



ORDINANCE 2019-003

AMENDING CHAPTERS 16.52 (ACCESSORY DWELLING UNITS) AND 16.72 (PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE TO COMPLY WITH OREGON SB 1051 AND TO MAKE ADDITIONAL AMENDMENTS RELATED TO ACCESSORY DWELLING UNITS

WHEREAS, accessory dwelling units (ADUs) provide opportunities for additional small-scale affordable housing to be integrated into single-family neighborhoods; and

WHEREAS, ADUs are currently permitted in all Sherwood single-family residential districts; and

WHEREAS, in 2017, the Oregon Legislature enacted SB 1051, aimed at addressing the housing shortage by removing barriers to housing development, and SB 1051 requires cities with a population over 2,500 to allow at least one ADU for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design; and

WHEREAS, although ADUs are already permitted in all Sherwood single-family residential districts, amendments to the Sherwood Zoning and Community Development Code (SZCDC) were needed to comply with other requirements of SB 1051, and additional changes were desired for clarity of the code; and

WHEREAS, SB 1051 called for jurisdictions to provide a 35-day notice of the first evidentiary hearing to consider any necessary code amendments to the Department of Land Conservation and Development (DLCD) by July 1, 2018; and

WHEREAS, the City provided notice of the hearings on this ordinance consistent with SZCDC Chapter 16; and

WHEREAS, at its meeting on January 22, 2019, the Planning Commission conducted a public hearing, considered amendments to Chapters 16.52 and 16.72 of the SZCDC to make said changes, and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held public hearings on the proposed amendments on February 19, 2019 and March 5, 2019.

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, and evidence presented at the public hearings, the City Council adopts the

findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the SZCDC shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

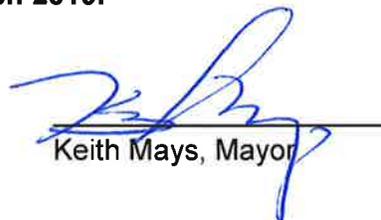
Section 2. Approval The proposed amendments to Chapters 16.52 (Accessory Dwelling Units) and 16.72 (Procedures for Processing Development Permits) in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

Section 3. Planning Department Authorized The Planning Department is hereby directed to take such action as may be necessary to document the amendments, 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 SZCDC adopted by this Ordinance apply to all land use applications submitted beginning on the effective date of this Ordinance.

Section 5. Effective Date This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 5th day of March 2019.



Keith Mays, Mayor

3/5/19

Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	_____
Griffin	<input checked="" type="checkbox"/>	_____
Brouse	<input checked="" type="checkbox"/>	_____
Young	<input checked="" type="checkbox"/>	_____
Garland	<i>Absent</i>	_____
Rosener	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____

Exhibit A

Proposed Amendments to Sherwood Zoning Community Development Code (SZCDC) Chapters 16.52, Accessory Dwelling Units, and 16.172, Procedures for Processing Development Permits

SZCDC §16.52 Accessory Dwelling Units

16.52.010 - Purpose

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

(Ord. 2000-1108, § 3)

16.52.020 - Requirements for all Accessory Dwelling Units

All Accessory Dwelling Units must meet the following standards:

- A. Creation: One Accessory Dwelling Unit per single-family detached dwelling may only be created through the following methods:
 - 1. Converting existing living area, attic, basement or garage;
 - 2. Adding floor area;
 - 3. Constructing a detached ADU on a site with an existing house;
 - 4. Constructing a new house with an internal or detached ADU.
- B. Owner Occupancy: The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
- C. Number of Residents: An ADU shall not be occupied by more than 3 persons.¹
- D. Location of Entrances: The entrance to a detached ADU shall not be visible from the street that the primary residence is addressed from.²
- E. Parking: Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings. If the ADU has more than one bedroom conformance with the Multi-Family parking standards shall apply.

¹ Planning Commission modified at hearing

² Planning Commission modified at hearing

- F. Floor Area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet.³
- G. Setbacks and Dimensional Requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone. A detached ADU shall only be located in the rear yard or above a detached garage.
- H. Design and Appearance:

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

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

Design and Appearance Standards: Detached ADU's must meet one option from each row below

Exterior Finish Materials	Must be the same or visually match in type, size and placement, the exterior finish material of the primary structure	OR	Siding made from wood, composite boards, vinyl or aluminum products. Siding must be a shingle pattern or in a horizontal clapboard or shiplap pattern ≤ 6 inches in width
Roof Pitch	Predominant roof pitch must be the same as the predominant roof pitch of the primary structure	OR	Roof pitch must be at least 6/12
Trim	Must be the same in type, size, and location as the trim used on the primary structure	OR	All windows and door trim must be at least 3.5 inches wide
Eaves	Same projection distance as primary structure	OR	All eaves project at least 1 foot from the building walls

§16.72.010 - Generally

A. Classifications

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

1. Type I

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

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses

³ Planning Commission modified at hearing

- d. Temporary Uses
- e. Final subdivision and partition plats
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- l. Re-platting, Lot Consolidations and Vacations of Plats
- m. Minor Modifications to Approved Site Plans
- n. Accessory Dwelling Units

(End of Recommended Code Amendments)