior designations and can have the designation removed.

The current proposal amends the following:

- (1) Addresses the bylaws and assignment of duties of an inactive Landmarks Advisory Board (Section 9.300);

- (2) Tweaks existing form-based design standards and proposes a separate track for the Smockville plat portion of the Old Town District (Exhibit F) (Section 9.200);
- (3) Streamlines procedures for minor additions or exterior renovations (Section 9.300);
- (4) Expands protection of primary and secondary structures outside the Old Town District (Section 9.500);
- (5) Repeals a building fee waiver consistent with state law and updated references to current International Building Code (IBC) standards for historic resources; and
- (6) Adds a standard consistent with the owner consent law adopted by the Legislature in 1995 (Section 9.400).

A majority of the above changes are consistent with Planning Commission and City Council direction, while others are proposed by staff. However, all proposed changes are consistent and further the intent of the policies in the Comprehensive Plan (Part 2).

Consistency with State Law: OAR 660-023-000-200

Goal 5 of the statewide land use planning system addresses a process to adopt standards for preservation of historic resources. Historic preservation standards are voluntary for local governments although required when the City underwent periodic review in 1991. The proposed changes effectively address standards prior to periodic review expected to commence in 2007. The City is not requesting new designations as part of the proposal. This standard is met.

V. RECOMMENDATION

Planning staff recommends that the Planning Commission recommend **approval** of the attached plan text amendment, subject to any revisions, and forward the findings and proposal to the City Council for a second required hearing in the form of a proposed ordinance.

VI. EXHIBITS

- A. Draft Chapter 9 Code Changes v3.0 dated October 18, 2005
- B. Draft Oregon Model Historic Preservation Ordinance dated November 2, 1999
- C. E-mail correspondence from Kevin A. Cronin, Planning Supervisor to Planning Commission dated September 6, 2005
- D. ORS 197.772: Owner Consent Law – 1995
- E. Planning Department Issue Paper dated May 3, 2005
- F. Smockville Design Standards v1.0 dated October 18, 2005

End of Report \\Cos-dc1\shared\Sherwood City Council\Legislation\ORDINANCES\Ordinances 2006\2006-009
Historic Resources - Chapter 9 06.06.06 FINAL.doc