

**ORDINANCE 2892**

**AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING: LOC 50.01.006 NONCONFORMING USES, STRUCTURES, LOTS AND SITE FEATURES; 50.02.001 RESIDENTIAL DISTRICTS; 50.03.002 USE TABLE; 50.03.003 USE-SPECIFIC STANDARDS; 50.04.001 DIMENSIONAL TABLE; 50.05.001 GLENMORRIE R-15 OVERLAY DISTRICT; 50.05.004 DOWNTOWN REDEVELOPMENT DESIGN DISTRICT; 50.05.006 OLD TOWN NEIGHBORHOOD DESIGN; 50.05.007 LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT; 50.05.010 SENSITIVE LANDS OVERLAY DISTRICTS; 50.06.001 BUILDING DESIGN; 50.06.002 PARKING; 50.06.003 CIRCULATION AND CONNECTIVITY; 50.06.004 SITE DESIGN; 50.06.007 SOLAR ACCESS; 50.07.003 REVIEW PROCEDURES; 50.08.002 MINOR VARIANCES; 50.08.003 DESIGN VARIANCES; 50.10.003 DEFINITIONS; AND ADOPTING FINDINGS (LU 22-0007).**

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

WHEREAS, in 2019 the Oregon Legislature enacted House Bill 2001 (2019), which requires cities over 25,000 in population to allow the development of “middle housing” – including duplexes, triplexes, quadplexes, townhomes and cottage clusters – within zones that allow for the development of detached single-family dwellings; and

WHEREAS, a goal of the Lake Oswego City Council is to, “Conserve the community’s quality of life by planning for growth and change;” and

WHEREAS, an initiative of the Council is to, “Adopt codes that comply with HB 2001 that are consistent with the community’s sense of place, neighborhood character, and livability;” and

WHEREAS, the Council has held six separate study sessions regarding the implementation of HB 2001 from August 2019 through February 2022; and

WHEREAS, the Planning Commission has received staff updates at fourteen meetings on the progress on the State’s rulemaking process for HB 2001 from January 2020 through January 2021; and

WHEREAS, in December 2020, the State of Oregon adopted rules to implement HB 2001: Division 46 of Chapter 660 of the Oregon Administrative Rules (“Division 46”); and

WHEREAS, City staff engaged the public early in the process, including a kickoff meeting, interviews with neighborhood association representatives, and a survey that received over 880 responses from Lake Oswego residents in January and February 2021, all providing vital input relating to the community’s sense of place, neighborhood character, and livability; and

WHEREAS, on June 1, 2021, the Council adopted Resolution 21-18 creating an Ad-Hoc Middle Housing Code Advisory Committee (MHCAC) to provide high-level policy guidance on key issues

related to middle housing implementation required under HB 2001; and

WHEREAS, on June 15, 2021, the Council adopted Resolution 21-19 to approve appointments of a balanced membership of 13 voting members representing a diverse set of interests to the MHCAC; and

WHEREAS, the MHCAC conducted six meetings between July and October 2021, where public input was accepted, in order to develop conceptual code amendment recommendations related to middle housing implementation;

WHEREAS, on November 16, 2021, staff and members of the MHCAC presented the MHCAC code amendment recommendations at a joint meeting of the City Council and Planning Commission; and

WHEREAS, the Council directed staff to pursue conceptual code amendment recommendations developed by the MHCAC that are required pursuant to the minimum compliance provisions of Division 46; and

WHEREAS, in December 2021, staff hosted a virtual Community Forum in order to provide information on middle housing implementation and to allow for public input before drafting recommended code changes; and

WHEREAS, the public engagement effort associated with the virtual Community Forum included a middle housing website and online survey, available to the public through December 2021; and

WHEREAS, the Planning Commission has held a total of nine work sessions from March 2021 through February 2022, with public comment to aid the Planning Commission on identifying and clarifying the scope and issues of the proposed code amendments; and

WHEREAS, a public hearing before the Planning Commission was held on April 11, 2022, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 22-0007, with Planning Commission recommended code amendments dated May 9, 2022 be approved by the City Council; and

WHEREAS, a public hearing on LU 22-0007 was held before the City Council of the City of Lake Oswego on May 17, 2022, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the public hearing before the Council was continued on June 7, 2022; and

WHEREAS, the Council finds that the Community Development Code should be amended to

allow middle housing while maintaining consistency with the sense of place, neighborhood character, and livability of Lake Oswego pursuant to the minimum compliance provisions of Division 46;

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 22-0007), attached as Attachment 1.

**Section 2.** The Lake Oswego Code is hereby amended by adding the new text shown in double underlined type and deleting text shown in ~~striketrough~~ type in Attachment 2, dated May 9, 2022.

**Section 3. 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 meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 7<sup>th</sup> day of June, 2022.

AYES: Council President Wendland, Nguyen, Verdick, Rapf, Manz, Mboup

NOES: None

ABSENT: None

ABSTAIN: None

EXCUSED: Mayor Buck

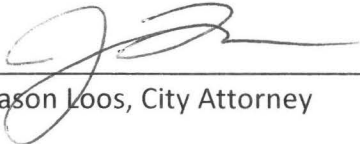
  
\_\_\_\_\_  
Joseph M. Buck, Mayor

Dated: Jun 13, 2022

ATTEST:

  
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Kari Linder, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jason Loos, City Attorney



1	LOC 50.04.001.2.d.iv	Additional Floor Area Standards for Residential Medium-Density
2		Zones
3	LOC 50.04.001.2.e	Additional Yard Setback Standards for Residential Medium-
4		Density Zones
5	LOC 50.04.001.2.f.i	R-5 Lot Coverage Standards
6	LOC 50.04.001.2.f.ii	R-6 Lot Coverage/Impervious Surfaces Standards
7	Table 50.04.001-5	R-6 Zone Minimum Yard Setbacks Table
8	LOC 50.04.001.2.e.iii(3)	R-DD Zone Yard Setback Standards
9	LOC 50.04.001.2.g.i(4)	Additional Height Standards in the R-5 Zone
10	LOC 50.04.001.2.g.iv(2)	Additional Height Standards in the R-DD Zone
11	LOC 50.04.001.3.c.iii	Additional Lot Area and Floor Area Standards for Residential High-
12		Density Zones
13	LOC 50.04.001.3.e.v	Additional Yard Setback Standards for Residential High-Density
14		Zones
15	Table 50.04.001-9	R-DD Maximum Lot Coverage Table
16	LOC 50.04.001.2.f.iii	R-DD Lot Coverage Standards
17	LOC 50.04.001.3.d.ii(3)	R-0, R-2, and R-3 Zone Exemptions
18	LOC 50.04.001.3.f.iv(1)	Additional Height Standards for Residential High-Density Zones
19	Table 50.04.001-11	Residential High-Density Zones Dimensions Table
20	Figure 50.04.001-11[5]	Height Measurement for R-W Zoned Lots
21	Table 50.04.001-12	R-2 Lot Coverage Table
22	Table 50.04.001-13	R-2 Yard Setbacks Table
23	LOC 50.04.004.1	Exemptions from Solar Design Standard
24	LOC 50.05.001.5	Glenmorrie R-15 Overlay District Plantings and Buffering
25	LOC 50.05.004.13	Downtown Redevelopment Design District Clear and Objective
26		Standards
	LOC 50.05.006.4	Old Town Neighborhood Design Overlay District – Required Old

1		Town Style
2	LOC 50.05.006.9	Old Town Neighborhood Design Overlay District – Additional
3		Requirements for Townhouse, Rowhouse, and Multiple-Family
4		Dwellings
5	LOC 50.05.007.3	Lake Grove Village Center Overlay District – Applicability
6	LOC 50.05.010.4.c	Density Transfer for Sensitive Lands Overlay Districts
7	LOC 50.05.010.4.g	Mitigation Standards for Sensitive Lands Overlay Districts
8	LOC 50.05.010.6	Standards Applicable to Resource Protection Districts
9	Table 50.06.001-1	Building Design Standards Applicability Table
10	LOC 50.06.001.2.a	Applicability Standards for Structure Design – Residential Zones
11	LOC 50.06.001.3.a.i	Roof Design Standards in the R-6 Zone
12	LOC 50.06.001.3.b	Front Porch Standards in the R-6 Zone
13	LOC 50.06.001.3.c	Alley Surfacing Standards in the R-6 Zone
14	LOC 50.06.001.4	Garage Appearance and Location
15	Table 50.06.002-3	Minimum Off-Street Parking Space Requirements
16	LOC 50.06.002.2.a.vi	Parking Dimensions
17	LOC 50.06.003.1.d	Standards for Access Lanes
18	LOC 50.06.003.2	On-Site Circulation – Driveways and Fire Access Roads
19	LOC 50.06.003.3	On-Site Circulation – Bikeways, Walkway, and Accessways
20	LOC 50.06.003.4	Street Connectivity
21	LOC 50.06.003.5	Transit System
22	LOC 50.06.004.1.c.iii	Site Design – Standards for Installation and Construction
23	LOC 50.06.007.1.b	Solar Access
24	LOC 50.07.003.13	Ministerial Development Decisions
25	LOC 50.07.003.14	Minor Development Decisions
26	LOC 50.08.002.2	Minor Variance Classifications
	LOC 50.08.003.2.a	R-DD Design Variance Classifications

1           LOC 50.10.003                   Definition of Terms

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3    **HEARINGS**

4           The Planning Commission held a public hearing and considered this application at its  
5 meeting on April 11, 2022. The Commission adopted its Findings, Conclusion and Order  
6 recommending approval of LU 22-0007 on May 9, 2022.

7           The City Council held a public hearing and considered the Commission’s  
8 recommendation on May 17, 2022. The following information was presented to the Council and  
9 added to the record:

10           G-008 Housing Land Advocates, Fair Housing Council of Oregon / 1000 Friends of  
11 Oregon (A. Biddle & A. Lazo), dated 5/17/2022.

12

13    **CRITERIA AND STANDARDS**

14    A.    Transportation Planning Rule (Chapter 660, Division 12)

15           OAR 660-12-0060(1)

16    B.    Urban Growth Management Functional Plan-Metro Code

17           Title 7: Housing Choice [MC 3.07.730]

18    C.    LCDC Administrative Rules

19           660-046                   House Bill 2001 Rules  
20           660-046-0030           Implementation of Middle Housing Ordinances

21    D.    City of Lake Oswego Comprehensive Plan Policies:

22           *Land Use Planning*  
23           Policies A-1, A-2, A-3, A-6, B-7, B-8, B-10, C-1, C-3, and C-5

24           *Community Culture*  
25           Civic Engagement Policies 1, 3, 4, 5, 8, 9, 11  
26           Historic Preservation Policy 3

*Inspiring Spaces and Places*  
          Goal 1, Policies 1, 2, 7, 8 and 9  
          Goal 2, Policies 4 (d and e)

*Complete Neighborhoods & Housing*  
          Policies A-2, A-3, A-4, B-1 and C-7

- 1            *Connected Community*  
Policies B-1, B-2, B-3, C-1, C-8 and F-2
- 2
- 3            *Community Health and Public Safety*  
Public Safety, Police and Fire Protection Policies 1, 2, 3, and 10  
Public Facilities and Services: Surface Water Management Policies 8 and 9  
Public Facilities and Services: Water Treatment and Delivery Policies 2 and 3  
Public Facilities and Services: Wastewater Collection and Treatment Policies 2 and 6  
Sound Quality Policies 1 and 5
- 4
- 5
- 6            *Evergreen Neighborhood Plan*  
Land Use: Residential Goal, Policies 1 and 2
- 7
- 8            *First Addition Neighbors and Forest Hills Neighborhood Plan*  
Housing, Land Use, and Neighborhood Character Goals 1 and 2, Policies 1, 2, 3, 4, 5, 6, 8  
and 9
- 9
- 10           *Glenmorrie Neighborhood Plan*  
Land Use Planning Policies 3, 4, and 10  
Housing Policy 1, 2, 3 and 4
- 11
- 12           *Lake Forest Neighborhood Plan*  
Housing / Residential Land Use Policies 3 and 4
- 13
- 14           *Lake Grove Neighborhood Plan*  
Housing / Residential Land Use Policies 1, 2, 3, 6
- 15
- 16           *Old Town Neighborhood Plan*  
Goals 1, 2 3 and 5; Policies 1, 3 and 8
- 17
- 18           *Palisades Neighborhood Plan*  
Land Use Policies 2, 3 and 4
- 19
- 20           *Waluga Neighborhood Plan*  
Land Use Planning Policy 2  
Housing Goals 1 and 3, Policy 4

D.    City of Lake Oswego Community Development Code

LOC 50.07.003.3.c.	Published Notice for Legislative Hearing
LOC 50.07.003.16a	Legislative Decisions Defined
LOC 50.07.003.16b	Criteria for Legislative Decision
LOC 50.07.003.16c	Required Notice to DLCD
LOC 50.07.003.16.d.iii	Planning Commission Recommendation
LOC 50.07.003.16.e	City Council Review and Decision

**FINDINGS AND REASONS**

The City Council incorporates the Planning Commission Staff Report dated March 7, 2022 (Exhibit D-1) for LU 22-0007, with all exhibits, the Supplemental Staff Memo dated April 1, 2022 (Exhibit D-2), the Findings and Conclusions in the Commission’s May 9, 2022 Findings,



1 Conclusions and Order, and the staff Council Report dated May 4, 2022, as support for the  
2 Council’s decision.

3 The Housing Land Advocates, Fair Housing Council of Oregon, and 1000 Friends of  
4 Oregon ask the Council to further amend the proposed code amendments to (a) include the  
5 option for detached units in the -plex developments, (b) eliminate or reduce on-site parking  
6 requirements for duplexes, triplexes and quadplexes, and (c) density bonuses for developers  
7 that commit to meeting affordability, accessible, or tree preservation requirements. Exhibit G-  
8 008.

9 The Council finds that the request was not presented to the Planning Commission as  
10 part of its consideration of the draft amendments; that any Council consideration of the  
11 requested options should include the opportunity for Planning Commission review and  
12 recommendation to the Council [see generally, LOC 50.07.003.16.d.i]; that per HB 2001 (2019),  
13 Section 3(1)(b), the City must adopt middle housing code amendments by June 30, 2022; and  
14 that the consideration of the options are not required for compliance with HB 2001 and its  
15 implementing rules, OAR Division 660-046. Accordingly, the Council finds there is not sufficient  
16 time to orderly consider the requested options and still meet the statutory timeline for  
17 adoption of these amendments. The Council declines, at this stage, the request to consider the  
18 options proposed.

19

20 **CONCLUSION**

21 The City Council concludes that LU 22-0007, as recommended by the Planning  
22 Commission, complies with all applicable criteria and should be approved. The Council also  
23 concludes that proposed Ordinance 2892, which implements LU 22-0007, should be enacted.

24

25 AYES: Council President Wendland, Nguyen, Verdick, Rapf, Manz, Mboup


26 NOES: None


ABSENT: None

1 ABSTAIN: None  
2 EXCUSED: Mayor Buck  
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4 DATED this 7<sup>th</sup> day of June, 2022.

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ATTEST:

  
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Joseph M. Buck, Mayor

  
\_\_\_\_\_  
Kari Linder, City Recorder

**50.01.006 NONCONFORMING USES, STRUCTURES, LOTS AND SITE FEATURES**

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**4. DAMAGE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES**

**a. ~~Single-Family and Duplex~~ Single-Family and Duplex Middle Housing Dwellings, Accessory Structures, and Historic Landmarks**

This subsection is applicable to nonconforming single-family (~~attached or detached~~) and duplex dwellings, middle housing dwellings, historic landmarks designated or listed upon the Landmark Designation List, and accessory structures to a single-family dwelling, ~~duplex~~ middle housing dwelling, or historic landmark.

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**b. Structures Other Than ~~Single-Family or Duplex~~ Single-Family or Duplex Middle Housing Dwellings, Accessory Structures, and Historic Landmarks**

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**5. NONCONFORMING LOTS**

**a. Development Permitted**

A nonconforming lot that does not meet the minimum size or dimensional requirements of the zone in which it is located may be developed as permitted in that zone; provided, that (i) the structure complies with all applicable Code standards or (ii) the applicant obtains a variance pursuant to LOC Article 50.08, Variances.

**Exception: No middle housing except a duplex and accessory structures to a duplex shall be developed on a nonconforming lot that does not meet the minimum size or dimensional requirements of the zone.**

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**50.02.001 RESIDENTIAL DISTRICTS**

**1. RESIDENTIAL-LOW DENSITY ZONES**

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**b. Purpose**

To provide lands for single-family residential development with densities ranging from two to five dwelling units per gross acre, and to provide lands for middle housing development.

**2. RESIDENTIAL-MEDIUM DENSITY ZONES**

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**b. Purpose**

**i. R-5**

To provide lands for single- and multi-family residential development with densities ranging from seven to eight dwelling units per gross acre, and to provide lands for middle housing development.

**ii. R-DD Zone**

**(1)** The purpose of the R-DD zone is to assure that both single-family homes and middle housing are protected from noise, light, glare and reduction in privacy to the maximum extent possible during the area's transition to higher density residential use, to facilitate good architectural design and site planning which maintains residential choices of unit size, cost and other amenities and supports the economic feasibility of new construction and development, and to assure protection and compatibility of all land uses, including commercial, residential, park, open space and historic sites.

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**iii. R-6 Zone**

The FAN R-6 zone is intended to implement the land use policies of the First Addition Neighborhood Plan. The purpose of this zone is to ensure the design quality of proposed development in the neighborhood by:

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**(4)** Preserving the small-town character of the existing streetscape by allowing single-family and middle housing development that is human scale and pedestrian oriented.

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**3. RESIDENTIAL-HIGH DENSITY ZONES**

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**b. Purpose**

To provide lands for single- and multi-family residential development with densities of at least 12 dwelling units per gross acre, and to provide lands for middle housing development.

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50.03.002 USE TABLE

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2. RESIDENTIAL USE TABLE

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE													
P = Permitted Use   Blank = Not Permitted   C = Conditional Use   A = Accessory Use													
[x] Table notes located at the end of the table													
Use Category	Use Type	Residential										Use-Specific Standards	
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3 [3]	R-2	R-0 [3] [4]		
<b>RESIDENTIAL USES</b>													
Household Living	Dwelling, single-family detached dwelling (one per lot)	P	P	P	P	P	P	P	P [1]	P	P	P	
	<del>Dwelling, zero lot line (one per lot)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>—</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>—</del>
	Dwelling, duplex (one per lot)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P		
	<del>Dwelling, attached townhome</del> Townhouse Project (one per lot)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	<u>50.03.003.1.e</u>	
	Cottage cluster (one per lot)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>50.03.003.1.d</u>	
	Dwelling, multi-family					P	P		P		P		
	<u>Dwelling, quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
	<u>Dwelling, triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
	Manufactured home (one per lot)	P	P	P	P	P	P	P	P	P	P	<u>50.03.003.1.b</u>	
	Manufactured home park or subdivision					P			P		P	<u>50.03.003.1.c</u>	

**TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE**

**P = Permitted Use | Blank = Not Permitted | C = Conditional Use | A = Accessory Use**

**[x] Table notes located at the end of the table**

Use Category	Use Type	Residential										Use-Specific Standards
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3 [3]	R-2	R-0 [3] [4]	
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**50.03.003 USE-SPECIFIC STANDARDS**

**1. RESIDENTIAL – PERMITTED USES**

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**d. Cottage Clusters**

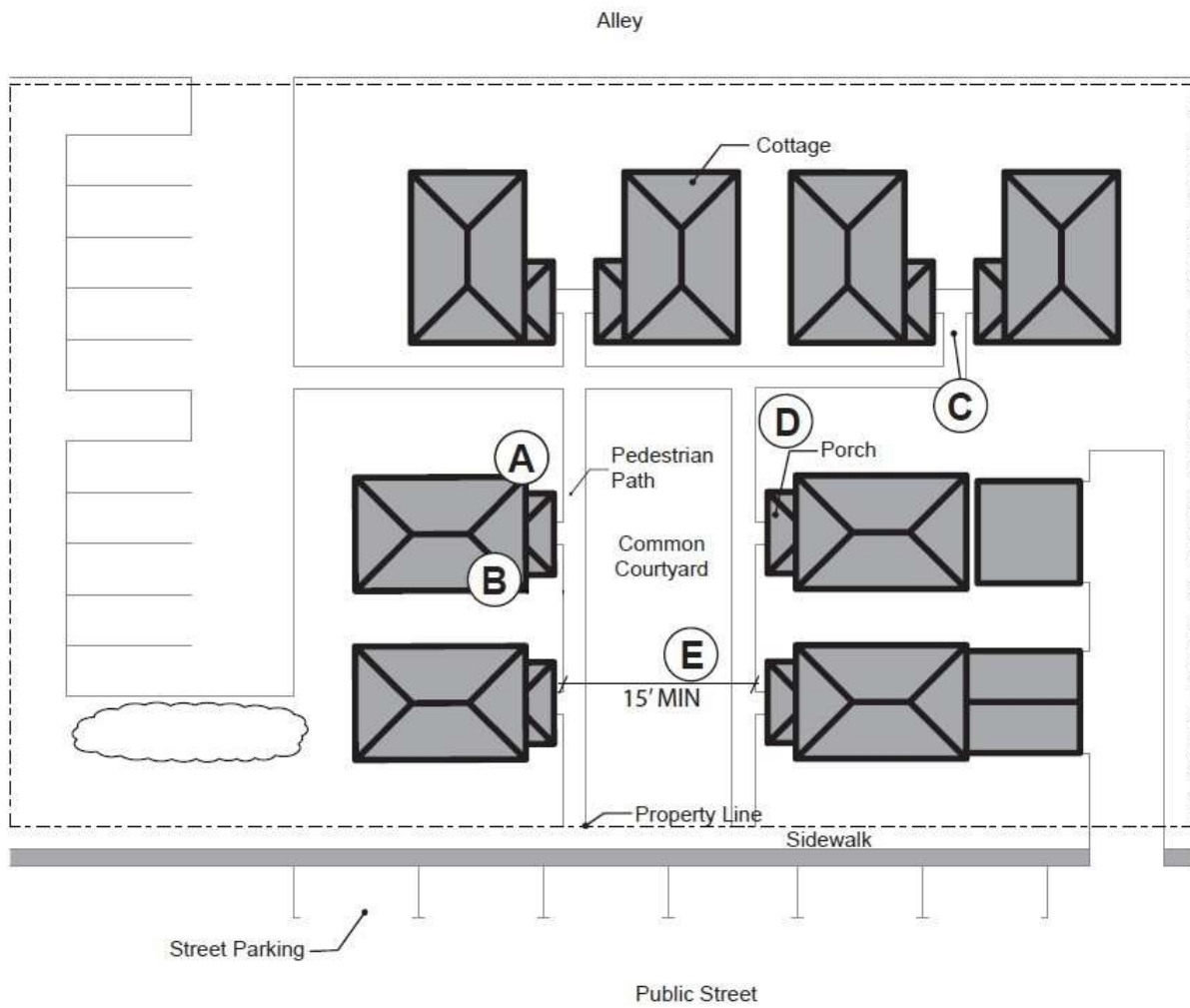
In addition to the standards above, the following design standards shall be applied to cottage cluster developments.

i. Individual cottage cluster dwellings must have a footprint of no more than 900 square feet each.

**ii. Common Courtyard Design Standards**

**Figure 50.03.003-D: Cottage Cluster Orientation and Common Courtyard Standards**





- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

**(1)** Each cottage cluster shall include no more than one common courtyard per lot that meets the following standards:

(a) The common courtyard must be a single, contiguous piece on one lot;

(b) Cottages must abut the common courtyard on at least two sides of the common courtyard;

(c) The common courtyard must contain a minimum of 150 sq. ft. per cottage within the associated cluster;

(d) The common courtyard must be a minimum of 15 ft. wide at its narrowest dimension;

(e) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, or paved area, and may also include recreational amenities. Impervious elements shall not exceed 75% of the total common courtyard area;

(f) Pedestrian paths must be included in a common courtyard.

(g) Paths that abut a courtyard shall count toward the courtyard’s minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(2) A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

**iii. Cottage Orientation**

**(1)** Each cottage within a cluster must either abut a common courtyard or must be connected to it by a pedestrian path.

**(2)** A minimum of 50% of cottages within a cluster must be oriented to the common courtyard by:

- (a) Having a primary entrance into to the living area of the cottage facing the common courtyard;
  - (b) Being within 10 ft. from the common courtyard, measured from the wall or front porch of the cottage to the nearest edge of the common courtyard; and
  - (c) Being connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 ft. of a property line abutting a public street must have a primary entrance into the living area of the cottage facing the street, unless required otherwise by subsection (1) above.
- (4) Cottages not facing the common courtyard or the street must have their primary entrance into to the living area of the cottage facing a pedestrian path that is connected to the common courtyard.

See Figure 50.03.003-D: Cottage Cluster Orientation and Common Courtyard Standards.

**iv. Community Buildings**

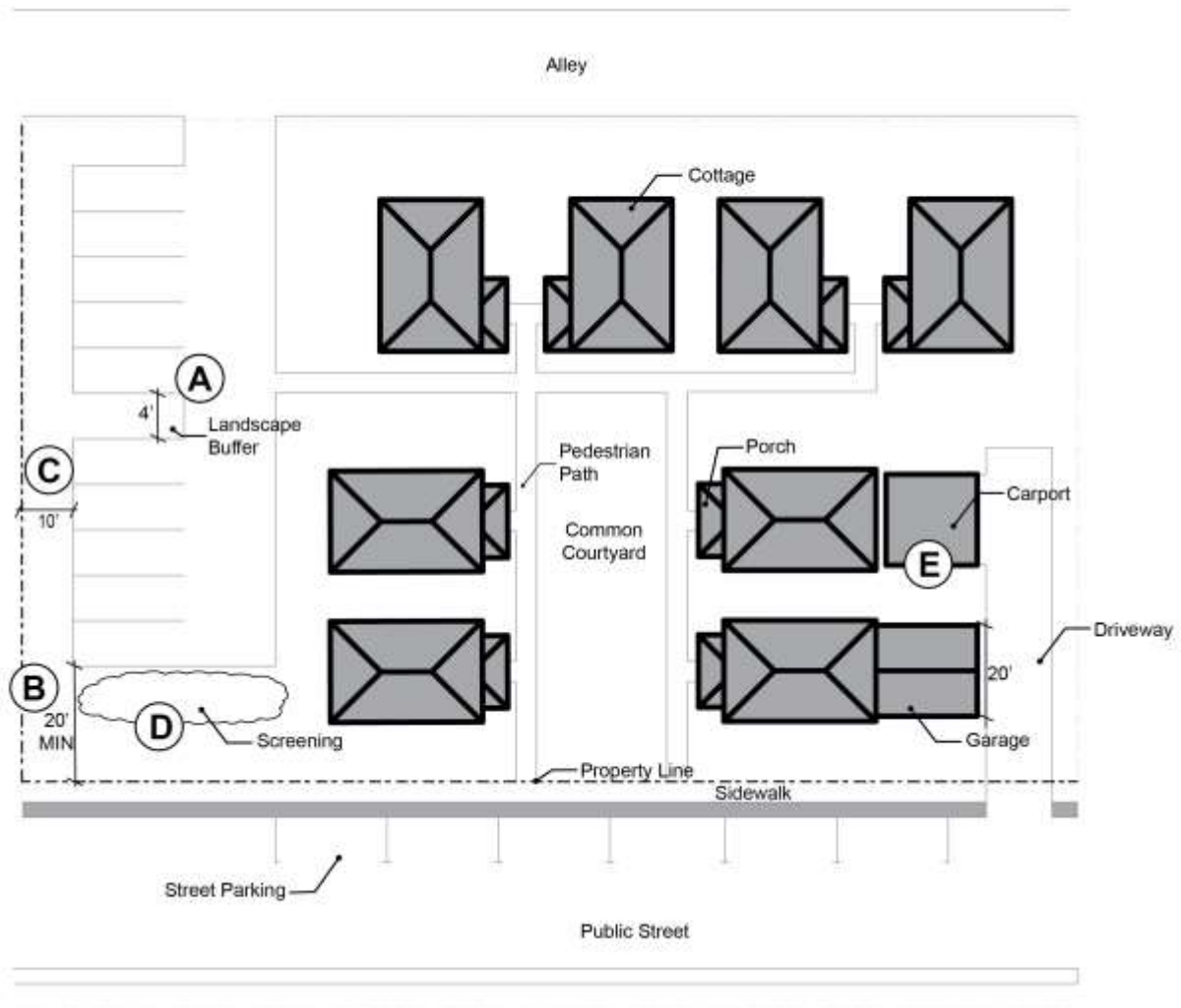
- (1) Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory amenities such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
- (a) Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to LOC 50.04.001.1.d.iv, 2.d.iv, and 3.c.iii; and
  - (b) A community building that meets this Code’s definition of a dwelling unit must meet the maximum 900 sq. ft. footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a dwelling unit and will not be used as a primary dwelling;

**v. Pedestrian Access**

- (1) A pedestrian circulation plan is required that provides accessible paths connecting the main entrance of each cottage to the following:
- (a) The common courtyard;
  - (b) Shared parking area(s);
  - (c) Community building(s); and
  - (d) Sidewalks or public pathways in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- (2) The pedestrian path must be hard-surfaced and a minimum of four feet wide.

**vi. Parking Design**

**Figure 50.03.003-E: Cottage Cluster Parking Design Standards**



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

**(1) Clustered Parking**

Off-street parking shall be arranged in clusters, subject to the following standards:

- (a) Cottage cluster developments with fewer than 16 cottages are permitted parking clusters of not more than five abutting spaces;
- (b) Cottage cluster developments with 16 cottages or more are permitted parking clusters of not more than eight abutting spaces.
- (c) Parking clusters must be separated from other parking spaces by at least four ft. of landscaping.
- (d) Clustered parking areas may be covered.

(2) Parking Location and Access

- (a) Off-street parking spaces and vehicle maneuvering areas shall not be located within 20 ft. of any front or side street lot line, except for lot lines abutting alleys.
- (b) Off-street parking spaces and vehicle turnaround areas shall not be located between a front or side street lot line and the front façade of cottages located closest to the front or side street lot line.
- (c) Off-street parking spaces shall not be located within 10 feet of any other lot line, except for lot lines abutting alleys. Driveways and drive aisles are permitted within 10 feet of other property lines.

(3) Screening

Landscaping screening that consists of a minimum of 50% evergreen shrubs or trees that can obtain a minimum height of three feet within two years of planting, fencing, or walls at least three ft. tall shall separate clustered parking areas and detached garages from common courtyards and public streets.

(4) Garages

- (a) Garages (whether shared or individual) shall not abut common courtyards;
- (b) Individual detached garages must not exceed 400 sq. ft. in floor area.
- (c) Garage doors for attached and detached individual garages must not exceed 20 ft. in width.
- (d) Garages with opening(s) that face the street must comply with LOC 50.06.004.1 Garage Appearance and Location Standards.

vii. Accessory Structures

Accessory structures shall not exceed 400 sq. ft. in gross floor area.

viii. Existing Structures

On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster development area under the following standards:

(1) The existing dwelling may be nonconforming with respect to the requirements of this subsection (d).

(2) An existing dwelling that is less than the maximum height of the underlying zone or the maximum building footprint of 900 sq. ft. may be expanded up to the maximum height or footprint.

(3) The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

(4) The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection d.ii(1).

**ix. Shared Facilities**

All shared garbage and storage facilities and mechanical equipment shall be screened from view so that garbage containers and equipment not visible from the street.

**e. Townhouse Projects**

In addition to the standards in Subsections a-c, above, no more than four units shall be allowed in an attached townhouse structure.

///

**4. CONDITIONAL USE STANDARDS FOR GROUP AND INSTITUTIONAL HOUSING**

**a. Residential Care Housing and Congregate Housing**

**i. Generally Applicable Standards**

///

**(3)** Within the allowed ~~single- and multi-family~~ zones, residential care housing and congregate housing shall be permitted only on those properties which abut a major or minor arterial or a major collector or neighborhood collector. Access to the development site shall be by the street with the highest classification unless prohibited by access constraints.

///

**5. STANDARDS FOR PUBLIC, INSTITUTIONAL AND CIVIC USES**

///

**h. Telecommunications Facilities in Residential or Mixed Residential/Commercial Zones**

In addition to compliance with the approval standards in LOC 50.03.003.5.g.iv and 50.07.004.12, and the general conditional use criteria in LOC 50.07.005, Conditional Use Permits, telecommunications facilities

designated as a conditional use in residential or mixed residential/commercial zones shall comply with the following standards:

- i. New telecommunications facilities shall not be located on a parcel containing an existing single-family dwelling, duplex, rowhouse or zero lot line middle housing dwelling.

///

50.04.001 DIMENSIONAL TABLE

///

1. RESIDENTIAL LOW DENSITY ZONES

a. Dimensional Standards

///

TABLE 50.04.001-1: RESIDENTIAL LOW DENSITY ZONES DIMENSIONS					
	R-7.5	R-10	R-15	Comments/Additional Standards	
///					
<b>MIN. LOT DIMENSIONS [3]</b>				50.04.001.1.c	
<b><u>Single-Family, Duplex, Triplex, Quadplex, and Cottage Cluster Developments; Townhouse Projects</u></b>					
___Area (sq. ft.)	7,500	10,000	15,000	Except PD [3]	
___Width (ft.)	50	65	80		
___Depth (ft.)	—	—	—		
<b><u>Townhouses (one per lot)</u></b>					
___Area (sq. ft.)	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>		
___Width (ft.)	<u>15</u>	<u>15</u>	<u>15</u>		
___Depth (ft.)	<u>—</u>	<u>—</u>	<u>—</u>		
<b>MAX. FLOOR AREA [7] [8]</b>				50.04.001.1.d	
Base Calculation: 3,000 sq. ft. + [(actual lot size – 5,800 sq. ft.) x 0.19]	Additional floor area allowance per primary residential unit providing a garage (sq. ft.)				
	600	750	850		
<b>YARD SETBACKS</b>				50.04.001.1.e	
///					
<b><u>Cottage Clusters</u></b>					
Front (ft.)	<u>10</u>	<u>10</u>	<u>10</u>	=	
Interior Side / Side Adjacent to Street (ft.)	<u>10</u>	<u>10</u>	<u>10</u>	=	
Rear (ft.)	<u>10</u>	<u>10</u>	<u>10</u>	=	
///					



**TABLE 50.04.001-1: RESIDENTIAL LOW DENSITY ZONES DIMENSIONS**

		R-7.5	R-10	R-15	Comments/Additional Standards
--	--	-------	------	------	-------------------------------

///

[2] Net developable area divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearing body show that development at that density can occur within requirements set forth in the Development Standards. Duplexes, triplexes, quadplexes, and cottage cluster developments are exempt from maximum density standards. For townhouse projects, the maximum density is four dwelling units per equivalent minimum lot area required per single-family dwelling in that zone.

///

[4] Base building height of single-family and middle housing dwellings may be increased by one ft. for every five additional ft. in yard setback on all sides.

///

[7] Cottage cluster developments are exempt from maximum floor area standards, but maximum average floor area standards shall be applied to individual cottage cluster dwellings. See 50.04.001.1.d.iv Maximum Average Floor Area of Units in a Cottage Cluster and 50.03.003.1.d Use-Specific Standards for Cottage Clusters.

[8] Maximum floor area standards for townhouses shall be applied to a townhouse project, and not to individual townhouse lots or dwellings. See also 50.04.001.1.d.v Maximum Floor Area of Townhouses.

///

**iv. Maximum Average Floor Area of Units in a Cottage Cluster**

Maximum average floor area for dwelling units within a cottage cluster development shall be as follows:

R-7.5: 1,000 sq. ft.

R-10 and R-15: 1,200 sq. ft.

**v. Maximum Floor Area of Townhouses**

Maximum floor area standards for townhouses shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

**e. Yard Setback – Additional Standards**

///

**iii. Special Setbacks for Steeply Sloped Lots**

On steeply sloped lots the minimum required front yard setback for detached dwellings and middle housing shall be 18 ft.

///

**vii. Cottage Cluster Building Separation**

Cottages shall be separated from each other by a minimum distance of 10 feet.

**f. Lot Coverage – Standards**

**i. Maximum Lot Coverage**

///

(1) Cottage clusters are exempt from maximum lot coverage standards.

~~(1)~~(2) Maximum lot coverage standards shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

///

**g. Height – Additional Standards**

A greater height than otherwise permitted is allowed for:

**i. Single-Family Dwellings and Middle Housing**

////

**2. RESIDENTIAL MEDIUM DENSITY ZONES**

**a. Dimensions**

Development in the R-DD, R-5, and R-6 zones shall conform to the dimensional standards in Table 50.04.001-3 except as modified below:

TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
///				
MIN. LOT DIMENSIONS				50.04.001.2.c
<u>Single-Family,</u>				

**TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS**

	R-6	R-5	R-DD	Comments/Additional Standards
<b><u>Duplex and Triplex Dwellings; Townhouse Projects</u></b>				
<u>Area (sq. ft.)</u>	6,000-per du	5,000-per du	SF/Duplex-5,000-(total); MD-15,000-(total) [4]	Except PD
<u>Width (ft.)</u>	50	—	—	
<u>Depth (ft.)</u>	—	—	—	—
<b><u>Cottage Clusters and Quadplexes</u></b>				
<u>Area (sq. ft.)</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
<u>Width (ft.)</u>	<u>50</u>	<u>—</u>	<u>—</u>	
<b><u>Townhouses (one per lot)</u></b>				
<u>Area (sq. ft.)</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	
<u>Width (ft.)</u>	<u>15</u>	<u>15</u>	<u>15</u>	
<b>MAX. FLOOR AREA [6]</b>				50.04.001.2.d
<b>///</b>				

///

[2] Net developable area divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearing body show that development at that density can occur within requirements set forth in the Development Standards. Duplexes, triplexes, quadplexes, and cottage clusters in residential zones are exempt from maximum density standards. For townhouse projects in residential zones, the maximum density is four dwelling units per equivalent minimum lot area required per single-family dwelling in that zone.

[3] R-DD zone maximum density expressed in number of dwelling units per net developable area is computed by dividing the net developable area by 2,000 sq. ft.

**TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS**

	R-6	R-5	R-DD	Comments/Additional Standards
--	-----	-----	------	-------------------------------

and rounding down to the nearest whole number. Duplexes, triplexes, quadplexes, and cottage clusters in the R-DD zone are exempt from maximum density standards. For townhouse projects in the R-DD zone, the maximum density is four dwelling units per equivalent minimum lot area required per single-family dwelling in that zone.

///

[6] Cottage cluster developments are exempt from maximum floor area standards, but maximum average floor area standards shall be applied to individual cottage cluster dwellings. See 50.04.001.2.d.iv Maximum Average Floor Area of Units in a Cottage Cluster and 50.03.003.1.d Use-Specific Standards for Cottage Clusters.

///

**d. Floor Area – Additional Standards**

///

**iv. R-6, R-5, and R-DD Zones**

**(1) Maximum Average Floor Area of Units in a Cottage Cluster**

Maximum average floor area for dwelling units within a cottage cluster development shall be 1,000 sq. ft.

**e. Yard Setback – Additional Standards**

**i. R-5 Yard Setback Standards**

**(1) Required Setbacks**

<b>TABLE 50.04.001-4: YARD SETBACK REQUIREMENTS</b>			
<b>Structure Type</b>	<b>Front (ft.)</b>	<b>Side (ft.)</b>	<b>Rear (ft.)</b>
<u>Attached Dwellings, including Duplexes, Triplexes, Quadplexes, and Townhouse Projects</u>	10	10 – Exterior Wall 0 – Attached Wall	10
Detached Dwelling	20	5 – Side Yard 10 – Street Side	20

TABLE 50.04.001-4: YARD SETBACK REQUIREMENTS			
Structure Type	Front (ft.)	Side (ft.)	Rear (ft.)
		Yard	
<u>Cottage Clusters</u>	<u>10</u>	<u>10</u>	<u>10</u>
Other Types of Primary Structures and All Accessory Structures	10	10	10

**(2) Additional Setback Standards and Modifications**

///

**(b)** Special Setbacks for Steeply Sloped Lots. On steeply sloped lots, the minimum required front yard setback for detached dwellings and middle housing shall be 18 ft.

**ii. R-6 Yard Setback Standards**

**(1) Required Setbacks**

TABLE 50.04.001-5: MINIMUM YARD SETBACKS – R-6 ZONE					
	Primary Structures (ft.)	<u>Cottage Clusters</u>	Accessory Structures (ft.) [1]	Other Accessory Structures (ft.)	Garage-Vehicle Opening (ft.)
Front	20 [3]	<u>10</u>	20 [3]	20 [3]	15 [2]
Side Adjacent to a Street	Arterial/Collector: 20; Local: 7.5	<u>10</u>	Arterial/Collector: 20; Local: 7.5	Arterial/Collector: 20 Local: 7.5	Arterial/Collector: 20; Local: 15
Side	<u>7.5 – Exterior Wall</u> <u>0 – Attached Wall</u>	<u>10</u>	5	7.5	7.5
Rear	15	<u>10</u>	5	15	15

///

**iii. R-DD Yard Setback Standards**

///

**(3) Multi-Family Dwelling ~~and Duplex~~ Development in R-DD**

(a) When a new multi-family development or the expansion or reconstruction of an existing multi-family development occurs in an R-DD zone subject to minor development review which abuts an existing less intensive residential use, the proposed multi-family structure shall be set back from the boundary of the less intensive use by at least the amount of feet equal to the height of the multi-family structure.

~~(b) New duplex development, or the expansion or reconstruction of an existing duplex development in the R-DD zone subject to DRC review, shall be set back from the boundary of the less intensive use by at least 15 ft. when the proposed development:~~

~~(i) Is greater than 28 ft. in height, and~~

~~(ii) Abuts an existing, less intensive residential use.~~

(eb) Developments subject to subsection 2.e.iii(3)(a) or (b) of this section shall provide a landscaped area at least five ft. wide within the setback area abutting the less intensive use. The purpose of the landscaped area is to provide a vegetative screen. Plant material used for screening and buffering shall be of a size that will achieve sufficient height within three years of the date of planting to provide adequate screening.

///

**iv. Cottage Cluster Building Separation in the R-6, R-5 and R-DD Zones**

Cottages shall be separated by a minimum distance of 10 feet.

**f. Lot Coverage/Impervious Surfaces – Additional Standards**

**i. R-5 Lot Coverage**

**(1) Maximum Lot Coverage**

(a) The following maximum lot coverage percentages are applicable to townhouse projects and single-family detached, duplex, triplex, and quadplex structures in the R-5 zone:

TABLE 50.04.001-7: R-5 MAXIMUM LOT COVERAGE	
Height (ft.)	Maximum Lot Coverage (%)
22 or less	45
>22 to 25	42
>25 to 28	38
>28 to 30	35
>30	35

(b) Cottage clusters and individual townhouse lots are exempt from maximum lot coverage standards.

(c) The maximum lot coverage for all other structures in the R-5 zone is 50%.

///

ii. **R-6 Lot Coverage/Impervious Surfaces**

///

(4) Cottage clusters are exempt from maximum lot coverage standards.

(5) Maximum lot coverage standards shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

iii. **R-DD Lot Coverage**

(1) The following maximum lot coverage shall be permitted in the R-DD zone:

TABLE 50.04.001-9: R-DD MAXIMUM LOT COVERAGE	
Dwelling Type	Maximum Lot Coverage
Single-Family Detached	35%
Duplex, Zero Lot Line <u>Middle Housing</u>	45%
Multi-Family Dwelling	55%

(2) ~~The following maximum amounts of impervious surface coverage shall be permitted limited to a maximum of 60% in the R-DD zone for all structures other than cottage clusters. See LOC 50.03.003.1.d.ii(1) for maximum impervious surface coverage standards applicable to cottage clusters.:~~

TABLE 50.04.001-10: R-DD MAXIMUM IMPERVIOUS SURFACE	
Dwelling Type	Maximum Impermeable Surface Allowed
Single-Family Detached	60%
Duplex, Zero Lot Line	60%
Multi-Family Dwelling and Rowhouse	60%

(3) Cottage clusters are exempt from maximum lot coverage requirements of the zone.

~~(2)~~(4) Maximum lot coverage standards shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

g. **Height – Additional Standards**

i. R-5 Height Restrictions for Primary Structures

///

(4) Exceptions to Base Building Height

A greater height than otherwise permitted is allowed for single-family and middle housing dwellings – building height may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the underlying zone code standards provided in subsections 2.g.i(1) and (2) of this section.

///

iv. R-DD Additional Height Standards

///

(2) Detached Single-Family Dwelling and Middle Housing/Greater Height Due to Greater Setback

In addition to the building base height exceptions in this section, the building base height for detached single-family dwellings and middle housing may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the minimum code standards for the zone.

3. RESIDENTIAL HIGH DENSITY ZONES

a. Dimensions

Development in the R-W, R-3, R-2, and R-0 zones shall conform to the development standards in Table 50.04.001-11 except as modified below:

TABLE 50.04.001-11: RESIDENTIAL HIGH DENSITY ZONES DIMENSIONS

	R-W	R-3	R-2	R-0 [6]	Comments/Additional Standards
///					
MIN. LOT DIMENSIONS					50.04.001.3.c
<u>Single-Family and Duplex Dwellings; Townhouse Projects;</u>					
Area (sq. ft.)	3,375	3,375	No min.	No min.	No min. for PD
Per Dwelling	3,375	3,375	No min.	No min.	
<u>Triplexes</u>					



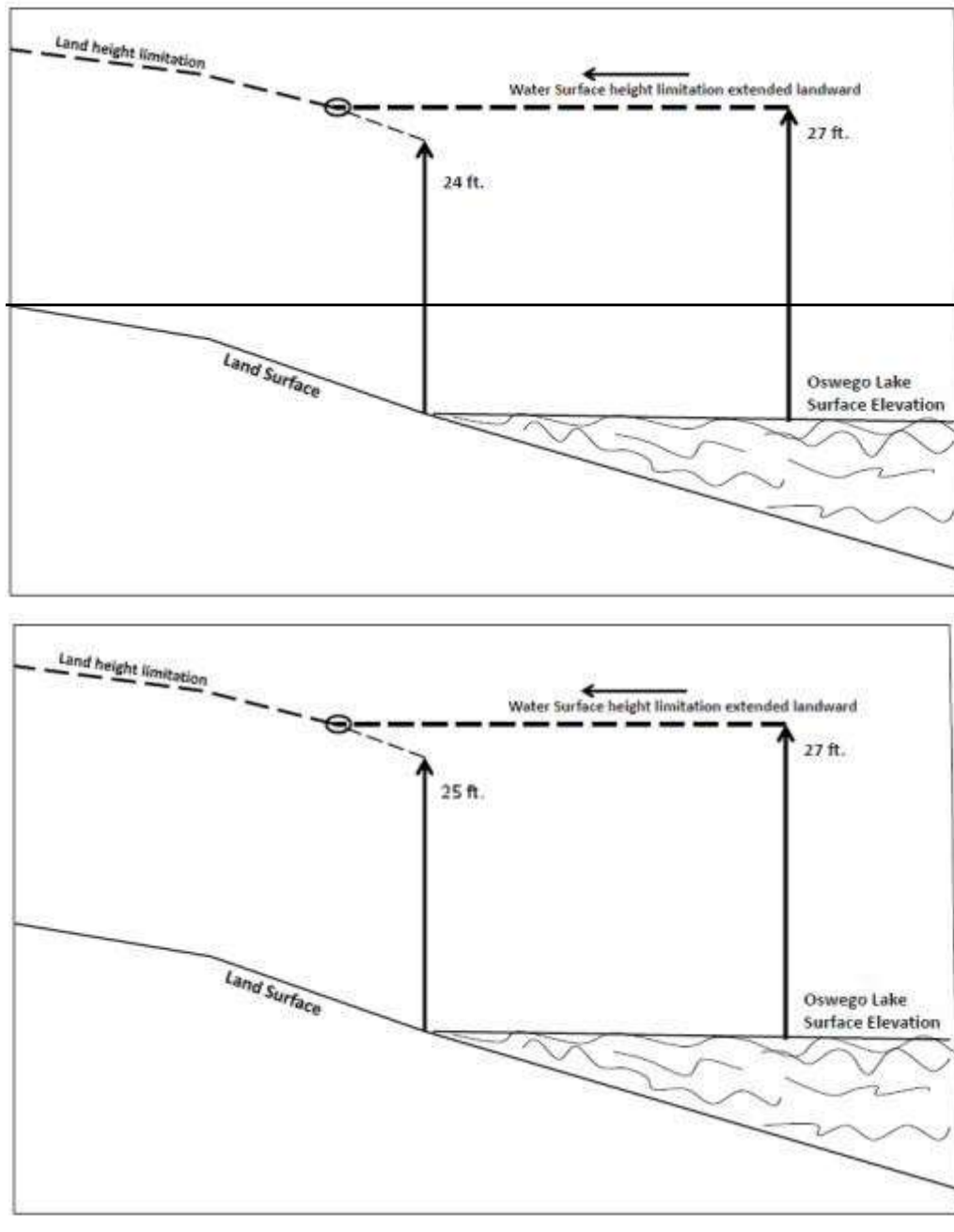
TABLE 50.04.001-11: RESIDENTIAL HIGH DENSITY ZONES DIMENSIONS

	R-W	R-3	R-2	R-0 [6]	Comments/Additional Standards
<u>Area (sq. ft.)</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	
<b><u>Cottage Clusters and Quadplexes</u></b>					
<u>Area (sq. ft.)</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
<b><u>Townhouses (one per lot)</u></b>					
<u>Area (sq. ft.)</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	<u>1,500</u>	
<b><u>Multi-family Dwellings</u></b>					
<u>Area (sq. ft.)</u>	<u>=</u>	<u>3,375</u>	<u>=</u>	<u>No min.</u>	
<u>Per Dwelling</u>	<u>=</u>	<u>3,375</u>	<u>=</u>	<u>No min.</u>	
<b><u>MAX. FLOOR AREA [7]</u></b>					50.04.001.3.c
Residential	No max.	1:1	1.2:1	1.2:1	
Conditional Use	Established as part of the conditional use process				
Nonresidential	1:1	1:1	1:1	1:1	
///					
<b><u>YARD SETBACKS</u></b>					50.04.001.3.e
///					
<b><u>Cottage Clusters</u></b>					
<u>Front (ft.)</u>	<u>0</u>	<u>10</u>	<u>Table</u> <u>50.04.001-13</u>	<u>10</u>	
<u>Interior Side / Side Adjacent to Street (ft.)</u>	<u>0</u>	<u>10</u>		<u>10</u>	
<u>Rear (ft.)</u>	<u>0</u>	<u>10</u>		<u>10</u>	
///					
<b><u>MAX. BASE HEIGHT (FT.)</u></b>					50.04.001.3.f

TABLE 50.04.001-11: RESIDENTIAL HIGH DENSITY ZONES DIMENSIONS

	R-W	R-3	R-2	R-0 [6]	Comments/Additional Standards
///					
From Oswego Lake Surface Elevation	24 <del>25</del> /27 [5]	—	—	—	
///					
///					
<p>[3] Computed by dividing the net developable area by the minimum lot area per unit and rounding down to the nearest whole number. <u>Duplexes, triplexes, quadplexes, and cottage clusters are exempt from maximum density standards. For townhouse projects, the maximum density is four dwelling units per equivalent minimum lot area required per single-family dwelling in that zone.</u></p>					
///					
<p>[5] For any portion of the lot above the Oswego Lake Surface Elevation, maximum building height shall not exceed <del>24</del><u>25</u> ft. For any portion of the lot at or below the Oswego Lake Surface Elevation, maximum building height shall not exceed 27 ft. above the Oswego Lake Surface Elevation. The maximum building height of 27 ft. above the Oswego Lake Surface Elevation shall extend landward until it meets the <del>24</del><u>25</u> ft. height limit for the portion of the lot above the Oswego Lake Surface Elevation. See Figure 50.04.001-11[5].</p>					
///					
<p>[7] <u>Cottage cluster developments are exempt from maximum floor area standards, but maximum average floor area standards shall be applied to individual cottage cluster dwellings. See 50.04.001.2.d.iv Maximum Average Floor Area of Units in a Cottage Cluster and 50.03.003.1.d Use-Specific Standards for Cottage Clusters.</u></p>					

Figure 50.04.001-11[5]: Height Measurement for R-W Zoned Lots



///

c. Lot Area and Floor Area – Additional Standards

///

iii. Maximum average floor area for dwelling units within a cottage cluster shall be 1,000 sq. ft.

iv. Maximum floor area standards for townhouses shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

**d. Lot Coverage – Additional Standards**

**i. R-2 Lot Coverage**

TABLE 50.04.001-12: R-2 MAXIMUM LOT COVERAGE	
Structure Type	Max. Lot Coverage (%)
Single-Family Detached	35
Single-Family Attached	55
<u>RowhouseTownhouse Project</u>	55
<u>Duplex, Triplex, and Quadplex</u>	55
Other Structures	50

**ii. R-0, R-2, and R-3 Exemptions**

///

(3) Cottage clusters are exempt from maximum lot coverage requirements.

(4) Maximum lot coverage standards for townhouses shall be applied to a townhouse project, and not to individual townhouse lots or dwellings.

**e. Yard Setback – Additional Standards**

///

**ii. R-2 Yard Setbacks**

Development in the R-2 districts shall meet the following setbacks:

TABLE 50.04.001-13: R-2 YARD SETBACKS				
Structure Type	Front (ft.)	Side (ft.)		Rear (ft.)
		Exterior	Attached	
Duplex	10	7	0	10
<del>Zero Lot Line</del>	<del>10</del>	<del>7</del>	<del>0</del>	<del>10</del>
<u>RowhouseTownhouse Project</u>	10	7	<u>0</u>	10
<u>Triplex</u>	<u>10</u>	<u>7</u>	=	<u>10</u>
<u>Quadplex</u>	<u>10</u>	<u>7</u>	=	<u>10</u>
<u>Cottage Cluster</u>	<u>10</u>	<u>10</u>	=	<u>10</u>

TABLE 50.04.001-13: R-2 YARD SETBACKS				
Structure Type	Front (ft.)	Side (ft.)		Rear (ft.)
		Exterior	Attached	
///				

///

**iv. Special Setbacks for Steeply Sloped Lots**

On steeply sloped lots, the minimum required front yard setback for detached dwellings and middle housing shall be 18 ft.

**v. Cottage Cluster Building Separation**

Cottages shall be separated by a minimum distance of 10 feet.

**f. Height – Additional Standards**

///

**iv. Exceptions to Base Building Height**

In addition to the maximum structure height determined by subsections 3.f.i through 3.f.iii of this section, a greater height than otherwise permitted is allowed as follows:

- (1) Single-family and middle housing dwellings – Building height, inclusive of projections permitted by the building height exceptions under subsection 3.f.iv(2) of this section, may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the underlying zone code standards provided in subsections 3.f.i and 3.f.ii of this section; or

///

**50.04.004 SOLAR ADJUSTMENTS**

**1. EXEMPTIONS FROM SOLAR DESIGN STANDARD**

A development is exempt from the requirements of LOC 50.06.007.1.c, Solar Design Standard, if the reviewing authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from LOC 50.06.007.1.c to the extent the reviewing authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with the solar access requirements.

///

**b. Off-Site Shade**

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or solar-unfriendly vegetation, which will remain after development occurs on the site from which the shade is originating.

- i. Shade from an existing or approved off-site dwelling in a ~~single-family~~ residential zone and from topographic features is assumed to remain after development of the site.
- ii. Shade from an off-site structure in a zone other than a ~~single-family~~ residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

///

50.05.001 GLENMORRIE R-15 OVERLAY DISTRICT

///

5. PLANTINGS AND BUFFERING

a. Applicability

A Plantings and Buffering Plan shall be submitted when a building permit is required for:

///

- ii. Remodeling that increases the footprint of an existing structure by more than 400 sq. ft. and is not the creation of new middle housing through conversion or addition to an existing single-family dwelling; or

////

**50.05.004 DOWNTOWN REDEVELOPMENT DESIGN DISTRICT**

///

**13. CLEAR AND OBJECTIVE HOUSING STANDARDS FOR APPROVAL**

///

**b. Clear and Objective Track 2 Alternative Applicability**

A development in the Downtown Redevelopment District (shown in Figure 50.05.004-O) that involves new dwellings or a structure for residential mixed use, ~~multi-family residential, or attached single-family (three or more units) housing that creates new dwelling units~~ may comply with this article in lieu of compliance with LOC 50.05.004.1 through 50.05.004.12.

///



50.05.006 OLD TOWN NEIGHBORHOOD DESIGN

///

4. REQUIRED OLD TOWN STYLE

///

b. Old Town Style

Structures shall be designed in one of the three following traditional American home building styles, as described and outlined below: Early 1900 Vernacular style (gable-front or gable front-and-wing), Craftsman, or Cape Cod.

i. Early 1900 Vernacular Style

///

(2) Required Design Elements

Structures built according to the Early 1900 Vernacular style in Old Town shall provide the following design elements:

///

(f) Windows:

///

(iii) Single-family and middle housing structures shall provide at least 15% glazing for all street-facing building facades. Glazing may be provided in windows or primary entry doors.

///

(h) Front Entry:

(i) Single-Family Residential and Middle Housing: A covered front porch measuring a minimum of six ft. deep and eight ft. wide, or one front entry that is recessed at least three ft. behind the front building facade. For cottage clusters, this standard applies to cottages that have no other structure between them and the front lot line.

(ii) Multi-Family Residential and Townhouses: Ground floor residential entries shall provide a covered front entry measuring at least six ft. deep, or a front entry that is recessed at least three ft. behind the front building facade.

///

ii. Cape Cod

///

**(2) Required Design Elements**

Structures built according to the Cape Cod style in Old Town shall provide the following required design elements:

///

**(b)** Massing/Composition: Single-family residential and middle housing dwellings shall have square or rectangular plan (see Figure 50.05.006-C). Multi-family ~~and townhouse~~ structures shall provide additional building articulation, in accordance with standards in LOC 50.06.001.7.c.i and 50.06.001.7.c.ii.

///

**(f)** Windows:

///

**(ii)** Single-family structures and middle housing shall provide at least 15% glazing for all street-facing building facades. Glazing may be provided in windows or primary entry doors.

///

**iii. Craftsman**

///

**(2) Required Design Elements**

Structures built according to the Craftsman style in Old Town shall provide the following required design elements:

**(a)** Building Height: Single-family residential dwellings and middle housing shall be a maximum of two stories.

**(b)** Massing/Composition: Single-family residential and middle housing dwellings shall have square, rectangular, L-shaped, or T-shaped plans (see Figure 50.05.006-E). Building projections illustrated in L-shaped and T-shaped plans in Figure 50.05.006-A may extend from any location along the building facade. Porch projections may be appended to any of the above plan types. Multi-family structures shall provide additional building articulation in accordance with standards in LOC 50.06.001.7.c.i and 50.06.001.7.c.ii.

///

**(h)** Front Entry:

**(i)** Single-Family Residential and Middle Housing: A covered front porch (full or partial width of front elevation) measuring at least six ft. deep and at least half the

width of the front facade. Porch roof shall be supported by tapered square, square, clustered square, or pedestal columns, measuring at least 5.5 in. in width at the narrowest point (clustered columns shall provide a minimum overall width of eight in.). For cottage clusters, this standard applies to cottages that have no other structure between them and the front lot line.

(ii) ~~Multi-Family Residential and Townhouses~~: Ground floor residential entries shall provide a covered front entry or a front entry (measuring at least six ft. deep) that is supported by tapered square, square, clustered square, or pedestal columns, or a front entry that is recessed at least three ft. behind the front building facade. Columns shall measure at least 5.5 in. in width at the narrowest point (clustered columns shall provide a minimum overall width of eight in.).

///

(j) ~~Multi-family and townhouse~~ structures shall provide additional building articulation, in accordance with standards in LOC 50.06.001.6.c.i and 50.06.001.6.c.ii.

///

**9. ADDITIONAL REQUIREMENTS FOR ~~TOWNHOUSE, ROWHOUSE AND MULTI-FAMILY DWELLINGS~~**

**a. Purpose**

The following standard ensures that new ~~townhomes, rowhouses, and~~ multi-family structures, due to their potential size, are visually reduced in scale and relate to nearby residential structures and neighborhood scale in general.

~~b. Townhouse, rowhouse, and m~~Multi-family structures shall be designed in one of the Old Town styles, as described and illustrated in LOC 50.05.006.4.b. In addition, multi-family structures shall also be subject to the following requirements:

i. Multi-family structures shall provide articulated building facades and rooflines in accordance with requirements in LOC 50.06.001.7.c.i, Building Articulation for Multi-Family and Residential Mixed Use Structures.

~~ii. Townhouses and rowhouses shall provide articulated building facades and rooflines in accordance with LOC 50.06.001.7.c.ii, Building Articulation for Townhouse/Rowhouse Structures.~~

~~iii.~~ All surface parking areas shall provide a landscape buffer measuring a minimum of five ft. wide between the parking area and any public right-of-way or abutting property. The buffer should provide continuous landscaping measuring a minimum of three ft. high. All multi-family and duplex development must also comply with setback and landscaping requirements in LOC 50.04.001.2.e.iii.

~~iv.~~ Parking spaces may not be located within the front setback or between the building and any street frontage.

////

**50.05.007 LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT**

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**3. APPLICABILITY**

///

**c. Applicability by Type of Development**

**i. New Construction/Redevelopment**

All standards of this overlay apply to new building(s) and alterations to existing buildings that do not meet the definition of "remodel" in subsection 3.c.ii of this section, and site improvements on any vacant or redeveloped site and to new building(s) and related site improvements on any partially developed or developed site.

**Exceptions:**

- (1)** For the construction or redevelopment of single-family and middle housing dwellings, ~~duplexes, and townhomes~~, the pedestrian features standards of subsection 5.d of this section do not apply.

///

**ii. Remodeled Buildings, Building Expansion, and Site Improvements**

The standards of this overlay apply to any remodeling, building expansion, or site improvement project on a partially developed or developed site, except as expressly provided below.

For the purpose of this subsection, "remodel" means less than 50% of the exterior wall is removed or is no longer a necessary and integral structural component of the overall building. Elements of the exterior wall include columns, studs, or similar vertical load-bearing elements and associated footings. However, existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline shall continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications. For buildings not principally supported by exterior bearing walls, "remodel" means less than 50% of the principal support structure, including columns, structural frames and other similar primary structural elements, is removed or no longer a necessary and integral structural component of the overall building. Alterations that are undertaken solely to bring an existing building into compliance with the Building Code are not counted towards the 50% measurement.

///

- (5)** For remodels of single-family dwellings, ~~duplexes and townhomes~~, and middle housing, the pedestrian features standards of subsection 5.d of this section do not apply.

(6) Conversions of single-family dwellings that result in the creation of middle housing and are not classified as an expansion or addition are exempted from the standards of this subsection, provided that the conversion does not increase nonconformance with applicable standards.

(7) For additions to single-family dwellings that result in the creation of middle housing, the standards of this section shall apply only to the newly-added and any replaced portion(s) of the structure. Existing non-conforming portions of the structure are exempted from the standards of this section.

////

**50.05.010 SENSITIVE LANDS OVERLAY DISTRICTS**

////

**4. GENERALLY APPLICABLE STANDARDS FOR LANDS WITH RP DISTRICTS, RC DISTRICTS, AND HBA PROTECTION AREAS**

///

**c. Density Transfer**

Lot density transfer shall be permitted for land divisions on residentially zoned lands subject to an RP district pursuant to this section, and on lands with an HBA protection area pursuant to this section and LOC 50.05.010.7.

///

iii. Applicability by Housing Type

Lot density transferred pursuant to this section may not be used to develop a triplex, quadplex, townhouse, or cottage cluster.

///

**g. Mitigation Requirements**

///

**ix. Bonding Period**

///

**(4)** Property owners of individual tax lots that are lots of record which are zoned for single-family residential or middle housing use, are not large enough to be further divided, and were in existence prior to the date this section becomes effective shall be exempt from these bonding requirements.

////

**6. STANDARDS APPLICABLE TO RP DISTRICTS**

**a. Resource Protection (RP) District Environmental Review Standards; Applicability and Purpose**

In addition to compliance with LOC 50.07.004.8.c and 50.07.004.8.d and LOC 50.05.010.4.b and 50.05.010.4.c, applicants for development that is subject to environmental review on property containing an RP district shall comply with the standards contained in LOC 50.05.010.6.b through 50.05.010.6.d, in order to:

///

iii. Allow for development opportunities for at least one single-family home or duplex, pursuant to LOC 50.05.010.6.d and the applicable mitigation criteria of LOC 50.05.010.4.e through 50.05.010.4.g.

///

**d. Exceptions Where the RP District Prohibits All Reasonable Development Opportunities**

i. When a delineated RP district occupies most or all of a lot in any residential district, the property owner shall be permitted development on the parcel of a single-family dwelling, duplex, or the equivalent; "equivalent" shall be one or more dwellings which in total do not exceed the maximum lot coverage and floor area allowed for one single-family or duplex dwelling based on the minimum lot area of the underlying zone. In approving more than one dwelling the reviewing body shall find that the avoid, minimize, mitigate requirements of this section are met, and the development will have no greater impact to water quality, slope stability, erosion, or wildlife habitat than would occur with one dwelling constructed with the maximum allowed floor area based on the minimum lot area of the underlying zone. All other applicable City codes and development standards shall be complied with, and the mitigation criteria of LOC 50.05.010.4.e through 50.05.010.4.g shall also be applicable.

////

**50.06.001 BUILDING DESIGN**

**1. APPLICABILITY**

This section is applicable as follows:

TABLE 50.06.001-1: BUILDING DESIGN STANDARDS APPLICABILITY						
/A/ = Applicable /blank/ = Not Applicable						
Base District	R-15	R-10	R-7.5	R-6	R-5	Additional Standards
///						
<p><b>Notes:</b></p> <p>[1] Structure Design standards only apply to detached single-family dwellings <u>and middle housing, zero lot line dwellings, duplexes,</u> and structures that are accessory to these development types (see LOC 50.06.001.2.a).</p> <p>///</p> <p>[3] Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, <u>townhouses</u> <del>—attached single-family (three or more units) residential development,</del> and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development.</p> <p>///</p>						

**2. STRUCTURE DESIGN – RESIDENTIAL ZONES**

**a. Applicability**

i. In the R-0, R-2, R-3, and R-5 zones, this subsection applies only to the following types of development:

///

(2) ~~Zero lot line dwellings~~ Middle housing; and

~~(3) Duplexes; and~~ **(4)** Structures that are accessory to these development types listed above.

///

iii. Conversions of single-family dwellings that result in the creation of middle housing and are not classified as an expansion or addition are exempted from the standards of this subsection, provided that the conversion does not increase nonconformance with applicable standards.

iv. For additions to single-family dwellings that result in the creation of middle housing, this subsection (a) shall apply only to the newly-added and any replaced portion(s) of the structure.



Existing non-conforming portions of the structure to remain in place are exempted from the standards of this subsection.

///

### 3. R-6 RESIDENTIAL ZONE ADDITIONAL REQUIREMENTS

#### a. Roof Design

i. The minimum roof pitch for primary roof forms of a single-family or middle housing dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single-family or middle housing dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays, may be flat or shed roof types. See Figure 50.06.001-J: Identification of Primary and Secondary Roofs.

///

#### b. Front Porch Required

i. All new primary ~~structures~~ dwellings shall include a covered front porch at ~~an~~ the main entry. When applied to cottage clusters, this standard applies to cottages for which there are no other structures between it and the front lot line.

~~ii. that has a~~ The porch shall have a minimum depth of six ft. and a minimum width of either 50% of the building width, as measured within 40 ft. of the front lot line, or 15 ft., whichever is greater. See Figure 50.06.001-K: Minimum Front Porch Width.

~~iii.~~ On corner lots, the covered front porch and ~~main~~ entry shall be provided on the narrow street frontage. On lots with more than two street frontages, the front porch and ~~main~~ entry shall be provided on the front yard providing the full depth required by the zone, as determined by LOC 50.04.003.6.

~~iv.~~ The covered front porch shall be open and unobstructed by structures on the side of the porch that faces the narrow street, except for porch supports and railings. Porch supports shall be provided on the front porch and shall be wood or masonry or a solid material with the appearance of wood or masonry. Railings shall not exceed 44 inches in height or the minimum height required by the building code, whichever is greater.

~~iv.~~ A pedestrian front entry path shall provide direct access from the front porch to the public street/sidewalk. On corner lots, the ~~front entry~~ pedestrian path shall connect to the public street/sidewalk on the narrow street frontage.

///

#### c. Alleys

Alleys shall be surfaced in the following manner:

i. Alleys that serve single-family or middle housing residences only shall be paved with gravel or permeable material.

- ii. Alleys that serve commercial or, multi-family dwelling, townhouse, rowhouse, or duplex development, major public facilities structures, or institutional uses shall be paved with asphalt or concrete.

///

**4. GARAGE APPEARANCE AND LOCATION**

**a. R-0, R-2, R-3, R-5, R-7.5, R-10, and R-15 Residential Zones**

The following standards for garage appearance and location shall be applicable:

**i. Applicability Limited to Dwelling Type in the R-0, R-2, R-3 and R-5 Zones.**

The garage appearance and location standards of this section shall apply to the following types of development:

- (1) Detached single-family dwellings; and
- (2) Zero lot line dwellings; Middle housing; and
- ~~(3) Duplexes;~~

**ii. Garage Wall Facing Street**

When a garage has wall(s) other than the wall containing the garage opening facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least 10% of the garage wall.

**iii. Garage Design Requirements Due to Location**

The standards in subsection 4.a.iv of this section shall not apply in any one of the following circumstances:

///

- ~~(5)~~ The width of a parcel is less than 50 ft.; or
- ~~(65)~~ The garage is proposed to be set back at least 60 ft. from the public right-of-way.

Figure 50.06.001-L: Garage Design Requirements



**iv. Garage Location and Appearance Standards**

The garage shall comply with subsections 4.a.iv(1) through (3) of this section:

**(1) Maximum Garage Width**

**(a)** For lots with a width of 50 ft. or more, garage openings shall not occupy more than 60% of the width of the combined facade of the dwelling and garage.

**(b)** For lots with a width of less than 50 ft., garage openings may occupy up to 75% of the width of the front facade of the dwelling and garage when the following criteria are satisfied:

**(i)** The total combined width of all garage openings does not exceed 36 ft.;

**(ii)** Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the façade; and

**(iii)** The garage location and appearance standards in Table 50.06.001-2, below.

<b>TABLE 50.06.001-2: GARAGE LOCATION AND APPEARANCE STANDARDS</b>		
<b><u>Width of Garage as Percent of Front Façade</u></b>	<b><u>Minimum Garage Setback 50.06.001.4.a.iv.2</u></b>	<b><u>Minimum Number of Garage Appearance Standards 50.06.001.4.a.iv.3</u></b>
<u>Less than 30%</u>	<u>None</u>	<u>2</u>
<u>30% to 60%</u>	<u>2 feet</u>	<u>3</u>
<u>60% to 75%</u>	<u>4 feet</u>	<u>4</u>

**(12) ~~Dwelling Shall Be Closer to the Street~~ Minimum Garage Offset from Dwelling**

**(a)** If the width of the garage is less than 30% of the width of the front façade of the dwelling, then ~~The~~the garage shall not be located closer to the street than the dwelling. For the purpose of meeting this subsection, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004 in the R-5, R-7.5, R-10, and R-15 zones, and July 1, 2010, in the R-0, R-2, and R-3 zones.

**(b)** If the width of the garage exceeds 30% of the width of the front façade of the building, then the garage must set back further from the front lot line than the dwelling. The minimum additional garage setback is provided in Table 50.06.001-2.

**(2) Garage Width**

**(a)** The garage elevation shall not occupy more than 60% of the width of the combined facade of the dwelling and garage; or

~~(b)~~ — For duplexes and zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the dwelling and garage when the following criteria are satisfied:

~~(i)~~ — The lot width of the lot upon which the duplex is located or the combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 ft.; and ~~(ii)~~ — The total combined width of all garage doors does not exceed 36 ft.; and

~~(iii)~~ — Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the facade; and

~~(iv)~~ — One or more of the following is provided:

~~1.~~ — Pergolas or trellises are provided across the entire front of the garage; or

~~2.~~ — A covered porch occupies at least 25% of the facade; or

~~3.~~ — An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate as shown in Figure 50.06.001-L: Garage Design Requirements; and

///

**(3) Garage Appearance Standards**

Garages shall comply with at least two a minimum number of the following appearance standards intended to minimize the appearance of the garage. The minimum number of appearance standards that must be met is provided in Table 50.06.001-2. ~~(a)~~ — Set the garage an additional two ft. further from the front property line than the facade of the dwelling;

~~(b)~~ Provide individual garage doors, not to exceed 75 sq. ft. each, for each parking stall.

~~(b)~~ — Provide individual garage doors that do not exceed 50% of the width of the combined facade of the dwellings and garages, or in the case of duplexes and zero lot line dwellings, 50% of the width of the combined facade of the dwellings and garages. Any garage opening width beyond 50% of the dwelling and garage width must be set back at least two ft. further from the front property line than the facade of the other garage opening;

(b) Provide separate garage openings offset from one another by at least two ft horizontally.

(c) Provide windows on each garage door that make up a minimum of 15% of the area of the door.

(d) Provide a decorative trellis, pergola, 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 in. deep and six ft. tall.

~~(d) Provide garage openings offset from one another by at least two ft horizontally.~~

(e) Provide a covered porch that occupies at least 25% of the combined façade of the dwelling and garage.

(f) Provide a patio with a surrounding screening wall at a height of 4 ft. located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate as shown in Figure 50.06.001-L: Garage Design Requirements.

///

**b. R-6 Residential Zones**

In addition to compliance with the accessory structure setback requirements in LOC 50.04.001.2, a garage shall comply with the following requirements:

///

**ii. Garage Wall Facing Street**

When a garage has wall(s) facing a street other than the wall containing the garage opening, these wall(s) shall have more than one plane or shall include fenestration equal to at least 10% of the garage wall.

**iii. LocationGarage Width**

(1) For interior lots, garages shall be located so that the garage is set back a minimum of 15 ft. behind the front yard setback line of the house (excluding a porch). See Figure 50.06.001-M: Front Porch and Garage Measurements.

(2) Where no alley access is available, the garage shall comply with the following standardseither:

(a) For lots with a width of 50 ft. or more, the garage opening shall not oOccupy up to more than 60% of the width of the combined facade of the dwelling and garage, or,

(b) For lots with a width of less than 50 ft. zero lot line dwellings, garages may either comply with subsection 4.b.ii(1) of this section or may occupy up to 75% of the width of the combined front facade of the dwelling and garage when the following criteria are satisfied:

~~(i) The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 ft.; and~~

- (ii) The total combined width of all garage doors does not exceed 36 ft.; and
- (iii) Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the facade; ~~and.~~
- (iv) ~~One or more of the following is provided:~~
  - (A) ~~Pergolas or trellises are provided across the entire front of the garage, or~~
  - (B) ~~A covered porch that occupies at least 25% of the facade.~~

///

~~iii. Garage Wall Facing Street~~

~~When a garage has wall(s) facing a street other than the wall containing the garage opening, these wall(s) shall have more than one plane or shall include fenestration equal to at least 10% of the garage wall.~~

iv. Garage Location and Appearance

(1) Minimum Garage Offset from Dwelling

(a) If the width of the garage is less than 30% of the width of the front façade of the dwelling, then the garage shall not be located closer to the street than the dwelling. For the purpose of meeting this subsection, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to [insert month and year of the effective date of this Ord.].

(b) If the width of the garage exceeds 30% of the width of the front façade of the building, then the garage must set back further from the front lot line than the dwelling. The minimum additional garage setback is provided in Table 50.06.001-2.

(2) Garage Appearance Standards

Garages shall comply with a minimum number of the following appearance standards intended to minimize the appearance of the garage. The minimum number of appearance standards that must be met is provided in Table 50.06.001-2.

- (a) Provide individual garage doors, not to exceed 75 sq. ft. each, for each parking stall.
- (b) Provide separate garage openings offset from one another by at least two ft horizontally.
- (c) Provide windows on each garage door that make up a minimum of 15% of the area of the door.

(d) Provide a decorative trellis, pergola, 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 in. deep and six ft. tall.

(e) Provide a covered porch that occupies at least 25% of the combined façade of the dwelling and garage.

(f) Provide a patio with a surrounding screening wall at a height of 4 ft. located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate as shown in Figure 50.06.001-L: Garage Design Requirements.

///

**5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT NOT LOCATED IN THE FMU ZONE, AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL**

**a. Applicability**

This standard is applicable in all zones except the FMU zone to:

///

ii. Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), private recreational use, multi-family residential, ~~townhouses attached single family~~ (three or more units)-~~residential development~~, and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development pursuant to LOC 50.07.003.13.a.ii(3).

///



50.06.002 PARKING

///

2. STANDARDS FOR APPROVAL

a. Vehicle Parking

///

TABLE 50.06.002-3: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required [1]
///	
<b>(A) RESIDENTIAL</b>	
1. Single-family dwelling and <u>middle housing duplex</u>	1 space per dwelling unit
///	

///

vi. Parking Dimensions

///

(2) The minimum dimension to meet single-family and middle housing residential parking space requirements shall be eight ft. six in. wide and 18 ft. six in. long for each space.

///

**50.06.003 CIRCULATION AND CONNECTIVITY**

**1. ACCESS/ACCESS LANES (FLAG LOTS)**

///

**d. Standards for Access Lanes**

Access lanes shall meet the following minimum standards:

///

ii. Access to two to three dwelling units/lots – 12 ft. of pavement with a four-ft. shoulder on each side.

iii. One standard "on-lane" parking space shall be provided for each flag lot served by an access lane. This parking space may be used to meet minimum off-street parking requirements for detached single-family and duplex dwellings on flag lots served by the access lane.

iv. Access lanes shall only serve lots improved with detached single-family or duplex dwellings.

///

**2. ON-SITE CIRCULATION – DRIVEWAYS AND FIRE ACCESS ROADS**

///

**b. Standards for Approval**

**i. Driveway Approaches – Locational Limitations and Restrictions**

///

(5) The maximum width of a driveway approach, measured where the edges of the driveway meet the right-of-way, shall be governed as follows:

(a) Single-family residential or middle housing dwelling with garage door(s) facing the street: 12 ft. per garage or carport stall, or surface parking space, but not to exceed 30 ft.

(b) Single-family residential or middle housing dwelling with side-loading garage: 24 ft.

///

**ii. Driveway Widths**

Driveways shall conform to the minimum width requirements of LOC 15.06.610 (Oregon Fire Code Adopted) and LOC 50.06.002, Parking. For lots less than 50 ft. wide, driveways on the lot may be no wider than the garage opening accessed from the driveway.

**iii. Driveway Grades**

~~(1) The maximum grade of a driveway serving one single-family structure shall be 20%. If the grade exceeds 15%, then the residence must be provided with alternative methods for fire suppression, i.e., sprinklering, shall comply with LOC 15.06.610 (Oregon Fire Code Adopted).~~

~~(2) The maximum grade of a driveway for all other uses shall be 15%.~~

~~(23) For all uses except single-family or middle housing dwellings structures of four units or less, there shall be a landing area where a driveway used by multiple drivers meets the public street. The landing area shall be a minimum of 25 ft. long and shall have a maximum grade of 5%. The length and grade of the landing area described in this subsection presupposes that the abutting street has been fully improved to its ultimate anticipated width. If a driveway is proposed on a street that is not fully improved, and the development proposal is anticipated to proceed prior to the improvement of the street, the City Engineer shall determine the location and grade of the future street improvement and the applicant shall design the driveway and site grading so that this standard will not be compromised when the street is improved in the future.~~

///

**c. Standards for Construction**

///

vi. All driveways shall be paved with a material that does not generate dust. Hard pavement is required except in the following circumstances:

///

(2) Where a driveway grade changes less than 10% from the street to the parking area serving a single-family residence or duplex.

///

**3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS**

**a. Applicability**

This section is applicable to all subdivisions and to all minor and major development involving the construction of a new structure other than a detached single-family dwelling, ~~duplex, middle housing dwelling,~~ or accessory structures. This section is also applicable to modifications which increase the square footage of commercial, industrial, public use or institutional buildings by more than 10%. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

///

**4. STREET CONNECTIVITY**

**a. Applicability**

This section is applicable to:

///

iii. Construction of a detached single-family dwelling, ~~duplex, middle housing dwelling, zero-lot-line dwelling, multi-family dwelling~~, commercial, industrial, institutional, or public function structure that:

///

c. **Standards for Approval of Development Which Requires the Construction of a Street**

///

v. Access lanes may be used to serve up to three ~~dwelling units~~ lots.

///

5. **TRANSIT SYSTEM**

a. **Applicability**

This standard is applicable to all new subdivisions, planned developments, multi-family residential developments ~~of four units or more~~, and new commercial, institutional and industrial developments, and major public facility structures located on a transit street or within one-quarter mile of a transit street.

///

**50.06.004 SITE DESIGN**

///

**c. Standards for Installation and Construction**

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iii. Except for single-family residential dwellings and middle housing developments that require street trees, all planting shall have an irrigation system installed to meet standards of Turf Irrigation Manual, current edition, unless the applicant can demonstrate to the satisfaction of the reviewing authority that such system is not necessary.

////

**50.06.007 SOLAR ACCESS**

**1. SOLAR ACCESS FOR NEW DEVELOPMENT**

*///*

**b. Applicability**

The solar design standard in LOC 50.06.007.1.c shall apply to subdivision applications that create lots intended for single-family detached ~~dwellings~~ or middle housing dwellings in any zone, except to the extent the reviewing authority finds that the applicant has shown one or more of the conditions listed in LOC 50.04.004.1, Exemptions from Solar Design Standard, and LOC 50.04.004.2, Adjustments to Solar Design Standard, exist and exemptions or adjustments provided for therein are warranted.

*////*

**50.07.003 REVIEW PROCEDURES**

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**13. MINISTERIAL DEVELOPMENT DECISIONS**

**a. Ministerial Development Classification**

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**ii. Ministerial Development Types**

**(1)** Exterior modification of single-family detached dwellings (including exterior modifications that reduce setbacks pursuant to LOC 50.04.003.3.c), accessory dwelling units, ~~a single duplex on a lot, or zero lot line dwellings,~~ or middle housing, or modification of an accessory structure in the R-DD zone.

**(2)** Construction or exterior modification of a detached single-family dwelling, accessory dwelling unit, ~~middle housing, a single duplex on a lot, zero lot line dwelling~~ or a structure accessory to such structures which:

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**(h)** Is not middle housing located in a Commercial, Industrial or Mixed Use Zone, as identified in LOC 50.02.002.1.

**(g)** Is not middle housing located in a Special Purpose Zone, as identified in LOC 50.02.002.3.

**(3)** Exterior modification of a structure other than a detached single-family dwelling, accessory dwelling unit, ~~duplex, zero lot line dwelling,~~ middle housing, or structure accessory to such structures which:

///

**e. Review and Decision**

**i. Decision-Making Authority**

Ministerial development applications shall be reviewed and approved by the City Manager.

**ii. Review Criteria for Ministerial Developments**

A ministerial development shall comply with the requirements of the zone, including overlay zones, in which the subject lot or parcel is located, the Stormwater Management Code (LOC Article 38.25) and shall comply with the following sections of the development standards:

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**(8)** Building Design Standard, LOC 50.06.001.2 – 4, for construction or exterior modification of a detached single-family dwelling, ~~a single duplex on a lot, zero lot line,~~ middle housing- dwelling, or a structure accessory to such structures.

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**14. MINOR DEVELOPMENT DECISIONS**

**a. Minor Development Classification**

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ii. "Minor development" under subsection 14.a.i(1) of this section includes:

**(1)** In the R-DD zone:

**(a)** Construction of new single-family detached dwellings, ~~duplexes~~middle housing dwellings, multi-family dwellings, ~~zero lot line dwellings~~ or exterior modification of a structure containing a nonconforming use that requires a building permit.

**(b)** Expansion or reconstruction that results 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%.

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**(2)** Construction or exterior modification of a detached single-family structure, ~~duplex~~middle housing dwelling, ~~zero lot line dwelling~~ or a structure accessory to such structures which:

///

**(5)** Construction of a structure other than a detached single-family dwelling, ~~duplex~~middle housing dwelling, ~~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 50.07.003.13.a.ii(3) or (19).

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**LOC 50.08: VARIANCES**

- 50.08.001 INTRODUCTION
- 50.08.002 MINOR VARIANCES
- 50.08.003 DESIGN VARIANCES
- 50.08.004 MAJOR VARIANCES

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**50.08.002 MINOR VARIANCES**

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**2. MINOR VARIANCE CLASSIFICATIONS**

a. A variance of 20% or less from yard setbacks or the Oswego Lake setback for a single-family dwelling, ~~zero lot line dwelling,~~ middle housing dwelling, or an associated accessory structure that does not comply with LOC 50.03.004.2.b, Reduction of Side or Rear Yard Setbacks for Accessory Structures, provided:

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b. A variance from yard setbacks for a structure other than a single-family dwelling, ~~zero lot line,~~ middle housing dwelling, or associated accessory structures up to:

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d. A variance to the maximum floor area for single-family homes or middle housing dwellings of up to 15%; provided, that the lot in question has at least the following minimum lot area:

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g. A variance 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 or middle housing detached dwelling that is nonconforming relative to lot coverage or setbacks.

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**50.08.003 DESIGN VARIANCES**

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**2. DESIGN VARIANCE CLASSIFICATIONS**

**a. R-DD Design**

For exterior modifications of a single-family ~~detached~~ or middle housing dwelling in the R-DD zone built before 1960, minimum setbacks may be reduced between two ft. and five ft. if the modification maintains at least 50% of the exterior walls (measured by sq. ft.) and does not increase height by more

than 100%. Minimum setback adjustments of two ft. or less are exceptions to the R-DD district standards pursuant to LOC 50.04.003.3.c.

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**50.10.003 DEFINITIONS**

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2. DEFINITION OF TERMS

The following terms shall mean:

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**Cottage Cluster**

A grouping of no fewer than five and no more than eight detached cottage cluster dwellings, which includes a common courtyard.

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**Courtyard, Common**

A common area for use by residents of a cottage cluster.

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**Duplex**

~~A single detached building on its own lot designed to contain two dwelling units.~~ Two attached dwelling units on a lot.

**~~Dwelling, Attached Townhome~~**

~~Two or more attached single family dwelling units, with each unit located on its own lot, sharing side-by-side common wall(s), with no dwelling units sharing common horizontal surfaces. The common wall shall consist of a structural wall that is shared for at least 25% of the length of the side of each dwelling unit. An attached townhome is also called a rowhouse, townhouse, or a common-wall house.~~

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**Dwelling, Cottage Cluster**

A single detached dwelling within a cottage cluster, which may be located on a single lot or on individual lots.

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**Dwelling, Multi-Family**

A building on one or more lots designed to contain ~~three~~ five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. "Multi-family dwelling" includes structures commonly called garden apartments, apartments and condominiums.

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**Dwelling, Zero Lot Line**

~~A building providing two dwelling units on two separate lots, sharing a common wall, and used for residential purposes.~~

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**Floor Area**

The gross building floor area excluding:

///

d. Garages, except as modified in:

///

iii. The R-7.5, R-10, and R-15 zones (LOC 50.04.001.1.d.i(1), for ~~single family~~ dwellings);

///

**Footprint, Cottage Cluster Dwelling**

The horizontal area as seen in plan view, measured from the outside of all surrounding exterior walls and supporting columns of a cottage cluster dwelling. It includes cottage cluster dwellings and any attached garages, as well as cantilevered portions of the dwelling on a second floor. It does not include detached garages or carports; accessory structures; trellises; patios; up to two feet of eaves; and areas of porches, decks, and balconies less than 30 inches above finished grade.

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**Middle Housing**

Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses in residential zones.

///

**Quadplex**

Four attached dwelling units on a lot.

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**Townhouse**

A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot and shares at least one common wall with an adjacent dwelling unit, with no dwelling units sharing common horizontal surfaces. The common wall shall consist of a structural wall that is shared for at least 25% of the length of the side of each dwelling unit. A townhouse is also called a rowhouse, attached townhome, or a common-wall house.

**Townhouse Project**

One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.

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**Triplex**

Three attached dwelling units on a lot.

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