



## ORDINANCE 2017-001

### **AMENDING SECTIONS 16.44 and 16.162 OF THE ZONING AND COMMUNITY DEVELOPMENT CODE REGARDING TOWNHOMES IN THE OLD TOWN OVERLAY DISTRICT AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, It is necessary for the City to regularly update the development code to ensure that it is clear, consistent, and current; and

**WHEREAS**, the development code was amended in 2006 to allow townhomes in the Old Town Overlay District subject to a Conditional Use Permit as part of Plan Amendment (PA) 05-04; and

**WHEREAS**, the development code amendments seek to ensure the code language accurately implements PA 05-04 with respect to where townhomes are allowed in the Old Town Overlay District and the applicable development standards; and

**WHEREAS**, the Planning Commission helped guide the development of proposed amendments after public outreach and opportunity for public input; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on February 28, 2017, and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code modifications; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

**WHEREAS**, the attached Exhibit A reflects the code amendments; and

**WHEREAS**, the City Council held public hearings on March 21, 2017 and April 4, 2017 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

**Section 1. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation finding that the text of the Sherwood Zoning and Community Development Code shall be amended as documented in Exhibit A.

**Section 2. Approval.** The proposed amendments for Plan Amendment (PA) 17-01 identified in Exhibit A is hereby **APPROVED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

**Section 4 - Applicability.** The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

**Section 5 - Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 4<sup>th</sup> day of April, 2017.**

  
Krisanna Clark, Mayor 4/4/17  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robinson	<i>Absent</i>	<input type="checkbox"/>
Kuiper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Proposed Edits Recommend by the Planning Commission

(additions are shown in green; deletions are shown in ~~red~~)

### Chapter 16.44 - TOWNHOMES

#### 16.44.010 - Townhome Standards

##### A. Generally

A townhome may be located on property zoned MDRH<sub>1</sub> ~~or~~ HDR<sub>1</sub>, or in other zones as specified in an approved Planned Unit Development or as a Conditional Use in the Old Town Overlay District, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

##### B. Standards

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

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

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

C. Occupancy

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

D. Infill Standard

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

E. Design Standards

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

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

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

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

## **Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT**

### **16.162.010 - 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 Chapters 16.166 and 16.168. 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.

(Ord. 2006-009 § 2; 2002-1128 § 3; 94-990; 92-946; 87-859)

### **16.162.020 - 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.

(Ord. 2002-1128 § 3; 94-990)

### **16.162.030 - Permitted Uses**

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

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

(Ord. 2006-009 § 2)

- B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.

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

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

#### 16.162.040 - Conditional Uses

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

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

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

#### 16.162.050 - Prohibited Uses

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

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

(Ord. 2006-009 § 2; 2002-1128 § 3; 94-990; 92-946; 87-859)