

ORDINANCE No. 2333

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING PORTIONS OF THE LAKE OSWEGO CODE, CHAPTER 50 (COMMUNITY DEVELOPMENT CODE), TO PROMOTE COMPATIBILITY OF NEW SINGLE FAMILY DEVELOPMENT WITH THE CHARACTER OF EXISTING DEVELOPMENT; AND ADOPTING FINDINGS (LU 02-0018-1507)

WHEREAS, house sizes have increased over the past 20 years resulting in greater discrepancies in size between older, existing houses and abutting new development; and

WHEREAS, by regulating the shape and volume of the house and also providing an alternative process that allows a property owner to select whether single family development is reviewed against clear and objective standards or through a more subjective design review process, community review of development may be balanced with property owner rights; and

WHEREAS, notice of the public hearing for consideration of this Ordinance was duly given in the manner required by law; and

WHEREAS, the Planning Commission has recommended that LU 02-0018 be approved by the City Council to amend portions of the Community Development Code to create additional zoning regulations for the purpose of promoting development that is more compatible with surrounding structures; and

WHEREAS, the City Council held public hearings and considered this matter on May 20, June 10 and June 17, 2003.

NOW THEREFORE, the City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions LU 02-0018-1507 attached as Exhibit "A".

The Lake Oswego Code is hereby amended by deleting the text shown by ~~strikeout~~ and adding new text shown in double underline.

**Section 2. Section 50.02.005 is hereby amended to read as follows**

**50.02.005 Definitions.**

For the purposes of this Code certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense includes the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; the masculine gender includes the feminine gender, except as otherwise provided. The following terms shall mean:

\* \* \*

Development Site. The total area of parcel(s) or lot(s) prior to a development action, such as a partition or subdivision, or other development activity.

\* \* \*

Footprint. The polygon formed by the surrounding exterior walls of a building or portion thereof, including any structure which is over 30 inches in height with or without exterior walls, but exclusive of vent shafts and courtyards. The footprint does not include the ground area under the eaves of the building or structure.

\* \* \*

Garage, Side-loading. A garage that meets the definition of a Private Garage but is located such that the garage doors face a minimum of 90 degrees away from the street (see Appendix 50.02-C).

\* \* \*

Height of Building. The vertical distance above a reference point measured to the coping of a flat roof or to the deck line of a mansard roof or to the average height of highest point of the gable of a pitched or hipped roof above such point.

The reference points are determined as follows:

a. On Flat Lots: The elevation of any ground surface at the exterior wall of the building. If construction of structure results in artificial elevation of the ground surface; the elevation of any ground surface at the exterior wall of the building prior to construction.

b. On Sloped Lots: The elevation of any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface. If construction of structure does not alter or results in artificial lowering of the ground surface; the elevation of any ground surface at the exterior wall of the building after construction. See Appendix 50.02-A.

c. On Lots within the Flood Management Area: The elevation of any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface, except that if the structure elevates the ground surface for the purpose of raising the floor level above the base flood elevation consistent with LOC Article 50.44, then the reference point shall be the elevated ground surface.

\* \* \*

New Construction

- ~~a. Construction of a new structure; or~~
- ~~b. Alteration of an existing structure which increases the building footprint by more than 25% or height by more than 10%. For the purposes of this section, an "existing structure" is a structure as it exists on May 7, 1992. For the purposes of this section, "alteration" includes a determination of the cumulative effect on footprint and height of all alterations to an existing structure which occur after May 7, 1992. This section does not apply to LOC Article 50.44.~~

\* \* \*

Profile.

a. Utility. A "side view" of a proposed utility pipe or street showing grade, changes in grade, depth of pipe and vertical curves of streets.

b. Structure: A "side view" of a proposed structure showing the front building wall and roof line, from the front building line at the yard setback, to the highest point of the roof.

**Section 3. Section 50.06.035 is hereby amended to read as follows**

**50.06.035 Lot Size, Density Transfer, Floor Area Ratio (FAR).**

1. The standards are minimum lot area for each dwelling unit is as follows:

Zone	Area
R-0	no minimum, FAR not to exceed 1.2:1
R-2	no minimum, FAR not to exceed 1.2:1
R-3	3,375 square feet
R-5	5,000 square feet
WR	3,375 square feet

**Table 50.06.035**

Zone	Minimum Lot Area		Maximum FAR
	Minimum Area	Per Dwelling	
R-0	No minimum	No minimum	1.2:1
R-2	No minimum	No minimum	1.2:1
R-3	3,375 sq. ft.	3,375 sq. ft.	No maximum
R-5	5,000 sq. ft.	5,000 sq. ft.	Lot area 5,000 – 7,000 sq. ft.: .6:1
			Lot area > 7,000 – 9,000 sq. ft.: .5:1
			Lot area > 9,000 sq. ft.: .4:1
WR	3,375 sq. ft.	3,375 sq. ft.	No maximum

2. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

23. For projects in all five zones which are reviewed for approval as planned developments, pursuant to LOC Article 50.17 and LOC Chapter 45, there is no required minimum lot area. Units may be placed on any portion of the site as long as the project complies with other requirements of this Code and LOC Chapters 45 and 50.

34. For projects on properties subject to an RP or RC District Designation, lot areas may be modified as provided in LOC 50.16.045.

**Section 4. Section 50.06.040 is hereby amended to read as follows**

**50.06.040 Lot Coverage.**

1. Maximum Lot coverage for buildings and required parking are as follows shall not exceed the maximums set forth in Table 50.06.040, below:

**TABLE 50.06.040**

Maximum Lot Coverage	
Zone Dwelling Type	Maximum Lot Coverage
R-0	40%
R-2	
Single family detached	35%
Row house	55%
Duplex	55%
Other Structures	50%

<u>R-3</u>	<u>50%</u>
<u>R-5</u>	
<u>Single family detached:</u>	
<u>&lt; 22 feet in height</u>	<u>45%</u>
<u>&gt; 22 feet in height</u>	<u>35%</u>
<u>Single family attached</u>	<u>50%</u>
<u>Other Structures</u>	<u>50%</u>
<u>WR</u>	<u>100%</u>

2. For lots less than or equal to 10,000 square feet in area, up to 200 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area, may be exempt from floor area calculations up to a maximum of 200 square feet.

3. For lots greater than 10,000 square feet in area, up to 400 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area, may be exempt from floor area calculations up to a maximum of 400 square feet.

<u>Zone</u>		
<u>R-0</u>	<u>60%</u>	
<u>R-2</u>	<u>35%</u>	<u>single family detached (excluding parking)</u>
	<u>55%</u>	<u>row house (excluding parking)</u>
	<u>55%</u>	<u>duplex (excluding parking)</u>
<u>R-3</u>	<u>50%</u>	
<u>R-5</u>	<u>50%</u>	<u>attached</u>
	<u>30%</u>	<u>detached new construction (excluding parking)</u>
	<u>35%</u>	<u>detached other than new construction</u>
<u>WR</u>	<u>100%</u>	<u>subject to compliance with LOC Chapter 45, Building Regulation Requirements</u>

**Section 5. Section 50.06.050 is hereby amended to read as follows**

**50.06.050 Yard Setbacks, Buffers.**

1. a. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required for ~~new construction~~ in the R-0, R-3 and R-5 zones:

<u>Dwelling Structure Type</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>Attached Dwelling</u>	<u>10 ft.</u>	<u>10 ft. (exterior wall)</u> <u>0 ft. (attached wall)</u>	<u>10 ft.</u>
<u>Detached Dwelling</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>20 ft.</u>
<u>≤ 18 feet in height</u>	<u>20 ft.</u>	<u>5 ft.</u>	<u>20 ft.</u>
<u>&gt; 18 feet in height</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>20 ft.</u>
<u>Other Structures</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>

b. ~~Except as otherwise provided in this section or LOC 50.22.010, 50.22.025, 50.22.030 or 50.22.035, the required setback in the R-0, R-3 and R-5 zones for alteration that does not qualify as new construction is 10 feet.~~

eb. Except as otherwise provided in this section or LOC 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required in the R-2 zone:

<u>Dwelling Structure Type</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Duplex <u>Dwelling</u>	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Zero-lot line <u>Dwelling</u>	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Row house <u>Dwelling</u>	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Detached <u>Dwelling</u>	20 ft.	[see subsection 1(d)c]	20 ft.
<u>Other Structures</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>

dc. Side yard Setbacks for Detached Structures in R-2 Zone:

- i. Single story structures: 5 feet
- ii. Multi-story structures: 15 feet cumulative, 5 feet minimum on a side [but see subsection 1(ed)].

ed. A multi-story detached structure in the R-2 Zone may have a smaller cumulative side yard setback than required in subsection 1(dc)(ii) where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the side building line by at least four feet on each side.

2. Structures shall be setback from a street right-of-way line a minimum of 10 feet, or such greater distance not to exceed the height of the principal structure necessary to accommodate off street parking or provide visual or sound buffering from arterial and collector streets.

3. The Development Review Commission may increase required setbacks as necessary to achieve compliance with the Development Standards.

4. a. Where a lot zoned R-0, 3 or 5 abuts a lot with a zone other than R-0, 3 or 5, a setback shall be established on the lot zoned R-0, 3 or 5 of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5.

b. Where a lot zoned R-2 abuts a lot in the R-6, R-7.5, R-10 or R-15 zone, the setback of the abutting yard on the lot zoned R-2 shall be the setback required for such yard in the abutting lower density zone.

5. When a new development or the expansion or reconstruction of an existing development occurs in a R-0, 3 or 5 zone which abuts an existing less intensive residential use, a setback shall be established on the lot zoned R-0, 3 or 5 of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5.

6. There are no setbacks required in the WR zone, subject to compliance with LOC Ch. 45 Building Regulation requirements.

7. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances and physical site or solar access limitations. Street access should be local streets.

8. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.

**Section 6. Section 50.06.055 is hereby amended to read as follows**

**50.06.055 Height of Structures.**

1. a. On a lot or lots developed as one project of 1/2 acre or greater in total area for the R-0 and R-3 zones or for attached development in the R-5 zone, the structure height may average 40 feet over the project lot(s) with no individual structure exceeding 50 feet.

b. On a lot or lots being developed as one project of 1/2 acre or greater in total area for the R-2 zone, the structure height may average 32 feet over the project lot(s) with no individual structure exceeding 35 feet.

2. a.—Except as provided in Subsection (1)(a) above, the height of a structure in the R-0, R-2, R-3 and R-5 zone ~~which qualifies as new construction~~ shall not exceed 28 feet on flat lots or 35 feet on sloped lots. ~~The height of an alteration that does not qualify as new construction shall not exceed 35 feet on flat or sloped lots.~~

b.—~~On lots less than 1/2 acre, or for detached residential structures in the R-2 zone, the height of a structure shall not exceed 28 feet on flat lots or 35 feet on sloped lots.~~

3. ~~A structure that qualifies as new construction shall not exceed a height of 28 feet on flat lots or 35 feet on sloped lots on any lot in the R-0, R-3 or R-5 zones if the structure is closer than 60 feet to a lot carrying a residential designation other than R-0, R-3 or R-5. The height of alteration that does not qualify as new construction shall not exceed 35 feet on flat or sloped lots in the same circumstance.~~

4. No structure in the WR zone can exceed 24 feet in height. Height is measured from the surface of the water.

5. Exceptions to Maximum Building Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:

a. Do not extend more than 6 feet above the maximum specified height;

b. Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and

c. Do not, in total, cover more than 20 percent of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

[Cross-References: Height Limitation: See also LOC 50.45.010(1)(a) for non-single-family dwellings; Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: See also LOC 50.18.005 and 50.18.010 for Country Club/North Shore, First Addition, Lake Grove and Lakewood Building Height and Roof Pitch Overlay.]

## Section 7. A new Section 50.06.060 is hereby added to read as follows

### 50.06.060 Dwelling Design - R-5 Zone.

#### 1. Front Setback Plane in the R-5 Zone.

a. Front Setback Plane. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward, to 20 feet in height, then slopes toward the rear of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak, as illustrated in Appendix 50.07-C.

b. Exceptions to the front setback plane. Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.

2. Maximum Side Yard Plane. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street. When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of side-yard

wall planes that are entirely separated from other wall planes are those that result in a change in plate height or other change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the from the adjacent plane, for a length of at least 6 feet.

**Section 8. A new Section 50.06.065 is hereby added to read as follows**

**50.06.065 Garage Appearance and Location.**

1. In the R-5 zone, the following standards apply, except when a garage is located behind the primary structure or the garage is side-loading, as shown in Appendix 50.02-C:

- a. The garage shall:
    - i. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (c) below are met.
    - ii. Not occupy more than 60% of the width of the facade of the structure.
    - iii. Minimize the appearance of the garage by complying with at least two of the following standards:
      - A. Set the garage an additional two feet further from the front property line than the facade of the dwelling:
      - B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall:
      - C. Any individual garage door may not exceed 50% of the width of the structure facade. Any garage opening width beyond 50% of the primary structure width must be set back at least 2 feet further from the front property line than the facade of the other garage volume:
      - D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.
  - b. Multiple Garage Opening Setbacks. In any instance where a garage is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.
  - c. Exceptions. The standards in subsections (a) and (b) shall not apply in the following circumstances:
    - i. Where the average slope of a parcel exceeds 20%.
    - ii. Where the width of a parcel is less than 50 feet.
    - iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.
- or
- iv. Where the width of the lot at the front building line is less than 30 feet.

2. When a side-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

3. For garages located at the rear of the primary structure or for side-loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.

**Section 9. Section 50.07.025 is hereby amended to read as follows**

**50.07.025 Yard Setbacks.**

1. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following minimum yard setbacks are required for development in the R-6 zone.

- a. Front Yard: 20 feet.
- b. Side Yard Adjacent to a Street:

- ~~\_\_\_\_\_ 20 feet on arterials and collectors~~
- ~~\_\_\_\_\_ 10 feet on local streets~~
- ~~\_\_\_\_\_ c. Other Side Yards:~~
  - ~~\_\_\_\_\_ i. Single Story Structures: 5 feet.~~
  - ~~\_\_\_\_\_ ii. Multi Story Structures: 15 feet cumulative, 5 feet minimum on a side, except as provide~~
- ~~\_\_\_\_\_ in subsection 3 of this section.~~
- ~~\_\_\_\_\_ d. Rear Yards: 20 feet.~~

Yard Setback Location	Required Minimum Yard Setback
a. Front Yard	20 feet
b. Side Yard Adjacent to a Street: 20 feet on arterials and collectors 10 feet on local streets	20 feet 10 feet
e. Other Side Yards: i. Single Story Structures ii. Multi Story Structures:  <u>Structures ≤ 18 feet in height</u> <u>Structures &gt; 18 feet in height</u>	5 feet 15 feet cumulative, 5 feet minimum on a side, except as provided in subsection 3 of this section. 5 feet <u>15 feet cumulative, 5 feet minimum width on a side, 15 feet cumulative; except as provided in subsection 3 of this section.</u>
d. Rear Yards	20 feet

2. A projecting covered front porch may extend into the front yard setback up to 6 feet.
3. A multi-story structure may have a smaller side yard setback than required in subsection 1(e)(ii) of this section where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the side building line by at least four feet on each side.
4. Eaves, bay windows, chimneys and other decorative features that do not expand the plane of the primary exterior wall may extend into the yard setback areas as long as minimum fire code distances are met.

**Section 10. Section 50.07.030 is hereby amended to read as follows**

**50.07.030 Height of Primary Structures.**

1. Maximum Height. Primary structures shall not exceed 28 feet in height on a flat lot or 35 feet on a sloped lot, except as otherwise specified in subsection 2., below.
2. Exceptions to Maximum Building Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:
  - a. Do not extend more than 6 feet above the maximum specified height.
  - b. Do not, in total, exceed one-third of the width of the building for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections, as measured on any elevation drawing and.
  - c. Do not, in total, cover more than 20% of the roof area on which they are located, as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.



[Cross-References: Height Limitation: see also Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: See also LOC 50.18.005 and 50.18.010 for Country Club/North Shore, First Addition, Lake Grove and Lakewood Building Height and Roof Pitch Overlay.]

**Section 11. Section 50.07.035 is hereby amended to read as follows**

**50.07.035 Lot Coverage/Floor Area Ratios.**

1. Lot coverage and floor area ratios in the R-6 zone. Structures on lots of 6,000 square feet or less shall not exceed the lot coverage and floor area standards found in Table 50.07.035 below: 35 percent in total lot coverage and shall not exceed a 0.5:1 Floor Area Ratio (FAR).

**TABLE 50.07.035**

<u>Lot Size (Square Feet)</u>	<u>Maximum Lot Coverage</u>		<u>Maximum Floor Ratio Area*</u>
	<u>Primary Dwelling ≤ 22 feet in height</u>	<u>Primary Dwelling ≥ 22 feet in height</u>	
<u>&lt; 6,000</u>	<u>45%</u>	<u>35%</u>	<u>.5</u>
<u>≥ 6,000 &lt; 7,000</u>	<u>44%</u>	<u>34%</u>	<u>.48</u>
<u>≥ 7,000 &lt; 8,000</u>	<u>43%</u>	<u>33%</u>	<u>.46</u>
<u>≥ 8,000 &lt; 9,000</u>	<u>42%</u>	<u>32%</u>	<u>.44</u>
<u>≥ 9,000 &lt; 10,000</u>	<u>41%</u>	<u>31%</u>	<u>.42</u>
<u>≥ 10,000 &lt; 11,000</u>	<u>40%</u>	<u>30%</u>	<u>.40</u>
<u>≥ 11,000 &lt; 12,000</u>	<u>39%</u>	<u>29%</u>	<u>.38</u>
<u>≥ 12,000 &lt; 13,000</u>	<u>38%</u>	<u>28%</u>	<u>.36</u>
<u>≥ 13,000 &lt; 14,000</u>	<u>37%</u>	<u>27%</u>	<u>.34</u>
<u>≥ 14,000 &lt; 15,000</u>	<u>36%</u>	<u>26%</u>	<u>.32</u>
<u>≥ 15,000</u>	<u>35%</u>	<u>25%</u>	<u>.3</u>

\*Floor Area in a basement that does not meet the definition of a story, shall be excluded from floor area calculations.

2. For lots from 6001 square feet to 15,000 square feet, the percentage of allowable lot coverage shall be reduced by 1% and the allowable total FAR shall be reduced by .02:1 for each 1-1000 square foot increment that the lot exceeds 6,000 square feet. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

3. For lots larger than 15,000 square feet, maximum allowable lot coverage shall be 25% and the maximum allowable FAR shall be .3:1.

4. Decks less than 5 feet above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from lot coverage and FAR calculations.

5. No more than 60% of the lot may be covered with impervious surfaces

5. For lots less than or equal to 10,000 square feet in area, up to 200 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 200 square feet.

6. For lots greater than 10,000 square feet in area, up to 400 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 400 square feet.

**Section 12. Section 50.07.040 is hereby amended to read as follows**

**50.07.040 Single Family Dwelling Design.**

1. Roof Design. The minimum roof pitch for primary roof forms of a single family dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single family dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays may be flat or shed roof types (See Appendix 50.07-A).

2. Front Porch Required. All new dwellings shall include a projecting covered front porch a minimum width of 50% of the building width at the front building line and six feet deep. Porch supports shall be provided and shall be wood or masonry or a solid material with the appearance of wood or masonry.

3. Front Setback Plane.

a. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 20 feet in height, then slopes toward the rear of the lot at a slope of 6:12, up to 28 feet in height at the peak, as illustrated in Appendix 50.07-C. This requirement shall not apply to flag lots.

b. Exceptions to the front setback plane. Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.

4. Maximum Side Yard Plane. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street. When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plate height or other change in plane such as a recessed or projecting section of the structure, that projects or recedes at least two feet from the from the adjacent plane, for a length of at least 6 feet.

[Cross-References: Roof Pitch: See also LOC 50.18.005 and 50.18.010 for Country Club/North Shore, First Addition, Lake Grove and Lakewood Building Height and Roof Pitch Overlay.]

**Section 13. Section 50.07.045 is hereby amended to read as follows**

**50.07.045 Accessory Structures.**

1. In General:

a. Floor Area: An single-accessory building structure  $\leq$  18 feet in height shall not exceed 6800 sq. ft. in ground floor area or the square footage of the ground floor area of the primary structure, whichever is less. An accessory structure  $>$  18 feet in height shall not exceed 600 square feet or the square footage of the ground floor area of the primary structure, whichever is less.

b. Height: The maximum height of an accessory structure shall be 24 feet, except that no accessory structure shall be taller than the primary structure.

c. Yard Setbacks: The side and rear yard setbacks for an accessory structure no more than 15 feet tall  $\leq$  18 feet in height shall be a minimum of 5 feet. Taller accessory structures shall meet the side yard setbacks requirements of the primary structure. The rear yard setback of an accessory structure greater than 18 feet in height shall be a minimum of 10 feet. Accessory structures on abutting lots may not be built with common party walls.

d. Roof: Roof pitch on an accessory structure shall either match the pitch of the primary structure or be a minimum pitch of 6:12.

2. Garages. In addition to compliance with subsection 1 of this section, a garage shall comply with the following requirements.

a. Garages shall be accessed from an alley, if available. If a property is located on a corner lot, garages may also be accessed from the street that abuts the side of the primary dwelling when the following criteria are met:

- i. The garage is located between the primary structure and the alley.
- ii. The garage is set back a minimum of 15 feet from the side street property line, and
- iii. The garage is set back a minimum of 2 feet from the side elevation of the primary dwelling.

b. For interior lots, garages shall be located so that the side of the garage facing the street is set back a minimum of 15 feet behind the front building line of the house (excluding a porch). (See Appendix 50.07-B).

c. When a side-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

3. This section shall not apply to secondary dwelling units, which shall be governed by the requirements for the primary structure and LOC 50.30.010.

**Section 14. Section 50.08.030 is hereby amended to read as follows**

**50.08.030 Yard Setbacks.**

1. a.—Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required for ~~new construction~~ in each zone:

Zone	Primary Structures				Accessory Structures		
	Front Yard	Side Yard Adjacent to a Street	Other Side Yard		Rear Yard	Side and Rear Yards	
			<u>Structure ≤ 18 feet in height</u>	<u>Structure &gt; 18 feet in height</u>		<u>Structure ≤ 18 feet in height</u>	<u>Structure &gt; 18 feet in height</u>
R-7.5	25 feet	20 feet on arterial and collector, 10 feet on local streets	<u>10 feet</u> <u>5 ft. min. width,</u> <u>total combined</u> <u>width 15 feet</u>	<u>10 feet</u>	30 feet	<u>5 feet, side</u> <u>10 feet, rear</u>	<u>10 feet, side</u> <u>15 feet, rear</u>
R-10	25 feet	20 feet on arterial and collector, 15 feet on local streets	<u>15 feet</u> <u>10 feet</u>	<u>15 feet</u>	30 feet	<u>10 feet, side</u> <u>15 feet, rear</u>	<u>15 feet</u>
R-15	25 feet	20 feet on arterial and collector, 15 feet on local streets	<u>15 feet</u> <u>10 feet</u>	<u>15 feet</u>	30 feet	<u>10 feet, side</u> <u>15 feet, rear</u>	<u>15 feet</u>

Zone	Front Yard	Side Yard Adjacent to a Street
R-7.5	25 ft.	20 ft. on arterial and collector 10 ft. on local streets
R-10	25 ft.	20 ft. on arterial and collector 15 ft. on local streets
R-15	25 ft.	20 ft. on arterial and collector 15 ft. on local streets

Zone	Other Side Yards	Rear Yards
R-7.5	10 feet	30 feet
R-10	15 feet	30 feet
R-15	15 feet	30 feet

b. ~~Except as otherwise provided in this section, or LOC 50.22.010, 50.22.025, 50.22.030 or 50.22.035, the following setbacks are required for in each zone for an alteration that does not qualify as new construction:~~

Zone	Front	Yard Adjacent to a Street
R-7.5	25 feet	20 ft. on arterial and collector 10 ft. on local streets
R-10	25 feet	20 ft. on arterial and collector 10 ft. on local streets
R-15	25 feet	20 ft. on arterial and collector 10 ft. on local streets

Zone	Other Side Yards	Rear Yards
R-7.5	5 ft. minimum width, total combined width 15 ft.	25 feet
R-10	10 feet	25 feet
R-15	10 feet	25 feet

2. Zone lot line units must comply with all required setbacks except for the area of the common wall or walls.

3. Setbacks for a planned development will be determined at the time of review pursuant to LOC Article 50.17. The maximum setback that can be required by the Board is 35 feet.

4. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

5. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.

**Section 15. Section 50.08.035 is hereby amended to read as follows**

**50.08.035 Height Limits of Structures.**

~~1. R-7.5: New construction shall not exceed 28 feet in height on a flat lot or 35 feet on a sloped lot. An alteration that does not qualify as new construction shall not exceed 35 feet in height on a flat or a sloped lot.~~

~~2. R-10: New construction shall not exceed 30 feet in height on a flat lot or 35 feet on a sloped lot. An alteration that does not qualify as new construction shall not exceed 35 feet on a flat or a sloped lot.~~

~~3. R-15: New construction shall not exceed 35 feet in height on a flat lot or a sloped lot. An alteration that does not qualify as new construction shall not exceed 35 feet on a flat lot or a sloped lot.~~

1. Primary structures shall not exceed the following maximum heights:

Zone	Maximum Height	
	Flat Lot	Sloped Lot
R-7.5	28 feet	35 feet
R-10	30 feet	35 feet
R-15	35 feet	35 feet

2. Exceptions to Maximum Building Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:

- a. Do not extend more than 6 feet above the maximum specified height;
- b. Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and
- c. Do not, in total, cover more than 20% of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

[Cross-References: Height Limitation: see also Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: See also LOC 50.18.005 and 50.18.010 for Country Club/North Shore, First Addition and; Lake Grove and Lakewood Building Height and Roof Pitch Overlay; and LOC 50.22.015, General Exception to Structure Height Limitations.]

Section 16. Section 50.08.040 is hereby amended to read as follows

**50.08.040 Lot Coverage and Floor Ratio Area (FAR).**

1. Except as set forth in LOC Article 50.30, lot coverage shall not exceed the following maximums: 35% for a primary structure < 22 feet in height or 25% for a primary structure > 22 feet in height.

Zone		% Coverage
R-7.5	New construction	25%
	Alteration that does qualify as new construction:	
	-Interior lot	35%
	-Corner lot	40%
R-10	New construction	25%
	Alteration that does qualify as new construction	30%
R-15	New construction	25%
	Alteration that does not qualify as new construction	30%

2. Floor ratio areas shall not exceed the standards as shown in Table 50.08.040 below:

///

**TABLE 50.08.040**

Lot Size (Square Feet)	Maximum Floor Area Ratio (FAR)		
	R-7.5	R-10	R-15
< 5,000	.6	.6	.6
≥ 5,001 < 6,000	.55	.55	.55
≥ 6,000 < 7,000	.5	.5	.5
≥ 7,000 < 8,000	.45	.45	.45
≥ 8,000 < 9,000	.4	.4	.44
≥ 9,000 < 10,000	.39	.4	.43
≥ 10,000 < 11,000	.38	.4	.42
≥ 11,000 < 12,000	.37	.39	.41
≥ 12,000 < 13,000	.36	.38	.4
≥ 13,000 < 14,000	.35	.37	.39
≥ 14,000 < 15,000	.34	.36	.38
≥ 15,000 < 16,000	.33	.35	.37
≥ 16,000 < 17,000	.32	.34	.36
≥ 17,000 < 18,000	.31	.33	.35
≥ 18,000 < 19,000	.30	.32	.34
≥ 19,000 < 20,000	.29	.31	.33
≥ 20,001	.28	.3	.32

23. In cluster developments, lot coverage requirements may be applied with reference to the project as a whole and not on a lot by lot basis.

4. For lots less than or equal to 10,000 square feet in area up to 200 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 200 square feet.

5. For lots greater than 10,000 square feet in area, up to 400 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area, may be exempt from floor area calculations up to a maximum of 400 square feet.

6. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

**Section 17. A new Section 50.08.045 is hereby added to read as follows**

**50.08.045 Dwelling Design.**

1. Front Setback Plane.

a. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 20 feet in height, then slopes toward the rear of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak, as illustrated in Appendix 50.07-C.

b. Exceptions to the front setback plane. Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and

distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.

2. Maximum Side Yard Plane. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevations of a primary structure. When the side elevation of a primary structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plate height or other change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the from the adjacent plane, for a length of at least 6 feet.

**Section 18. A new Section 50.08.050 is hereby added to read as follows**

**50.08.050 Accessory Structures.**

1. Floor Area: An accessory structure ≤ 18 feet in height shall not exceed 800 sq. ft. in area, or the footprint of the primary structure, whichever is less. An accessory structure greater than 18 feet in height shall not exceed the greater of 600 square feet or the ground floor area of the primary structure, whichever is less.

2. Height: The maximum height of an accessory structure shall be 24 feet, except that no accessory structure shall be taller than the primary structure.

3. Yard Setbacks: The side and rear yard setbacks for an accessory structure ≤18 feet in height shall be a minimum of 10 feet. The side and rear yard setbacks for an accessory structure 18 feet in height or greater shall be a minimum of 15 feet. Accessory structures on abutting lots may not be built with common party walls.

**Section 19. A new Section 50.08.055 is hereby added to read as follows**

**50.08.055 Garage Appearance and Location.**

1. The following standards apply, except when a garage is located behind the primary structure or the garage is side-loading, as shown in Appendix 50.02-C:

a. The garage shall:

i. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (c), below are met.

ii. Not occupy more than 60% of the width of the façade of the structure.

iii. Minimize the appearance of the garage by complying with at least two of the following standards:

A. Set the garage an additional two feet further from the front property line than the façade of the dwelling;

B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

C. Any individual garage door may not exceed 50% of the width of the structure facade. Any garage opening width beyond 50% of the primary structure width must be set back at least 2 feet further from the front property line than the façade of the other garage volume;

D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

b. Multiple Garage Opening Setbacks. In any instance where a garage is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane.

Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.

c. Exceptions. The standards in subsections (a) and (b) shall not apply in the following circumstances:

i. Where the average slope of a parcel exceeds 20%.

ii. Where the width of a parcel is less than 50 feet.

iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.  
or

iv. Where the width of the lot at the front building line is less than 30 feet.

2. When a side-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

3. For garages located at the rear of the primary structure or for side-loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.

**Section 20. Section 50.17.010 is hereby amended to read as follows**

**50.17.010 Procedures.**

1. The establishment of a PD Overlay for projects containing more than one phase shall occur in conjunction with the approval by the Planning Commission of an Overall Development Plan and Schedule (ODPS) pursuant to the provisions of LOC Article 50.71. The ODPS shall contain a section which identifies the zone requirements to be applied in the PD Overlay. These requirements may be adopted by referring in the Final Order to existing provisions of this chapter or by creating special zoning standards pursuant to the Planned Development Overlay section. (LOC 50.17.005 to 50.17.025).

2. A request for a PD overlay for a project that will contain only one phase may be considered by the Development Review Commission. No ODPS shall be required, but the requirements of subsection (1) of this section for the adoption of zone requirements in the Final Order shall be complied with.

3. Following approval of a PD Overlay:

a. If any modifications were made from the underlying zone requirements for lot area, dimensions, setback, residential FAR, garage appearance and location, front building plane, side yard elevation or lot coverage for any lots within the planned development, then any subsequent request for modification of a lot's lot area, dimensions, setbacks, or lot coverage to these standards shall be processed as a modification to the development permit granting the Planned Development Overlay, pursuant to LOC 50.86.025.

b. If no modifications were made from the underlying zone requirements for lot area, dimensions, setbacks, residential FAR, garage appearance and location, front building plane, side yard elevation or lot coverage for any lots within the planned development, then any subsequent request for modification for any lot's lot area, dimension, setbacks, or lot coverage from the underlying zone requirements to these requirements of the underlying zone shall be processed as a variance, pursuant to LOC Article 50.68 or, for qualified residential developments, processed according to the provisions of LOC Article 50.72.

c. For PD applications filed prior to [effective date of this ordinance], the following standards do not apply:

i. The FAR standards of LOC 50.80.040;

ii. The FAR standards of LOC 50.06.035;

iii. The height exception standards of LOC 50.06.055; LOC 50.07.030; and LOC 50.80.035;

iv. The front setback plane and side yard plane requirements of LOC 50.06.060; LOC

50.07.040; and LOC 50.08.045.

v. The garage appearance and location standards of LOC 50.06.065; LOC 50.07.045 (2)(a.); and LOC 50.08.055.



**Section 21. Section 50.17.015 is hereby amended to read as follows**

**50.17.015 Authorization.**

1. In considering an application for a PD Overlay, the reviewing authority shall apply the height, Floor Area Ratio (FAR), lot coverage, garage appearance and location, use, open space and density requirements of the underlying zone and, if applicable, the setback requirements of LOC 50.06.050(5). The FAR and lot coverage requirements may be applied with reference to the total area of the project as a whole and not on a lot by lot basis.

2. Except for the special setback requirements of LOC 50.06.050(5), the reviewing authority may grant exceptions to the lot size, front setback plane, maximum side yard plane, lot dimension and front and rear setback requirements of the underlying zone if the applicant demonstrates that the proposed PD provides the same or a better sense of privacy, appropriate scale and open space as a PD designed in compliance with the standard or standards to which an exception is sought. In making this determination, the reviewing authority may consider:

a. Whether the applicant has reserved or dedicated more than the minimum amount of open space required by the Park and Open Space Development Standard.

b. Whether the requested exception allows the lots to be designed in a manner that provides better access to common open space areas from within and/or outside the PD, better protects views, allows better solar access, maintains or improves relationships between structures, maintains or improves privacy and/or improves pedestrian or bicycle access to surrounding neighborhoods.

c. Whether the requested exception will allow a more attractive streetscape through use of meandering streets, access through alleys or shared driveways, provision of median plantings, or other pedestrian amenities.

d. Whether the requested exception will enhance or better protect a significant natural feature on the site, such as a wetland, a tree or tree grove, or a stream corridor.

e. Whether the requested exception will provide better linkage with adjacent neighborhoods, parks and open space areas, pathways, and natural features.

f. Whether the requested exception will allow the development to be designed more compatibly with the topography and/or physical limitations of the site.

3. The following standards apply to PD and cluster developments:

a. Lots which are located on the perimeter of a development located in a R-0, R-2, R-3, R-5, R-6, R-7.5, R-10 or R-15 zone, and which are adjacent to lots in an R-7.5, R-10 or R-15 zone upon which are constructed single-family dwellings, may be not less than 75% of the minimum lot area per unit of the adjacent zone.

b. Housing types located on the perimeter lots described in a. shall be single-family, zero lot line or duplex dwellings, except three attached dwelling units may be placed on three lots which abut at a common point with the middle lot being a corner lot.

c. In a PD or cluster development located in a R-0, R-2, R-3, R-5, or R-6 zone which abuts a R-7.5, R-10 or R-15 zone and which does not contain separate lots for the dwelling units, the building setbacks shall meet the requirements of the zone in which the development is located.

4. If the proposed PD is part of an approved ODPS as described in LOC Article 50.71, requirements of the ODPS approval regarding arrangement of uses, open space and resource conservation and provision of public services, will be considered when reviewing the considerations in subsection (1) for the PD.

5. Except as required by LOC 50.06.050(5), the reviewing authority may grant exceptions to the minimum side yard setbacks of the underlying zone, without the necessity of meeting the requirements of LOC Article 50.68 (Variances) if the requirements of 50.17.015 are met, and:

a. Proposed lot sizes are less than the minimum size required by the underlying zone, or

b. Lesser setbacks are necessary to provide additional tree preservation or protection of abutting natural areas.

**Section 22. Article 50.18 is hereby repealed in its entirety**

**50.18 Country Club/North Shore, First Addition, Lake Grove and Lakewood Building Height and Roof Pitch Overlay. (Repealed by Ord. 2333; 07/15/03).**

**Section 23. Section 50.18.005 is hereby repealed in its entirety**

**50.18.005 Height of Structure.**

~~1. This zoning overlay requirement shall be applicable to single family and zero lot line dwellings in residential zones located in the Country Club/North Shore, First Addition, Lake Grove and Lakewood Neighborhoods, except for dwellings on parcels adjacent to Oswego Lake as shown in LOC Appendix 50.18 A, 50.18 B, 50.1 C and 50.18 D.~~

~~2. Notwithstanding LOC 50.02.005, Height of Building definition, the method for determining the height of buildings shall be as follows:~~

~~a. On Flat Lots: The vertical distance from any ground surface at the exterior wall of the building to the highest point of the roof.~~

~~b. On Sloped Lots: The vertical distance from any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface, to the highest point of the roof.~~

~~3. Application to Flag Lots Created Prior to September 6, 2001: This section shall not apply to single family and zero lot line dwellings in residential zones on flag lots created through LOC Article 50.20 prior to September 6, 2001. Dwellings on flag created prior to September 6, 2001 shall be measured according to the methodology outlined in 50.02.005, Definitions, Height of Building, and shall not exceed the average height of all dwellings on lots abutting the flat lot as specified in LOC 50.20.030(3).~~

**Section 24. Section 50.18.010 is hereby repealed in its entirety**

**50.18.010 Minimum Roof Pitch Required in County Club/North Shore, First Addition, Lake Grove and Lakewood Neighborhoods.**

~~This zoning overlay requirement shall be applicable to single family and zero lot line dwellings and accessory structures in residential zones located in the Country Club/North Shore, First Addition, Lake Grove and Lakewood Neighborhoods, except for dwellings and accessory structures on parcels adjacent to Oswego Lake as shown in LOC Appendix 50.18 A, 50.18 B, 50.18 C and 50.18 D.~~

~~1. Single Family and Zero Lot Line Dwellings.~~

~~The minimum roof pitch for primary roof of a single family or zero lot line dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single family and zero lot line dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays may be flat or shed roof types (See Appendix 50.07 A).~~

~~2. Accessory Structures.~~

~~The roof pitch for accessory structures to residential structures shall either match the pitch of the primary roof of the primary structure dwelling or be a minimum pitch of 6:12.~~

~~3. Additions to Single Family and Zero Lot Line Dwellings.~~

~~a. Additions that expand the roof area of the primary residential structure by less than 50% shall match the existing roof pitch of the primary roof (See Appendix 50.18 C).~~

~~b. Additions that expand the roof area of the primary residential structure by 50% or more shall either match the roof pitch of the primary roof (See Appendix 50.18 C) or have a minimum roof pitch of 6:12.~~

~~[Cross Reference. Note: Ordinance 2308 & 2332 contains the following provision, "LOC 50.18.005 and 50.18.010 are repealed upon the effective date of an ordinance adopted by the City Council following the Council's receipt of a recommendation on infill development from the Ad Hoc Infill Development Task Force, which ordinance contains a recital stating that it is intended to address the compatibility of infill development, and which contains regulations affecting structures within the First Addition, Country Club/North Shore, Lake Grove and Lakewood Neighborhoods."]~~

**Section 25. Section 50.20.030 is hereby amended to read as follows**

**50.20.030 Building and Site Design Standards.**

1. Building Orientation: For land divisions the reviewing authority shall require that buildings be oriented to provide the maximum separation and privacy from existing and future dwellings on adjacent lots. The reviewing authority may require conditions of approval to include measures such as specific building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings.

2. Garage placement shall be reviewed at the time of building permit application to ensure minimum visibility of the garage from the street. Garage placement shall meet the following requirements:

a. Be side-loading where a turning radius can be provided that allows for a minimum of 24 feet separation from the garage door and any obstructions or property lines, or

b. Be placed such that no more than 40% of garage wall area is visible from the intersection of the flag lot driveway and street.

c. When a garage is visible from the street, the front or side of the exposed garage building wall shall have more than one plane, or shall include fenestration equal to at least 10% of the facade visible from any point at the intersection of the driveway and the public street.

To demonstrate compliance with this standard, building elevations shall be submitted which depict the facade area visible from the street at a width equal to the access easement.

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall (plane) along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

3. Height Requirement: ~~Single family residential structures and accessory structures shall not exceed the average height of all dwellings on lots abutting the flag lot. Where a vacant abutting lot is present, a height of 16 feet shall be used in calculating the average. Where an existing structure on an abutting lot exceeds the maximum height allowed by the underlying zone, then the maximum height permitted by the underlying zone shall be used for purposes of calculating the average.~~ Maximum Structure Height. The height of a single-family residential structure and any accessory structures on a flag lot shall not exceed:

a. For flag lots created after [effective date of this ordinance], the taller of:

i. 22 feet, or

ii. The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 feet away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average.

b. For flag lots created before [effective date of this ordinance], the taller of:  
i. The maximum building height limitation established at the time of creation of the flag lot. The methodology used to calculate the maximum building height permitted by this subsection shall be the same methodology used to at the time of lot creation to establish the maximum building height, or  
ii. 22 feet (see LOC 50.02.005, "Height of Building" for methodology).  
The City Manager may execute and record amendments to previously recorded development restrictions, upon the Owner's or adjacent property owner's request, or at the City's discretion, if necessary to reflect a taller building height limitation than previously approved.

c. Modification of Approved Building Height.  
The maximum building height of single family residential structures and accessory structures on a flag lot (whether created prior to or after [effective date of this Ordinance]) may be modified from that previously determined at the time of creation of the flag lot to the average height of all dwellings on properties abutting the development site. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 feet away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average. Where an existing structure on an abutting lot exceeds the maximum height allowed by the underlying zone, then the maximum height permitted by the underlying zone shall be used for purposes of calculating the average.

An application for modification of maximum building height for a flag lot shall be processed pursuant to LOC 50.86.025 as a new application. The City Manager may execute and record amendments to previously recorded development restrictions.

d. Exceptions to Maximum Structure Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:

- i. Do not extend more than 6 feet above the maximum specified height.
- ii. Do not, in total, exceed one-third of the width of the building for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections, as measured on any elevation drawing and,
- iii. Do not, in total, cover more than 20% of the roof area on which they are located, as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

4. Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines.

**Section 26. Article 50.22 is hereby amended to read as follows**

**50.22 Exceptions to Site Development Standards: Lot Dimension, Lot Area, Yard Setback, Building Height; Maximum Side Yard Plane, Front Yard Plane, Garage Location, Minimum Roof Pitch; Lot Coverage, Floor Ratio Area and Special Determinations: Yards of Corner Lots.**

**Section 27. Section 50.22.010 is hereby amended to read as follows**

**50.22.010 General Exceptions to Yard Requirements.**

1. Except as provided in LOC 50.22.025(2), the following exception to the front yard requirement for a dwelling is authorized for a lot in any zone. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the

required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. The front yard setback for a single family detached dwelling in the R-5, R-7.5, R-10 or R-15 zones shall not be reduced to less than 15 feet.

2. Except as set forth in LOC 50.07.025 (2), a front porch may project up to 5 feet into the required front yard setback provided the front porch is no more than 10 feet in width and if covered, the roof peak is no greater than 16 feet in height.

**Section 28. Section 50.22.015 is hereby amended to read as follows**

**50.22.015 General Exception to Structure Height Limitations.**

1. Notwithstanding LOC 50.07.030 (2), 50.08.035 and 50.08.055 (5), the following type of structures or structural parts are not subject to the structure height limitations of this Code in the following zones: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar projections.

<u>Zone</u>	<u>Structures or Structural Parts Exempt from Height Limitations</u>
<u>Residential Zones – Residential Uses</u>	<u>Chimneys, flag poles, ham radio aerials, and other similar structures.</u>
<u>Residential Zones – Non-residential uses</u>	<u>Chimneys, church spires, belfries, domes, monuments, radio aerials, fire and hose towers, flag poles, and other similar structures.</u>
<u>Commercial and Industrial Zones</u>	<u>Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures.</u>

2. Aerials other than ham radio aerials are permitted to 10 feet over the building height maximum in a residential zone. Collocated telecommunication facilities in residential zones may exceed the height limits of the underlying zone, but shall not exceed 10 feet above the existing structure height. Collocated telecommunication facilities in commercial and industrial zones may exceed the height limits of the underlying zone, but shall not exceed 20 feet above the existing structure height.

[Cross-Reference: LOC 50.22.045 - General Exceptions for Building Projections and Decks to Setbacks.]

**Section 29. A new Section 50.22.105 is hereby added to read as follows**

**50.22.105 General Exceptions to Single-Family Dwelling Standards.**

1. Maximum Side Yard Plane. The maximum side yard plane, where specified in a zone, may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

2. Single Family Dwelling Height. Building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum code standards for the zone.

3. Minimum Roof Pitch. When a minimum roof pitch, either in conjunction with a front setback plane or in general, is specified in a residential zone, it may be reduced by 1:12 for every additional 5 feet of front yard setback provided beyond the minimum required by the zone.

4. Garage Appearance and Location. When garage appearance and location standards are specified in a residential zone, standards shall not apply in the following circumstances:

- a. Where the average slope of a parcel exceeds 20%.
- b. Where the width of a parcel is less than 50 feet.
- c. Where the garage is proposed to be set back at least 60 feet from the front lot line, or
- d. Where the width of the lot at the front building line is less than 30 feet.

5. Lot Coverage:

a. Lot size up to 10,000 square feet. Up to 200 square feet of the ground floor area of a detached garage or accessory structure may be exempt from lot coverage calculations, provided an approved method of storm drainage is available for the site. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 200 square feet.

b. Lot size greater than 10,000 square feet. Up to 400 square feet of the ground floor area of a detached garage or accessory structure may be exempt from lot coverage calculations, provided an approved method of storm drainage is available for the site. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 400 square feet.

### **Section 30. Section 50.65.025 is hereby amended to read as follows**

#### **50.65.025 Building Siting and Massing.**

Building siting and massing shall create a village character by compliance with the following requirements:

1. Complex Massing Required. New buildings shall use the siting and massing characteristics of the Lake Oswego Style such as complex massing and asymmetrical composition (see illustrations, Appendix 50.65-A).

2. Pedestrian Oriented Siting. New commercial buildings shall be sited in order to maximize the amount of building frontage abutting pedestrian ways.

3. Roof Forms. New buildings shall use gable or hipped roof forms. Flat roofed building shall only be allowed pursuant to LOC 50.65.075.

4. Number of Stories. New buildings shall be at least two stories tall, and new and remodeled building shall be no greater than three stories tall, except:

- a. A fourth story shall be allowed if:
  - i. The fourth story is residential and is contained within a gabled or hipped roof;
  - ii. The site is sloping and the structure has three or fewer stories on the uphill side;
  - iii. The fourth story is significantly stepped back from the building plane created by the lower stories; or

iv. Fourth story design elements are used break up the mass of a building, create visual interest and variety, hide mechanical equipment, define an entry or define a particular building's function. Examples of such design elements include dormers, towers, turrets, clerestories, and similar features.

- b. One story construction shall only be allowed if:
  - i. It is limited to a small portion of a taller structure, such as an entry area, canopy over an outdoor restaurant, building ends or wings which relate to open space or as a step down to an adjacent one story viable existing structure; or

ii. When a minimum height of 20 feet is maintained at the right-of-way or street side building edge.

5. Height Limit. No building shall be taller than ~~51~~60 feet in height. No flat roofed building shall be taller than 41 feet in height. Height shall be measured pursuant to this Code.

6. Entrances. When a new building is constructed or an existing building is substantially remodeled, the primary building entrances shall be oriented to pedestrian ways along streets to encourage increased pedestrian density on existing streets, sidewalks and other public ways. Secondary building entrances or tenant space shall be required along alleys to take advantage of and enhance the intimate scale of the alley space (see Appendix 50.65-A, Figure 3).

7. Street Corners. New structures shall be located to preserve or create strong building edges at street corners. Structures may "cut the corner" to create a building entry or to provide pedestrian space but shall use building design elements to create a structured corner (see Appendix 50.65-A, Figure 2).

### **Section 31. Section 50.68.015 is hereby amended to read as follows**

#### **50.68.015 Classification of Variances.**

A variance which would allow development not in conformance with the requirements of the development standards may be granted.

1. Class 1 (minor) variances are small changes from the Code requirements and which will have little or no effect on adjacent property or users.

Class 1 (minor) variances include:

a. Variance from yard setback requirements for a single-family dwelling, or its associated accessory structure that does not comply with the three criteria set forth in LOC 50.14.005(5)(a)-(c), of 20%, or less.

b. Variance from yard setback requirements for a structure other than those described in subsection (a) of this section of two feet or less in side or front yards or five feet or less in rear yards.

c. Variances from minimum lot width or depth of 5 feet or less.

d. Variances in lot coverage or floor area ratio (FAR) on platted lots which were platted with an area less than the current zoning requirement for single-family residential dwellings and accessory structures of up to and including 15% of the maximum allowed lot coverage or FAR.

~~e. Variance to allow an addition of a second story on an existing one story, single family dwelling that meets the "alteration" setbacks and does not expand the existing building footprint.~~

~~f.g. Variations from maximum fence height restrictions.~~

~~g.f. Variation to the maximum grade of a private street or driveway.~~

~~h.g. Variances to a change of building height of an existing single family detached dwelling, when increased by changing the roof pitch or changing the roof form from flat to pitched without changing the height of the ceiling plate within the maximum height allowed for new construction by the underlying zone.~~

~~i.h. Variances for construction of a dormer that does not exceed the height of the roof ridge in which the dormer is being constructed in an existing single family detached dwelling that is non-conforming relative to lot coverage or setbacks.~~

~~j.i. Variances to distance of driveway from intersections (LOC 50.58.015).~~

~~k.j. Variances to street frontage (LOC 50.57.015).~~

~~l.k. Variances to driveway width for Flag Lots (LOC 50.20.020).~~

2. Class 2 variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users.

Class 2 variances include:

a. Variances from setback requirements for a single-family dwelling, or its associated accessory structure that does not comply with the three criteria set forth in LOC 50.14.005(5)(a)-(c), of more than 20%.

b. Variances from the minimum lot width or depth of more than 5 feet.

c. Variances from setback requirements for structures other than those described in subsection (1)(a) of this section of more than 2 feet in side and front yards and more than 5 feet in rear yards.

d. Variances from the lot coverage or floor area ratio (FAR) for other than a single-family residential dwelling or its associated accessory structures.

e. Variances to building height, ~~except as classified as a Class 1 (minor) variance pursuant to subsection (1)(h) above.~~

f. Variances to any other requirement of this Code except as classified as a Class 1 (minor) variance above, and applicable to a development.

3. The City Manager shall decide the classification of any variance application.

4. For Class 1 (minor) variances, the City Manager shall have the authority to require an applicant to fulfill the requirements of LOC 50.77.025 at his/her discretion. This authority is solely at the discretion of the City Manager and is not subject to appeal.

**Section 32. Article 50.72 is hereby amended to read as follows**

**50.72 Residential Infill Design Review Standards.**

**Section 33. A new Section 50.72.005 is hereby added to read as follows**

**50.72.005 Purpose.**

The purpose of this Article is to:

1. Provide an alternative process for the review of building permits for construction of single family detached structures and alterations of single family detached structures where the clear and objective development standards of the code conflict with or prevent development that may otherwise be compatible with the character of the neighborhood and surrounding residential development.

2. Ensure that new development is consistent with the character of development envisioned for neighborhoods in Lake Oswego.

3. Ensure that new development is compatible with existing, surrounding residential development.

**Section 34. A new Section 50.72.015 is hereby added to read as follows**

**50.72.015 Applicability.**

This standard is applicable to Minor developments listed in LOC 50.79.020 (2)(n) where an applicant has requested approval of an alternative design that does not meet the clear and objective development standards of the code but may otherwise be compatible with the character of the neighborhood and surrounding residential development.

**Section 35. A new Section 50.72.020 is hereby added to read as follows**

**50.72.020 Authorization and Criteria.**

1. In considering an application for residential infill design review, the City Manager shall apply the building height, lot coverage, floor area ratio, yard setback, front setback plane, side yard setback elevation requirements, garage appearance and location and accessory structure requirements of the underlying zone.

2. The City Manager may grant exceptions to the applicable requirements listed in subsection 1. above, if the applicant demonstrates that the proposed single family design results in development that is equal to or better than development that would meet the clear and objective standards listed in subsection



1. above, for the applicable zone. In making this determination, the City Manager shall consider the following:

a. House Size.

i. Intent. Compatible infill is ensured through a mix of standards addressing lot dimensions and maximum allowable floor areas. These standards are intended to reflect the size of building(s) that can be reasonably located and shaped to suit the scale and character of a neighborhood. The Code establishes that maximum allowable floor area and its location on a lot through the following standards:

- Floor area ratio
- Lot coverage
- Yard Setbacks
- Building height
- Accessory structures

ii. Criteria. The City Manager may permit a house design to exceed or vary from the standards listed in subsection 2 (a)(i) above when a more compatible, positive relationship between the size of a proposed house and the scale and character of a neighborhood can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that diminish the perceived scale and improve the perceived character of greater size. That review will include consideration of:

1. distance and visibility from street and adjoining properties;
2. topography;
3. building number (more smaller versus one larger, for example);
4. building form(s), massing and orientation; and
5. landscaping.

b. Relationship to the Street.

i. Intent. Compatible infill is development that makes a positive contribution to the scale and character of a neighborhood's streetscape. While this scale and character will vary from neighborhood to neighborhood and from street to street, a positive contribution is typically one that enhances the safety and experience of a pedestrian using the street. The Code establishes the relationship of a building's location and form relative to the street through the following standards:

- Front yard setback
- Front setback plane
- Garage door openings

ii. Criteria. The City Manager may permit a house design to exceed or vary from the standards listed in subsection 2 (b)(i) above when a more compatible, positive relationship between a proposed design and the scale and character of the street can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that enhance the perceived scale and character of the street from a pedestrian's perspective. That review will include consideration of:

1. distance and visibility from street;
2. prevailing patterns of front yard setback, building alignment and spacing (rhythm);
3. topography;
4. preservation of existing trees and features of perceived value to the street;
5. perceived building form, proportion, massing and orientation relative to the street;
6. porch and/or entry location and treatment relative to the street;
7. garage distance and visibility from the street;
8. perceived size and scale of garage doors from the street;
9. perceived area and scale of driveways and parking areas from the street;
10. fencing or screens; and
11. landscaping.

c. Relationship to the Neighbors.

i. Intent. Compatible infill does not diminish the scale, character or privacy of neighboring houses. While the scale, character and privacy of one building relative to another will vary from street to street, and from lot to lot, a positive contribution is typically one that adjusts the location and perceived scale, character and views from or to a new house to avoid visual conflict with neighbors. The Code establishes the relationship of a building's location and form relative to its neighbors through the following standards:

- Side yard setback
- Side wall elevation

ii. Criteria. The City Manager may permit a house design to exceed or vary from the standards listed in subsection 2 (c)(i) above when a more compatible, positive relationship between a house and the scale, character and privacy of its neighbors can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that enhance perceived scale, character and privacy relative to adjoining properties. That review will include consideration of:

1. distance and visibility from adjoining properties;
2. preservation of existing trees and features of perceived value to adjoining properties;
3. topography;
4. perceived building height, form, proportion, massing and orientation relative to adjoining properties;
5. treatment of elevations exposed to adjoining properties;
6. perceived sight lines to and from windows, decks and outdoor living spaces;
7. fencing or screening; and
8. landscaping.

3. When applying the criteria for compatibility of house size, relationship to the street, and relationship to neighbors as set forth in subsection 2. above, the City Manager shall consider the pattern and character of development of all lots within 200 feet of the subject site. The City Manager shall also consider any neighborhood design objectives or guidelines for residential development that have been adopted by the local neighborhood association.

**Section 36. A new Article 50.73 is hereby added to read as follows**

**50.73 to 50.74 (Reserved).**

**Section 37. Section 50.79.010 is hereby amended to read as follows**

**50.79.010 Ministerial Development Classification.**

1. A ministerial development is a development which requires a permit from the City where the decision:

- a. Is made pursuant to land use standards which do not require interpretation or the exercise of policy or legal judgment;
- b. Approves or denies a building permit issued under clear and objective land use standards; or
- c. Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations.

2. Ministerial developments include:

- a. Exterior modification of single family detached dwellings, duplexes or zero lot line dwellings or modification of an accessory structure in the DD zone except for modifications that are processed through the Residential Infill Design Review process (LOC 50.72).

b. Construction or exterior modification of a detached single family dwelling, duplex, zero lot line dwelling or a structure accessory to such structures which:

i. Is not processed through the Residential Infill Design Review process (LOC Article 50.72).

ii. Is not located within a delineated RP resource or buffer area [unless the applicant desires to modify the buffer pursuant to LOC 50.16.070(3), in which case the application shall be processed as a minor development] or RC protection area pursuant to LOC Article 50.16.

iii. Does not impact an Historic Landmark designated pursuant to LOC Chapter 58.

iiii. Does not change the nature of the use or occupancy classification to a use that does not qualify as a permitted use in the zone or as an approved conditional use; or

iv. Does not require special design review by the zone, design district, prior development approval or Overall Development Plan and Schedule (ODPS) for the development in which the subject property is located.

vi. Is not located on weak foundation soils as identified in LOC 50.42.030(1).

vii. Is not located in a "Known Potential Severe Landslide Area" as defined in LOC 50.43.010.

viii. Is not located in the Greenway Management Overlay District, as identified in LOC Article

50.15.

c. Exterior modification of a structure other than a detached single family dwelling, duplex, zero lot line dwelling or structure accessory to such structures which:

i. Does not increase building footprint or height; or

ii. Does not modify more than 25% of the facade or, if the property abuts property zoned for residential use, does not modify any portion of the facade visible from the residentially zoned property; and

iii. Complies with LOC 50.79.010(2)(b)(i) through (viii).

d. Lot line adjustments which do not increase the allowable density on a site.

e. Resource enhancement projects in an RP or RC District.

f. Passive use recreational facilities within an RC or RP District if such a facility would otherwise qualify as a ministerial development.

g. Construction or alteration of public transportation or utility facilities consistent with the Comprehensive Plan and land use regulations and is not located in a delineated RP Resource or buffer or RC protection area pursuant to LOC Article 50.16.

h. Building permits for structures approved pursuant to a prior approved major or minor development.

i. Collocated Telecommunications Facilities.

j. Delineation of a resource boundary pursuant to LOC 50.16.035(5).

k. Fill in quantities of 10 cubic yards or less when located within the Flood Management Area and outside of the floodway boundary.

l. When located within the floodplain of Oswego Lake, fill in quantities greater than 10 cubic yards, provided the fill is associated with development of a single family dwelling, duplex, zero lot line dwelling, water dependent use, or related accessory structure.

3. Ministerial decisions are made without notice or the opportunity for appeal.

[Cross Reference: Greenway Development District.]

### **Section 38. Section 50.79.020 is hereby amended to read as follows**

#### **50.79.020 Minor Development Classification.**

1. A Minor Development is a development which requires a permit from the City that requires a more discretionary level of review than a ministerial decision. "Minor Development" is intended to include decisions defined as "limited land use decisions" pursuant to ORS 197.015(12).

2. "Minor Development" includes:

- a. In the DD zone:
    - i. Construction of new single family detached dwellings, duplexes, multi-family dwellings, zero lot line dwellings or exterior modification of a structure containing a non-conforming use that requires a building permit;
    - ii. Expansion or reconstruction of the structures listed in subsection i. above, that result in a change of use (e.g. from single family to duplex) or in an expansion of floor area of an existing structure by more than 50%.
  - b. Construction or exterior modification of a detached single family structure, duplex, zero lot line dwelling or a structure accessory to such structures which:
    - i. Does not qualify as a ministerial decision pursuant to LOC 55.79.010(2)(b)(i) through (viii); or
    - ii. Requires one or more Class 1 variances.
  - c. Involves a determination by the City Manager that a use not expressly permitted in the zone may be allowed pursuant to the considerations contained in LOC 50.04.015. In such case, the required notice shall include a description of the proposed use and the reasons for the City Manager's determination.
  - d. Involves an improvement to an existing park or school facility that will increase the capacity of the park or school facility, generate additional traffic, or generate significant additional noise or other negative impact on the surrounding neighborhood.
  - e. Secondary dwelling units.
  - f. Construction of a structure other than a detached single family dwelling, duplex, zero lot line dwelling or accessory structure, or an exterior modification of such a structure which does not qualify as a ministerial development pursuant to LOC 50.79.010(2)(c).
  - g. Lot line adjustments which require one or more Class 1 Code Variances or which would increase allowable density on the site.
  - h. Partitions, including partitions which require one or more Class 1 Code Variances.
  - i. Subdivisions (with or without a Planned Development overlay) including subdivisions which require one or more Class 1 Code Variances.
  - j. Review of development phases subject to an ODPS.
  - k. A change of use from one permitted use to another that increases on-site parking or loading requirements or which changes access requirements pursuant to LOC Article 50.55 or that will result in the construction of private streets, driveways.
    - l. Determining an RC District protection area pursuant to LOC 50.16.055.
  - m. Construction of a structure described in LOC 50.60.005(b).
  - n. Fill in the floodway or fill in quantities greater than 10 cubic yards when located elsewhere in the Flood Management Area, excluding fill for single family detached dwellings, duplexes, zero lot line dwellings, water dependent uses, or related accessory structures when the fill is located within the floodplain of Oswego Lake.
  - o. Single family attached dwellings when processed through the Residential Infill Design Review process (LOC Article 50.72).
3. Minor developments are initially decided by the City Manager subject to notice, the opportunity to request a hearing, and appeal as provided by LOC Article 50.81.
- [Cross-Reference: Greenway Management District.]

**Section 39. Section 50.81.010 is hereby amended to read as follows**

**50.81.010 Notice of Minor Development Application.**

- 1. Except as set forth in Section 3 below. Prior to making a final decision on a minor development permit application, the City Manager shall provide written notice to owners of property within 300 feet of the entire contiguous site for which the application is made. If there are less than 50 properties within 300

feet of the site, the notice area shall be expanded, by 10 foot increments outward from the 300 foot boundary, until at least 50 properties are included in the notice area. The list shall be compiled from the most recent property tax assessment roll. Notice shall also be sent to:

a. Any recognized neighborhood association(s) whose boundaries either contain part or all of the site, and

b. All adjacent recognized neighborhood associations (adjacent recognized neighborhood associations are those associations which share boundaries with the neighborhood(s) identified in subsection (a) above, and additionally those recognized neighborhood associations that are separated from the neighborhood association(s) identified in subsection (a) by a street or stream).

The City Manager shall certify that such notice was given.

2. The notice required by subsection 1 of this section shall:

a. Provide a 14 day period for submission of comments prior to the decision;

b. State the place, date and time that comments are due;

c. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue;

d. List, by commonly used citation, the applicable criteria for a decision;

e. Set forth the street address or other easily understood geographical reference to the subject property;

f. State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and

g. Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.

3. For development processed through the Residential Infill Design Review process (LOC Article 50.72), the City Manager shall provide written notice of a preliminary decision to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. In addition to the notice requirements of Section 2, above, the notice of the preliminary decision shall include the requirements of LOC 50.81.020 (1 through 4), and shall state that if no written comments are received within the 14 day comment period, the decision will become final. The notice shall also describe the appeal process following finalization of the decision. Notice shall also be sent to parties identified in Section 1 (a) and (b) above.

[Cross-Reference: See LOC 50.60.030 if minor development is subject to Street Connectivity Development Standard.]

#### **Section 40. Section 50.81.015 is hereby amended to read as follows**

##### **50.81.015 Final Decision.**

1. The City Manager shall make a final decision on a minor development application following expiration of the 14 day comment period. The City Manager shall approve, approve with conditions or deny the application based upon the applicable criteria and the evidence submitted by the applicant and other interested persons during the comment period. Approval or denial of an application shall be accompanied by written findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision and explain the justification for the decision based on the criteria, standards and facts set forth. The date of the decision for purposes of appeal is the date on which the City Manager signs the written findings.

2. For development processed through the Residential Infill Design Review Process (LOC Article 50.72), the City Manager's preliminary decision will become final if no written comments are received within the 14 day comment period. In such cases, no additional notice of a final decision will be required. If written comments are received within the 14 day comment period, the City Manager shall then make a Final Decision and provide notice in accordance with LOC 50.81.015 and 50.81.020.

**Section 41.** Appendix 50.02-C and 50.07-C are hereby adopted and shall be codified with Chapter 50 (Community Development Code).

**Section 42.** Appendix 50.18-A, 50.18-B, 50.18-C and 50.18-D of LOC Chapter 50 (Community Development Code) are hereby repealed.

**Section 43. Severability.** The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 15<sup>th</sup> day of July, 2003.

AYES: Mayor Hammerstad, Graham, Peterson, McPeak, Turchi, Rohde, Hoffman

NOES: none


ABSENT: none

ABSTAIN: none


  
\_\_\_\_\_  
Judie Hammerstad, Mayor

Dated: \_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

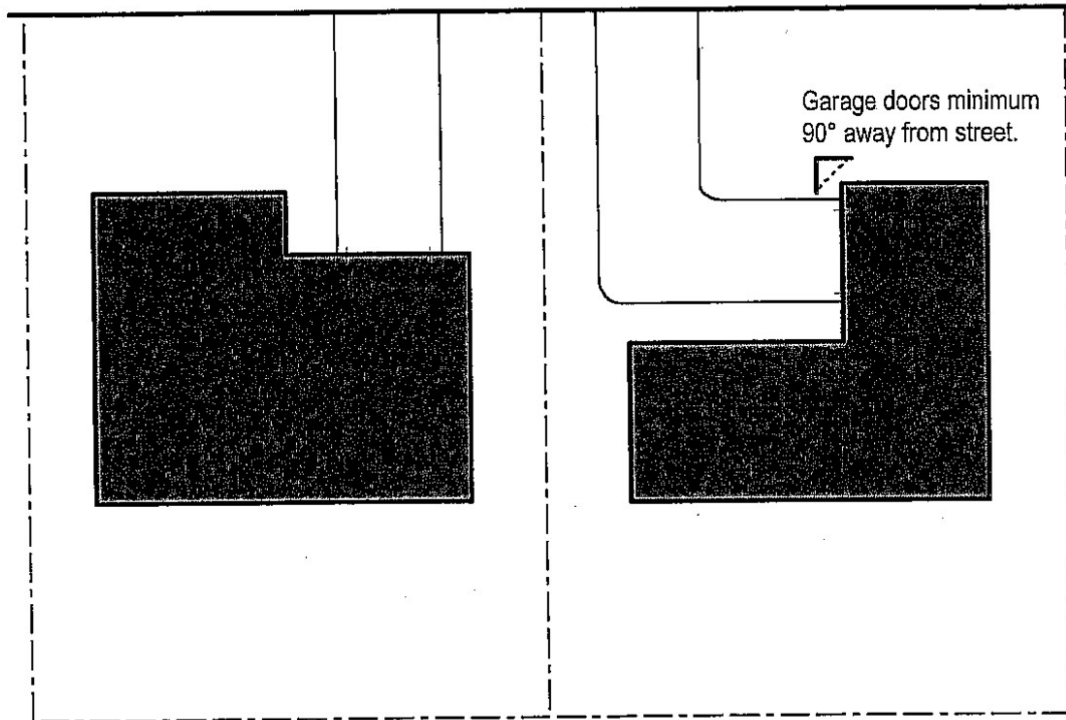
APPROVED AS TO FORM:

  
\_\_\_\_\_  
David D. Powell

M:\Ordinance 2333-InfillStandards-070903-FINAL.rtf

**Front-loading Garage**

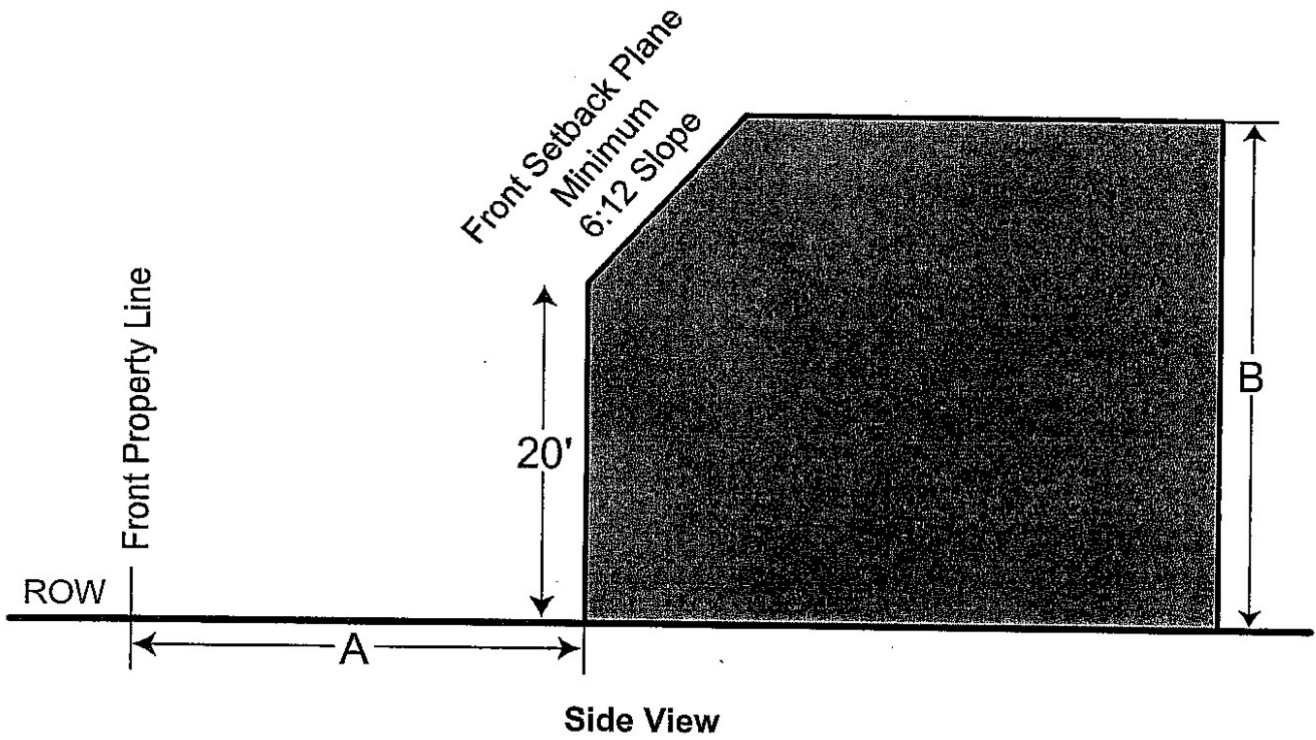
**Side-loading Garage**




**Appendix 50.02-C  
Side-loading Garage**



June 2003, SCM/City of Lake Oswego



Legend	
	Permitted Building Envelope
A	Front Yard Setback
B	Maximum Building Height

**Appendix 50.07-C**  
**Front Setback Plane**



April 2003, SCM/City of Lake Oswego