



## MEMORANDUM

### Middle Housing Code Concepts Springfield Development Code Update Project

Date: November 15, 2019

To: Community TAC Members

From: Mark Rust, City of Springfield

CC: Kristina Kraaz, City of Springfield  
Brenda Jones, City of Springfield

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### OUTLINE AND PURPOSE OF THIS MEMORANDUM

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This memo outlines draft Code Concepts for the Springfield Development Code Update Project residential phase related to middle housing. It builds on the previous code audit report identifying concerns related to housing and Technical Advisory Committee (TAC) input from the previous eight meetings. The “code concepts” describe potential code amendments in a simplified, conceptual way. You’ll find that not all of the details are worked out in the concepts (for example, in some cases you’ll see an XX instead of a number, or highlighted areas that need specific input) -- that’s intentional. My hope is to get input and direction from the TAC members on the concepts before finalizing the detailed code language. The Code concepts in the memo are organized into the following topic areas:

- Residential Use Table
- Middle Housing
- Multiplexes (duplex, triplex, fourplex)
- Separation of Uses
- Cottage Cluster Housing
- Townhomes

For each topic area, I’ve provided a few sentences of background information describing the existing regulations as well as outlining one or more concepts for potential changes to the regulations. Our goal for the TAC Meeting #9 is to get input on the code concepts for middle housing development. As you read through this memo, please look for text boxes with commentary and questions for the TAC (example below). These questions are meant to prompt discussion at the TAC meeting, but not to limit it – other questions and suggestions are welcome.

**Commentary/Question:** Discussion and questions for the TAC will be in text boxes like this.

**RESIDENTIAL USE TABLE**

The residential use table is being reworked with the intent to simplify and modernize the uses. Generally broader categories are intended to be used.

Table 3.2.210 Permitted Uses					
Uses	Zoning Districts				Special Use Standards
	LDR	SLR	MDR	HDR	
Residential <sup>1</sup>					
Single-Family Dwelling, Detached	P	P	P	P	Sec 4.7.3XX
Single-Family Dwelling, Attached (e.g. townhomes, row houses, etc.)	P	P	P	P	Sec 4.7.3XX
Accessory Dwelling Units (ADU's)	P	P	P	P	Sec 4.7.3XX
<b>[Boarding or Rooming House]</b>	<b>[N]</b>	<b>[CU]</b>	<b>[CU]</b>	<b>[CU]</b>	Sec 4.7.3XX
Cottage Cluster Housing	P	P	P	P	Sec 4.7.3XX
Duplex, triplex, and fourplex; or two, three, or four dwelling units on one lot (attached or detached)	P	P	P	P	Sec 4.7.3XX
Manufactured Home	P	P	P	P	Sec 4.7.3XX
Manufactured Home Park	P	P	P	P	Sec 4.7.3XX
Multiple Unit Housing on one lot or parcel, more than 4 units up to 20 units	P	P	P	P	Sec 4.7.3XX
Multiple Unit Housing on one lot or parcel, more than 20 units	P	P	P	P	Sec 4.7.3XX
<b>Residential Care Home (5 or fewer people)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	Sec 4.7.3XX
<b>Residential Care Facility (6-15 people)</b>	<b>P</b>	<b>P</b>	<b>P*</b>	<b>P*</b>	Sec 4.7.3XX
<b>Residential Care Facility (more than 15 people)</b>	<b>D*</b>	<b>N</b>	<b>S*</b>	<b>S*</b>	Sec 4.7.3XX
Public and Institutional <sup>2</sup>					
Automobile Parking, Public Off-street Parking	N	N	[P/CU]	[P/CU]	
Cemetery, including Crematorium	[N/CU]	N	[N]		
Child Daycare Center	N	N	[P/CU]		
<b>Club</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	
Community Service; includes Governmental Offices	N	N	[P/CU]		

<sup>1</sup> KEY: P = Permitted Use; S = Permitted with Special Use Standards; D = Discretionary Use; N = Not Allowed; \* = Site Plan Review Required.

Table 3.2.210 Permitted Uses					
Uses	Zoning Districts				Special Use Standards
	LDR	SLR	MDR	HDR	
<i>[Community Garden]</i>	[P/CU]	[P/CU]	[P/CU]		
Clinic, Outpatient Only	N	N	[P/CU]		
Emergency Services; includes Police, Fire, Ambulance	[N/CU]	[N/CU]	[CU]		
Hospital, including Acute Care Center	N	N	[N/CU]		
Non-Profit Member Organization Offices	N	N	CU		
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	[S/CU]	[S/CU]	[S/CU]		Sec 4.7.3XX
Place of worship	CU/S*	CU/S*	CU/S*	CU/S*	Sec 4.7.3XX
Commercial <sup>3</sup>					
Bed and Breakfast Inn	N	N	[C+S]	[C+S]	Sec 4.7.3XX
<i>Home Occupation</i>	S	S	S	S	Sec 4.7.3XX
Professional Office	S*	S*	S*	S*	Sec 4.7.3XX

## MIDDLE HOUSING CODE CONCEPTS

### Multiplexes (duplex, triplex, fourplex)

Currently there are no design standards for duplexes in the LDR (Low Density Residential) zone. There are design standards for duplexes in SLR (Small Lot Residential), MDR (Medium Density Residential), and HDR (High Density Residential) zones.

Options for design standards for multiplex housing types.

1. No design standards for structure, but still site design standards (setbacks, height, lot coverage, etc.).
2. Use existing architectural design standards used for duplexes in MDR zones for all multiplex development in addition to site design standards. These standards could be used for a subset of the multiplex housing types (e.g. triplexes and fourplexes, or just fourplexes).
3. Use different design standards (other than architectural design standards) to regulate impacts from multiplex development. Different standards could include orientation of structures (front doors or other entrances), minimum amount of windows on the front

<sup>3</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; \* = Site Plan Review Required; N = Not Allowed.**

façade of structures, minimize or otherwise regulate the windows facing adjacent development, requirements to provide covered front entrance areas, etc.

**Commentary/Question:** Should the code contain architectural design standards for duplexes (including two detached units on one lot) in the LDR zone? There are not currently any architectural design standards for duplexes in the LDR zone, however they are only allowed on corner lots that are 6,000 sq. ft. or larger. The new code must allow duplexes on each lot or parcel that a single family home is allowed on in conformance with the new middle housing legislation. There are currently architectural design standards for duplexes in the SLR, MDR, and HDR zones.

The existing design standards for duplexes are found in SDC (Springfield Development Code) at 4.7-142 and include the following:

*Each duplex and each attached single-family dwelling shall provide design elements to preclude large expanses of uninterrupted building surfaces along all elevations which are visible from the street adjacent to the property (i.e., front, rear and sides). The design shall be provided by using at least 6 of the following architectural features on all applicable elevations, as appropriate for the proposed building type and style:*

- 1.** *Dormers;*
- 2.** *Gables;*
- 3.** *Recessed entries;*
- 4.** *Covered front porches;*
- 5.** *Pillars or posts;*
- 6.** *Eaves (minimum 12-inch projection);*
- 7.** *Window trim (minimum 3 1/2 inches wide);*
- 8.** *Bay windows;*
- 9.** *Balconies;*
- 10.** *Offsets in the building face by a minimum of 18 inches;*
- 11.** *Offsets or breaks in roof elevation of 2 feet or greater in height;*
- 12.** *Decorative patterns on the exterior finish using: shingles, wainscoting, and/or board and batten;*
- 13.** *Variation in façade building materials, including, but not limited to, tile, brick, and wood.*

These standards generally regulate the aesthetics of the structure and not necessarily the impacts from the structure. Rather than regulating aesthetics, the following impacts have been discussed as being potentially regulated to mitigate new middle housing types in the LDR zone:

1. Parking
2. Privacy
3. Scale
4. Compatibility

New standards that could regulate these impacts include the following:

*Duplex, triplex, and fourplex development must comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with compatibility.*

**(A) Orientation Standards.**

**(1)** *The front façade of at least one unit must be oriented toward a abutting street.*

*The front façade of a home is defined as the façade with the main entry door and front porch or recessed entry.*

*For properties with more than one frontage, the applicant may choose which frontage to meet this standard.*

**(2)** *Exemptions to Orientation Standards.*

**(a)** *Duplexes, triplexes, or fourplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.*

**(b)** *Lots created after [date of adoption], that are not adjacent to existing [LDR zoned] [residentially designated] properties.*

**(B) Design Standards - Windows**

**(1)** *Windows and doors must account for at least 15% of the façade area for façades oriented toward a street.*

**(2)** *The required windows in (1) above must be:*

**(a)** *Either vertical or square in orientation and shape, the window must be at least as tall as each window is wide.*

**(b)** *If horizontal window openings are proposed:*

**(i)** *They must be filled by either two or more vertically oriented windows that are either all the same size, or with no more than two sizes used;  
or*

**(ii)** *A horizontal window with a band of individual lites across the top; the lites must be either vertically oriented or be square. The lites in either case must cover at least 20% of the total height of the window.*

**(C) Front Porches and Entries**

*Each unit in a triplex or fourplex must have a covered porch or recessed entryway on the front of the home.*

**(1)** *When a covered porch is provided, for the unit(s) with the front façade facing the street, the minimum porch depth must be 6.5 ft., and the width of the porch must be at least 60% of the width of the overall length of the front façade.*

**(2)** *For units with the front façade not facing the street, when providing a covered porch, the minimum dimensions of the covered front porch must be 5 ft. by 5 ft.*

**(3)** *When a recessed entry is provided for any unit it must have minimum dimensions of 5ft by 5ft.*

**(4)** *The front door of the dwelling must open onto the covered porch or recessed entry.*

**(5)** *The entire area of the covered porch or recessed entry must be covered.*

**(6)** *The surface of the covered porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.*

**(D)** *There must be a minimum of 15 percent of the site landscaped in conformance with SDC 4.4-100, Landscaping, Screening and Fence Standards. Existing natural landscaping can count as part of the landscape requirement if protected and preserved during construction.*

**(E)** *Street trees must be planted in conformance with SDC 4.2-140, Street Trees.*

**(F)** *The applicant must provide:*

**(1)** *usable open space; or*

**(2)** *an exterior patio, balcony, or deck;*

*consistent with the following:*

<b><i>Dwelling Units</i></b>	<b><i>Usable Open Space</i></b>	<b><i>Exterior Patio, Balcony or Deck</i></b>
<i>1 and 2 bedroom units</i>	<i>200 square feet per unit</i>	<i>100 square feet per unit</i>
<i>3 bedroom units or larger</i>	<i>300 square feet per unit</i>	<i>150 square feet per unit</i>

**(3)** *All usable open space areas that are comprised of lawn must be irrigated with an underground irrigation system.*

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- (4)** *An exterior patio, balcony, or deck to meet the requirements of this subsection will not be counted as part of the landscape requirement.*
- (G)** *Each unit must provide a minimum of 60 square feet of enclosed storage area for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area must be accessible from the exterior of the dwelling unit, have a minimum interior height of seven feet, and be no less than two feet in length in any direction. The storage area may be split into two areas as long as no area is less than 20 square feet and no dimension is less than two feet, except the height which is a minimum of seven feet. The storage area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 18 feet). The storage must not be located within the setbacks.*
- (H)** *Each unit must provide an enclosure area for trash and recycling. This area is in addition to subsection (H)(4) of this section.*
- (I)** *Detached dwelling units must be a minimum of six feet apart as measured between their building footprints.*
- (J)** *Floor Area Ratio. In the LDR District, the FAR as defined in SDC Chapter 6.1.100, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.*
- (1)** *Exemptions to FAR.*
- (a)** *Accessory structures less than 10 feet in height and 200 square feet in area.*
  - (b)** *Duplexes, triplexes, or fourplexes created by remodeling an existing single-family dwelling without expanding the existing floor area.*
  - (c)** *Lots created after [date of adoption], that are not adjacent to existing LDR designated properties.*
- (K)** *Driveway Approach. Duplexes may have a maximum of two driveway approaches, a triplex may have a maximum of three driveway approaches, and a fourplex may have a maximum of four driveway approaches in compliance with the following:*
- (1)** *The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(3) of this section.*
  - (2)** *Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.*
  - (3)** *In addition, lots or parcels with more than one frontage must comply with the following:*
    - (a)** *Lots or parcels must access the street with the lowest classification.*
    - (b)** *Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. The City Engineer will determine which frontage*

*may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.*

- (c)** *Lots or parcels with frontages only on local streets must comply with the following:*

    - (i)** *Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.*
    - (ii)** *Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage; or two driveway approaches not exceeding a total of 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.*
    - (iii)** *Fourplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage; or two or three driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage; or two driveway approaches not exceeding a total of 32 feet on one frontage and one maximum 16 foot wide approach on the other frontage.*
  - (d)** *Clear vision standards do not apply between driveway approaches for duplexes and triplexes on local streets. All other standards in SDC 4.2.130, Vision Clearance, apply.*
  - (e)** *For lots or parcels abutting an alley, access must be taken from the alley.*
- (L)** *Garage Door Standards.*
- (1)** *The maximum combined garage door width facing the street is 50 percent of the total building width.*
  - (2)** *In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses livable space, except that:*

    - (a)** *If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed livable space, but no further than the front of the porch.*
    - (b)** *A garage or carport may extend up to 10 feet in front of the enclosed livable space [on the first floor] if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.*
  - (3)** *Exemptions to Garage Door Standards.*

    - (a)** *Existing garages legally constructed prior to [date of adoption].*

- (b) *When the side or rear wall of the garage faces the street, provided the standards of SDC 3.2.215(F)(6)(a)(ii) are met.*
- (c) *Lots created after [date of adoption], that are not adjacent to existing residentially designated properties.*

**Commentary/Question:** Should all of the above standards be applicable to multiplex development?

### Separation of Uses – Transitions, Setbacks, and Buffers

Currently, the Springfield Development Code (SDC), 3.2-240.D.3.b. requires multi-unit buildings to have a minimum 25 foot buffer area between multi-unit buildings and property lines abutting an LDR property line, excluding property lines of abutting right-of-ways.

Since the new provisions for middle housing will allow up to a fourplex and cottage housing in areas of LDR zoned neighborhoods, this existing buffer area appears excessive and may not meet the “reasonable” test under state law. It is proposed that this buffer requirement be removed and instead replaced by other transition standards to address compatibility between existing single family residences and new middle housing.

Examples of other possible transition standards could include:

Interior setback of ten feet plus three feet for each story over three -- an interior setback meaning not adjacent to a street. For example, an three story multi-family building would require a 16-foot interior setback (10'+3'+3') regardless of the use next door. Parking and travel aisles are not permitted within the setback.

To avoid having unnecessarily large setbacks (especially between two multi-family developments), the City may wish to consider limiting the total size of the setback that can be required. This cap could vary based on the type of zoning and/or use that is abutting the development.

In addition to or in lieu of the setback requirement, the code could require a landscaped buffer (10-foot) that includes trees, shrubs, etc., for multi-unit buildings next to dwellings in a residential zone, or next to commercial or mixed uses or zones. The buffer could be allowed to be located in the setback.

**Commentary/Question:** Should the existing 25 foot buffer apply to middle housing developments in LDR zones?

Should there be any buffering or transition requirements for middle housing in LDR zones? If so, what should they look like? Are the examples above a good start?

## Cottage Cluster Housing

### Purpose and Title

Springfield's existing Cottage Cluster requirements only allow the use in a certain set of zones, not including the High Density Residential (HDR) zone, and requires a Type III discretionary use permit hearings process in addition to discretionary Site Plan Review in the LDR zone. The SLR and MDR zones require Site Plan Review. The proposed new code standards would rename the use as "Cottage Housing Development" or "Cottage Cluster Housing" and would allow the use as an outright permitted use in all of the residential zones as long as the development meets a clear and object standards through a type 1 ministerial process.

**Commentary/Question:** What is a better title, "Cottage Housing Development" or "Cottage Cluster Housing"?

### Applicability

The new code standards are proposed to apply under two different situations:

1. Low Density Residential (LDR) zoned properties
2. Non transit-connected locations
3. Small Lot Residential (SLR), Medium Density Residential (MDR), and High Density Residential (HDR) zoned properties

A property is considered to be in a "transit connected location" if the applicant can show that it is (or will be by the time construction is complete) connected by a complete [improved] sidewalk network to an active transit service stop within a 1/4 mile walk.

The primary differences in standards for cottage housing that is in a transit connected location and one that is not is in parking requirements, building size and height.

### Density, Land Division, and Frontage

The proposed revised code allows a cluster housing development on any size site with **no maximum density limitations** and may include a land division resulting in new lots with no minimum lot size. If a land division is proposed, access to each lot is allowed to be provided flexibly, including using pedestrian paths through private common areas controlled by a Home Owners Association (HOA) or otherwise dedicated for common, rather than private or limited use.

**Commentary/Question:** Should there be no maximum density for this housing type or should we limit the density to the maximum allowed in the zone?

### Site Design

A cluster housing development must include a minimum of 3 primary homes. It must include an adequately sized and centrally located common open space, as a key component of cluster housing developments. A common open space needs to meet the following standards: the common open space must have at least 100 sq. ft. of common open space area for each home in the housing cluster development, excluding ADUs; the minimum dimensions for the common open space must be at least 20 ft. by 12 ft.; the entrance to at least one common open space

*area in a cluster housing development must be visible and accessible from an adjacent public street; and homes must enclose at least 60% of three sides of common open space areas to which at least half of the homes in a cluster housing development are oriented. Enclosure is defined as the sum of the widths of all the homes on each side of a common open space area over the width of that side of that common open space area. This requirement is intended to provide the feeling of an outdoor room for the common open space area.*

#### Orientation

*The front of a home is defined as the façade with the main entry door and front porch. This façade will need to be oriented toward either a common open space or public street. If a home is not contiguous to either of these, then it must orient toward an internal pedestrian circulation path. At least half of all the homes in a housing cluster must be oriented toward common open space.*

#### Design Standards

*The intent of the housing cluster design standards is to create homes that engage with the street and each other in a manner that builds community and contributes positively to the neighborhood public realm. The standards require that windows and doors account for at least 15% of the façade area for façades oriented toward a street, common open space, or interior walkway, and that these windows be either vertical or square in orientation – at least as tall as each window is wide. Horizontal window openings are allowed to be filled by either two or more vertically oriented windows that are either all the same size, or with no more than two sizes used, or a horizontal window with a band of individual lites across the top; the lites must be either vertical or square and must cover at least 20% of the total height of the window.*

#### Front Porches and Entries

*Each primary home in a cluster must have a porch or recessed entryway on the front of the home. This area is intended to function as an outdoor room that extends the living space of the home into the semipublic area between the home and the open space.*

*When a porch is provided, the minimum porch depth must be 6.5 ft., and the width of the porch must be at least 60% of the width of the overall length of the front façade.*

*Homes in a cluster fronting a street must include a front porch facing the street that covers at least 60% of the width of the home and is at least 8 ft. deep.*

*When a recessed entry is provided, it must have minimum dimensions of 5ft by 5ft.*

*The front door of the dwelling must open onto the porch or recessed entry. The entire area of the front porch or recessed entry must be covered, and the surface of the front porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.*

#### Development Standards

*The proposed revised cluster housing code would supersede the base zone development standards for height, density, minimum lot size, setbacks, yards, lot coverage, and minimum*

vegetation, as well as other design standards and parking standards. These proposed standards are shown in Table 4. These proposed cluster housing standards are intended to:

1. Promote market-rate provision of homes affordable to households of a variety of incomes and sizes;
2. Encourage a design that balances a reduction in private outdoor space with shared outdoor common area; and
3. Promote community-building, both within a housing cluster, and between the cluster and its surrounding neighborhood.

### Home Types

The proposed revised code allows detached houses containing one to four homes on properties that are in the LDR zone and not in a transit connected location; it allows for attached home types in transit-connected locations and in the SLR, MDR, and HDR zones.

Accessory dwelling units (ADUs), either within, attached, or detached to the main dwelling, are allowed for any detached or attached single family home in a cluster housing development.

### Home Size

The restriction on the maximum average floor area is intended to ensure that increased production of workforce housing is an outcome of the cluster housing code.

The total footprint of a home in a housing cluster is limited to 1,200 sq. ft. on properties that are in a transit-connected location and properties that are zoned SLR, MDR, and HDR. For properties that are zoned LDR and not located in a transit-connected location the total footprint of a home in a housing cluster is limited to 1,000 sq. ft.

The total building footprint of a structure containing two to four homes is limited to 1,650 sq. ft. in LDR zones. The total floor area of each home is proposed to be limited to 1,600 sq. ft., and the maximum average floor area of all homes in a housing cluster must not exceed 1,000 sq. ft.

### Height

The height for all structures in a housing cluster is proposed to be restricted to: two stories in the LDR zone, except for lots in transit-connected locations within this base zones, where the height shall not exceed 2.5 stories; and 3 stories in all other base zones and locations.

To ensure that the heights of buildings around a common green [area] do not overwhelm the scale of that green, the height to the highest eaves on any building facing a common open is restricted to exceed 1.618 times the width of that common green between the two closest buildings across its narrowest average width. Daylight basements are proposed to be exempted from counting towards the number of floors of height allowed for structures in a housing cluster development.

**TABLE 4. CLUSTER HOUSING DEVELOPMENT STANDARDS**

Standards	LDR zones	Transit-connected locations	SLR, MDR, and HDR zones
<b>HOME TYPES</b>			
Building types allowed	Detached houses containing 1-4 homes	Detached and Attached	Detached and Attached
<b>HOME SIZE</b>			
Max building footprint per home	1,000 sf.	1,200 sf.	1,200 sf.
Max total footprint per building	1,650 sf.	no requirement	no requirement
Max floor area per home	1,600 sf.		
Max average floor area per home	1,000 sf.		
<b>HEIGHT*</b>			
Max # of stories	2	2.5	3
Max structure height between 5 & 10 ft of rear lot line	15 ft		
Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings		
<b>SETBACKS, SEPARATIONS, AND ENCROACHMENTS*</b>			
Separation between eaves of structures (minimum)	6 ft.	6 ft.	6 ft.
Side and rear site setbacks	5 ft.		
Front site setback (minimum)	15 ft.	10 ft.	0-10 ft.
Front site setback (maximum)	20 ft.		
<b>LOT COVERAGE, IMPERVIOUS AREA, VEGETATED AREA*</b>			
Lot coverage (maximum)	50%	55%	60%
Impervious area (maximum)	60%	65%	70%
Vegetated site area (minimum)	35%	30%	25%
<b>COMMUNITY AND COMMON SPACE</b>			
Community building footprint (maximum)	1,500 sf.	2,000 sf.	3,000 sf.
<b>PARKING</b>			
Automobile parking spaces per primary home (minimum)	1	0.5	.25
Dry, secure bicycle parking spaces per home (minimum)	1.5		
Guest bicycle parking spaces per home (minimum)	0.5		

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Setbacks, Separations, and Encroachments

*The proposal allows for the front stairs of a home to encroach into a common green by no more than 20% of the width of the green; and for eaves to overhang into the common green by up to 24 in.*

*The minimum space between the eaves of structures is proposed to be 6 ft., unless the structures are directly attached (e.g., townhomes), in which case no separation is required.*

*The proposal requires structures above 15 feet in height within a cluster development to be located at least 10 ft. from the rear lot line(s) in the LDR zone, and it requires all structures within a cluster development to be located no closer than 5 ft. from the rear lot line, and at least 5 ft. from the side lot line(s), of the site on which the housing cluster is developed. It allows parking, steps, ramps, drive aisles, and retaining walls to encroach into the side and rear setback areas, within the overall lot coverage and lot vegetation requirements.*

*The proposed minimum setback between the nearest home and the site's front street lot line is 15 ft. in the LDR zone; 10 ft. in transit-connected locations; and 10 ft. in all other locations, unless the base zone allows for a smaller setback, in which case it allows for the smaller setback. The maximum front setback is 20 ft., unless a greater setback is required because of steep slopes. Porches are allowed to intrude into the front setback to within 5 ft. of the front lot line. Walkways, sidewalks, steps, ramps, drive aisles, and retaining walls are allowed to encroach into the front setback, within the limitations of the required amount of vegetation within the front setback.*

Lot Coverage, Impervious Area, Vegetated Area

*The total footprint of all structures within a housing cluster must not exceed: 50% of the site area in the LDR zone; 55% of the site in transit-connected locations; or 60% in all other locations. Impervious surfaces, including all structures, must not exceed: 60% of the site area in the LDR zone; 65% of the site in transit-connected locations; or 70% in all other locations.*

*Vegetation and landscaped, pervious areas must cover at least: 35% of the site area in the LDR zone; 30% of the site in transit-connected locations; or 25% in all other locations. The area of the site's front yard, between the front homes and the adjacent street, must be at least 50% covered by vegetation and landscaped, pervious areas.*

Community and Common Space

*Each cluster housing development may feature a community building or other common indoor space for the shared use of its residents and guests; such a building or space may have a footprint not to exceed: 1,500 sq ft in the LDR zone; 2,000 sq ft in transit-connected locations; or 3,000 sq ft in all other locations.*

## Townhomes

The last type of middle housing that is required to be allowed in areas zoned for residential use that allows for the development of detached single-family dwellings are townhomes. Townhomes (or townhouses) are defined as: *A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.*

The following draft provisions are proposed to regulate townhome development.

- (A)** *Townhome units must comply with the standards in subsections (A)(1) through (4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.*

*For purpose of this section, a "Townhome" means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 4.7.325.A.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit's enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. Single-family attached homes may have detached garages or ADUs that share a common wall between the two lots or parcels.*

- (1) *Building Mass Supplemental Standard.*** *Within the LDR and SLR Districts the number and width of consecutively attached units (i.e., with attached walls at property line) must not exceed four units. Within the MDR and HDR Districts the number and width of consecutively attached units is not restricted.*
- (2) *Alley Access.*** *Townhome developments and subdivisions (four or more lots) must receive vehicle access only from a rear alley when an existing alley is platted along the rear of the property, Alley(s) must be created at the time of subdivision approval for single family attached housing subdivisions, in accordance with SDC Chapters 4.2-100, Infrastructure Standards - Transportation; and 5.12-100 Land Divisions - Partitions and Subdivisions. As necessary, dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in SDC X.X.XXX, Multi-Modal Access and Circulation.*
- (3) *Street Access.*** *Townhomes receiving access directly from a public or private street must comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:*

- 
- (a) **Garage Door.** *The maximum combined garage door width facing the street is 50 percent of the total building width.*
- (b) **Driveway Approaches.** *Townhomes can have a maximum of one driveway approach and must comply with the following:*
- (i) *Townhomes with frontages on streets of different classifications must access the street with the lowest classification.*
  - (ii) *The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.*
  - (iii) *Driveway approaches on local streets may be separated in compliance with the following:*
    - (aa) *Approaches must be separated by a minimum of seven feet; and*
    - (ba) *Approaches must not exceed 16 feet in width.*
  - (iv) *Clear vision standards do not apply between driveway approaches for townhomes on local streets. All other standards in SDC 4.2-130, Vision Clearance, apply.*
  - (v) *For lots or parcels abutting an alley, access must be taken from the alley.*
- (4) **Areas Owned in Common.** *Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.*

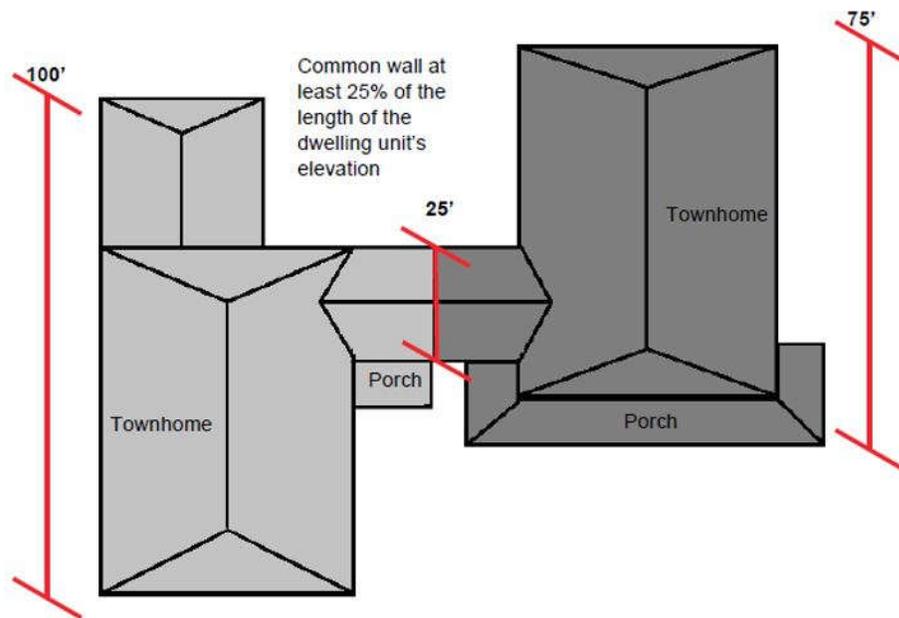


Figure 4.7.330.1

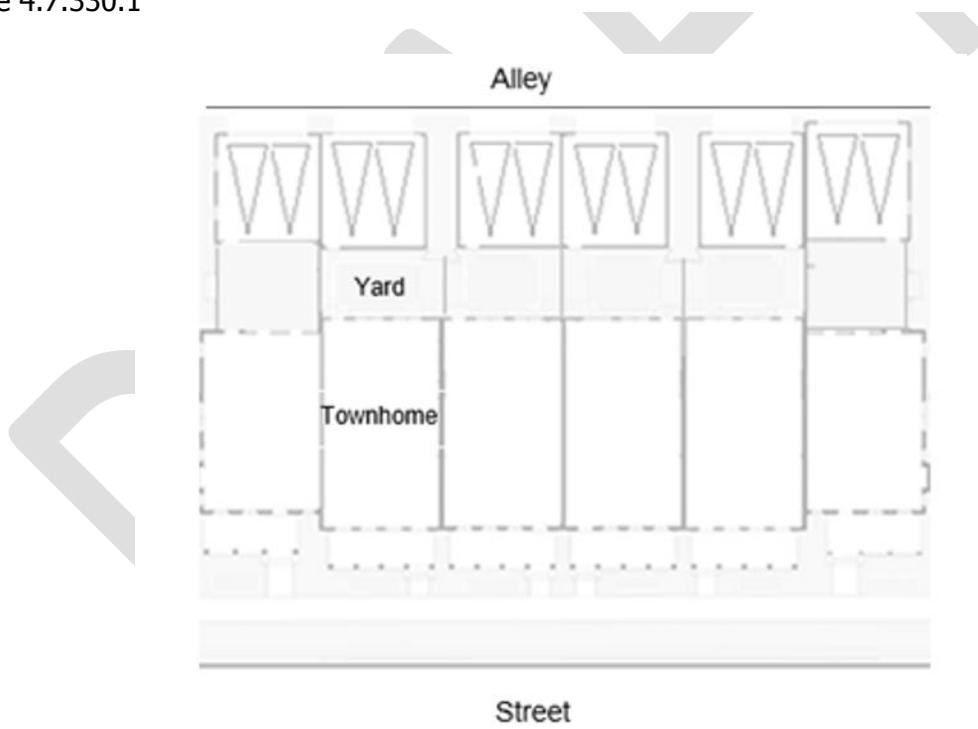


Figure 4.7.330.2

## Section 3.2.200 – Residential Districts (LDR, SLR, MDR, HDR)

### Subsections:

- 3.2.210 Purpose, Applicability, and Location
- 3.2.220 Permitted Land Use
- 3.2.230 Special Development Standards for Table 3.2.225
- 3.2.230 General Provisions
- 3.2.240 Procedural Types and Application Processing
- 3.2.250 Application Requirements
- 3.2.260 Completeness Review and Time Limits
- 3.2.270 Notice Requirements
- 3.2.280 Public Hearings Process
- 3.2.290 Appeals
- 3.2.300 Limitations on Approved and Denied Applications
- 3.2.310 LUBA Remands

### 3.2.205 Purpose, Applicability, and Location

(A) **Purpose.** The purpose of the Residential Districts is to:

- (1) Accommodate a full range of housing types.
- (2) Implement the policies of the Springfield Comprehensive Plan and Metro Plan.
- (3) Make efficient use of land and public services.
- (4) Be designed to reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- (5) Provide convenient access to schools, parks, and neighborhood services.

(B) **Applicability.** The provisions in this section apply to development in the Low Density Residential (LDR) District, Small Lot Residential (SLR) District, Medium Density Residential (MDR) District, and the High Density Residential (HDR) District. These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. Properties within a designated Historic District must comply with the provisions of SDC 3.3-900.

**Comment [MR1]:** Is this defined? What is this? The Model Code uses the term "Community Services" here which is defined as: "**Community Services (Land Use).** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. See also, Religious Institutions, and Parks and Open Spaces."

### 3.2.210 Permitted Land Uses

- (A) Permitted Uses.** The land uses listed in Table 3.2.210 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 3.2.210, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 3.2.210 may be permitted.
- (B) Determination of Similar Land Use.** Similar use determinations must be made in conformance with the procedures in SDC 5.11-100, Interpretations.
- (C) Exceptions.** Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to SDC 5.8-100, Non-Conforming Uses – Determination, Continuance, Expansion and Modification, except as otherwise specified in this section.

Table 3.2.210 Permitted Uses					
Uses	Districts				Special Use Standards
	LDR	SLR	MDR	HDR	
Residential <sup>1</sup>					
Single-Family Dwelling, Detached	P	P	P	P	Sec 2.3.090
Single-Family Dwelling, Attached (e.g. townhomes, row houses, etc.)	P*	P*	P*	P*	Sec. 2.3.090; Sec 2.3.210
Accessory Dwelling Units (ADU's)	P	P	P	P	[Sec 2.3.170]
[Boarding or Rooming House]	[N]	[CU]	[CU]	[CU]	SDC 4.7-215
Cottage Housing Development	P*	P*	P*	P*	[Sec 2.3.190]
Duplex, triplex, and fourplex; or two, three, or four dwelling units on one lot (attached or detached)	P*	P*	P*	P*	Sec 2.3.060
Manufactured Home	P	P	P	P	Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	P	P	P	P	Sec 2.3.140
Multiple Unit Housing on one lot or parcel, more than 4 units up to 20 units	P	P	P	P	Sec 2.3.080; 2.3.090

<sup>1</sup> KEY: P = Permitted Use; S = Site Plan Review Required; D = Discretionary Use; N = Not Allowed;  
\* = Permitted with Special Use Standards.

Table 3.2.210 Permitted Uses					
Uses	Districts				Special Use Standards
	LDR	SLR	MDR	HDR	
Multiple Unit Housing on one lot or parcel, more than 20 units	P	P	P	P	Sec 2.3.080; 2.3.090
Residential Care Home (5 or fewer people)	P	P	P	P	Sec. 2.3.090;
Residential Care Facility (6-15 people)	P	P	P*	P*	Sec. 2.3.090; Sec 2.3.110
Residential Care Facility (more than 15 people)	D*	N	S*	S*	Sec 2.3.120
Public and Institutional <sup>2</sup>					
Automobile Parking, Public Off-street Parking	N	N	[P/CU ]	[P/CU]	
Cemetery, including Crematorium	[N/CU]	N	[N]		
Child Daycare Center	N	N	[P/CU ]		
Club	N	N	N	N	
Community Service; includes Governmental Offices	N	N	[P/CU ]		
[Community Garden]	[P/CU]	[P/CU]	[P/CU ]		
Clinic, Outpatient Only	N	N	[P/CU ]		
Emergency Services; includes Police, Fire, Ambulance	[N/CU]	[N/CU]	[CU]		
Hospital, including Acute Care Center	N	N	[N/CU ]		
Non-Profit Member Organization Offices	N	N	CU		
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	[S/CU]	[S/CU]	[S/CU ]		[Sec 2.3.210] SDC 4.7- 200
Place of worship	CU/S*	CU/S*	CU/S*	CU/S*	3.2.4104.7- 130
Commercial <sup>3</sup>					
Bed and Breakfast Inn	N	N	[C +S]	[C +S]	SDC 4.7- 120

**Comment [MR2]:** Should the Place of Worship use require a Conditional Use Permit, Site Plan Review, and meet Special Use Standards? Is this legal? Check with Kristina.

<sup>3</sup> KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; \* = Site Plan Review Required; N = Not Allowed.

Table 3.2.210 Permitted Uses					
Uses	Districts				Special Use Standards
	<u>LDR</u>	<u>SLR</u>	<u>MDR</u>	<u>HDR</u>	
<i>Home Occupation</i>	S	S	S	S	SDC 4.7-165
Professional Office	S*	S*	S*	S*	SDC 4.7-190

### 3.2.215 Setbacks

(A) **Purpose.** Setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The setback standards encourage placement of residences close to the street for public safety and neighborhood security.

(B) **Setback Standards.** The following setback standards apply to all structures, except as otherwise provided by this section.

#### (C) Front Setbacks.

(1) **LDR, SLR, MDR, and HDR Districts.** The minimum front setback is 10 feet. Garages and carports must be set back a minimum of 18 feet from the front property line.

[Optional language - Garages and carports must be accessed from alleys where there is an existing or platted alley that could be used in its current condition or improved to provide access.]

(2) Where streets with insufficient right-of-way abut the site, special setbacks apply in conformance with [SDC 3.4.200\(J\)](#), Special Setbacks.

#### (D) Rear Setbacks.

(1) **LDR, SLR, MDR, and HDR Districts.** The minimum rear setback is 5 feet.

[Existing compatibility language. Keep?] When multi-unit housing or nonresidential uses abut a detached single-family dwelling unit in the LDR District, the rear setback abutting the LDR District must increase one-half foot for each foot by which the building height exceeds 20 feet.

#### (E) Side Setbacks.

(1) **LDR, SLR, MDR, and HDR Districts.** The minimum side setback is five feet.

[Existing compatibility language. Keep?] When multi-unit housing or nonresidential uses abut a detached single-family dwelling unit in the LDR District, the side setback abutting the detached single-family dwelling lot in the LDR District must increase one-half foot for each foot by which the building height exceeds 20 feet.

For courtyard housing in conformance with the provisions of [SDC 3.6.200\(A\)](#) for courtyard housing, a three-foot minimum side setback is permitted.

Table 3.2.215 – Typical Residential District Setbacks

	Front	Rear	Side
LDR	10 ft., except garages and/or carports must be set back 18 ft.	5 ft.**	3 ft./5 ft.**
SLR, MDR, and HDR	10 ft., except garages and/or carports must be set back 18 ft.	5 ft.**	5 ft.**

\* Special setbacks for certain features as permitted in this section and [SDC 3.6.200](#) (special standards for residential uses).

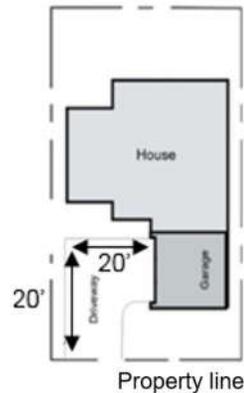
[Existing compatibility language. Keep?]\*\* When multi-unit housing or nonresidential uses abut a detached single-family dwelling unit in the LDR District, the setback abutting the detached single-family dwelling property in the LDR District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

**(F) Setback Exceptions.**

- (1) **Alley.** Where an existing alley is less than 20 feet in width, the setback abutting the alley must be increased to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.
- (2) **Attached Single-Family Townhomes.** Interior side setbacks are zero feet.
- (3) **Vision Clearance Areas.** All structures must comply with this section, except as necessary to comply with [SDC 4.2-130](#), Vision Clearance.
- (4) **Bridges.** Bridges that form a driveway or pedestrian access from the abutting street or alley are permitted in the setbacks.
- (5) **Architectural Features.** Except as prohibited in subsection (C)(6) of this section, the following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three feet is provided from the property line: eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.
- (6) **Front Setbacks.** The following may encroach into the front setback:
  - (a) **LDR, SLR, MDR, and HDR Districts.**

- (i) An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than six feet to the front property line including the architectural features in subsection (C)(5) of this section.
- (ii) For garages on corner lots that are accessed from an alley, and garages where the side or rear wall of the garage faces the street, the front setback for the garage side or rear wall must be a minimum of 10 feet from the front property line. In this case, the garage must have a window(s) in the side or rear wall facing the street that is a minimum of six square feet. As shown in Figure 3.2.230, side entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.

Figure 3.2.230



- (b) Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.
- (7) **Side and Rear Setbacks.** The following may encroach into the side and rear setback in the LDR, SLR, MDR, and HDR Districts:
- (a) An uncovered porch, patio, deck or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines, additionally it must not encroach into a public utility easement.

- (b) Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into a public utility easement.

(G) **Prohibited in Setbacks.** The following are prohibited, unless stated otherwise, within the following setbacks:

- a. **Front Setbacks.** Satellite dishes greater than 18 inches in diameter, heat pumps, and other similar objects.
- b. **Side and Rear Setbacks.** Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened.
- c. **All Setbacks.** Balconies.

(H) **Residential Compatibility Standards.**

- a. **Purpose.** The residential compatibility standards in this section are intended to provide transitional buffers between existing neighborhoods and new lots and new parcels.
- b. **Applicability.** The residential compatibility standards apply to new lots and new parcels, unless exempted, that were created by a land division application submitted after [date of adoption], that are zoned LDR and abut existing residential properties zoned LDR (“protected property”). For purposes of these standards only, the term “abut” also includes new lots and new parcels that are separated from a protected property by a lot or parcel, right-of-way, easement or open space that is less than the required minimum setback width. In such cases, the required minimum setback is measured from the protected property line across the intervening lot or parcel, right-of-way, easement or open space area.
- c. **Development Standards.** The following development standards apply to the new lots and new parcels that abut the protected property described in subsection (H)(2) of this section:
  - i. **Lot Area and Setbacks.**
    - 1. Minimum lot area of 5,000 square feet to 5,999 square feet with a minimum 35-foot setback abutting the protected property; or
    - 2. Minimum lot area of 6,000 square feet or greater with a minimum 30-foot setback abutting the protected property.
  - ii. The following are exceptions to the setback requirements:

1. Eaves, chimneys, bay windows, canopies, porches, and similar architectural features may encroach into the required setback by no more than two feet.
  2. Uncovered decks and similar structures not exceeding 18 inches in height may encroach into the required setback by no more than 20 feet.
  3. Accessory structures that do not require a building permit must have a minimum setback of five feet.
  4. Walls and fences may be placed on property lines subject to the standards in [SDC 4.4-115](#), Fences.
  5. Existing structures located on the new lots or parcels. Additions to existing structures that occur after the new lot or parcel is platted are not exempt.
  6. Development on the new lots or parcels that occurs at any time after the abutting protected property is divided into one or more lots or parcels of less than 20,000 square feet may use the zoning district setbacks.
- d. Exemptions. New lots or new parcels are exempt from the residential compatibility standards when one or more of the following conditions exist at the time the land division application is submitted:
- i. The existing primary dwelling unit on the abutting protected property is located more than 100 feet from the protected property line.
  - ii. When the abutting protected property is developed with a nonresidential use or the abutting residential use is a higher density than that of the proposed development. For example: a manufactured home park.
  - iii. When the abutting protected property is vacant. For the purpose of this code section, "vacant" means a property without a dwelling unit.
  - iv. Where the abutting protected property has an active land division application or valid land division approval.
  - v. When the abutting protected property was created by a land division application submitted after [date of adoption].

**3.2.225 Residential District Development Standards.**

**Lot Area and Dimensions.**

Lot area and lot dimension standards for residential uses are listed in Table 3.2.225. For other residential uses listed in Table 3.2.210, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with [SDC 3.2.220](#), Residential Density.

In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in SDC 3.2.### to SDC 3.2.### apply to all development in residential districts. In cases of conflicts, standards specifically applicable in the residential zone shall apply. In cases of conflicts in this section between the general standards and the area-specific standards, the area-specific standards shall apply.

The following Table 3.2.225 sets forth the residential zone development standards, subject to the special development standards in SDC 3.2.###.

<b>Table 3.2.225 Residential District Development Standards</b> (See SDC 3.2.230 Special Development Standards for Table 3.2.225)				
<b>Development Standard</b>	<b>LDR</b>	<b>SLR</b>	<b>MDR</b>	<b>HDR</b>
<b>Density (1)</b>				
<b>Minimum Net Density per Acre</b>	6 units	8 units	14 units	28 units
<b>Maximum Net Density per Acre</b>	14 units	14 units	28 units	42 units
<b>Maximum Building Height (2), (3), (4), (5), (16), (17), (18)</b>				
Main Building.	35 feet  (exist 35)	35 feet  (exist. 35)	40 feet  (exist. 35)	45[50] feet  (exist. 35)
<b>Minimum Building Setbacks (2), (4), (6), (9), (10), (11), (16), (17), (18)</b>				
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet

<b>Table 3.2.225 Residential District Development Standards</b> (See SDC 3.2.230 Special Development Standards for Table 3.2.225)				
<b>Development Standard</b>	<b>LDR</b>	<b>SLR</b>	<b>MDR</b>	<b>HDR</b>
Interior Yard Setback for Buildings Located on Flag Lots in LDR Created After [date of adoption] (See SDC 3.2.775(5))	10 feet	--	--	--
Interior Yard Setback for Accessory Buildings in LDR	See (16)	--	--	--
Interior Yard Setback for Accessory Dwellings	See (17)	--	See (17)	See (17)
<b>Maximum Lot Coverage (17), (18)</b>				
All Lots, except where specifically addressed below	50% (exist. 45%)	60% (exist. 50%)	60%[70/75] (exist. 50%)	None[70] (exist. 45%)
Attached single family home lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot
<b>Outdoor Living Area (13)</b>				
Minimum Total Open Space	--	--	20% of dev. site	20% of dev. site
<b>Fences (14)</b>				
Maximum Height Within Interior Yard Setbacks	6 feet	42 inches	6 feet	6 feet
Maximum Height within Front Yard Setbacks	42 inches	42 inches	42 inches	42 inches
<b>Driveways and Parking Areas (15)</b>				
General Standards	--	--	--	See (15)(b)
<b>Accessory Buildings in R-1 (16)</b>				
General Standards	See (16)(a)	--	--	--
<b>Accessory Dwelling Units (17)</b>				
General Standards	See (17)(a) and (b)	--	See (17)(a) and (b)	See (17)(a) and (b)
<b>Alley Access Lots (18)</b>				
General Standards	See (18)(a)	--	--	--
Area-Specific	See (18)(b)	--	--	--

**3.2.230 Special Development Standards for Table 3.2.225**

(A) The following special development standards are applicable as noted above in table 3.2.225.

**(1) Residential Density**

- (a) The following net density standards apply to all new development in all of the Residential Districts, except as specified in subsection (b) of this section. The density standards shown in Table 3.2.225 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Springfield Comprehensive Plan.

The density standards may be averaged over more than one development phase (i.e., as in a subdivision or Master Planned Development). For new subdivision applications, the net density must be within the density range for the respective zoning district.

- (b) The net density requirements specified in Table 3.2.225 do not apply to:
- (i) Residential care homes/facilities.
  - (ii) Accessory dwelling units (ADUs).
  - (iii) Duplexes when developed on a lot or parcel that is zoned for residential use and allows a detached single family home.
  - (iv) Bed and breakfast inns.
  - (v) Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
  - (vi) Buildings that are listed in the Inventory of Historic Sites within the Springfield Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
  - (vii) Manufactured home parks within the LDR District are exempt from the maximum density standards of the District; provided, that the standards of [SDC 3.6.200\(G\)](#) are met.
  - (viii) Replacement, renovation, or expansion of existing dwelling unit(s) in any District provided the number of dwelling units does not change.
  - (ix) Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.
  - (x) Residential infill, as defined in [SDC Chapter 6.1](#), is exempt from minimum density standards.
  - (xi) Partitions on properties that are large enough to be divided into five or more lots are exempt from minimum density standards; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.
- (c) For the purpose of this section, "net density" is the number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.
- (d) For the purpose of calculating residential net density:
- (i) For purposes of calculating net density, fractional units are rounded up to the next whole unit.

- (ii) Where a property is within multiple zoning districts, the minimum and maximum number of units is calculated based on the acreage in each Residential District that is subject to the density standard as specified above multiplied by the applicable minimum and maximum density standards. Areas with nonresidential Districts are excluded from the density calculation.
- (iii) The following areas are subtracted from the gross area of the property:
  - (aa) Area not in residential use;
  - (ba) Area for dedicated streets;
  - (ca) Area for dedicated sidewalks;
  - (da) Area for dedicated parks;
  - (ea) Area for other public facilities.

After subtracting these areas from the gross area, then the remaining area is the net area used to calculate the net density. To discuss in more detail what is subtracted, the following explanations are provided below.

- (iv) **Residential use** – Any area not in residential use is subtracted from the gross area. The term “in residential use” is considered to mean “of, relating to, or connected with a residence or residences”. Examples of residential use include: off street parking and vehicle circulation areas; maintenance or storage area; and a residential leasing office if these uses are related to or connected with a residence or residences. Examples of uses that would not be considered to be in residential use are: any commercial use; accessory uses that are not related to or connected with a residence or residences; and unbuildable areas as described below.

In determining areas that are unbuildable the Springfield Residential Land and Housing Needs Analysis that was adopted as part of the Residential Land Use and Housing Element of the Springfield 2030 Refinement Plan, includes categorization of all tax lots in the UGB. The unbuildable category includes:

- (v) “Unbuildable, Not Serviceable Land. This category includes land that is undevelopable. It includes tax lots or areas within tax lots with one or more of the following attributes:
  - (aa) slopes greater than 25%;
  - (ba) within the floodway;
  - (ca) in areas with severe landslide potential (DOGAMI map);
  - (da) within wetlands and riparian corridors and setbacks;
  - (ea) within easement of a 230K V transmission line;

(fa) small irregularly shaped lots<sup>4</sup>; and  
(ga) publically owned land.

- (vi) **Streets** - Any dedicated (to the public) street or roadway area is subtracted from the gross area to calculate net density. The area does not take into account to what degree the street or roadway area is improved. This does not include private streets. The area for any private street would remain in the net area considered to be in residential use.
- (vii) **Sidewalks** – Any dedicated sidewalk area is subtracted from the gross area to calculated net density. Typically public sidewalks are located within a street right of way. If a public sidewalk is located in an easement it would not be subtracted from the gross area. Private sidewalks (e.g. for multifamily housing developments, etc.) would also not be subtracted from the gross area.
- (viii) **Parks** – Any dedicated park area including Regional Park, Community Park, and Neighborhood Park is subtracted from the gross area to calculate the net density. Any Private Park, or private open space, if not dedicated would remain in the net area.
- (ix) **Other public facilities** – Any area for a public facility dedicated to the City of other public agency is subtracted from the gross area to calculate net density. This includes storm water tracts dedicated to the City, however does not include private storm water facilities.

Additionally any area for a public facility that is included in the Eugene-Springfield Metropolitan Area Public Facilities Services Plan (PFSP) is subtracted from the gross area. This includes an easement area if the PFSP public facility is in an easement. Any other public utility easement (PUE) that contains public utilities that are not included in the PFSP are not subtracted from the gross area (except as provided above under unbuildable land for 230K V transmission lines).

To help clarify the scale of public facilities that are typically include in the PFSP, the term “Public facility projects” includes:

- (aa) Water: Source, reservoirs, pump stations, and primary distribution systems. Primary distribution systems are transmission lines 12 inches or larger for Springfield Utility Board (SUB) and 24 inches or larger for Eugene Water & Electric Board (EWEB).

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<sup>4</sup> Only lots that were counted as unbuildable in the Springfield Residential Land and Housing Needs Analysis, Residential Land Inventory can be subtracted from the gross density as “small irregularly shaped lots”.

- (ba) Wastewater: Pump stations and wastewater lines 24 inches or larger.
- (ca) Stormwater: Drainage/channel improvements and/or piping systems 36 inches or larger; proposed detention ponds; outfalls; water quality projects; and waterways and open systems.
- (da) Specific projects adopted as part of the Metro Plan are described in the project lists and their general location is identified in the planned facilities maps in Chapter II of the Eugene-Springfield Metropolitan Public Facilities and Services Plan (Public Facilities and Services Plan).

(2) **Exceptions to Maximum Building Height Standard**

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12) The 18 foot setback requirement for garages and carports is measured along the centerline of the driveway from the front property line to either the garage door or to the front most support post of a carport.

<b>Table 3.2.225 Residential District Development Standards</b> (See SDC 3.2.230 Special Development Standards for Table 3.2.225)				
<b>Development Standard</b>	<b>LDR</b>	<b>SLR</b>	<b>MDR</b>	<b>HDR</b>
<b>Density</b>				
<b>Minimum Net Density per Acre</b>	6 units	8 units	14 units	28 units
<b>Maximum Net Density per Acre</b>	14 units	14 units	28 units	42 units
<b>Lot area</b>				
Minimum lot area is based on meeting the maximum net density in the zoning district.				
Maximum lot area is based on meeting the minimum net density in the zoning district.				
Example lot areas				
Single-Family Detached	Min. lot area: 3000 sq. ft.	Min. lot area: 3000 sq. ft.	Min. lot area: 1500 sq. ft.	Min. lot area: 1000 sq. ft.
	Max. lot area: 7000 sq. ft.			
Duplex	Min. lot area: 6000 sq. ft.	Min. lot area: 6000 sq. ft.	Min. lot area: 3000 sq. ft.	Min. lot area: 2000
Triplex and Fourplex	Min. lot area: 9000 sq. ft.	Min. lot area: 9000 sq. ft.	Min. lot area: 4500 sq. ft.	Min. lot area: 3000 sq. ft.
Townhomes	Min. lot area: 1500 sq. ft. for each unit	Min. lot area: 1500 sq. ft. for each unit	Min. lot area: 1500 sq. ft. for each unit	Min. lot area: 1000 sq. ft. for each unit
Cottage Cluster Housing	See SDC 4.7.325			
Multifamily	N/A	N/A	Min. lot area: 1500 sq. ft. for each unit	Min. lot area: 1000 sq. ft. for each unit
<b>Lot Width/Depth</b>				
Front Yard Setback (excluding garages and carports)	10 feet	10 feet	10 feet	10 feet
Front Yard Setback for Garage Doors and Carports (12)	18 feet	18 feet	18 feet	18 feet
Interior Yard Setback (except where use, structure, location is more specifically addressed below)(7)	5 feet or minimum of 10 feet between buildings	--	5 feet or minimum of 10 feet between buildings	5 feet or minimum of 10 feet between buildings

<b>Table 3.2.225 Residential District Development Standards</b> (See SDC 3.2.230 Special Development Standards for Table 3.2.225)				
<b>Development Standard</b>	<b>LDR</b>	<b>SLR</b>	<b>MDR</b>	<b>HDR</b>
Interior Yard Setback for Education, Government and Religious Uses.	15 feet	--	15 feet	15 feet
Interior Yard Setback for Buildings Located on Flag Lots in LDR Created After [date of adoption] (See SDC 3.2.775(5))	10 feet	--	--	--
Interior Yard Setback for Accessory Buildings in LDR	See (16)	--	--	--
Interior Yard Setback for Accessory Dwellings	See (17)	--	See (17)	See (17)
<b>Exceptions</b>				
All Lots, except where specifically addressed below	50% (exist. 45%)	60% (exist. 50%)	60%[70/75] (exist. 50%)	None[70] (exist. 45%)
Attached single family home lots	75% of Lot	75% of Lot	75% of Lot	75% of Lot

<b>Table 3.2.225</b> Lot Areas and Dimensions in the Residential Districts by Housing Type and District				
<b>Residential Use</b>	<b>District</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>	<b>Exceptions</b>
Single-Family Detached (SFD) Housing; Manufactured Homes on Lots (See <a href="#">SDC 3.6.200(E)</a> ); Residential Care Homes and Facilities (See <a href="#">SDC 3.6.200(J)</a> )	LDR	Minimum lot area is based on meeting the maximum net density in the zoning district.  (ex. SFD in: LDR and SLR approx. 3,000 sq. ft.; MDR approx. 1,500 sq. ft.; HDR approx. 1,000 sq. ft.)  Maximum lot area is based on meeting the	Minimum width: 40 ft. at front property line	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line  Flag lot or parcel minimum width: 20 ft. min. at front property line. See <a href="#">SDC 4.3.700</a> , Infill Development Options  Zero lot line minimum width: 20 ft., see <a href="#">SDC 3.6.200(A)</a> , Courtyard
	6-14 dwelling units per net acre.		Minimum lot depth: 50 ft.	
	SLR		Minimum width: 30 ft. at front property line	
	8-14 dwelling units per net acre.		Minimum lot depth: 50 ft.	
	MDR		Minimum width: 30 ft. at the front	
	14-28			

Table 3.2.225

Lot Areas and Dimensions in the Residential Districts by Housing Type and District

Residential Use	District	Lot Area	Lot Width/Depth	Exceptions
	dwelling units per net acre.		minimum net density in the zoning district.	
	HDR 28-42 dwelling units per net acre.	(ex. SFD in: LDR approx. 7,000 sq. ft.; SLR approx. 5,400 sq. ft.; MDR approx. 3,000 sq. ft.; and HDR approx., 1,500 sq. ft.)	Not applicable	Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the District
Duplex housing See <a href="#">SDC 3.6.200(H)</a>	LDR	Minimum lot area is based on meeting the maximum net density for a single family detached home in the zoning district.	Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line Flag lot or parcel minimum width: 20 ft. min. at front property line. See <a href="#">SDC 4.3.700</a> , Infill Development Options
	SLR	Maximum lot area is based on meeting the minimum net density for a single family detached home in the zoning district.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.	Mid-block infill, see <a href="#">SDC 4.3.700</a> , Infill Development Options
	MDR HDR			Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the District
Triplex and Fourplex housing				

Table 3.2.225

Lot Areas and Dimensions in the Residential Districts by Housing Type and District

Residential Use	District	Lot Area	Lot Width/Depth	Exceptions
Townhomes See <a href="#">SDC 3.6.200(D)</a>	LDR and SLR	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 25 ft. at front property line for exterior townhome lots.	
	MDR	Minimum area: 1,500 sq. ft. for each unit		
	HDR	Minimum area: 1,000 sq. ft. for each unit	Minimum lot depth: 50 ft.	
Multifamily Housing (5 or more units)	LDR*	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 30 ft. at front property line	
	MDR, HDR	None	Minimum lot depth: 50 ft.	

\* When permitted as part of a master plan subject to [SDC Chapter 4.5](#), Master Planning and Development Alternatives.

**3.2.230 Residential Density.**

**(C) Density Calculation.**

(1) Maximum housing densities are calculated as follows:

- (a) The area subject to maximum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
- (b) The area for future streets is included in the area subject to maximum housing density.
- (c) Where no new streets will be created, the area of up to 30 feet of the abutting right-of-way width multiplied by the site frontage must be added to the area subject to maximum housing density.

(d) Sensitive lands, fire breaks, and canals and their associated easements on the site are included in the area subject to maximum housing density.

(e)

(f) As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to maximum housing density is four acres (total site area minus one acre of neighborhood commercial uses, but including the sensitive lands). If the maximum allowable density is 7.3 dwelling units per acre, then a maximum number of 29 units is allowed on the site.

(2) Minimum housing densities are calculated as follows:

(a) The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; sensitive lands; fire breaks; and canals and their associated easements.

(b) The area for future streets is included in the area subject to minimum housing density.

(c) For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.

(d) As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to minimum housing density is three and one-half acres (total site area minus one acre of neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units is required on the site.

### 3.2.245 Architectural Design Standards.

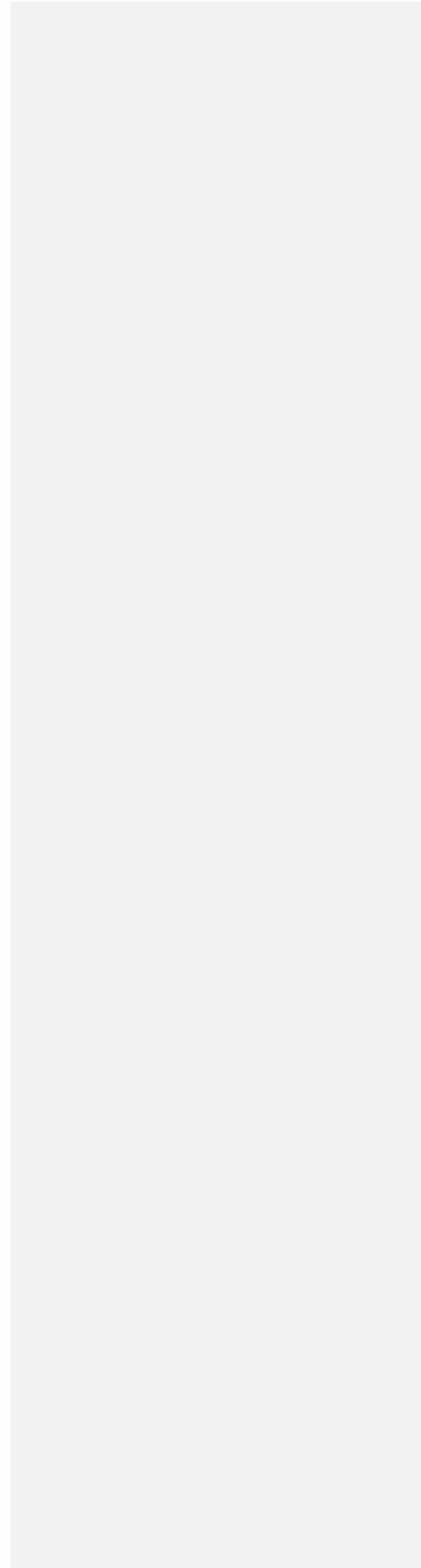
(A) **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of residential development.

(B) **Applicability.** This section applies to all of the following types of buildings:

(1) Multi-unit housing;

- (2) Public and institutional buildings in Residential Districts;
  - (3) Neighborhood commercial;
  - (4) Mixed-use buildings in Residential Districts; and
  - (5) All other types of permitted/conditional nonresidential use buildings listed in Table 3.2.210 when built in a Residential District.
- (C) **Standards.** All buildings that are subject to this section must comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.
- (1) **Building Form.** All buildings must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the figure below. Along the vertical face of a structure, such features must occur at a minimum of every 40 feet, on each floor, and must contain at least two of the following features:
- (a) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six feet;
  - (b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
  - (c) Offsets or breaks in roof elevation of two feet or greater in height.

Figure 3.2.240.A



Building Form (Multifamily Housing Example)



- (2) **Building Orientation.** All building elevations adjacent to a street right-of-way must provide doors, porches, balconies, and/or windows. A minimum of 40 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, must meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Exceptions:

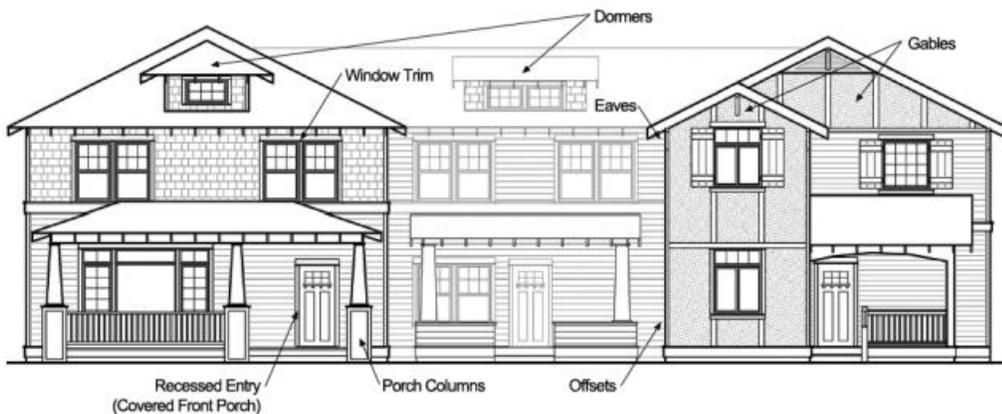
- (a) A multifamily building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in [SDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation](#). In this case, at least one entrance must be provided not more than 30 feet from the closest sidewalk or street.
- (b) A multifamily building may be oriented to a common use courtyard.
- (3) **Detailed Design.** All buildings must provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides). There are two options for complying with this requirement.
- (a) Menu Option (Type I). Detailed design must be provided by using at least six of the following 12 architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations).

These features must be reviewed through a Type I application process in accordance with [SDC 4.1.300](#):

Dormers	Gables
Recessed entries	Covered porch entries
Cupolas	Pillars or posts
Eaves (minimum 12-inch projection)	Window trim (minimum four inches wide)
Bay windows	Balconies
Offsets in the building face or roof by a minimum of 18 inches	Decorative patterns on the exterior finish using shingles, wainscoting, board and batt.

Figure 3.2.290.B

#### Examples of Architectural Details



- (b) Design Review Option (Type II).** Detailed design must be provided by showing compliance with the following design criteria through a Type II application process in accordance with [SDC 4.1.400](#), Type II and Type III Applications.
- (i)** The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying zoning of the subject site.
  - (ii)** If the project includes a large structure or structures (greater than [20,000 square feet](#)), the design must incorporate changes in

direction and divide large masses into varying heights and sizes by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.

- (iii) Exterior finish on vertical surfaces must be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood must not exceed 50 percent of the wall area. No smooth-faced cinder block construction must be permitted on front facades. Cinder block construction for side and rear facades must be permitted by approval as part of this review process.

### 3.2.250 Multi-unit Housing.

- (A) **Purpose/Intent Statement.** The Medium (MDR) and High (HDR) Density Residential Districts are intended to provide land for a mix of attached and multifamily housing types in locations that are convenient to service commercial uses and future transit opportunities.
- (B) **Development Standards for Multi-unit Housing Developments in the MDR and HDR Districts.** In addition to the site development standards in [SDC Chapter 4.2](#), the following standards apply to multi-unit housing developments of five units or more, unless otherwise stated:
  - (1) **Common Open Space.** In addition to the required setback yards, a minimum of 10 percent of the site area must be designated and permanently reserved as usable common open space in all large-scale (20 units or more) multiple-family developments, unless a credit in subsection (B)(1)(a) of this section is approved. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Springfield Comprehensive Plan may be counted toward meeting the common open space requirements.
    - (a) **Credit for Proximity to a Park.** A common open space credit of 50 percent may be granted when the development is located within one-quarter mile walking distance of a public park; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street.
  - (2) **Private Open Space.** Private open space areas are required for ground-floor and upper-floor housing units through compliance with all of the following standards:

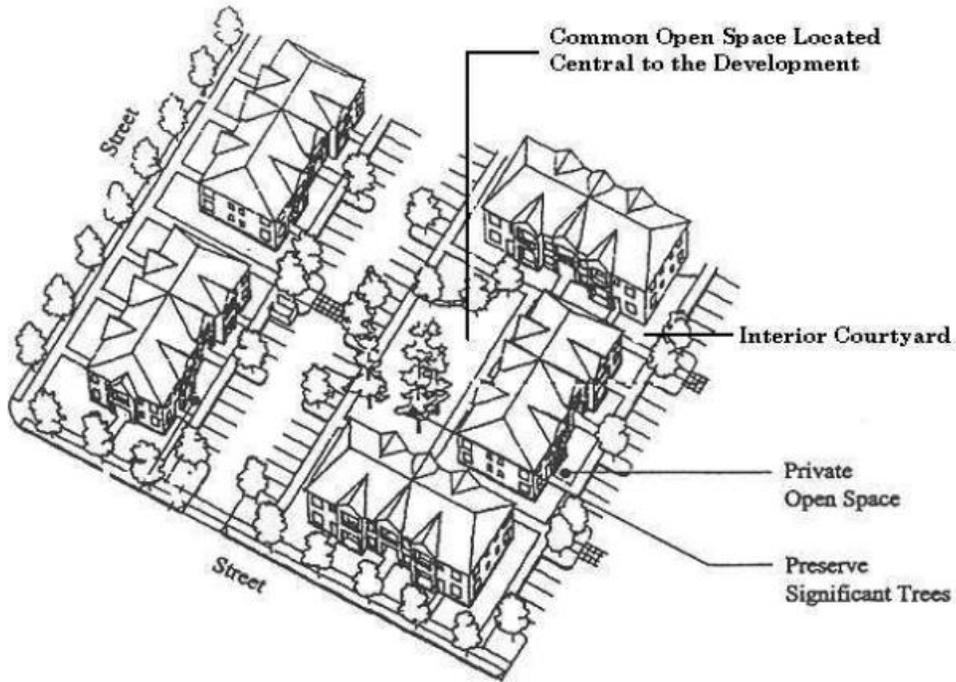
- (a) Ground-floor housing units must have patios or decks at least four feet deep and measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation, after grading and landscaping;
  - (b) A minimum of 50 percent of all upper-floor housing units must have balconies or porches at least four feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than five feet above the finished grade, after grading and landscaping; and
  - (c) Ground-floor private open space areas must not be located within 12 feet of trash receptacles.
- (3) **Trash Receptacles.** Trash receptacles must not be located within setbacks for property lines shared with single-family residences and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.

**(C) Housing Mix Standards in the MDR District.** In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in [SDC 2.1.600](#), at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the MDR District must be two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units. The standards of [SDC 4.5.200\(E\)](#) apply to properties of 20 acres in size and greater.

**Comment [MR3]:** Optional. Should this type of provision be included?

Figure 2.1.1000.A

Multifamily Housing (typical site layout)



**3.2.255 Other Design Standards.**

- (A) On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.
- (B) Development must comply with [SDC 4.5-100](#), On-site Lighting Standards.
- (C) Garages and carports must be accessed from alleys where there is an existing or platted alley that could be used in its current condition or improved to provide access.

### 3.2.400 Special Use [Development] Standards

#### 3.2.410 Middle Housing

##### (A) Approval Criteria [Siting and Design Standards] – General

- (1) For all middle housing types in the LDR, SLR, MDR, and HDR zones the following siting and design standards must be met:
  - (a) For property that is not incorporated into the Springfield city limits, the property must be served by urban services including:
    - (i) Sanitary Sewer
    - (ii) Water
    - (iii) Fire Protection
    - (iv) Parks
    - (v) Open Space
    - (vi) Recreation; and
    - (vii) Streets, roads, and mass transit.
  - (b) To demonstrate that the property is served with Fire protection, the applicant must provide documentation with the application that the property is within a fire protection district.
  - (c) To demonstrate that the property is served with Parks, Open Space, and Recreation, the applicant must provide documentation with the application that the property is within a parks and recreation district.
  - (d) To be served with street and roads the property must be served by a city-wide street system.
  - (e) To demonstrate that the property is served by mass transit, the applicant must provide documentation with the application that the property is within a transit district.
  - (f) Storm water must be

**Comment [MR4]:** Deal with this issue in findings instead of here in the approval standards. Make the requirement just that the property must be in the city limits instead?

**Comment [MR5]:** As defined in ORS 195.065, and as allowed in HB 2001, Section 2(4).

#### 3.2.420 Multiplexes

##### Multiplex design standards

**Commentary/Question:** Should the code contain architectural design standards for duplexes (including two detached units on one lot) in the LDR zone? There are not currently any architectural design standards for duplexes in the LDR zone, however they are only allowed on corner lots that are 6,000 sq. ft. or larger. **The new code must allow duplexes on any lot or parcel that a single family home is allowed on in conformance with the new middle housing legislation.** There are currently architectural design standards for duplexes in the SLR, MDR, and HDR zones. One option is to use the existing standards. See other options below.

**(A) Duplexes**

- (1) No design standards for structure (still standard development standards and site design standards, i.e. setbacks, lot coverage, height, etc.).
- (2) Use existing architectural design standards used for duplexes in MDR zones.
- (3) Use different design standards, similar to cottage cluster housing standards, to regulate impacts from multiplex development. Different standards could include orientation of structures (front doors or other entrances), minimum amount of windows on the front façade of structures, minimize or otherwise regulate the windows facing adjacent development, requirements to provide covered front entrance areas, etc.

**(B) Triplexes**

**(C) Fourplexes**

**3.2.430 Cottage Cluster Housing**

**(A) Purpose and Title**

The Cottage Cluster Housing provisions allow the use as an outright permitted use in all of the residential zones as long as the development meets a clear and object standards through a type 1 ministerial process.

**(B) Applicability**

The Cottage Cluster Housing standards apply under the following situations:

- (1) Low Density Residential (LDR) zoned properties;
- (2) Non transit-connected locations; and
- (3) Small Lot Residential (SLR), Medium Density Residential (MDR), and High Density Residential (HDR) zoned properties.

**(C) Transit connected location.** A property is considered to be in a “transit connected location” if the applicant can show that it is (or will be by the time construction is complete) connected by a complete [improved] sidewalk network to an active transit service stop within a 1/4 mile walk.

**(D) Density, Land Division, and Frontage**

Cluster housing development is allowed on any size site with no maximum density limitations and may include a land division resulting in new lots with no minimum

lot size. If a land division is proposed, access to each lot is allowed to be provided flexibly, including using pedestrian paths through private common areas controlled by a Home Owners Association (HOA) or otherwise dedicated for common, rather than private or limited use.

**(E) Site Design**

- (1) A cluster housing development must include a minimum of 3 primary homes.
- (2) It must include an adequately sized and centrally located common open space, as a key component of cluster housing developments. A common open space needs to meet the following standards:
  - (a) The common open space must have at least 100 sq. ft. of common open space area for each home in the housing cluster development, excluding ADUs;
  - (b) The minimum dimensions for the common open space must be at least 20 ft. by 12 ft.;
  - (c) The entrance to at least one common open space area in a cluster housing development must be visible and accessible from an adjacent public street; and
  - (d) Homes must enclose at least 60% of three sides of common open space areas to which at least half of the homes in a cluster housing development are oriented.
    - (i) Enclosure is defined as the sum of the widths of all the homes on each side of a common open space area over the width of that side of that common open space area.

**Comment [MR6]:** Is this the correct number?  
Current SDC

**(F) Orientation**

- (1) The front façade of each home in a cluster must be oriented toward either a common open space or public street.

The front façade of a home is defined as the façade with the main entry door and front porch or recessed entry.
- (2) If a home is not contiguous to either of these, then it must orient toward an internal pedestrian circulation path.
- (3) At least half of all the homes in a housing cluster must be oriented toward common open space.

**(G) Design Standards - Windows**

The intent of the housing cluster design standards is to create homes that engage with the street and each other in a manner that builds community and contributes positively to the neighborhood public realm.

- (1) Windows and doors must account for at least 15% of the façade area for façades oriented toward a street, common open space, or interior walkway.
- (2) The required windows in (1) above must be:
  - (a) Either vertical or square in orientation and shape, the window must be at least as tall as each window is wide.
  - (b) If horizontal window openings are proposed:
    - (i) They must be filled by either two or more vertically oriented windows that are either all the same size, or with no more than two sizes used; or
    - (ii) A horizontal window with a band of individual lites across the top; the lites must be either vertically oriented or be square. The lites in either case must cover at least 20% of the total height of the window.

#### (H) Front Porches and Entries

Each primary home in a cluster must have a porch or recessed entryway on the front of the home. This area is intended to function as a transition that extends the living space of the home into the semipublic area between the home and the open space.

Comment [MR7]: Delete this last sentence???

- (1) When a porch is provided, the minimum porch depth must be 6.5 ft., and the width of the porch must be at least 60% of the width of the overall length of the front façade.
- (2) Homes in a cluster fronting a street must include a front porch facing the street that covers at least 60% of the width of the home and is at least 8 ft. deep.
- (3) When a recessed entry is provided, it must have minimum dimensions of 5ft by 5ft.
- (4) The front door of the dwelling must open onto the porch or recessed entry.
- (5) The entire area of the front porch or recessed entry must be covered.
- (6) The surface of the front porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.

Comment [MR8]: What does this mean? How defined?

(I) Development Standards

The cluster housing code development standards supersede the base zone for height, density, minimum lot size, setbacks, yards, lot coverage, and minimum vegetation, as well as other design standards and parking standards, unless otherwise specifically stated. The development standards are summarized in Table 4. These proposed cluster housing development standards are intended to:

1. Promote market-rate provision of homes affordable to households of a variety of incomes and sizes;
2. Encourage a design that balances a reduction in private outdoor space with shared outdoor common area; and
3. Promote community-building, both within a housing cluster, and between the cluster and its surrounding neighborhood.

Comment [MR9]: Delete these?

TABLE 4. CLUSTER HOUSING DEVELOPMENT STANDARDS

Standards	LDR zones	Transit-connected locations	SLR, MDR, and HDR zones
<b>HOME TYPES</b>			
Building types allowed	Detached houses containing 1-4 homes	Detached and Attached	Detached and Attached
<b>HOME SIZE</b>			
Max building footprint per home	1,000 sf.	1,200 sf.	1,200 sf.
Max total footprint per building	1,650 sf.	no requirement	no requirement
Max floor area per home	1,600 sf.		
Max average floor area per home	1,000 sf.		
<b>HEIGHT*</b>			
Max # of stories	2	2.5	3
Max structure height between 5 & 10 ft of rear lot line	15 ft		
Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings		
<b>SETBACKS, SEPARATIONS, AND ENCROACHMENTS*</b>			
Separation between eaves of structures (minimum)	6 ft.	6 ft.	6 ft.
Side and rear site setbacks	5 ft.		
Front site setback (minimum)	15 ft.	10 ft.	0-10 ft.
Front site setback (maximum)	20 ft.		
<b>LOT COVERAGE, IMPERVIOUS AREA, VEGETATED AREA*</b>			
Lot coverage (maximum)	50%	55%	60%

Comment [MR10]: Townhomes???

Comment [MR11]: Townhomes???

<b>Impervious area (maximum)</b>	60%	65%	70%
<b>Vegetated site area (minimum)</b>	35%	30%	25%
<b>COMMUNITY AND COMMON SPACE</b>			
<b>Community building footprint (maximum)</b>	1,500 sf.	2,000 sf.	3,000 sf.
<b>PARKING</b>			
<b>Automobile parking spaces per primary home (minimum)</b>	1	0.5	.25
<b>Dry, secure bicycle parking spaces per home (minimum)</b>	1.5		
<b>Guest bicycle parking spaces per home (minimum)</b>	0.5		

**(J) Home Types**

- (1) Detached houses containing one to four homes are allowed on properties that are in the LDR zone and not in a transit connected location
- (2) Detached or attached home types are allowed in transit connected locations and in the SLR, MDR, and HDR zones.
- (3) Accessory dwelling units (ADUs) (either within, attached, or detached) are allowed for any detached or attached single family home in a cluster housing development.

**(K) Home Size**

The restriction on the maximum average floor area is intended to ensure that increased production of workforce housing is an outcome of the cluster housing code.

- (1) The total footprint of a home in a housing cluster is limited to 1,200 sq. ft. on properties that are in a transit-connected location and properties that are zoned SLR, MDR, and HDR.
- (2) For properties that are zoned LDR and not located in a transit-connected location the total footprint of a home in a housing cluster is limited to 1,000 sq. ft.
- (3) The total building footprint of a structure containing two to four homes is limited to 1,650 sq. ft. in LDR zones.

- (4) The total floor area of each home is proposed to be limited to 1,600 sq. ft.,
- (5) the maximum average floor area of all homes in a housing cluster must not exceed 1,000 sq. ft.

**(L) Height**

- (1) The height limit for all structures in a housing cluster is:
  - (a) 30 [35] feet (two stories) in the LDR zone; except on any lot or parcel in transit-connected locations the height must not exceed 35 feet (2.5 stories);
  - (b) 40 [45] feet (3 stories) in all other base zones and locations.
- (2) To ensure that the heights of buildings around a common green do not overwhelm the scale of that green, the height to the highest eaves on any building facing a common open is restricted to not exceed 1.618 times the width of that common green between the two closest buildings across its narrowest average width.
- (3) Daylight basements are exempted from counting towards the number of floors [stories] of height allowed for structures in a housing cluster development.

**Comment [MR12]:** Doesn't work if the height is a specific measurement rather than number of stories.

**(M) Setbacks, Separations, and Encroachments**

The proposal allows for the front stairs of a home to encroach into a common green by no more than 20% of the width of the green; and for eaves to overhang into the common green by up to 24 in.

The minimum space between the eaves of structures must be 6 ft., unless the structures are directly attached (e.g., townhomes), in which case no separation is required.

Structures above 15 feet in height within a cluster development must be located at least 10 ft. from the rear lot line(s) in the LDR zone, and all structures within a cluster development must be located no closer than 5 ft. from the rear lot line, and at least 5 ft. from the side lot line(s), of the site on which the housing cluster is developed. Parking, steps, ramps, drive aisles, and retaining walls are allowed to encroach into the side and rear setback areas, within the overall lot coverage and lot vegetation requirements.

The minimum setback between the nearest home and the site's front street lot line is 15 ft. in the LDR zone; 10 ft. in transit-connected locations; and 10 ft. in all other locations, unless the base zone allows for a smaller setback, in which case it allows for the smaller setback. The maximum front setback is 20 ft., unless a greater setback is required because of steep slopes. Porches are allowed to intrude into the front setback to within 5 ft. of the front lot line. Walkways,

sidewalks, steps, ramps, drive aisles, and retaining walls are allowed to encroach into the front setback, within the limitations of the required amount of vegetation within the front setback.

**Comment [MR13]:** See existing SDC 4.7-105 re: accessory structures, specifically D. that discusses stairs in front yard setbacks. This standard is more permissive for Cottage housing. Should the general accessory standard be changed?

**(N) Lot Coverage, Impervious Area, Vegetated Area**

The total footprint of all structures within a housing cluster must not exceed: 50% of the site area in the LDR zone; 55% of the site in transit-connected locations; or 60% in all other locations. Impervious surfaces, including all structures, must not exceed: 60% of the site area in the LDR zone; 65% of the site in transit-connected locations; or 70% in all other locations.

Vegetation and landscaped, pervious areas must cover at least: 35% of the site area in the LDR zone; 30% of the site in transit-connected locations; or 25% in all other locations. The area of the site's front yard, between the front homes and the adjacent street, must be at least 50% covered by vegetation and landscaped, pervious areas.

**(O) Community and Common Space**

Each cluster housing development may feature a community building or other common indoor space for the shared use of its residents and guests; such a building or space may have a footprint not to exceed:

- (1) 1,500 sq ft in the LDR zone;
- (2) 2,000 sq ft in transit-connected locations; or
- (3) 3,000 sq ft in all other locations.

**3.2.440 Place of worship.** A place for people to gather for religious activity. Examples include: church, synagogue, mosque, chapel, or meeting house. Includes the following associated uses: **(ORS 227.500)**

- (A) Worship services;
- (B) Religion classes;
- (C) Weddings;
- (D) Funerals;
- (E) Meal programs;
- (F) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education;
- (G) Providing housing or space for housing in a building or buildings that are detached from the place of worship provided:
  - (1) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

- (2) The real property is in an area zone for residential use that is located within the urban growth boundary;
- (3) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone; and
- (4) The housing or space for housing must be subject to a covenant appurtenant that restricts the owner and each successive owner of a building or any residential unit contained in a building from selling or renting any residential unit that is required to be affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

## Section 4.7.300 - Special Standards and Regulations for Certain Uses in Residential Zones

### Subsections:

- 4.7.310 Purpose.
- 4.7.315 Middle Housing
- 4.7.320 Multiplexes (duplex, triplex, fourplex)
- 4.7.325 Cottage Cluster Housing
- 4.7.330 Townhomes
- 4.7.335 Courtyard Housing
- 4.7.340 Accessory Dwelling Units (ADU's)
- 4.7.345 Manufactured Homes on Individual Lots
- 4.7.350 Manufactured Home Subdivisions
- 4.7.355 Manufactured Home Parks

### 4.7.310 Purpose

This section supplements the standards contained in this code for certain uses in the Residential Districts. It provides standards for certain land uses in order to control the size, scale and compatibility of those uses.

### 4.7.315 Middle Housing

#### (A) Approval Criteria [Siting and Design Standards] – General

- (1) Middle housing is defined as: Duplexes, triplexes, fourplexes, cottage cluster housing, and townhomes.
- (2) For all middle housing types in the LDR, SLR, MDR, and HDR zones the following siting and design standards must be met:
  - (a) The subject property and any existing and proposed units must be connected to sanitary sewer or have approval from Lane County Sanitation for a septic system to serve the proposed development.
  - (b) For property that is not incorporated into the Springfield city limits, the property must be served by urban services including:
    - (i) Sanitary Sewer
    - (ii) Water
    - (iii) Fire Protection
    - (iv) Parks
    - (v) Open Space

**Comment [MR1]:** Deal with this issue in findings instead of here in the approval standards. Make the requirement just that the property must be in the city limits instead?

**Comment [MR2]:** As defined in ORS 195.065, and as allowed in HB 2001, Section 2(4).

- (vi) Recreation; and
- (vii) Streets, roads, and mass transit.
- (c) To demonstrate that the property is served with Fire protection, the applicant must provide documentation with the application that the property is within a fire protection district.
- (d) To demonstrate that the property is served with Parks, Open Space, and Recreation, the applicant must provide documentation with the application that the property is within a parks and recreation district.
- (e) To be served with street and roads the property must be served by a city-wide street system.
- (f) To demonstrate that the property is served by mass transit, the applicant must provide documentation with the application that the property is within a transit district.
- (g) Storm water must be

**4.7.320 Multiplexes**

Duplex, triplex, and fourplex development must comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with compatibility.

**Comment [MR3]:** From the City of Bend standards, 3.6.200.H, and adapted for fourplexes. Make sure these are clear and objective.

- (A) There must be a minimum of 15 percent of the site landscaped in conformance with SDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. Existing natural landscaping can count as part of the landscape requirement if protected and preserved during construction.
- (B) Street trees must be planted in conformance with SDC 3.2.400, Street Trees.
- (C) The applicant must provide:
  - (1) usable open space; or
  - (2) an exterior patio, balcony, or deck;

consistent with the following:

Dwelling Units	Usable Open Space	Exterior Patio, Balcony or Deck
1 and 2 bedroom units	200 square feet per unit	100 square feet per unit
3 bedroom units or larger	300 square feet per unit	150 square feet per unit

- (3) All usable open space areas that are comprised of lawn must be irrigated with an underground irrigation system.
  - (4) An exterior patio, balcony, or deck to meet the requirements of this subsection will not be counted as part of the landscape requirement.
- (D) Each unit must provide a minimum of 60 square feet of enclosed storage area for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area must be accessible from the exterior of the dwelling unit, have a minimum interior height of seven feet, and be no less than two feet in length in any direction. The storage area may be split into two areas as long as no area is less than 20 square feet and no dimension is less than two feet, except the height which is a minimum of seven feet. The storage area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). The storage must not be located within the setbacks.
- (E) Each unit must provide an enclosure area for trash and recycling. This area is in addition to subsection (H)(4) of this section.
- (F) Detached dwelling units must be a minimum of six feet apart as measured between their building footprints.
- (G) Floor Area Ratio. In the LDR District, the FAR as defined in SDC Chapter 6.1.100, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.
- (1) Exemptions to FAR.
    - (a) Accessory structures less than 10 feet in height and 200 square feet in area.
    - (b) Duplexes, triplexes, or fourplexes created by remodeling an existing single-family dwelling without expanding the existing floor area.
    - (c) Lots created after [date of adoption], that are not adjacent to existing LDR designated properties.
- (H) Driveway Approach. Duplexes may have a maximum of two driveway approaches, a triplex may have a maximum of three driveway approaches, and a fourplex may have a maximum of four driveway approaches in compliance with the following:
- (1) The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(3) of this section.

- (2) Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of **seven feet**.
- (3) In addition, lots or parcels with more than one frontage must comply with the following:
- (a) Lots or parcels must access the street with the lowest classification.
  - (b) Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. The City Engineer will determine which frontage may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.
  - (c) Lots or parcels with frontages only on local streets must comply with the following:
    - (i) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.
    - (ii) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage; or two driveway approaches not exceeding a total of 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.
    - (iii) Fourplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage; or two or three driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage; or two driveway approaches not exceeding a total of 32 feet on one frontage and one maximum 16 foot wide approach on the other frontage.
  - (d) Clear vision standards do not apply between driveway approaches for duplexes and triplexes on local streets. All other standards in SDC **3.1.500, Clear Vision Areas, apply**.
  - (e) For lots or parcels abutting an alley, access **may** be required to be taken from the alley in accordance with **SDC 3.1.400(F)(3)**.

**Comment [MR4]:** Not clear and objective. What about "the frontage with the greatest dimension along the right of way is the frontage that must have the driveway approach."

**Comment [MR5]:** Have Michael review.

(I) Garage Door Standards.

- (1) The maximum combined garage door width facing the street is 50 percent of the total building width.
- (2) In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line

than the longest street-facing wall of the dwelling unit that encloses livable space, except that:

- (a) If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed livable space, but no further than the front of the porch.
- (b) A garage or carport may extend up to 10 feet in front of the enclosed livable space [on the first floor] if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.

**(3) Exemptions to Garage Door Standards.**

- (a) Existing garages legally constructed prior to [date of adoption].
- (b) When the side or rear wall of the garage faces the street, provided the standards of SDC 2.1.300(F)(6)(b)(ii) are met.
- (c) Lots created after [date of adoption], that are not adjacent to existing residentially designated properties.

**(J) Orientation Standards.**

- (1)** The front façade of at least one unit must be oriented toward a abutting street.

The front façade of a home is defined as the façade with the main entry door and front porch or recessed entry.

For properties with more than one frontage, the applicant may choose which frontage to meet this standard.

**(2) Exemptions to Orientation Standards.**

- (a) Duplexes, triplexes, or fourplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.
- (b) Lots created after [date of adoption], that are not adjacent to existing [LDR zoned] [residentially designated] properties.

**(K) Front Porches and Entries.** Each unit in a duplex, triplex, or fourplex must have a covered front porch or recessed entryway on the front of the home.

- (1)** When a covered front porch is provided, for the unit(s) with the front façade facing the street, the minimum porch depth must be 6.5 ft., and the width of

the porch must be at least 50% of the width of the overall length of the front façade.

- (2) For units with the front façade not facing the street, when providing a covered porch, the minimum dimensions of the covered front porch must be 5 ft. by 5 ft.
- (3) When a recessed entry is provided for any unit it must have minimum dimensions of 5ft by 5ft.
- (4) The front door of each dwelling must open onto the covered porch or recessed entry.
- (5) The entire area of the covered porch or recessed entry must be covered.
- (6) The surface of the front porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.

**(L) Design Standards – Windows.**

- (1) Windows and doors must account for at least 15% of the façade area for façades oriented toward a street.
- (2) The required windows in (1) above must be:
  - (a) Either vertical or square in orientation and shape, the window must be at least as tall as each window is wide.
  - (b) If horizontal window openings are proposed:
    - (i) They must be filled by either two or more vertically oriented windows that are either all the same size, or with no more than two sizes used; or
    - (ii) A horizontal window with a band of individual lites across the top; the lites must be either vertically oriented or be square. The lites in either case must cover at least 20% of the total height of the window.

**4.7.325 Cottage Cluster Housing**

**(A) Purpose and Title**

The Cottage Cluster Housing provisions allow the use as an outright permitted use in all of the residential zones as long as the development meets a clear and object standards through a type 1 ministerial process.

**(B) Applicability**

The Cottage Cluster Housing standards apply under the following situations:

- (1) Low Density Residential (LDR) zoned properties;
- (2) Non transit-connected locations; and
- (3) Small Lot Residential (SLR), Medium Density Residential (MDR), and High Density Residential (HDR) zoned properties.

(C) Transit connected location. A property is considered to be in a “transit connected location” if the applicant can show that it is (or will be by the time construction is complete) connected by a complete [improved] sidewalk network to an active transit service stop within a 1/4 mile walk.

(D) Density, Land Division, and Frontage

Cluster housing development is allowed on any size site with no maximum density limitations and may include a land division resulting in new lots with no minimum lot size. If a land division is proposed, access to each lot is allowed to be provided flexibly, including using pedestrian paths through private common areas controlled by a Home Owners Association (HOA) or otherwise dedicated for common, rather than private or limited use.

(E) Site Design

(1) A cluster housing development must include a minimum of 3 primary homes.

**Comment [MR6]:** Is this the correct number?  
Current SDC

(2) It must include an adequately sized and centrally located common open space, as a key component of cluster housing developments. A common open space needs to meet the following standards:

- (a) The common open space must have at least 100 sq. ft. of common open space area for each home in the housing cluster development, excluding ADUs;
- (b) The minimum dimensions for the common open space must be at least 20 ft. by 12 ft.;
- (c) The entrance to at least one common open space area in a cluster housing development must be visible and accessible from an adjacent public street; and
- (d) Homes must enclose at least 60% of three sides of common open space areas to which at least half of the homes in a cluster housing development are oriented.
  - (i) Enclosure is defined as the sum of the widths of all the homes on each side of a common open space area over the width of that side of that common open space area.

**(F) Orientation**

- (1)** The front façade of each home in a cluster must be oriented toward either a common open space or public street.

The front façade of a home is defined as the façade with the main entry door and front porch or recessed entry.

- (2)** If a home is not contiguous to either of these, then it must orient toward an internal pedestrian circulation path.
- (3)** At least half of all the homes in a housing cluster must be oriented toward common open space.

**(G) Design Standards - Windows**

The intent of the housing cluster design standards is to create homes that engage with the street and each other in a manner that builds community and contributes positively to the neighborhood public realm.

- (3)** Windows and doors must account for at least 15% of the façade area for façades oriented toward a street, common open space, or interior walkway.
- (4)** The required windows in (1) above must be:
  - (a)** Either vertical or square in orientation and shape, the window must be at least as tall as each window is wide.
  - (b)** If horizontal window openings are proposed:
    - (i)** They must be filled by either two or more vertically oriented windows that are either all the same size, or with no more than two sizes used; or
    - (ii)** A horizontal window with a band of individual lites across the top; the lites must be either vertically oriented or be square. The lites in either case must cover at least 20% of the total height of the window.

**(H) Front Porches and Entries**

Each primary home in a cluster must have a porch or recessed entryway on the front of the home. This area is intended to function as a transition that extends the living space of the home into the semipublic area between the home and the open space.

**Comment [MR7]:** Delete this last sentence???

- (7) When a porch is provided, the minimum porch depth must be 6.5 ft., and the width of the porch must be at least 60% of the width of the overall length of the front façade.
- (8) Homes in a cluster fronting a street must include a front porch facing the street that covers at least 60% of the width of the home and is at least 8 ft. deep.
- (9) When a recessed entry is provided, it must have minimum dimensions of 5ft by 5ft.
- (10) The front door of the dwelling must open onto the porch or recessed entry.
- (11) The entire area of the front porch or recessed entry must be covered.
- (12) The surface of the front porch or recessed entry must not exceed 48 in above grade, as measured from the average ground level at the front of the porch.

**Comment [MR8]:** What does this mean? How defined?

(I) Development Standards

The cluster housing code development standards supersede the base zone for height, density, minimum lot size, setbacks, yards, lot coverage, and minimum vegetation, as well as other design standards and parking standards, unless otherwise specifically stated. The development standards are summarized in Table 4. These proposed cluster housing development standards are intended to:

1. Promote market-rate provision of homes affordable to households of a variety of incomes and sizes;
2. Encourage a design that balances a reduction in private outdoor space with shared outdoor common area; and
3. Promote community-building, both within a housing cluster, and between the cluster and its surrounding neighborhood.

**Comment [MR9]:** Delete these?

**TABLE 4. CLUSTER HOUSING DEVELOPMENT STANDARDS**

Standards	LDR zones	Transit-connected locations	SLR, MDR, and HDR zones
<b>HOME TYPES</b>			
<b>Building types allowed</b>	Detached houses containing 1-4 homes	Detached and Attached	Detached and Attached
<b>HOME SIZE</b>			
<b>Max building footprint per home</b>	1,000 sf.	1,200 sf.	1,200 sf.
<b>Max total footprint per building</b>	1,650 sf.	no requirement	no requirement
<b>Max floor area per home</b>	1,600 sf.		
<b>Max average floor area</b>	1,000 sf.		

**Comment [MR10]:** Townhomes???

**Comment [MR11]:** Townhomes???

per home			
<b>HEIGHT*</b>			
Max # of stories	2	2.5	3
Max structure height between 5 & 10 ft of rear lot line	15 ft		
Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings		
<b>SETBACKS, SEPARATIONS, AND ENCROACHMENTS*</b>			
Separation between eaves of structures (minimum)	6 ft.	6 ft.	6 ft.
Side and rear site setbacks	5 ft.		
Front site setback (minimum)	15 ft.	10 ft.	0-10 ft.
Front site setback (maximum)	20 ft.		
<b>LOT COVERAGE, IMPERVIOUS AREA, VEGETATED AREA*</b>			
Lot coverage (maximum)	50%	55%	60%
Impervious area (maximum)	60%	65%	70%
Vegetated site area (minimum)	35%	30%	25%
<b>COMMUNITY AND COMMON SPACE</b>			
Community building footprint (maximum)	1,500 sf.	2,000 sf.	3,000 sf.
<b>PARKING</b>			
Automobile parking spaces per primary home (minimum)	1	0.5	.25
Dry, secure bicycle parking spaces per home (minimum)	1.5		
Guest bicycle parking spaces per home (minimum)	0.5		

**(J) Home Types**

- (1) Detached houses containing one to four homes are allowed on properties that are in the LDR zone and not in a transit connected location
- (2) Detached or attached home types are allowed in transit connected locations and in the SLR, MDR, and HDR zones.
- (3) Accessory dwelling units (ADUs) (either within, attached, or detached) are allowed for any detached or attached single family home in a cluster housing development.

**(K) Home Size**

The restriction on the maximum average floor area is intended to ensure that increased production of workforce housing is an outcome of the cluster housing code.

- (1) The total footprint of a home in a housing cluster is limited to 1,200 sq. ft. on properties that are in a transit-connected location and properties that are zoned SLR, MDR, and HDR.
- (2) For properties that are zoned LDR and not located in a transit-connected location the total footprint of a home in a housing cluster is limited to 1,000 sq. ft.
- (3) The total building footprint of a structure containing two to four homes is limited to 1,650 sq. ft. in LDR zones.
- (4) The total floor area of each home is proposed to be limited to 1,600 sq. ft.,
- (5) the maximum average floor area of all homes in a housing cluster must not exceed 1,000 sq. ft.

**(L) Height**

- (1) The height limit for all structures in a housing cluster is:
  - (a) 30 [35] feet (**two stories**) in the LDR zone; except on any lot or parcel in transit-connected locations the height must not exceed 35 feet (2.5 stories);
  - (b) 40 [45] feet (**3 stories**) in all other base zones and locations.
- (2) To ensure that the heights of buildings around a common **green** do not overwhelm the scale of that green, the height to the highest eaves on any building facing a common open is restricted to not exceed 1.618 times the width of that common green between the two closest buildings across its narrowest average width.
- (3) Daylight basements are exempted from counting towards the number of floors [stories] of height allowed for structures in a housing cluster development.

**Comment [MR12]:** Doesn't work if the height is a specific measurement rather than number of stories.

**(M) Setbacks, Separations, and Encroachments**

The proposal allows for the front stairs of a home to encroach into a common green by no more than 20% of the width of the green; and for eaves to overhang into the common green by up to 24 in.

The minimum space between the eaves of structures must be 6 ft., unless the structures are directly attached (e.g., townhomes), in which case no separation is required.

Structures above 15 feet in height within a cluster development must be located at least 10 ft. from the rear lot line(s) in the LDR zone, and all structures within a cluster development must be located no closer than 5 ft. from the rear lot line, and at least 5 ft. from the side lot line(s), of the site on which the housing cluster is developed. Parking, steps, ramps, drive aisles, and retaining walls are allowed to encroach into the side and rear setback areas, within the overall lot coverage and lot vegetation requirements.

The minimum setback between the nearest home and the site's front street lot line is 15 ft. in the LDR zone; 10 ft. in transit-connected locations; and 10 ft. in all other locations, unless the base zone allows for a smaller setback, in which case it allows for the smaller setback. The maximum front setback is 20 ft., unless a greater setback is required because of steep slopes. Porches are allowed to intrude into the front setback to within 5 ft. of the front lot line. Walkways, sidewalks, steps, ramps, drive aisles, and retaining walls are allowed to encroach into the front setback, within the limitations of the required amount of vegetation within the front setback.

**Comment [MR13]:** See existing SDC 4.7-105 re: accessory structures, specifically D. that discusses stairs in front yard setbacks. This standard is more permissive for Cottage housing. Should the general accessory standard be changed?

#### **(N)** Lot Coverage, Impervious Area, Vegetated Area

The total footprint of all structures within a housing cluster must not exceed: 50% of the site area in the LDR zone; 55% of the site in transit-connected locations; or 60% in all other locations. Impervious surfaces, including all structures, must not exceed: 60% of the site area in the LDR zone; 65% of the site in transit-connected locations; or 70% in all other locations.

Vegetation and landscaped, pervious areas must cover at least: 35% of the site area in the LDR zone; 30% of the site in transit-connected locations; or 25% in all other locations. The area of the site's front yard, between the front homes and the adjacent street, must be at least 50% covered by vegetation and landscaped, pervious areas.

#### **(O)** Community and Common Space

Each cluster housing development may feature a community building or other common indoor space for the shared use of its residents and guests; such a building or space may have a footprint not to exceed:

- (1) 1,500 sq ft in the LDR zone;
- (2) 2,000 sq ft in transit-connected locations; or
- (3) 3,000 sq ft in all other locations.

#### 4.7.330 Townhomes

- (A) Townhome (or row house) units must comply with the standards in subsections (A)(1) through (4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

For purpose of this section, a “Townhome” means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 4.7.325.A.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit’s enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. Single-family attached homes may have detached garages or ADUs that share a common wall between the two lots or parcels.

**Comment [MR14]:** Check against definition.

- (1) **Building Mass Supplemental Standard.** Within the LDR and SLR Districts the number and width of consecutively attached units (i.e., with attached walls at property line) must not exceed four units. Within the MDR and HDR Districts the number and width of consecutively attached units is not restricted.
- (2) **Alley Access.** Townhome developments and subdivisions (four or more lots) must receive vehicle access only from a rear alley when an existing alley is platted along the rear of the property. Alley(s) must be created at the time of subdivision approval for single family attached housing subdivisions, in accordance with SDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.4, Public Improvement Standards, and 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments. As necessary, dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in SDC 3.1.300, Multi-Modal Access and Circulation.
- (3) **Street Access.** Townhomes receiving access directly from a public or private street must comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:
  - (a) **Garage Door.** The maximum combined garage door width facing the street is 50 percent of the total building width.
  - (b) **Driveway Approaches.** Townhomes can have a maximum of one driveway approach and must comply with the following:

**Comment [MR15]:** Use same language here that is used in other sections. Search for alley language elsewhere...

**Comment [MR16]:** Delete? Check

- (i) Townhomes with frontages on streets of different classifications must access the street with the lowest classification.
- (ii) The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- (iii) Driveway approaches on local streets may be separated in compliance with the following:
  - (aa) Approaches must be separated by a minimum of seven feet; and
  - (ba) Approaches must not exceed 16 feet in width.
- (iv) Clear vision standards do not apply between driveway approaches for townhomes on local streets. All other standards in SDC 3.1.500, Clear Vision Areas, apply.
- (v) For lots or parcels abutting an alley, access must be taken from the alley.

(4) **Areas Owned in Common.** Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

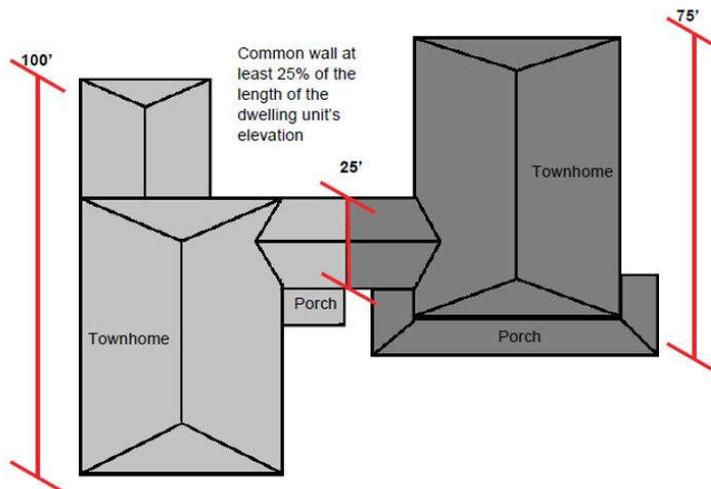


Figure 4.7.330.1

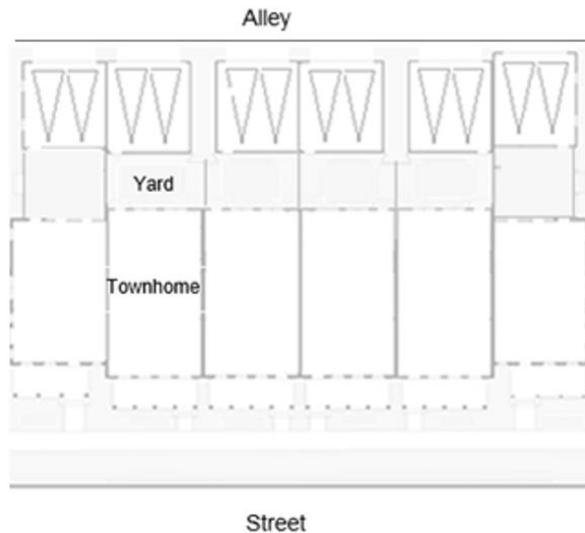


Figure 4.7.330.2

#### 4.7.335 Courtyard Housing

(A) Detached courtyard houses on individual lots are subject to the same standards as single-family detached housing, except that a three-foot minimum side yard setback is allowed on one side of a typical lot and a seven foot setback is required on the other side of the lot. As shown in Figure 4.7.335.A, this type of housing is permitted to allow development on narrow lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance.

- (1) **Setbacks Adjacent to Non-Courtyard Housing Development.** When a courtyard house shares a side property line with a non-courtyard development (including vacant lots), the courtyard building must be set back from the common property line by a minimum of seven feet.
- (2) **Construction and Maintenance Easement.** Prior to building permit approval, the applicant must submit a copy of a recorded easement for every courtyard house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement must stipulate that no fence or other obstruction can be placed in a manner that would prevent maintenance of structures on the subject lot.

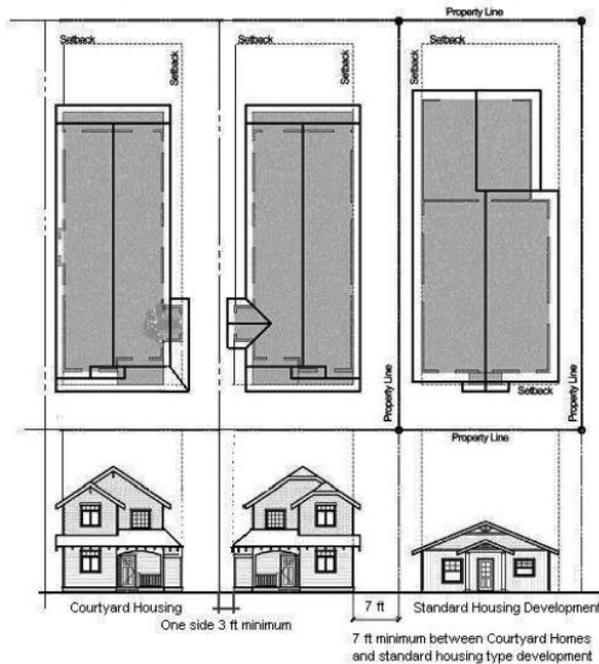
(3) **Buffering.** The building placement and design of windows must provide a buffer for the occupants of abutting courtyard lots. This standard is met by:

- (a) Placing ground-floor windows along the courtyard side of the house where views are directed into the yard(s) for the subject house;
- (b) By directing views away from neighboring lots yards (e.g., bay window); or
- (c) By using frosted glass or other permanent window covering that obscures any view to the exterior but allows light into the interior.

This standard does not apply to adjoining non-zero lot line lots.

**Comment [MR17]:** Re-write to be clear and objective. Add language about second story windows facing adjacent non courtyard houses.

Figure 4.7.335.A – Courtyard Housing



**4.7.340 Accessory Dwelling Unit (ADU)**

(A) **Purpose.** An accessory dwelling unit is intended to:

- (a) Provide the opportunity to add accessible and affordable units to existing neighborhoods and new residential areas;

**Comment [MR18]:** All of the language below is existing SDC language and is not proposed to be changed other than to address parking related to HB 2001 and correct any code references.

- (b) Provide flexibility to accommodate changes in household size or composition over the course of time, allowing for intergenerational living and on-site caretakers/assistants;
- (c) Make efficient use of residential land; and
- (d) Fit into the neighborhood while maintaining stability, property values, and, in the case of low-density residential zones, the single-family residential appearance of the neighborhood.

**(B)** An accessory dwelling may be established by:

- (1) Converting an attic, basement or garage or any other portion of the primary dwelling;
- (2) Adding floor area to the primary dwelling, including a second story;
- (3) Constructing a detached accessory dwelling unit on a lot/parcel with a primary single-family dwelling; or
- (4) Converting an existing dwelling unit to the accessory dwelling unit (if it is less than 800 square feet) and building a primary dwelling unit.

**(C) Applicability.**

- (1) Accessory dwelling units are permitted on LDR properties with a primary dwelling.
- (2) Accessory dwelling units are permitted on MDR properties with a primary dwelling, according to the following standards:
  - (a) On a lot or parcel with area 6,650 square feet or less, 1 or 2 accessory dwelling units are permitted.
  - (b) On a lot or parcel with area greater than 6,650 square feet but not greater than 10,000 square feet, 2 accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
  - (c) An accessory dwelling unit is not permitted on a lot or parcel with area greater than 10,000 square feet.
  - (d) If 2 accessory dwellings are constructed, at least 1 must be detached from the primary dwelling.
- (3) Accessory dwelling units are permitted on HDR properties with a primary dwelling, according to the following standards:
  - (a) On a lot or parcel with area 3,200 square feet or less, 1 or 2 accessory dwelling units are permitted.
  - (b) On a lot or parcel with area greater than 3,200 square feet but not greater than 4,800 square feet, 2 accessory dwelling units are permitted. A single accessory dwelling unit on such lot or parcel is not permitted.
  - (c) An accessory dwelling is not permitted on a lot or parcel with area greater than 4,800 square feet.
  - (d) If 2 accessory dwellings are constructed, at least 1 must be detached from the primary dwelling.

- (4) Accessory dwelling units are permitted within the Historic Overlay District subject to the provisions of Sections 3.3-910 through 3.3-945.

**(D) Review.**

- (1) An accessory dwelling unit is reviewed under Type I procedure except in the Historic Overlay District or except as provided in Sections 5.5-125F and 5.5-130C when the accessory dwelling unit is reviewed under a Type II procedure.

**(E) Submittal Requirements.**

- (1) A plan drawn to scale and dimensioned showing:
  - (a) the proposed accessory dwelling unit and its relation to the property lines;
  - (b) the primary dwelling and other structures on the lot/parcel including fences and walls;
  - (c) existing and proposed trees and landscaping;
  - (d) lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations; location of utilities and meters, curb cuts, sidewalks (public and private) and off-street parking area;
  - (e) a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and
  - (f) a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

**(F) Development Standards.** An accessory dwelling unit must meet the following standards:

- (1) The accessory dwelling unit must meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.
- (2) The accessory dwelling unit must contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- (3) The accessory dwelling unit must not exceed 800 square feet or the square footage of the primary dwelling (exclusive of the garage for the primary dwelling), whichever is less.
- (4) The accessory dwelling unit must have an outside entrance that is separate from the entrance to the primary dwelling.

- (5) A hard surface walkway, a minimum of 3 feet wide, must be provided from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
- (6) Each dwelling unit must have its own address.

~~(7) There shall be one parking space 9 feet by 18 feet in size for the accessory dwelling unit, in addition to the parking spaces required by Section 4.6-100 for the primary dwelling. Off-street parking spaces may be paved or unpaved as described below. If unpaved, the parking space must be rocked and maintained with  $\frac{3}{4}$  minus compacted crushed rock. The parking space for the accessory dwelling may be provided either on-street or off-street as described below:~~

**Comment [MR19]:** This section proposed to be removed to be in compliance with the new language of HB 2001 which prohibits requiring on-site parking for an ADU.

- ~~(a) If the primary dwelling has more off-street spaces than required, a surplus parking space may be counted as the required parking space for the accessory dwelling unit.~~
- ~~(b) An on-street parking space meets the requirement for parking for the accessory dwelling unit if one of the following conditions is met:
  - 1. There is paved on-street parking available directly abutting the property, the abutting street includes parking on both sides of the street, and there are no adopted plans to remove the on-street parking; or
  - 2. Under Type II procedure, the Director determines based on a parking utilization study, that on-street paved parking is consistently available directly abutting the subject property and the roadway is of sufficient width to allow passage of emergency vehicles.~~
- ~~(c) An off-street parking space for the accessory dwelling unit accessed from a street must be paved, except as follows:
  - 1. There is a paved driveway at least 18 feet long measured from the property line that serves the parking space for the accessory dwelling unit; or
  - 2. The driveway abuts an unimproved gravel street.~~
- ~~(d) If an off-street parking space for an accessory dwelling unit is accessed from an alley, the following provisions apply:
  - 1. If the alley providing access is paved, the off-street driveway and parking space must be paved for a minimum of 18 feet from the alley property line; or
  - 2. If the alley providing access is not paved, the following provisions apply:
    - a. The off-street parking space is not required to be paved, but the property owner must pave the alley for a distance of 18 feet from one of the access points from the street unless both~~

~~access points are paved for at least 18 feet in conformance with applicable paving standards; and~~

~~b. The property owner must improve the alley from one of the access points of the street by grading and adding rock to the alley from the edge of the required 18 feet of paving to the driveway in conformance with the applicable improvement standards.~~

(8) Outdoor storage and garbage areas must be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least 3 sides.

(9) If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it must have its tongue and towing apparatus removed. It must be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material must be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24-inch limitation will not apply).

(G) **Design Standards.** An accessory dwelling unit within or attached to the main dwelling must either match the primary dwelling or meet the alternative standards. A newly constructed detached accessory dwelling unit must match the primary dwelling, meet clear and objective standards, or meet the alternative standards. Conversion of a structure permitted under Section 4.7-105A to an accessory dwelling unit is not required to meet the design standards and may be approved under a Type 1 procedure; however, exterior alterations such as those necessary to meet building codes must meet relevant design standards below (match primary dwelling or meet clear and objective standards).

(1) **Match Primary Dwelling.** An accessory dwelling unit may be approved under Type 1 procedure if it meets the following design standards except that these standards may be altered when necessary to meet current fire or building codes:

- (a) Exterior finish materials must be the same as or visually match those of the primary dwelling in terms of type, size, and placement.
- (b) Roof pitch must be the same as the predominate roof pitch of the primary dwelling.
- (c) The trim around the doors and windows must be the same type and finish as the primary dwelling.

- (d) Windows must match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).
  - (e) Eaves must project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.
- (2) Meet Clear and Objective Standards. A detached accessory dwelling unit may be approved under Type I procedure if it meets the following design standards:
- (a) Only non-reflective siding and roofing materials are allowed.
  - (b) Minimum roof pitch is 3 in 12.
  - (c) Eaves must project from the accessory dwelling unit at least 1 foot on all elevations.
  - (d) The primary entry must have a covered or roofed entrance with a minimum depth and width of 3 feet.
  - (e) The accessory dwelling may not exceed the height of the primary dwelling.
  - (f) The exterior wall must provide an offset every 25 feet by providing a recess or extension, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall.
- (3) Meet Alternative Standards. An accessory dwelling may be approved under Type II procedure if it meets the following design standards:
- (a) Siding, roofing materials and windows must be similar to those used on residential dwellings in the surrounding neighborhood.
  - (b) Entrances, windows and balconies must be designed and located with consideration of the privacy of residential neighbors.

**(H) Non-Conforming Lot/Parcel Sizes.**

- (1) Accessory dwelling units must not be permitted on lots/parcels that do not meet the applicable minimum lot/parcel size stated in Section 3.2-215.

**(I) Prohibited Use.**

- (1) Mobile homes, recreational vehicles, motor vehicles, and travel trailers cannot be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are permitted, inspected and approved by the local authority having jurisdiction are allowed.

**4.7.445 Manufactured Homes on Individual Lots**

Manufactured homes are permitted on individual lots, subject to a building permit compliance with the following design standards, consistent with ORS 197.307(5). The

following standards do not apply to units that existed on lots within the City prior to the effective date of the ordinance codified in this code.

- (A) **Floor Plan.** The manufactured home must be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
- (B) **Roof.** The manufactured home must have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);
- (C) **Residential Building Materials.** The manufactured home must have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
- (D) **Garages and Carports.** The manufactured home must have a garage or carport constructed of like materials;
- (E) **Thermal Envelope.** The manufactured home must be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification must not be required;
- (F) **Placement.** The manufactured home must be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted State Administrative Rules for Manufactured Dwellings. Where the building site has a sloped grade, no more than 16 inches of the enclosing material must be exposed on the uphill side of the foundation skirt;
- (G) **Skirting.** The foundation area of the manufactured home must be fully skirted;
- (H) **Historic Districts.** The manufactured home must not be located in a designated historic district.

#### 4.7.450 Manufactured Home Subdivisions

Manufactured home subdivisions are reviewed as a **Type II application** for tentative plan approval. A manufactured home subdivision must be subject to the provisions of SDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, in addition to the criteria below.

- (A) **Lot Size and Dimension Requirements.** The minimum lot area and dimensions within a manufactured home subdivision must be the same as that allowed within the underlying zone.
- (B) **Permitted Uses.** Manufactured home subdivisions may contain manufactured homes and related accessory structures.
- (C) **Setbacks.** Setbacks for manufactured homes, modular homes, and accessory structures must be the same as provided in the underlying zone.

**Comment [MR20]:** Needs to be clear and objective. Type 1?

#### 4.7.455 Manufactured Home Parks

Manufactured home parks are reviewed as a **Type II application** for site plan review in conformance with ORS Chapter 446, the provisions of this title and the following criteria:

**Comment [MR21]:** Must be clear and objective.  
Type 1?

- (A) Minimum Area Required. All manufactured home parks must consist of a minimum area of five acres.
- (B) Density. The maximum number of manufactured homes allowed within a manufactured home park must not exceed 10 units per acre. The average area of a mobile home site must not be less than 4,000 square feet excluding roadway, recreation areas and other accessory facilities. No manufactured home site must be less than 2,000 square feet in area.
- (C) Access. Manufactured home park accesses must be located on public streets improved to a minimum width of 36 feet and which are improved to a point intersecting a collector or arterial street.
- (D) Permitted Uses. Manufactured home parks may contain manufactured homes and accessory structures permitted in this chapter, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.
- (E) Minimum Site Requirements.
  - (1) Park Streets. The minimum surfaced width of the roadway within an access way must be 24 feet if there is no parking allowed and 30 feet if parking is allowed on both sides. The first 50 feet of the access way measured from the public street must be surfaced to a minimum width of 30 feet and must be connected to the existing public street according to plans approved by the City.
  - (2) Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities must conform to adopted State standards for such or must conform to the City's Standards and Specifications manual, whichever is more restrictive.

#### 4.7.460 Residential Care Homes and Facilities

Residential care homes and facilities must comply with the following standards:

- (A) Licensing. All residential care homes and facilities must be duly licensed by the State of Oregon.
- (B) Site Plan Review. Site Plan Review is required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this code. Residential care homes are exempt from this requirement.

#### **4.7.465 Bed and Breakfast Inns**

Bed and breakfast inns are permitted in all Residential Districts within a structure used as a residence and must comply with the following standards.

- (A) **Maximum Size.** The bed and breakfast structure is limited to a maximum of four bedrooms for guests and a maximum of eight guests per night.
- (B) **Employees.** The bed and breakfast facility may have up to one full time equivalent nonresident employee for the facility.
- (C) **Food Service.** Food services may be provided only to overnight guests of the bed and breakfast inn.
- (D) **Owner- or Operator-Occupied.** The bed and breakfast inn must be owner- or operator-occupied and must maintain the exterior physical characteristics of a single-family dwelling. No separate structures must be allowed (except for customary residential accessory buildings such as sheds, or detached garages).
- (E) **Location.** There must be at least 400 feet of separation along the same street between inns.
- (F) **Signs.** Signs must meet the standards of **SDC Chapter 9.50, Signs.**
- (G) **Monitoring.** All bed and breakfast inns must register with the City of Bend for Transient Room Tax and must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

#### **4.7.470 Accessory Uses and Structures**

Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see subsection (B) of this section. Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

- (A) **Primary Use Required.** An accessory structure or use may only be permitted on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the zoning district.
- (B) **Restrictions.**

- (1) A half bathroom and/or a wet bar may not be installed within an accessory structure unless the property owner signs a City of Bend compliance form stating that the structure will not be used as a dwelling unit.
  - (2) A kitchen is not allowed.
  - (3) A full bathroom is not allowed.
- (C) Floor Area. The maximum floor area of an accessory structure in a Residential Zoning District must not exceed 1,500 square feet.
- (D) Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.
- (1) Exemptions to FAR.
    - (a) Accessory structures less than 10 feet in height and 200 square feet in area.
- (E) Building Height. The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:
- (1) The accessory structure must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
  - (2) The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.

#### **4.7.475 Home Business**

The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. More than one home business may be operated on site provided the home businesses comply with the following standards cumulatively. There are three classes of home businesses.

- (A) General Operational Standards. All home businesses must meet the following operational standards:

- (1) The home businesses must be owned and/or operated by a resident of the home business site.
  - (2) The primary use of the dwelling unit must remain residential.
  - (3) The home business, except for outdoor storage, must be conducted wholly within lawfully built, enclosed structures and in such a manner as not to give an outward appearance of a business. For outdoor storage, see subsection (N)(1)(d) of this section.
  - (4) Outdoor storage, including but not limited to inventory, supplies, or equipment, must be completely screened behind a sight-obscuring wall or fence or within an enclosed structure so that the products, equipment or materials are not visible from the public right-of-way or abutting properties or common areas.
  - (5) The home business must not result in any alterations or additions to a structure that will change its primary use or Building Code occupancy classification.
  - (6) A maximum of two personal motor vehicles and/or trailers owned or leased by the residents and used in conjunction with a home business may be parked outdoors. Any additional motor vehicles and/or trailers utilized for a home business must be parked inside a lawfully built, enclosed structure. The motor vehicles must not exceed 14,000 pounds GVW. No commercial motor vehicle as defined in ORS 801.208 is permitted as part of a home business.
  - (7) One nonilluminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet is permitted. No other building or freestanding signs as exempted in BC 9.50.050 are permitted.
  - (8) The home business must not involve any use prohibited under subsection (N)(6) of this section.
  - (9) The home business must not produce radio or TV interference, glare, dust, vibration, smoke or odor beyond allowable levels as determined by local, State or Federal standards or that can be detected beyond the property line.
  - (10) The home business must comply with the daytime and nighttime noise levels set by the BC 5.50.020, as measured at the property line.
- (B)** Class A Home Business. A Class A home business is one where the residents use their home as a place of work and no nonresident employees nor clients/customers

come to the site. Class A home businesses also provide an opportunity for the residents to use their home as a business address but not as a place of work, for professions where the work is performed online or done at other locations.

**(1)** Review Procedure. Class A home businesses are considered permitted accessory uses. No land use approval is required.

**(2)** A Class A home business is intended to have no or negligible impact to the existing neighborhood and must meet the general standards of subsection (N)(1) of this section and the following standards:

**(a)** Only the residents of the dwelling unit participate in the home business on site.

**(b)** No nonresident employees nor clients/customers come to the home business site.

**(c)** There are no restrictions on business hours.

**(d)** There is no outward indication of business activity.

**(e)** No more than 25 percent of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.

**(C)** Class B Home Business. A Class B home business is one where the residents use their home as a place of work and involves a limited number of nonresident employees and/or clients or customers coming to the site.

**(1)** Review Procedure. A Class B home business is subject to the Type I procedures outlined in BDC Chapter 4.1, Development Review and Procedures.

**(2)** A Class B home business is intended to have minimal impact to the existing neighborhood and must meet the general standards of subsection (N)(1) of this section and the following standards:

**(a)** Only the residents of the home and one nonresident employee can participate in the home business. Off-site employees are permitted.

**(b)** Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.

**(c)** The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with SDC 3.3.300. Tandem parking is permitted.

**(d)** No more than 25 percent of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.

- (e) A Class B home business is not permitted on a site with a Type II short-term rental.
- (D) Class C Home Business. A Class C home business is one where the residents use their home as a place of work and the scope of the business activities exceeds the standards for a Class B home business.
  - (1) Review Procedure. A Class C home business is subject to the Type II procedures outlined in BDC Chapter 4.1, Development Review and Procedures.
  - (2) A Class C home business is intended to have minimal impact to the existing neighborhood and must meet the general operational standards of subsection (N)(1) of this section and the following standards:
    - (a) Only the residents of the home and up to three nonresident employees can participate in the home business. Off-site employees are permitted.
    - (b) Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
    - (c) The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.
    - (d) A Class C home business is not permitted on a site with a Type II short-term rental.
- (E) Exemptions. Garage, yard, or estate sales not to exceed three consecutive days three times per calendar year.
- (F) Prohibited Uses. The following uses are prohibited as home businesses:
  - (1) Any business utilizing the residence as a headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
  - (2) On-site retail sales, except that the sale of items that are incidental to a permitted Class B or C home business are allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by art or craft instructors, computer software by computer consultants, and similar incidental items for sale by a home business are allowed.
  - (3) Ambulance service.
  - (4) Animal hospital, veterinary services, kennels or daytime or overnight animal boarding.

(5) Any business involving repair, reconditioning, after-market modification or customization, sales or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on site.

(6) Marijuana businesses.

(G) Enforcement. The Planning Director or designee may visit and inspect the site of a home business in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations will be processed in accordance with **SDC Chapter 1.3, Enforcement**.

#### **4.7.480 Temporary Housing**

(A) Supervision. On-site supervision must be provided at all times. At least one competent adult must be present for every 25 persons utilizing the facility.

(B) Loitering. There must be no loitering at the facility location.

(C) Outdoor Activities. All functions associated with a temporary housing use, except for children's play areas, outdoor recreation areas, parking and outdoor waiting must take place within the building proposed to house the temporary housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way and must be large enough to accommodate the expected number of clients. Waiting must not take place beyond one hour before the facility opens or more than one hour after it has closed.

(D) Development Standards. The development standards for the base zone and any overlay zone must apply to temporary housing uses, unless superseded by standards in this section.

(E) Parking. The parking space requirements for temporary housing uses must be one space per 500 square feet of gross floor area.

(F) Signs. Signs must comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, BC Chapter 9.50, Signs, and Design Review provisions in this code.

(G) Separation. Any proposed temporary housing facility must be located at least 1,000 feet from any other temporary housing facility.

(H) Compliance. Any temporary housing facility must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.

**4.7.485 Place of worship.**

A place for people to gather for religious activity. Examples include: church, synagogue, mosque, chapel, or meeting house. Includes the following associated uses: (ORS 227.500)

- (A) Worship services;
- (B) Religion classes;
- (C) Weddings;
- (D) Funerals;
- (E) Meal programs;
- (F) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education;
- (G) Providing housing or space for housing in a building or buildings that are detached from the place of worship provided:
  - (1) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
  - (2) The real property is in an area zone for residential use that is located within the urban growth boundary;
  - (3) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone; and
  - (4) The housing or space for housing must be subject to a covenant appurtenant that restricts the owner and each successive owner of a building or any residential unit contained in a building from selling or renting any residential unit that is required to be affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

## Section 6.1.100 – Definitions

### Subsections:

6.1.105 Meaning of Common Words

6.1.110 Meaning of Specific Words and Terms

#### 6.1.105 Meaning of Common Words

- (A) All words
- (B) The word “shall” directly and clearly imposes a duty upon someone or something; the subject of the sentence is obligated to do something. The term means “is required to” or “has a duty to”. This term is mandatory.
- (C) The word “must” is mandatory.
- (D) The word “may” is permissive.
- (E)

#### 6.1.110 Meaning of Specific Words and Terms

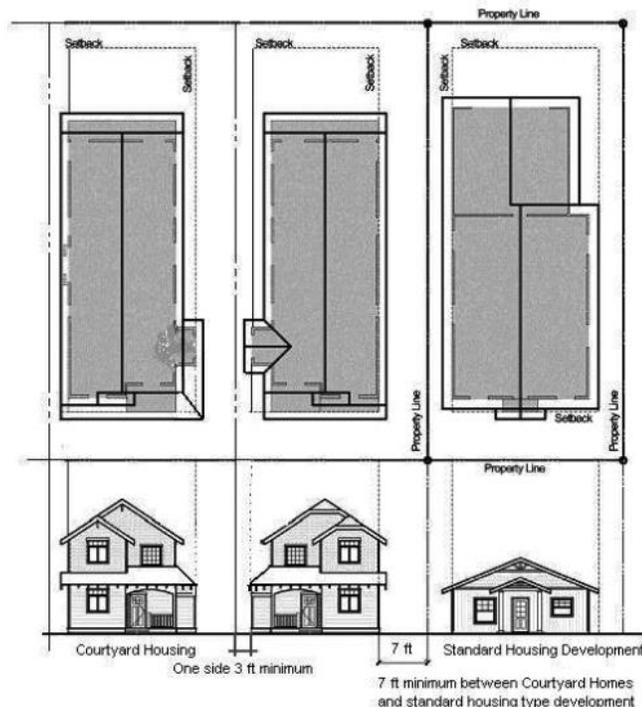
- (A) **Abutting (or Abut).** Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures eight feet or more in a single direction. ~~To share a common lot/parcel/property line or zoning district boundary that may or may not be separated by a street or alley.~~
- (B) **Accessory Dwelling Units (ADU’s)**
- (C) **Accessory Structure.** ~~Refer back to existing code def. or duplicate here?~~
- (D) **Adjacent.** Abutting or located directly across a ~~street~~-right-of-way.
- (E) **Club.** An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. ~~new def.~~
- (F) **Cottage.** A detached single-family dwelling in a cottage housing development. See [SDC 4.5.500](#), Cottage Housing Development. ~~new def.~~
- (G) **Cottage Cluster.** A cottage cluster relates to the configuration of cottages in which there is a grouping of ~~four~~ ~~[three]~~ to 12 cottage dwellings arranged on a development site around or adjacent to ~~[common]usable~~-open space. A cottage housing development may contain more than one cluster. See [SDC 4.5.500](#), Cottage Housing Development. [existing def. of Dwelling, Cottage Cluster]
- (H) **Cottage Cluster Housing.** A type of site development or subdivision ~~where individual lots are created, both~~ built in conjunction with shared ~~[common]~~ open space ~~and other common tracts~~ of land that are intended to serve small-scale

**Comment [MR1]:** How does the definition of Cottage Cluster work in conjunction with the def. for Cottage Housing Development? Are both def's needed?

**Comment [MR2]:** Three??? See Cottage Housing Development standards.

single-family dwellings that interact together as a small community. See [SDC 4.5.500](#), Cottage Cluster Housing.

- (I) **Courtyard.** An open, unoccupied space other than a required exterior yard, ~~court or enclosure adjacent to a building~~, which usually provides amenities such as gardens, planters, seating, or art.
- (J) **Courtyard housing.** Detached “zero lot line” dwellings on individual lots subject to the same standards as single-family detached dwellings, except that a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing allows development on smaller (i.e., narrower) lots and provides usable outdoor living area in side-oriented courtyards. See [SDC 3.6.200\(A\)](#), Courtyard Housing.



- (K) **Density, net.** The number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.
- (L) **Density, gross.** The number of dwelling units for each acre of land including, but not limited to, areas devoted to streets, parks, sidewalks, and other public facilities.
- (M) **Duplex.** Two dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached.

- (N) **Dwelling Unit.** A single unit providing complete independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation. [existing def.]
- (O) **Floor area ratio (FAR).** A measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the external face of the external walls by the land area of the development.
- (P) **Fourplex.** Four dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached.
- (Q) **Front Façade.** The façade with the main entry door and front porch or recessed entry.
- (R) **Gross Density.** See “Density, gross”.
- (S) **Infill.** The development of vacant, bypassed lands located in an area that is mainly developed.
- (T) **Infill, residential:**
  - (1) The development of up to four dwellings on land that is designated for residential use where at least 75 percent of the abutting properties have a structure, but not counting any abutting property that is large enough that it can be divided into five or more lots, or is currently developed with multifamily residential.
  - (2) A situation in which a single-family dwelling is removed to make way for up to four new dwellings (e.g., a single-family dwelling, duplex, triplex, or fourplex).
  - (3) “Residential infill” does not apply to land that is large enough that it can be divided into five or more lots consistent with the minimum lot size of the zoning district.
- (U) **Middle Housing (Should we define?). Duplexes, triplexes, fourplexes, cottage cluster housing, and townhomes.**
- (V) **Multi-Unit Housing [Residential].** Housing that provides five [four] or more dwelling units on an individual lot or parcel, except for Cottage Cluster housing, and not including Accessory Dwelling Units (ADU’s).
- (W) **Net Density.** See “Density, net”.
- (X) **Place of worship.** A place for people to gather for religious activity. Examples include: church, synagogue, mosque, chapel, or meeting house. Includes associated uses as described in SDC 3.2.410.
- (Y) **Residential infill.** See “Infill, residential”.
- (Z) **Single Room Occupancy (SRO’s).** [existing SDC definition] A building that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not have separate or shared cooking facilities for the residents. For the purposes of determining residential density, 4 SRO rooms equal 1 dwelling, Fractional dwellings will be rounded to the next higher number, e.g., 5 SRO rooms equal 2 dwellings. SROs

**Comment [MR3]:** This would impact what development is subject to design standards.

**Comment [MR4]:** See ORS 227.500

~~include, but are not limited to, residential hotels and rooming houses can be located in any residential building [occupancy] including single family homes, multiplexes, multi-unit housing, etc.~~

**(AA) Townhome (Townhouses).** A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

**(BB) Triplex.** Three dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached.

**(CC)**