

T.S.C

Memo Date: October 29, 2007

First Reading Date: November 21, 2007

Second Reading/Public Hearing Date: December 5, 2007

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Planner
AGENDA ITEM TITLE: ORDINANCE NO. 16-07 / IN THE MATTER OF AMENDING LANE CODE CHAPTER 10 TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (Applicant: City of Springfield)

I. MOTION:

For November 21, 2007: I move approval of the first reading and setting the second reading and public hearing on Ordinance No. 16-07 for December 5, 2007 at 1:30 p.m.

For December 5, 2007: I move approval of Ordinance No. 16-07.

II. ISSUE/PROBLEM:

The Board is being asked to amend Lane Code Chapter 10 to adopt an updated and reformatted Springfield Development Code (SDC) for application within the Springfield Urban Growth Boundary of the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*).

III. DISCUSSION

A. Background

The Springfield Development Code (SDC) was adopted by the City in May, 1986. In the nearly 21 years since its adoption, the City has made piecemeal amendments to the SDC to implement both state and local planning mandates and local planning priorities. Over time, these SDC amendments have resulted in a document that had become cumbersome and difficult to understand for both staff and potential developers. In order to address these issues, the City hired a consultant in early 2005 and proceeded with an editing and reformatting study in order to make the SDC more contemporary and user-friendly. The Springfield City Council adopted the updated SDC by Ordinance after an extensive public involvement process on September 17, 2007.

B. Policy Issues

The delivery of effective and efficient urban services by the cities within the urbanizable area of the *Metro Plan* is supported by the coordination agreement between the County and the metro cities. The applicable Comprehensive Plan policies are found in the *Metro Plan*, and are elaborated in the Findings, Attachment B to this Ordinance. Approval of this Ordinance adopting an amendment to LC Chapter 10 will ensure consistency for the updated land use regulations guiding development in the Springfield urbanizable area.

The proposed amended and reformatted SDC does not include any policy changes, such as additions to use lists or new development standards.

Notice and Referral

Notice of Board co-adoption was mailed to DLCDD on October 19, 2007. A legal ad was published in the Register Guard, a newspaper of general circulation, on November 28, 2007. As the City and consultant developed the updates, they established a technical advisory committee to review and comment on the document, and they conducted an extensive public review process including two public hearings prior to the city adopting the more contemporary and user-friendly SDC and forwarding it to the Board for co-adoption.

C. Board Goals

Adoption of this ordinance after conducting a public hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.

D. Financial and/or Resource Considerations

No direct financial or resource considerations apply to co adoption of the development code by Lane County. Co-adoption of a consistent development code for the entire Springfield urbanizable area does eliminate duplication and greatly enhances the efficiency of development permit processing, leading to higher levels of customer satisfaction and more efficient provision of government services.

E. Analysis

The proposed amended and reformatted SDC is generally based on a layout used for the *Model Development Code for Small Cities* and converts the current 44 articles into 6 chapters:

Chapter 1, Introduction, explains the relationship of the SDC to the State-wide Planning Goals and the Metro Plan;

Chapter 2, General Provisions, contains the SDC's purpose and applicability, enforcement regulations and a discussion of application fees;

Chapter 3, Land Use Districts, discusses the City's Official Zoning Map and lists all Base Zoning Districts, Overlay Districts and Plan Districts and base development standards;

Chapter 4, Development Standards, contains both development standards not listed in Chapter 3 and specific development standards for certain uses;

Chapter 5, Land Use Applications, discusses the development review, the public hearing and appeals processes, and lists the procedures for land use, limited land use and other required applications;

Chapter 6, Definitions, contains definitions for terms used throughout the Code.

The proposed amended and reformatted SDC also places current text describing various standards into tables, combines Subdivision and Partition regulations into one Section and reduces redundant language, for example, "consistency with the *Metro*

Plan” is placed in one location and deleted from each individual zoning district description. The proposed amended and reformatted SDC does not include any “policy” changes, such as additions to use lists or new development standards.

Criteria: Lane Code 10.315-20

Zonings, rezonings, and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the one District classification proposed, applicable Comprehensive Plan elements and components, and Statewide Planning Goals...

The applicable Comprehensive Plan for the SDC Amendments is the *Metro Plan*. Having the development regulations apply to the urbanizable areas of Springfield provides consistency and clear guidelines for development as land uses transition from rural to urban uses in the Metro Home City of Springfield. Lane Code 10.600-10 adopts these implementing regulations for application by Springfield on urbanizable lands, which is consistent with the Metro Plan and is not contrary to the public interest. The Ordinance Exhibit ‘B’ includes findings of compliance with applicable Metro Plan policies.

IV. ACTION:

A. Alternatives/Options

- Option 1. Approve the Ordinance as presented.
- Option 2. Revise the Ordinance as directed by the Board and return for a third reading and approval of a revised Order on a date certain set by the Board.
- Option 3. Do not approve the Ordinance and deny the application. Direct staff to write findings to support the denial and return on a date certain for a third reading and action.

B. Recommendation

Staff recommends Option 1.

Under Ordinance No. 16-86, Order No. 85-3-13-1, Article IV, Section 3., the legislative land use authority for the urbanizable portion of the Springfield UGB is exercised by the Springfield Planning Commission. Therefore, the City has submitted this application directly to the Board of Commissioners for co-adoption, with a positive recommendation from the Springfield Planning Commission and the Springfield City Council.

C. Timing/Implementation

Application of the amended SDC in the urbanizable area of Springfield is dependent on adoption by the Board. If not adopted, the old SDC would remain in effect, and two different codes could be confusing and inefficient. There are no policy changes in this amendment, implementation will commence upon adoption.

V. FOLLOW-UP:

Notice of Board action will be provided to the city of Springfield, DLCD, and all interested parties notified throughout the project. Adoption of the SDC Amendment (Option 1) will provide consistency of development regulations for properties on the land that lies outside the Springfield City Limits and within the Springfield Urban Growth Boundary, under County/City *Metro Plan* coordination agreements.

Should the Board choose Option 2 or Option 3, an Order with findings setting forth the Board's amendments for adoption, or reasons for denial would be prepared and returned to the Board for a third reading and adoption on a date certain set after the hearing.

VI. ATTACHMENTS:

1. Ordinance No. 16-07

Exhibit A: City Ordinance No. 6206 with adopted Springfield Development Code Lane Code 10.600-15

Exhibit B: Findings

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 16-07

IN THE MATTER OF AMENDING CHAPTER 10 OF LANE CODE TO ADOPT AMENDMENTS TO THE SPRINGFIELD DEVELOPMENT REGULATIONS FOR APPLICATION TO URBANIZABLE LANDS WITHIN THE SPRINGFIELD URBAN GROWTH AREA (LC 10.600-15) AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES

WHEREAS, on November 24, 1986 the Lane County Board of Commissioners enacted Ordinance No. 16-86 to adopt the City of Springfield land use regulation for application to urbanizable lands within the Springfield Urban Growth Boundary in accordance with an urban transition agreement with the City of Springfield; and

WHEREAS, that urban transition agreement provides for joint development and adoption of land use regulations applicable to urbanizable lands within the Springfield Urban Growth Boundary; and

WHEREAS, the Springfield Planning Commission held a public hearing and after further deliberation, recommended approval of the amendments of the Springfield Development Code; and

WHEREAS, the Springfield City Council held hearings and adopted the amendments to the Springfield Development Code and has requested adoption of the proposed changes by the Lane county Board of Commissioners for application to the urbanizable lands within the Springfield Urban Growth Area; and

WHEREAS, the Board of County Commissioners has conducted a public hearing, reviewed the record, and is ready to take action.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDAINS** as follows:

Section 1. The provisions of the Springfield Development Code, as adopted by Lane county Ordinance No. 16-86 and amended by Lane County Ordinance Nos. 5-89, 18-90-, 9-91, 13-91, 14-2, 5-93, 13-94, 3-97, 7-99, 10-00, 13-04, 2-05 and 12-06 are hereby further amended to include the amendments and reformatting as specified in the attached Exhibit "A," (Ordinance No. 6206) incorporated by this reference. These amendments are adopted and incorporated herein by this reference for application on the urbanizable lands within the Springfield Urban Growth Area and shall not be codified into Lane Code.

Section 2. Chapter 10 of Lane Code is hereby amended by removing and inserting the following sections:

REMOVE THIS SECTION

10.600-15
as located on page 10-814
(a total of 1 page)

INSERT THIS SECTION

10.600-15
as located on page 10-814
(a total of 1 page)

Said section is attached hereto and incorporated herein by this reference. The purpose of this substitution and addition is to amend Lane Code Chapter 10 to include specific reference to this Board of County Commissioners action adopting amendments to the City of Springfield land use regulations to

be applied by the City of Springfield on urbanizable lands within the Springfield Urban Growth Area.

Section 3. Ordinances and regulations amended by this Ordinance shall remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance or regulation prior to the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions hereof.

While not part of this Ordinance, the findings attached as Exhibit "B" and incorporated here by this reference are adopted in support of this decision.

ENACTED this _____ day of _____, 2007.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11-13-2007, Lane County



OFFICE OF LEGAL COUNSEL

ORDINANCE NO. 6206 (General)

AN ORDINANCE AMENDING AND REFORMATTING THE SPRINGFIELD DEVELOPMENT CODE, ADOPTING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, the Springfield Development Code (SDC) was adopted by the Springfield City Council on May 5, 1986, and amendments thereto were subsequently adopted by Ordinance; and

WHEREAS, in the 21 years since the adoption of the SDC, the City has made numerous minor amendments to the SDC to implement both State and local planning mandates and local planning priorities; and

WHEREAS, over time, these SDC amendments have resulted in a document that has become cumbersome and difficult to understand for both staff and potential developers; and

WHEREAS, in order to address these issues, the City contracted with Eaton Planning Services to perform an audit of the SDC in early 2005 funded by the Oregon Department of Land Conservation and Development (DLCD) with a Technical Assistance Grant; and

WHEREAS, the results of the audit were reviewed by the Planning Commission and City Council in Spring 2005 and staff was authorized to proceed with the SDC Edit and Reformat Project in order to make the SDC more contemporary and user-friendly; and

WHEREAS, the proposed amended and reformatted SDC is generally based on a layout used for the "Model Development Code for Small Cities" and converts the current three Chapters and 44 Articles into 6 Chapters; and

WHEREAS, the proposed amended and reformatted SDC does not include any "policy" changes; and

WHEREAS, the proposed amended and reformatted SDC does not create new land use regulations that may give rise to Ballot Measure 37 claims, or claims under proposed Ballot Measure 49; and

WHEREAS, Article 7 of the current SDC sets forth procedures for the amendment of this document; and

WHEREAS, on June 5, 2007, the Springfield Planning Commission held a work session and conducted a public hearing on this SDC reformat and amendment application (Case Number LRP 2007-00015) voting 5 to 0, with 2 absent to recommend approval of the proposed Ordinance to the City Council based upon findings in support of adoption of these amendments to the SDC as set forth in the Staff Report and the Recommendation to the Council incorporated herein by reference; and

WHEREAS, on July 16, 2007, staff prepared and distributed a copy of the proposed amended and reformatted SDC for Council review and comment.

WHEREAS, on September 17, 2007, the Springfield Common Council held a work session and conducted a public hearing and is now ready to take action on this application based upon findings in support of adoption of these amendments to the SDC as set forth in the aforementioned Staff Report to the Council incorporated herein by reference and the evidence and testimony already in the record as well as the evidence and testimony presented at this public hearing held in the matter of adopting this Ordinance amending the SDC.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1: The most-recent version of the Springfield Development Code, including: the Title Page; Table of Contents; Chapter I Procedures, including Articles 1-15, Chapter II Zoning and Overlay Districts, including Articles 16-30; Chapter III Development Standards, including Articles 31-44; and the Appendix 1-3 are hereby amended and reformatted as follows: the Title Page is revised; Table of Contents which complies with the new format; Chapter 1, Introduction, which explains the relationship of the SDC to the State-wide Planning Goals and the Metro Plan; Chapter 2, General Provisions, which contains the SDC's purpose and applicability, enforcement regulations and a discussion of application fees; Chapter 3, Land Use Districts, which discusses the City's Official Zoning Map and lists all Base Zoning Districts, Overlay Districts and Plan Districts and base development standards; Chapter 4, Development Standards, which contains both development standards not listed in Chapter 3 and specific development standards for certain uses; Chapter 5, Land Use Applications, which discusses the development review, the public hearing and appeals processes, and lists the procedures for land use, limited land use and other required applications; and Chapter 6, Definitions, which contains definitions for terms used throughout the Code.

Section 2: The amended and reformatted Springfield Development Code, a true copy of which is attached hereto and incorporated herein by reference, is hereby adopted.

Section 3: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4: Construction/Interpretation. In amending and re-formatting the Springfield Development Code it is not the intent of the City of Springfield to create new land use regulations which may give rise to "Ballot Measure 37" claims or similar claims. In the event that a land use regulation re-formatted as described herein as a result of the reformatting is capable of two interpretations, one which may give rise to a claim for compensation pursuant to Ballot Measure 37, or proposed Ballot Measure 49, or other similar claims, and one which does not, the land use regulation should be interpreted in a way which does not give rise to the Ballot Measure 37, or proposed Ballot Measure 49 claim.


Section 5: Declaration of Emergency. It is hereby found and declared that matters pertaining to this amendment of the Springfield Development Code regarding the reformat affect the public health, safety and welfare of the City of Springfield and that this Ordinance shall, therefore, take effect immediately upon its passage by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield by a vote of 6 for and 0 against, this 17th day of September, 2007.

APPROVED by the Mayor of the City of Springfield, this 17th day of September, 2007.

ATTEST:

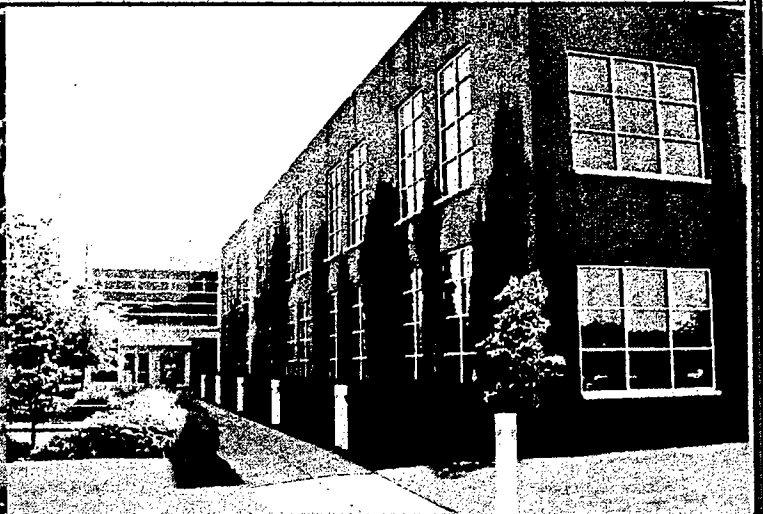
Amy Sowa
City Recorder



Mayor

REVIEWED & APPROVED
AS TO FORM
Jeremy J. Heath
DATE: 9/10/07
OFFICE OF CITY ATTORNEY

Springfield Development Code



Development Services Department
225 Fifth Street
Springfield, OR 97477



TABLE OF CONTENTS

CHAPTER 1 INTRODUCTION

1.1-100	SYNOPSIS
1.2-100	LEGAL FRAMEWORK
1.2-105	Statewide Planning Goals and the Metro Plan
1.2-110	Oregon's Land Use Planning Program – Comprehensive Plans
1.2-115	Oregon's Land Use Planning Program – Local Implementation Regulations
1.2-120	Local Implementation Regulations – Springfield Development Code Application Review Procedures
1.2-125	Local Implementation Regulations – Roles of the Planning Commission and City Council

CHAPTER 2 GENERAL PROVISIONS

2.1-100	GENERAL PROVISIONS
2.1-105	Title
2.1-110	Purpose
2.1-115	Applicability
2.1-120	Enforcement
2.1-125	Violation and Penalties
2.1-130	Severability
2.1-135	Fees

CHAPTER 3 LAND USE DISTRICTS

3.1-100	OFFICIAL ZONING MAPS
3.1-105	Official Zoning Maps – Description
3.1-110	Zoning Map Amendments
3.1-115	Determination of Zoning District Boundaries
3.1-120	Zoning Verification
3.2-100	BASE ZONING DISTRICTS
3.2-200	RESIDENTIAL ZONING DISTRICTS
3.2-205	Establishment of Residential Zoning Districts
3.2-210	Schedule of Use Categories
3.2-215	Base Zone Development Standards
3.2-220	Additional Panhandle Lot/Parcel Development Standards
3.2-225	Base Solar Standards
3.2-230	Cluster Subdivisions
3.2-235	Residential Manufactured Dwellings
3.2-240	Multi-Unit Design Standards
3.2-245	Multi-Unit Alternative Design Discretionary Criteria
3.2-250	Multi-Unit Design Standard Variances
3.2-300	COMMERCIAL ZONING DISTRICTS

3.2-305	Establishment of Commercial Zoning Districts
3.2-310	Schedule of Use Categories
3.2-315	Base Zone Development Standards
3.2-400	INDUSTRIAL ZONING DISTRICTS
3.2-405	Establishment of Industrial Zoning Districts
3.2-410	Schedule of LMI, HI and-SHI Use Categories
3.2-415	Schedule of CI Use Categories
3.2-420	Base Zone Development Standards
3.2-425	CI District – Operational Performance Standards
3.2-430	CI District – Monitoring Uses
3.2-435	CI District – Status of Existing Uses
3.2-440	CI District – Conceptual Development Plans and Master Plans
3.2-445	CI District – Design Standards
3.2-450	Business/Industrial Parks
3.2-500	MEDICAL SERVICES ZONING DISTRICT
3.2-505	Establishment of the Medical Services District
3.2-510	Schedule of Use Categories
3.2-515	Base Zone Development Standards
3.2-600	MIXED USE ZONING DISTRICTS
3.2-605	Establishment of Mixed-Use Zoning Districts
3.2-610	Schedule of Use Categories
3.2-615	Base Zone Development Standards
3.2-620	Mixed Use Development Standards – Conflicts and Exemptions
3.2-625	Mixed Use Development Standards – General
3.2-630	Mixed Use Development Standards – Specific
3.2-635	Phased Development
3.2-700	PUBLIC LAND AND OPEN SPACE ZONING DISTRICT
3.2-705	Establishment of the Public Land and Open Space District
3.2-710	Schedule of Use Categories
3.2-715	Base Zone Development Standards
3.2-800	QUARRY AND MINING OPERATIONS ZONING DISTRICT
3.2-805	Establishment of the Quarry and Mine Operations Zoning District
3.2-810	Review
3.2-815	Schedule of Use Categories
3.2-820	Permits for Quarry and Mine Extraction
3.2-825	Operation and Reclamation Standards
3.2-830	Blasting Standards
3.3-100	OVERLAY DISTRICTS
3.3-200	DRINKING WATER PROTECTION OVERLAY DISTRICT
3.3-205	Purpose
3.3-210	Applicability
3.3-215	Warning and Disclaimer of Liability
3.3-220	Time of Travel Zones
3.3-225	Review
3.3-230	Exemptions
3.3-235	Standards for Hazardous Materials within Time of Travel Zones
3.3-240	Conditions
3.3-245	Appeals
3.3-300	WILLAMETTE GREENWAY OVERLAY DISTRICT
3.3-305	Purpose
3.3-310	Applicability

3.3-315	Review
3.3-320	Permitted and Discretionary Uses
3.3-325	Greenway Setback
3.3-330	Development Standards
3.3-400	FLOODPLAIN OVERLAY DISTRICT
3.3-405	Purpose
3.3-410	Applicability
3.3-415	Review
3.3-420	Development Standards
3.3-425	Emergency Approval
3.3-430	Variance Procedures
3.3-435	Post-Flood Substantial Damage Procedures
3.3-440	Periodic Floodplain Inspections and Enforcement Actions
3.3-445	Land and Drainage Alteration Permits – Enforcement of Requirements and Penalties
3.3-500	HILLSIDE DEVELOPMENT OVERLAY DISTRICT
3.3-505	Purpose
3.3-510	Applicability
3.3-515	Review
3.3-520	Development Density Options
3.3-525	Street Grade Standards
3.3-530	Reports Required
3.3-535	Modification of Standards
3.3-540	Fire Protection Requirements
3.3-600	RESERVED FOR FUTURE USE
3.3-700	RESERVED FOR FUTURE USE
3.3-800	URBANIZABLE FRINGE OVERLAY DISTRICT
3.3-805	Purpose
3.3-810	Applicability
3.3-815	Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District
3.3-820	Review
3.3-825	Additional Provisions
3.3-900	HISTORIC OVERLAY DISTRICT
3.3-905	Purpose
3.3-910	Applicability
3.3-915	Review
3.3-920	Establishment of the Historic Landmark Inventory
3.3-925	Removal of Individual Historic Landmark Sites and Structures from the Historic Landmark Inventory
3.3-930	Establishment and Modification of Historic Landmark Districts
3.3-935	Schedule of Use Categories
3.3-940	Development Standards
3.3-945	Major and Minor Alteration Standards
3.3-950	Demolition Standards
3.3-1000	NODAL DEVELOPMENT OVERLAY DISTRICT
3.3-1005	Purpose, Applicability and Review
3.3-1010	Permitted Uses and Prohibited Uses
3.3-1015	Location Standards
3.3-1020	Minimum Density and General Development Standards
3.3-1025	Specific Design Standards

- 3.3-1100 HOSPITAL SUPPORT OVERLAY DISTRICT**
- 3.3-1105 Purpose
- 3.3-1110 Applicability
- 3.3-1115 Review
- 3.3-1120 Permitted or Discretionary Uses
- 3.3-1125 Hospital Support Overlay Design Standards
- 3.4-100 PLAN DISTRICTS**
- 3.4-200 GLENWOOD RIVERFRONT PLAN DISTRICT**
- 3.4-205 Purpose
- 3.4-210 Applicability
- 3.4-215 Review
- 3.4-220 New Master Plan and Master Plan Modifications Criteria of Approval
- 3.4-225 New Master Plan or Master Plan Modifications Conditions of Approval
- 3.4-230 Schedule Of Use Categories
- 3.4-235 Prohibited Uses
- 3.4-240 Base Zone Development Standards, Off-Street Parking, and Fence Standards
- 3.4-245 Specific Development Standards
- 3.4-250 Minimum Density and General Development Standards
- 3.4-255 Standards Specific to Residential Development
- 3.4-260 Special Standards for Development Fronting the Willamette River
- 3.4-265 Street, Sidewalk, and Alley Standards
- 3.4-270 Drainage System Standards
- 3.4-300 BOOTH-KELLY MIXED USE PLAN DISTRICT**
- 3.4-305 Establishment of the Booth-Kelly Mixed Use (BKMU) District
- 3.4-310 Development Area Plan and Design Standards
- 3.4-315 Conceptual Development Plan
- 3.4-320 Schedule of Use Categories
- 3.4-325 Base Zone Development Standards
- 3.5-100 REFINEMENT PLAN POLICIES (Reserved for Future Use)**

CHAPTER 4 DEVELOPMENT STANDARDS

- 4.1-100 INFRASTRUCTURE STANDARDS – REFERENCE DOCUMENTS**
- 4.1-105 Purpose
- 4.1-110 Applicable Documents
- 4.2-100 INFRASTRUCTURE STANDARDS - TRANSPORTATION**
- 4.2-105 Public Streets
- 4.2-110 Private Streets
- 4.2-115 Block Length
- 4.2-120 Site Access and Driveways
- 4.2-125 Intersections
- 4.2-130 Vision Clearance
- 4.2-135 Sidewalks
- 4.2-140 Street Trees
- 4.2-145 Street Lighting
- 4.2-150 Bikeways
- 4.2-155 Pedestrian Trails
- 4.2-160 Accessways

4.3-100	INFRASTRUCTURE STANDARDS – UTILITIES
4.3-105	Sanitary Sewers
4.3-110	Stormwater Management
4.3-115	Water Quality Protection
4.3-120	Utility Provider Coordination
4.3-125	Underground Placement of Utilities
4.3-130	Water Service and Fire Protection
4.3-135	Major Electrical Power Transmission Lines
4.3-140	Public Easements
4.3-145	Wireless Telecommunications Systems Facilities
4.4-100	LANDSCAPING, SCREENING AND FENCE STANDARDS
4.4-105	Landscaping
4.4-110	Screening
4.4-115	Fences
4.5-100	ON-SITE LIGHTING STANDARDS
4.5-105	Purpose and Applicability
4.5-110	Illumination and Height
4.6-100	VEHICLE PARKING, LOADING AND BICYCLE PARKING STANDARDS
4.6-105	Vehicle Parking – Purpose and Applicability
4.6-110	Vehicle Parking – General
4.6-115	Vehicle Parking – Parking Lot Design
4.6-120	Vehicle Parking – Parking Lot Improvements
4.6-125	Vehicle Parking – Number of Spaces Required
4.6-130	Loading Areas – Purpose and Applicability
4.6-135	Loading Areas – Facility Design and Improvements
4.6-140	Bicycle Parking – Purpose and Applicability
4.6-145	Bicycle Parking – Facility Design
4.6-150	Bicycle Parking – Facility Improvements
4.6-155	Bicycle Parking – Number of Spaces Required
4.7-100	SPECIFIC DEVELOPMENT STANDARDS FOR CERTAIN USES
4.7-105	Accessory Structures
4.7-110	Animal Overnight Accommodations
4.7-115	Auto and Truck Sales, Service and Rentals
4.7-120	Bed and Breakfast Facilities
4.7-125	Child Care Facilities
4.7-130	Churches
4.7-135	Condominiums
4.7-140	Duplexes
4.7-145	Eating and Drinking Establishments
4.7-150	Garden Supply and Feed Stores
4.7-155	Group Care Facilities
4.7-160	High Impact Public Utility Facilities
4.7-165	Home Occupations
4.7-170	Manufactured Dwelling as a Permanent Office
4.7-175	Manufacturing as a Secondary Use
4.7-180	Mixed Use Districts
4.7-185	Night Watchman's Quarters
4.7-190	Professional Offices
4.7-195	Public/Private Elementary/Middle Schools
4.7-200	Public and Private Parks
4.7-203	Public Land and Open Space

- 4.7-205 Recreational Facilities
- 4.7-210 Residential Uses in Commercial Districts
- 4.7-215 Rooming and Boarding Houses
- 4.7-220 RV Park Standards
- 4.7-225 RVs as a Residential Use
- 4.7-230 Secondary Retail Uses
- 4.7-235 Small Scale Repair and Maintenance Services
- 4.7-240 Transportation Facilities
- 4.7-245 Warehouse Commercial Retail and Wholesale
- 4.7-250 Wellness Centers
- 4.8-100 TEMPORARY USE STANDARDS**
- 4.8-105 Manufactured Dwelling as a Temporary Residence after a Disaster
- 4.8-110 Manufactured Dwelling as a Construction Office
- 4.8-115 Manufactured Dwelling as a Sales Office on a Manufactured Dwelling Sales Lot
- 4.8-120 Manufactured Dwelling as a Temporary Office Prior to the Construction of a Permanent Office
- 4.8-125 Sales/Display of Produce Grown on the Property
- 4.8-130 Residential Dwelling as a Sales Office in a Subdivision

CHAPTER 5

THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS

- 5.1-100 THE DEVELOPMENT REVIEW PROCESS**
- 5.1-105 Description
- 5.1-110 Development Exemptions
- 5.1-115 The Development Review Committee
- 5.1-120 Pre-Development Meetings
- 5.1-125 Type I Applications (Ministerial)
- 5.1-130 Type II Applications (Administrative)
- 5.1-135 Type III Applications (Quasi-Judicial)
- 5.1-140 Type IV Procedure (Legislative)
- 5.1-145 Expedited Land Divisions

- 5.2-100 PUBLIC HEARINGS PROCESS**
- 5.2-105 Purpose
- 5.2-110 Hearing Body Jurisdiction
- 5.2-115 Notice
- 5.2-120 Rules of Conduct
- 5.2-125 Conflicts, Disclosure and Challenge for Bias
- 5.2-130 Duties of the Presiding Officer
- 5.2-135 Order of Procedure
- 5.2-140 Burden of Proof
- 5.2-145 Record of Proceedings, Evidence and Summary of Testimony
- 5.2-150 Amendment and Suspensions
- 5.2-155 Finality of Decision
- 5.3-100 APPEALS**
- 5.3-105 Purpose
- 5.3-110 Review
- 5.3-115 Appeals of the Director's or Hearings Official's Type II Decision

5.3-120	Appeals of the Planning Commission's Type III Decision
5.3-125	Appeals of the Hearings Official's and City Council's Final Action
5.4-100	DEVELOPMENT APPLICATIONS
5.4-105	Basic Application Submittal Requirements and Completeness Time Lines
5.5-100	ACCESSORY DWELLING UNIT
5.5-105	Purpose
5.5-110	Applicability
5.5-115	Review
5.5-120	Submittal Requirements
5.5-125	Development Standards
5.5-130	Design Standards
5.5-135	Prior Uses
5.5-140	Non-Conforming Uses
5.5-145	Prohibited Uses
5.6-100	REFINEMENT PLANS, PLAN DISTRICTS AND THE DEVELOPMENT CODE – ADOPTION OR AMENDMENT
5.6-105	Initiation
5.6-110	Review
5.6-115	Criteria
5.7-100	ANNEXATIONS
5.7-105	Purpose
5.7-110	Applicability
5.7-115	Review
5.7-120	Development Issues Meeting
5.7-125	Annexation Initiation and Application Submittal
5.7-130	Notice
5.7-135	Fiscal Impact and Annexation Agreement
5.7-140	Criteria
5.7-145	Submittal of the Council's Resolution to the LCLGBC
5.7-150	Zoning
5.7-155	Notification of Utilities
5.7-160	Withdrawal from Special Service Districts
5.8-100	NON-CONFORMING USES – DETERMINATION, CONTINUANCE, EXPANSION OR MODIFICATION
5.8-105	Purpose
5.8-110	Review
5.8-115	Determination of Non-Conforming Use Status
5.8-120	Continuance
5.8-125	Expansion or Modification
5.8-130	Abandonment
5.8-135	Lots of Record
5.8-140	Exemptions
5.8-145	Vested Rights – Completion of a Non-Conforming Building or Structure
5.8-150	Ballot Measure 37 Demands
5.9-100	DISCRETIONARY USES
5.9-105	Purpose
5.9-110	Siting of Schools
5.9-115	Review
5.9-120	Criteria
5.9-125	Conditions

- 5.10-100 EMERGENCY MEDICAL HARDSHIP**
- 5.10-105 Purpose
- 5.10-110 Applicability
- 5.10-115 Review
- 5.10-120 Submittal Requirements
- 5.10-125 Criteria
- 5.10-130 Conditions
- 5.10-135 Time Line Extensions
- 5.10-140 Compliance
- 5.11-100 INTERPRETATIONS**
- 5.11-105 Purpose
- 5.11-110 Authority
- 5.11-115 Review
- 5.11-120 Interpretation of New Uses
- 5.11-125 Interpretation of Terms or Phrases
- 5.11-130 Interpretations Reviewed Under Type III and Type IV Procedure
- 5.11-135 Effect of a Decision
- 5.12-100 LAND DIVISIONS- PARTITIONS AND SUBDIVISIONS**
- 5.12-105 Purpose and Applicability
- 5.12-110 Tentative Plan Review
- 5.12-115 Tentative Plan – General
- 5.12-120 Tentative Plan Submittal Requirements
- 5.12-125 Tentative Plan Criteria
- 5.12-130 Tentative Plan Conditions
- 5.12-135 Plat Review
- 5.12-140 Plat Submittal Requirements
- 5.12-145 Plat Criteria
- 5.12-150 Plat - Recording at Lane County and City Development Approval
- 5.12-155 Replat – General
- 5.12-160 Replat – Review
- 5.12-165 Replat – Application Processing
- 5.13-100 MASTER PLANS**
- 5.13-105 Purpose
- 5.13-110 Applicability
- 5.13-115 Review
- 5.13-120 Submittal Requirements
- 5.13-125 Criteria
- 5.13-130 Conditions
- 5.13-135 Modifications to the Master Plan and Schedule
- 5.13-140 Assurance to the Applicant
- 5.14-100 METRO PLAN AMENDMENTS**
- 5.14-105 Purpose
- 5.14-110 Review
- 5.14-115 Definitions
- 5.14-120 Initiation
- 5.14-125 Referral
- 5.14-130 Fee
- 5.14-135 Approval
- 5.14-140 Single Jurisdiction
- 5.14-145 Two Jurisdictions
- 5.14-150 Three Jurisdictions

5.14-155	General Provisions
5.15-100	MINIMUM DEVELOPMENT STANDARDS
5.15-105	Purpose
5.15-110	Applicability
5.15-115	Review
5.15-120	SDC Standards Applicable to MDS Approval
5.15-125	Timelines and Conditions
5.16-100	PROPERTY LINE ADJUSTMENTS
5.16-105	Purpose and Applicability
5.16-110	Special Situations
5.16-115	Review
5.16-120	Submittal Requirements
5.16-125	Criteria
5.16-130	Preliminary Approval
5.16-135	Conditions
5.16-140	Final Survey Submittal, Compliance with Conditions and Recordation of Documents
5.16-145	Expiration of Approval
5.17-100	SITE PLAN REVIEW
5.17-105	Purpose and Applicability
5.17-110	Review
5.17-115	Phased Development
5.17-120	Submittal Requirements
5.17-125	Criteria
5.17-130	Conditions
5.17-135	Final Site Plan/Final Site Plan Equivalent Map
5.17-140	Development Agreement
5.17-145	Modifications
5.17-150	Security and Assurances
5.17-155	Maintaining the Use
5.18-100	SOLAR ACCESS PROTECTION
5.18-105	Purpose
5.18-110	Review
5.18-115	Additional Requirements
5.18-120	Standards
5.18-125	Recordation
5.18-130	Effect and Enforcement
5.18-135	Termination
5.19-100	TREE FELLING STANDARDS
5.19-105	Purpose
5.19-110	Applicability
5.19-115	Review
5.19-120	Submittal Requirements
5.19-125	Criteria
5.19-130	Conditions
5.20-100	VACATION OF RIGHTS-OF-WAY AND EASEMENTS
5.20-105	Purpose
5.20-110	Applicability
5.20-115	Review
5.20-120	Submittal Requirements
5.20-125	Notice

5.20-130	Criteria
5.20-135	Conditions
5.21-100	VARIANCES
5.21-105	Purpose
5.21-110	Applicability
5.21-115	Prohibited Variances
5.21-120	Review
5.21-125	Minor Variances – Criteria
5.21-130	Major Variances – Criteria
5.21-135	Conditions
5.22-100	ZONING MAP AMENDMENTS
5.22-105	Purpose
5.22-110	Review
5.22-115	Criteria
5.22-120	Conditions
5.22-125	Mobile Home Park Notice

CHAPTER 6 DEFINITIONS

6.1-105	Meaning of Common Words
6.1-110	Meaning Of Specific Words and Terms

CHAPTER 1 INTRODUCTION

Section

1.1-100 Synopsis

1.2-100 Legal Framework

Section 1.1-100 Synopsis

The Springfield Development Code (SDC) is a comprehensive land use and development document that governs all of the land within Springfield's city limits and its urban services area. The six chapters of this Code are organized as follows:

Chapter 1- Introduction

Chapter 1 contains this synopsis and explains the relationship of this Code to the Statewide Planning Goals and the Metro Plan.

Chapter 2- General Provisions

Chapter 2 explains the Code's purpose and applicability, enforcement regulations and the establishment of application fees.

Chapter 3- Land Use Districts

Chapter 3 discusses the City's Official Zoning Map which is a separate document depicting the zoning of every lot/parcel within Springfield's jurisdiction. This Chapter also lists all Base Zoning Districts, Overlay Districts and Plan Districts. Finally, this Chapter identifies the land uses that are permitted within each district; basic development standards: for example, lot/parcel size, setbacks, and building height; and use-specific design standards applicable to certain zones.

Chapter 4- Development Standards

Chapter 4 contains development standards that regulate transportation and utility infrastructure; landscaping, screening and fences; on-site lighting; vehicle and bicycle parking; and specific development standards for specific uses, including, but not limited to: accessory structures, professional uses, and residential uses in commercial zoning districts.

Chapter 5- Land Use Applications

Chapter 5 discusses the development review; the public hearing; and appeals processes. This Chapter lists the procedures for land use, limited land use and other required applications, for example, Discretionary Uses, Land Divisions (Partitions and Subdivisions) Site Plan Review, Master Plans and Zoning Map Amendments.

Chapter 6- Definitions

Chapter 6 contains definitions for terms used throughout this Code.

Section 1.2-100 Legal Framework

1.2-105 Statewide Planning Goals and the Metro Plan

The Land Conservation and Development Commission (LCDC) and the Oregon Land Use Planning Program were enacted in 1973. LCDC was directed to adopt Statewide Planning Goals addressing a range of topics specified by the legislature. After conducting hearings around the State, LCDC adopted the following 19 Statewide planning goals:

Goal 1	Citizen Involvement	Goal 11	Public Facilities and Services
Goal 2	Land Use Planning—Exceptions	Goal 12	Transportation
Goal 3	Agricultural Lands	Goal 13	Energy Conservation
Goal 4	Forest Lands	Goal 14	Urbanization
Goal 5	Open Spaces, Scenic and Historic Areas and Natural Resources	Goal 15	Willamette Greenway
Goal 6	Air, Water and Land Resources Quality	Goal 16*	Estuarine Resources
Goal 7	Areas Subject to Natural Disasters and Hazards	Goal 17*	Coastal Shorelands
Goal 8	Recreational Needs	Goal 18*	Beaches and Dunes
Goal 9	Economic Development	Goal 19*	Ocean Resources
Goal 10	Housing		

* Goals 16-19 do not apply to Springfield.

1.2-110 Oregon's Land Use Planning Program- Comprehensive Plans

Oregon's Statewide Planning Goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan which includes background inventories with technical information and plan policies which are choices about future land uses. The comprehensive plan must be consistent with the applicable Statewide Planning Goals. When LCDC has officially approved a local government's plan, that plan is said to be "acknowledged." An acknowledged local comprehensive plan is the controlling document for land use in the area covered by that plan.

Springfield's comprehensive plan is the Eugene-Springfield Metropolitan General Plan (Metro Plan) which was acknowledged by LCDC in 1982. The Metro Plan has evolved since then as a result of: 1) Plan amendments which are adjustments that occur occasionally, usually effecting small parts of the Plan or small geographic areas; and 2) Periodic reviews which are broad evaluations of the entire Plan that occur every 4 to 10 years.

1.2-115 Oregon's Land Use Planning Program- Local Implementation Regulations

The Metro Plan is a "general" document that must be implemented by more detailed regulations. The two most common regulations are zoning and land-division ordinances. In Springfield zoning and land-division regulations are found in one document, the Springfield Development Code.

1.2-120 Local Implementation Regulations- Springfield Development Code Application Review Procedures

All applications required by the Springfield Development Code are decided by using Type I, II, III, and IV review procedures. The procedure "type" assigned to each application governs the decision-making process for that application. An abbreviated version of the procedure types is listed below. A more detailed version of the procedure types is found in Sections 5.1-125 through 5.1-140.

Type I Decisions. These staff decisions are made without public notice and or a public hearing. A mailed notice of decision is sent to the applicant.

Type II Decisions. These staff decisions are made after public notice, but without a public hearing, unless there is an appeal.

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Notice is posted on the affected property.
- Any noticed property owner or person may present written comments to the City which addresses the relevant criteria of approval. The comments must be received by the City within 14 calendar days from the date on the notice to give the commenter "standing" for an appeal.
- A preliminary decision is made based on the information presented and conditions may be imposed. A mailed notice of preliminary decision is sent to the property owner and all parties who responded to the public notice.
- Any person with standing and the applicant may appeal the decision to the Planning Commission or the Hearings Official.
- Some Type II decisions, for example, Site Plan Review and land divisions (Partitions and Subdivisions) require a separate application for final approval.

Type III Decisions. Planning Commission (city limits) or Hearings Official (urban services area) quasi-judicial decisions are made after public notice and a public hearing.

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.
- The Planning Commission or Hearings Official is responsible for implementing the Metro Plan, the Springfield Development Code and other applicable planning documents through the review and approval of discretionary applications for land development, or when the Director elevates a Type II review to a Type III review. At the public hearing, any property owner or person may present oral or written comments which address the relevant criteria and standards. When granting approval of an application, the Planning Commission or Hearings Official may attach conditions beyond those necessary for compliance with the Springfield Development Code.

- A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the Planning Commission decision to the City Council or the Hearings Official decision to the Land Use Board of Appeals.

Type IV Decisions. City Council legislative decisions are made after public notice and a recommendation by the Planning Commission to the City Council (two public hearings).

- Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.
- At the Planning Commission public hearing, interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make findings for each of the applicable criteria and make a recommendation to the City Council.
- At the City Council public hearing, the staff will review the Planning Commission's recommendation and provide other pertinent information for the City Council's consideration. Interested persons will be given the opportunity to present testimony and information relevant to the proposal. The City Council will make findings for each of the applicable criteria and in doing so may uphold, modify or reverse a finding of the Planning Commission. When granting approval of an application, the City Council may attach conditions beyond those necessary for compliance with the Springfield Development Code. The City Council's decision will become effective by passage of an ordinance or resolution.
- A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the City Council decision to the Land Use Board of Appeals.

1.2-125 Local Implementation Regulations- The Planning Commission and City Council

The Planning Commission and the City Council have distinctly different roles. City Councilors are policy makers. They are elected by and are responsive to the public whom they represent. Planning Commissioners are appointed by the City Council. Planning Commissioners work within established policy, but make recommendations on policy issues to the City Council.

**CHAPTER 2
GENERAL PROVISIONS**

Section

2.1-100 General Provisions

Section 2.1-100 General Provisions

2.1-105 Title

This Ordinance is known and may be cited as the "Springfield Development Code" and is referred to as "this Code or "the Code".

2.1-110 Purpose

The regulations contained in this Code are intended to ensure that development is:

- A. Sited on property zoned in accordance with the applicable Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- B. Served by a full range of key urban facilities and services that can be provided in an orderly and efficient manner; and
- C. Consistent with the applicable standards of this Code.

2.1-115 Applicability

- A. Land may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, and occupancy or otherwise, only as this Code permits.
- B. In addition to the requirements of this Code, all uses and development shall comply with all other applicable City, regional, State, and Federal regulations. All references in this Code to other City, regional, State, or Federal regulations are for informational purposes only and do not constitute a complete list of these regulations. These references do not imply any responsibility by the City for enforcement of regional, State, or Federal regulations. All references to other City, regional, State, or Federal regulations in this Code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, requirements in this Code for compliance are no longer in effect.

2.1-120 Enforcement

- A. The Director, in consultation with the City Attorney and affected Division/Department heads, is responsible for the enforcement of this Code. Whenever the Director reasonably believes a violation of any provision of this Code has occurred, or when necessary to investigate an application for or revocation of any Development Approval, the Director may enter on any site in a reasonable manner.
- B. Enforcement of this Code may be through the applicable procedures for abatement and civil infractions in the Springfield Municipal Code (SMC), 1997. The enforcement remedies available under this Code or the SMC are not exclusive and do not preclude the City from using any other remedies available

by law. In addition, the Building Official may order any work stopped by notice in writing.

- C. Upon a request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

2.1-125 Violation and Penalties

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code: whenever the permit or approval is granted in error on the basis of incorrect information supplied or whenever its granted (or activity permitted is) in violation of any ordinance or regulation; or whenever the holder of the permit or approval violated the provisions of either this Code or the SMC.

2.1-130 Severability

If any portion of this Code is declared by a Court of law to be invalid or ineffective in whole or in part, that decision shall not affect the validity of the remaining portions.

2.1-135 Fees

- A. The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Code. The list of fees is available at the Development Services Department.
- B. Payment of these fees is required at the time of application submittal. No application will be accepted without payment of the appropriate fee in full, unless the applicant qualifies for a fee waiver, as specified in Subsection C., below.
- C. Fee Waivers. The following fee waivers apply only within the Springfield city limits to the following agencies and/or persons:
 - 1. Non-profit affordable housing providers.
 - a. Development fees required by this Code may be waived for up to 50 affordable housing units per year or more, upon the determination of need by the Director in order to encourage the construction of affordable housing. Affordable housing is defined as newly constructed housing that is either for:
 - i. Rental housing for households with incomes below 60 percent of the area median income, as determined by the Federal Housing and Urban Development (HUD) income limits in effect at the time of submittal; or
 - ii. Home ownership housing sold to households with incomes below 80 percent of the area median income, as determined by the HUD income limits in effect at the time of submittal.

b. The property owner shall enter into a contractual agreement with the City for a 5-year period of affordability for each project to assure compliance with the stated intent of the project. In addition, all of the approval criteria listed below shall be met:

- i. Proof of registered non-profit status;
- ii. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;
- iii. For rental housing, adequate documentation that the housing shall remain exclusively available to low-income households at affordable rents for the period of affordability;
- iv. For home ownership housing, adequate documentation that this housing is sold exclusively to low-income households at an affordable sales price, and additional documentation that if the housing is resold within the period of affordability, the housing shall only be sold another low-income household at an affordable sales price.
- v. Adequate documentation that if, within the period of affordability, the use of the property is no longer for low-income housing, the owner shall pay the waived development fee from which the owner or any prior owner was exempt; and
- vi. Recording of appropriate covenants and documentation to insure compliance with the requirements specified in this Subsection.

2. Low income citizens. Development fees required by this Code may be waived by the Director when the applicant is considered to be low income, as determined by the HUD income limits in effect at the time of submittal.

D. Application resubmittal fees. After denial of an application by the Approval Authority, application resubmittal shall occur as specified in Section 5.1-125. The fees in effect at the time of application resubmittal will be imposed.

E. Application modification or amendment fees. An additional fee is required for modifications or amendments to an approved preliminary or final application.

F. Application withdrawal. The Director shall determine the return of any fees upon a written request by the applicant based upon the following factors:

1. The time and level of review that went into the preparation of the staff report; and
2. City expenses prior to and during the preparation of the staff report.

3. EXCEPTION: Postage fees will not be returned.

CHAPTER 3 LAND USE DISTRICTS

Section	
3.1-100	Official Zoning Maps
3.2-100	Base Zoning Districts
3.2-200	Residential Zoning Districts
3.2-300	Commercial Zoning Districts
3.2-400	Industrial Zoning Districts
3.2-500	Medical Services Zoning District
3.2-600	Mixed Use Zoning Districts
3.2-700	Public Land And Open Space Zoning District
3.2-800	Quarry And Mining Operations Zoning District
3.3-100	Overlay Districts
3.3-200	Drinking Water Protection Overlay District
3.3-300	Willamette Greenway Overlay District
3.3-400	Floodplain Overlay District
3.3-500	Hillside Development Overlay District
3.3-600	Reserved For Future Use
3.3-700	Reserved For Future Use
3.3-800	Urbanizable Fringe Overlay District
3.3-900	Historic Overlay District
3.3-1000	Nodal Development Overlay District
3.3-1100	Hospital Support Overlay District
3.4-100	Plan Districts
3.4-200	Glenwood Riverfront Plan District

Section

3.4-300 Booth-Kelly Mixed Use Plan District

3.5-100 Refinement Plan Policies (Reserved For Future Use)

Section 3.1-100 Official Zoning Maps

3.1-105 Official Zoning Maps - Description

Zoning district boundaries are shown on the Official Zoning Maps of the City. The Official Zoning Maps are a part of this Code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in this Code, attached to an adopting ordinance, or adopted by reference. The Development Services Department shall maintain the Official Zoning Maps.

3.1-110 Zoning Map Amendments

A proposed change to the Official Zoning Maps is subject to the amendment process described in Section 5.22-100.

3.1-115 Determination of Zoning District Boundaries

Where uncertainty exists relating to any zoning district boundaries shown on the Official Zoning Maps, the Director shall determine the boundaries as specified in the following criteria:

- A. **Lot/parcel Lines.** Where zoning district boundaries are indicated as approximately following lot/parcel lines, the lot/parcel lines are considered to be the boundaries.
- B. **Multi-zoned Lot/parcels.** Where a zoning district's boundary line divides a lot/parcel and the boundary line location is not otherwise designated by ordinance or other action, the location of the boundary line is determined by use of the scale appearing on the Official Zoning Maps.
- C. **Street Lines.**
 - 1. Where zoning district boundaries are indicated as approximately following the centerline of a public right-of-way, these lines are considered to be the district boundaries.
 - 2. When a public right-of-way is lawfully vacated, the zoning district boundary is the centerline of the vacated right-of-way, unless indicated otherwise.
 - 3. The lands formerly within the public right-of-way are subject to the same zoning regulations that are applicable to the underlying property, unless the zoning is changed by separate action.
- D. **Water Courses.** Zoning district boundary lines shall follow the centerlines of water courses, unless the boundary lines are fixed by dimensions shown on the Official Zoning Maps.
- E. **Geographic Areas.** Zoning District boundary lines may follow ridgelines, the toe of a hill and/or specific elevation contours.

3.1-120 Zoning Verification

A property owner may obtain a written verification of the zoning of a lot/parcel by applying for a Land Use and Zoning Compatibility Statement.

Section 3.2-100 Base Zoning Districts

3.2-100 Base Zoning Districts

The Base Zoning Districts implement policies of the Metro Plan and any applicable refinement plan or plan district; regulate the use of land, structures and buildings; and protect the public health, safety and welfare. The following base zoning districts are established consistent with applicable Metro Plan designations:

<i>Section</i>	<i>Base Zoning District Name</i>	<i>Metro Plan Designation</i>
3.2-200	Residential Zoning Districts	
	LDR Low Density Residential	Low Density Residential
	MDR Medium Density Residential	Medium Density Residential
	HDR High Density Residential	High Density Residential
3.2-300	Commercial Zoning Districts	
	NC Neighborhood Commercial	Neighborhood Commercial Facilities (1)
	CC Community Commercial	Community Commercial Centers
	MRC Major Retail Commercial	Major Retail Center
	GO General Office	Community Commercial Center & Major Retail Commercial Center
3.2-400	Industrial Zoning Districts	
	CI Campus Industrial	Campus Industrial
	LMI Light-Medium Industrial	Light Medium Industrial
	HI Heavy Industrial	Heavy Industrial
	SHI Special Heavy Industrial	Special Heavy Industrial
3.2-500	MS Medical Services District	(2)
3.2-600	Mixed Use Districts	
	MUC Mixed Use Commercial	Mixed Uses
	MUE Mixed Use Employment	Mixed Uses
	MUR Mixed Use Residential	Mixed Uses
3.2-700	PLO Public Land and Open Space	Public and Semi-Public
3.2-800	QMO Quarry and Mining Operations	Sand and Gravel

(1) Low, Medium, and High Density Residential

(2) Medium, High Density Residential, Community Commercial Center, Major Retail Center, and Mixed Use

Section 3.2-200 Residential Zoning Districts

3.2-205 Establishment of Residential Zoning Districts

The following residential zoning districts are established where the minimum level of urban services is provided:

- A. Low Density Residential District (LDR). The LDR District establishes sites for residential development where the maximum dwelling units per developable acre permitted is 10, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number.
- B. Medium Density Residential District (MDR). The MDR District establishes sites for residential development where single family or multiple family dwellings are permitted with a minimum density of more than 10 units per developable acre and a maximum density of 20 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.
- C. High Density Residential District (HDR). The HDR District establishes sites for residential development where single family or multiple family dwellings are permitted with a minimum density of more than 20 units per developable acre and a maximum density of 30 units per developable acre, consistent with the provisions of this Code. Fractions will be rounded down to the next whole number. Land divisions shall not be used to diminish the minimum density standard.

3.2-210 Schedule Of Use Categories

The following uses are permitted in the districts as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code. Uses not specifically listed may be approved as specified in Section 5.11-100.

"P" = PERMITTED USE subject to the standards of this Code.

"S" = SPECIAL DEVELOPMENT STANDARDS subject to special locational and/or siting standards as specified in Section 4.7-100.

"D" = DISCRETIONARY USE subject to review and analysis under Type III procedure (Section 5.9-100) at the Planning Commission or Hearings Official level.

"N" = NOT PERMITTED

"" = SITE PLAN REVIEW REQUIRED**

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Residential Uses			
Attached single-family dwellings	D*	P*	P*
Cluster Subdivision (Sections 3.2-230 and 5.12-100)	P	P	P
Condominiums (Section 4.7-135)	S*	P*	P*
Detached single-family dwellings	P	P	P
Duplexes (Section 4.7-140)	S	P	P
Multiple family dwelling including triplexes, 4-plexes, quads, quints, and apartment complexes over 4 units.	N	P*	P*
RVs as a permanent new use	N	N	N
RV's in existing RV or Manufactured Dwelling Parks	P	N	N
RV's as a temporary use – Emergency Medical Hardship (Section 5.10-100)	P	N	N
Prefabricated dwellings	P	P	P*
Group Care Facilities (Section 4.7-155)			
Foster homes for over 5 children	P*	P*	P*
Residential care facilities with more than 15 persons include: Group care homes, congregate care facilities, nursing homes and retirement homes	D*	S*	S*
Halfway houses	N	D*	D*
Residential Facilities – 6 to 15 persons	P	P*	P*
Residential Home – 5 or fewer persons	P	P	P
Shelter Homes for abused and battered persons	P	P*	P*
Manufactured dwelling park (Section 3.2-235)	S*	N	N
Manufactured home	P	P	N
Manufactured home subdivision	P	P	N
Mobile home	P	N	N
Manufactured home as a temporary residential use (Section 4.8-105)	S*	N	N
Child Care Home Facility – 1 to 5 children	P	P	P
Child Care Group Home Facility – 6 to 12 children	P	P	P
Child Care Center – 13 or more children (abutting an arterial street) (Section 4.7-125)	S*	S*	S*
Adult Day Care – facilities up to 12 adults	P	P	P
Adult Day Care – facilities with more than 13 adults (abutting an arterial street)	P*	P*	P*
Adult Day Care – facilities with more than 13 adults (abutting a collector or local street)	D*	P*	P*
Bed and breakfast facilities (Section 4.7-120)	S*	S*	S*
Boarding and rooming houses (Section 4.7-215)			
1 to 2 bedrooms	P*	P*	P*
3 to 5 bedrooms	S*	P*	P*
more than 5 bedrooms	N	P*	P*
Public and Institutional Uses			
Churches (Section 4.7-130)	D*	D*	D*
Educational facilities – Public / Private elementary/middle schools (Section 4.7-195)			
1 to 5 students in a private home (in a 24 hour period)	P*	P*	P*
6 or more students (Section 4.7-195)	D*	D*	D*
Parks – Neighborhood and private (Section 4.7-200)	D*	D*	D*
Commercial Uses			
Home Occupation (Section 4.7-165)	S	S	S

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Professional offices (Section 4.7-190)	S*	S*	S*
Residential dwelling units as temporary sales offices (Section 4.8-130)	P	P	P
Youth hostels	N	D*	D*
Miscellaneous Uses			
Accessory structures (Section 4.7-105)	S	S	S
Agricultural structures	P	P	P
Cultivation of undeveloped land	P	P	P
Temporary sales/display of produce (Section 4.8-125)	S	N	N
Tree felling and removal (Section 5.19-100)	P	P	P
Public Utility Facilities			
High impact facilities (Section 4.7-160)	S*	S*	S*
Low impact facilities	P	P	P
Certain Wireless Telecommunications Systems Facilities)	Section 4.3-145	Section 4.3-145	Section 4.3-145

3.2-215 Base Zone Development Standards

The following base zone development standards are established.

Development Standard	Residential Zoning District		
	Low Density Residential (LDR)	Medium Density Residential (MDR)	High Density Residential (HDR)
Standard Lots/Parcels			
Minimum Area:			
East-West Streets	4,500 square feet	4,500 square feet	4,500 square feet
North-South Streets:	5,000 square feet	5,000 square feet	5,000 square feet
Minimum Street Frontage			
East-West Streets	45 feet	45 feet	45 feet
North-South Streets	60 feet	60 feet	60 feet
Corner Lots/Parcels (1)(2)			
Minimum Area:	6,000 square feet	6,000 square feet	6,000 square feet
East-West Streets	45 feet	45 feet	45 feet
North-South Streets	60 feet	60 feet	60 feet
Panhandle Lots/Parcels (See Section 3.2-220 Additional Panhandle Lot/Parcel Development Standards)			
Single Panhandle:			
Minimum Area in Pan Portion	4,500 square feet	4,500 square feet	4,500 square feet
Minimum Street Frontage	20 feet	20 feet	20 feet
Multiple Panhandles:			
Minimum Area in Pan Portion	4,500 square feet	4,500 square feet	4,500 square feet
Minimum Street Frontage	26 feet total, each individual frontage is based upon the number of panhandles.		
Lots/Parcels on bulb portion of a cul-de-sac:			
Minimum Area	6,000 square feet	6,000 square feet	6,000 square feet
Minimum Street Frontage	35 feet	35 feet	35 feet
Lots/Parcels within the Hillside Development Overlay District (Section 3.3-500)			
< 15 percent slope:			
Minimum Area	10,000 square feet	10,000 square feet	10,000 square feet

Minimum Street Frontage	60 feet	60 feet	60 feet
15-25 percent slope:			
Minimum Area	10,000 square feet	10,000 square feet	10,000 square feet
Minimum Street Frontage	90 feet	90 feet	90 feet
25-35 percent slope:			
Minimum Area	20,000 square feet	20,000 square feet	20,000 square feet
Minimum Street Frontage	150 feet	150 feet	150 feet
> 35 percent slope:			
Minimum Area	40,000 square feet	40,000 square feet	40,000 square feet
Minimum Street Frontage	200 feet	200 feet	200 feet
Lots/Parcels in the Urbanizable Fringe Overlay District (Section 3.3-800):			
Lot/Parcel Area	The creation of new lots/parcels in the City's urbanizable area shall be either 10 acres, 5 acres or shall meet the area standards of this Section when approved through the Partition process specified in Section 5.12-100.		
Maximum Lot/Parcel Coverage (3)	45 percent	45 percent	45 percent
Minimum Setbacks for Primary Structures (4)(5)(7)(8)(9)(10)			
Front Yard	10 feet	10 feet	10 feet
Street Side Yard	10 feet	10 feet	10 feet
Rear Yard	10 feet	10 feet	10 feet
Interior Yard Setbacks	5 feet	5 feet	5 feet
Front Yard Setback- Garages and Carports (6)	18 feet measured along the driveway from: 1. The property line fronting the street to the face of the garage or carport; or 2. The property line fronting the street to the far wall of the garage or carport where the face of the structure is perpendicular to the street. 3. Where a garage or carport faces a panhandle driveway, the 18 feet is measured from the inner travel edge (pavement or gravel) within the panhandle to the face of the structure. 3 feet when the garage or carport fronts an alley.		
Accessory Structures	Accessory structures shall not be located between any front or street side yard of a primary structure and shall be set back at least 3 feet from interior side and rear lot/parcel lines.		
Panhandle and Duplex Lots/Parcels	All setbacks for panhandle lots/parcels are based on the orientation of the front and rear of the dwelling occupying the lot/parcel. All setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit established by the street or streets for address purposes.		
Base Solar Standards	Section 3.2-225.		
Maximum Building Height (11)(12)(13)	30 feet	35 feet	35 feet

- (1) This standard prohibits the division of the lot/parcel to create separate ownership for each duplex dwelling unit.
- (2) 10,000 square feet in area in the LDR District as specified in this Section and Section 4.7-140. This standard is required to allow for the future the division of the lot/parcel to create separate ownership for each duplex dwelling unit.
- (3) On lots/parcels with more than 15 percent slope, the maximum impervious surface inclusive of structures, patios, and driveways, shall not exceed 35 percent, unless specified in Section 3.3-500.
- (4) Determination of all yard setbacks for duplexes on corner lots/parcels are based upon the front yard of each unit as established by the streets used for address purposes.
- (5) All setbacks shall be landscaped, unless a setback is for a garage or carport.
- (6) Accessory Structure Exceptions to Setback standards:
 - (a) Stand alone garages and carports shall meet the street side yard, interior side yard and rear yard setback standards of the primary structure.
 - (b) Group C Accessory structures are permitted within setbacks as specified in Section 4.7-105E.
- (7) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, may be built upon or over that easement.

- (8) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including the TransPlan), or the City's Conceptual Street Plan, setbacks are based on future right-of-way locations. Right-of-way shall be dedicated prior to the issuance of any building permit that increases parking requirements.
- (9) Architectural extensions may protrude into any 5-foot or larger setback area by not more than 2 feet.
- (10) General Exceptions to Setback standards:
 - (a) Attached dwellings (zero lot line) on individual lots/parcels; and
 - (b) A dwelling constructed over the common property line of 2 lots/parcels, where there is a recorded deed restriction.
 - (c) In multi-family developments, the setback standards in Section 3.2-240 shall take precedence.
- (11) See Section 3.2-225 for residential building height limitations for solar protection.
- (12) Incidental equipment may exceed the height standards.
- (13) Height limitations within the Hillside Development Overlay District may be removed provided the additional height does not exceed 45 feet and the base residential solar standards are met.

3.2-220 Additional Panhandle Lot/Parcel Development Standards

A. Special provisions for lots/parcels with panhandle driveways:

- 1. Panhandle driveways are permitted where dedication of public right-of-way is impractical or to comply with the density standards in the applicable zoning district. Panhandle driveways shall not be permitted in lieu of a public street, as determined by the Director.
- 2. Panhandle driveways shall not encroach upon or cross a watercourse, other body of water or other topographic feature unless approved by the Director and the City Engineer.
- 3. The area of the pan portion does not include the area in the "panhandle" driveway.
- 4. No more than 4 lots/parcels or 8 dwelling units shall take primary access from one multiple panhandle driveway.
- 5. The paving standards for panhandle driveways are:
 - a. 12 feet-wide for a single panhandle driveway from the front property line to a distance of 18 feet, where there is an unimproved street; and from the front property line to the pan of the rear lot/parcel, where there is an improved street; and
 - b. 18 feet-wide for a multiple panhandle driveway from the front property line to the pan of the last lot/parcel. This latter standard takes precedence over the driveway width standard for multiple family driveways specified in Table 4.2-2.

- B. The Director may waive the requirement that buildable lots/parcels have frontage on a public street when access has been guaranteed via a private street, or driveway with an irrevocable joint use/access easement as specified in Section 4.2-120A. In the residential districts, when a proposed land division includes single or multiple panhandle lots/parcels and the front lot/parcel contains an existing primary or secondary structure, the Director may allow an irrevocable

joint use/access easement in lieu of the panhandles when there is not enough area to meet both the applicable panhandle street frontage standard and the required 5 foot-wide side yard setback standard for the existing structure. In this case, the irrevocable access easement width standard shall be:

1. 14 feet-wide for a single panhandle lot/parcel in the LDR District.
2. 20 feet-wide for a single panhandle in the MDR and HDR District, or where multiple panhandles are proposed in any residential district.

3.2-225 Base Solar Development Standards

A. Building Placement for Solar Protection. All buildings in the LDR and MDR Districts shall protect the solar access of neighboring residential lots/parcels unless specified elsewhere in this Code.

1. **Solar Setback Standard.** The proposed building shall comply with one of the Subsections below.

a. **Solar Setback.** The solar setback of the shade point shall be greater than or equal to the setback specified in Table 3.2-1 or as computed using the following formula.

$$SSB = (2.5 \times SPH) + (N/2) - 75$$

Where:

SSB = The solar setback (the horizontal distance between the shade point and the Northern lot/parcel line in feet, (See Figure 3.2-A);

SPH = The height of the shade point in feet (See Figures 3.2-D and E); and

N = The north-south dimension in feet, provided that a north-south dimension more than 90 feet shall use a value of 90 feet for this calculation. Provided, the solar setback of the shade point may be decreased 2.5 feet above the amount calculated using the formula or Table 3.2-A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

b. **Alternative Standard: Maximum Shade Point Height.** The maximum height of the shade point shall be less than or equal to the height specified in Table 3.2-B or as computed using the following formula:

$$SPH = \frac{(2 \times SSB) - N + 150}{5}$$

provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula

B. Building Height Restrictions for Solar Protection. In residential districts, the maximum building height is determined by solar access considerations, as specified in Section 3.2-215. No building is required to be less than 21 feet in height when set back from the northern lot/parcel line a minimum of one-half of the north-south dimension. Where the HDR District abuts an LDR or MDR District, the building height standard of the HDR District is one of the following:

- 1.** When abutting an LDR or MDR District to the north, the maximum building height for the HDR District is defined by the Maximum Shade Point Height requirement of Section 3.2-225A.1.b. up to 50 feet south of a northern lot/parcel line or on a plane extending south with an angle of 23 degrees and originating from the top of a 16-foot hypothetical fence located on the northern lot/parcel line. In the HDR District, the maximum height may be increased to 50 feet when set back 200 feet from an LDR or MDR lot/parcel line.
- 2.** When abutting an LDR or MDR District to the east, west or south, the building height limitation on the HDR District shall be no greater than permitted in the LDR or MDR District for a distance of 50 feet. In the HDR District, the maximum height may be increased to 50 feet when set back 200 feet from an LDR or MDR lot/parcel line.

C. Solar Access Tables and Diagrams

Table 3.2-1 Solar Setback Table For LDR and MDR Districts

Shade Point Height (Feet)	North-South Lot/Parcel Dimension												
	+100	95	90	85	80	75	70	65	60	55	50	45	40
12	0	0	0	0	0	0	0	0	0	0	0	0	0
14	5	5	5	3	0	0	0	0	0	0	0	0	0
16	10	10	10	8	5	3	0	0	0	0	0	0	0
18	15	15	15	13	10	8	5	3	0	0	0	0	0
20	20	20	20	18	15	13	10	8	5	3	0	0	0
22	25	25	25	23	20	18	15	13	10	8	5	3	0
24	30	30	30	28	25	23	20	18	15	13	10	8	5
26	35	35	35	33	30	28	25	23	20	18	15	13	10
28	40	40	40	38	35	33	30	28	25	23	23	18	15
30	45	45	45	43	40	38	35	33	30	28	25	23	20
32	50	50	50	48	45	43	40	38	35	33	30	28	25
34	55	55	55	53	50	48	45	43	40	38	35	33	30
36	60	60	60	58	55	53	50	48	45	43	40	38	35
38	65	65	65	63	60	58	55	53	50	48	45	43	40
40	70	70	70	68	65	63	60	58	85	53	50	48	45

Solar Setback = $(2.5 \times \text{SPH}) - 75 + (N/2)$
 Where: SPH = Height of the Shade Point
 N = North - South Lot/parcel Dimensions

Table 3.2-2 Shade Point Height Table

Solar Setback (Feet)	North-South Lot/Parcel Dimension												
	+100	95	90	85	80	75	70	65	60	55	50	45	40
5	14	14	14	15	16	17	18	19	20	21	22	23	24
10	16	16	16	17	18	19	20	21	22	23	24	25	26
15	18	18	18	19	20	21	22	23	24	25	26	27	28
20	20	20	20	21	22	23	24	25	26	27	28	29	30
25	22	22	22	23	24	25	26	27	28	29	30	31	32
30	24	24	24	25	26	27	28	29	30	31	32	33	34
35	26	26	26	27	28	29	30	31	32	33	34	35	36
40	28	28	28	29	30	31	32	33	34	35	36	37	38
45	30	30	30	31	32	33	34	35	36	37	38	39	40
50	32	32	32	33	34	35	36	37	38	39	40	41	42
55	34	34	34	35	36	37	38	39	40	41	42	43	44
60	36	36	36	37	38	39	40	41	42	43	44	45	46
65	38	38	38	39	40	41	42	43	44	45	46	47	48
70	40	40	40	41	42	43	44	45	46	47	48	49	50
75	42	42	42	43	44	45	46	47	48	49	50	51	52
80	44	44	44	45	46	47	48	49	50	51	52	53	54

Shade Point Height = $\frac{(2 \times \text{SSB}) - N + 150}{5}$

Where: SSB = Solar setback from the northern lot/parcel line to the shade point
 N = North - South Lot/parcel Dimensions

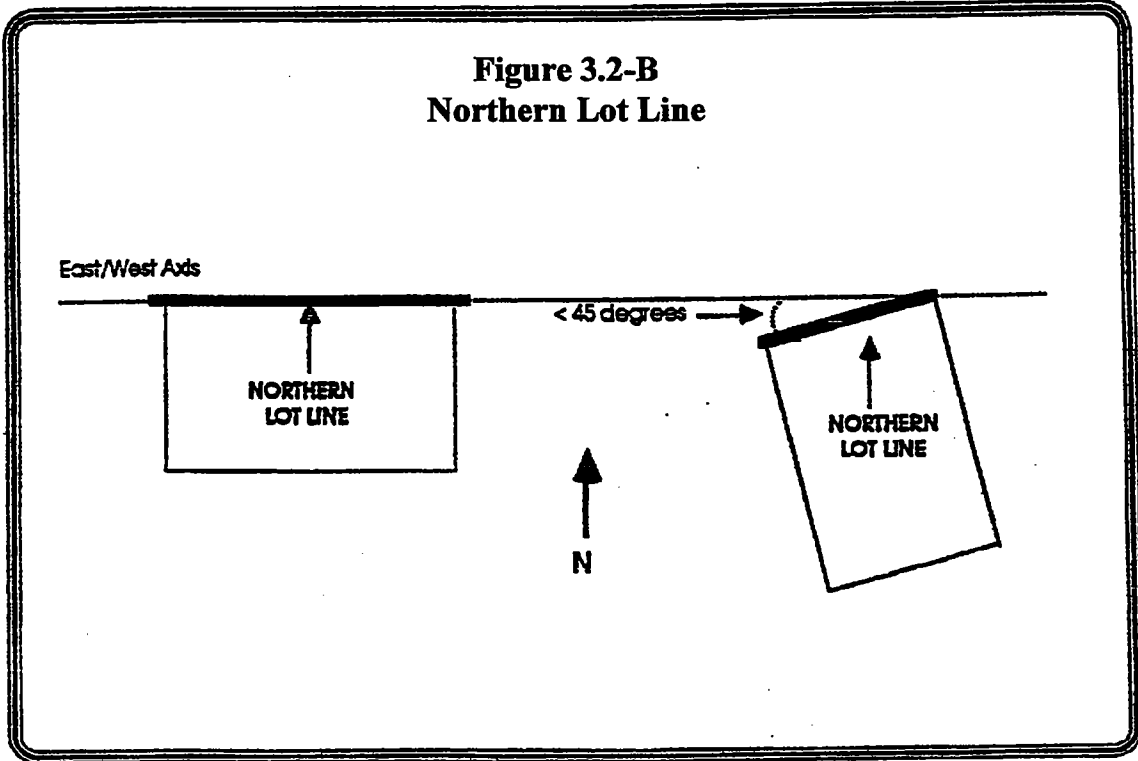
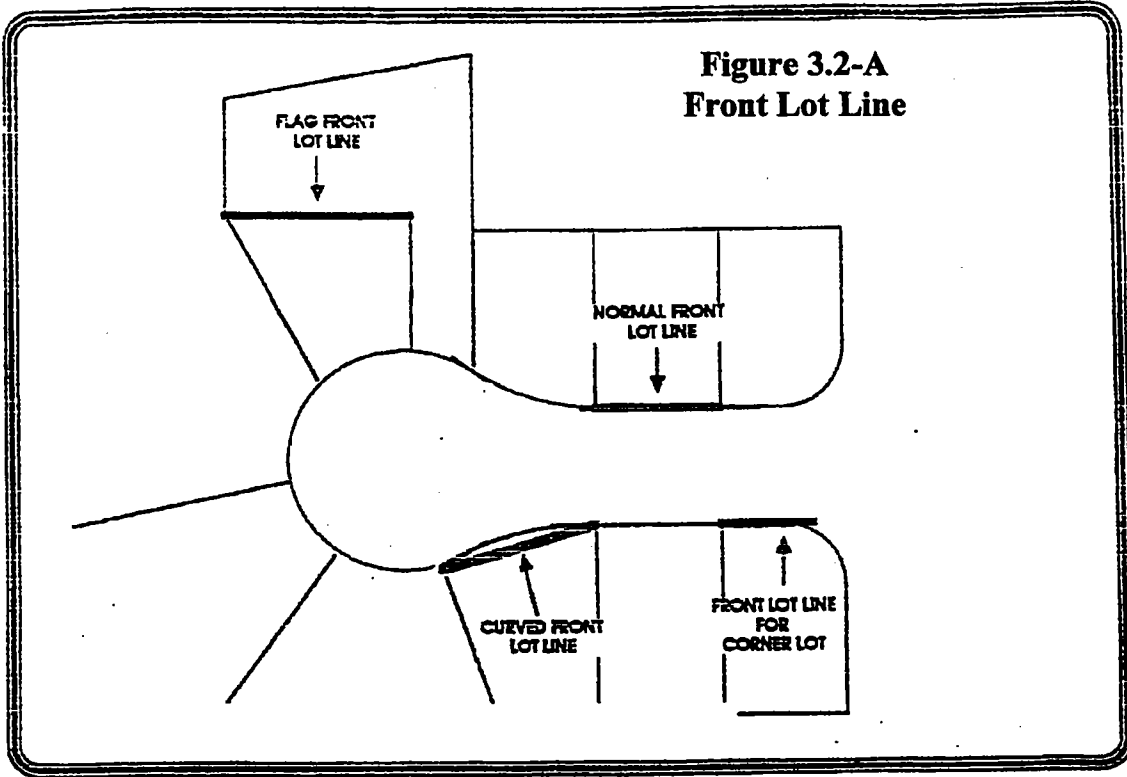


Figure 3.2-C
North – South Lot Dimension

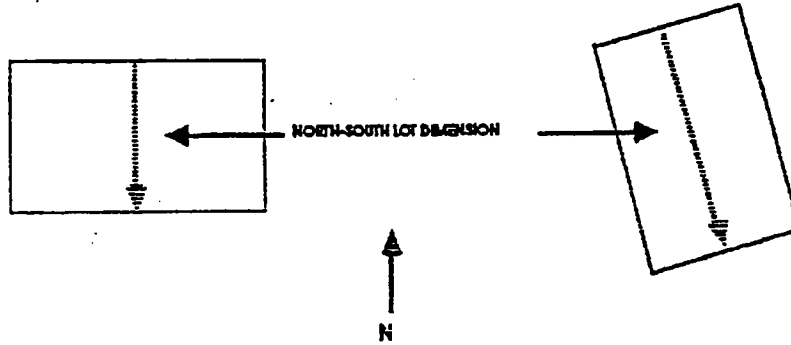
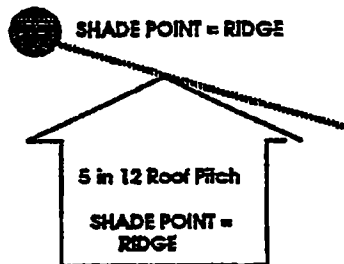
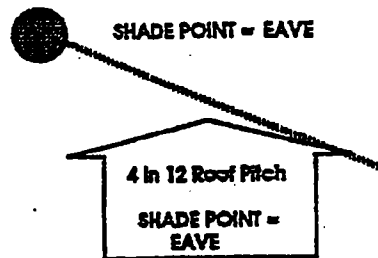


Figure 3.2-D
Shade Point Height of the Building

If the ridgeline runs EAST-WEST
 and the pitch is 5 in 12 or greater



If the ridgeline runs EAST-WEST
 and the pitch is 4 in 12 or flatter



SHADE POINT = RIDGE POINT

If the ridgeline runs NORTH-SOUTH
 measure from the northern-most
 point of the ridge.

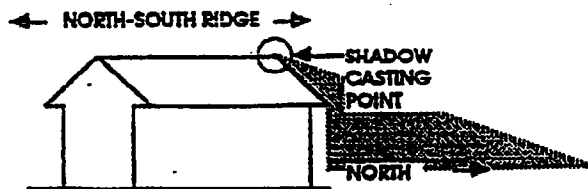


Figure 3.2-E
Shade Point Height Measurement

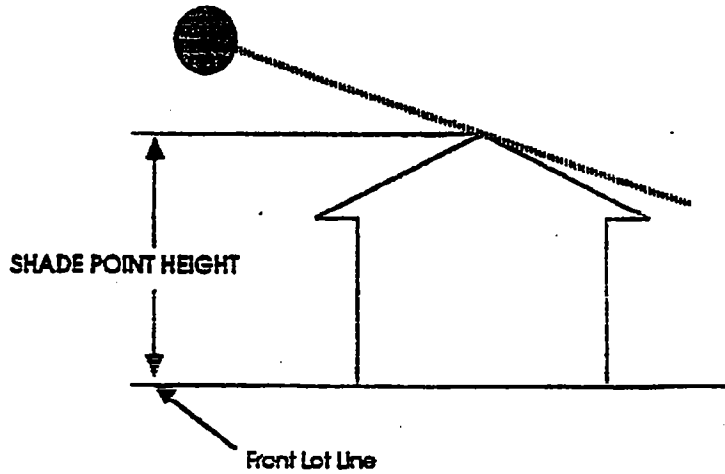


Figure 3.2-F
Solar Setback

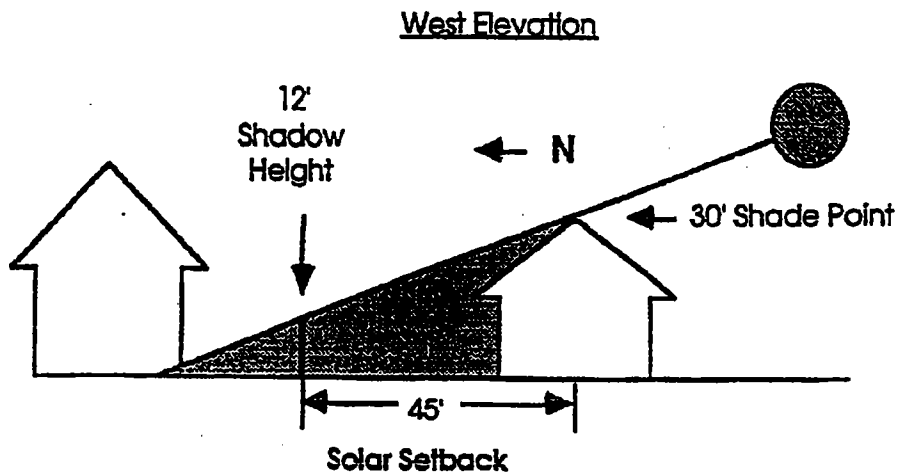


Figure 3.2-G
Solar Design Standard: Basic Option

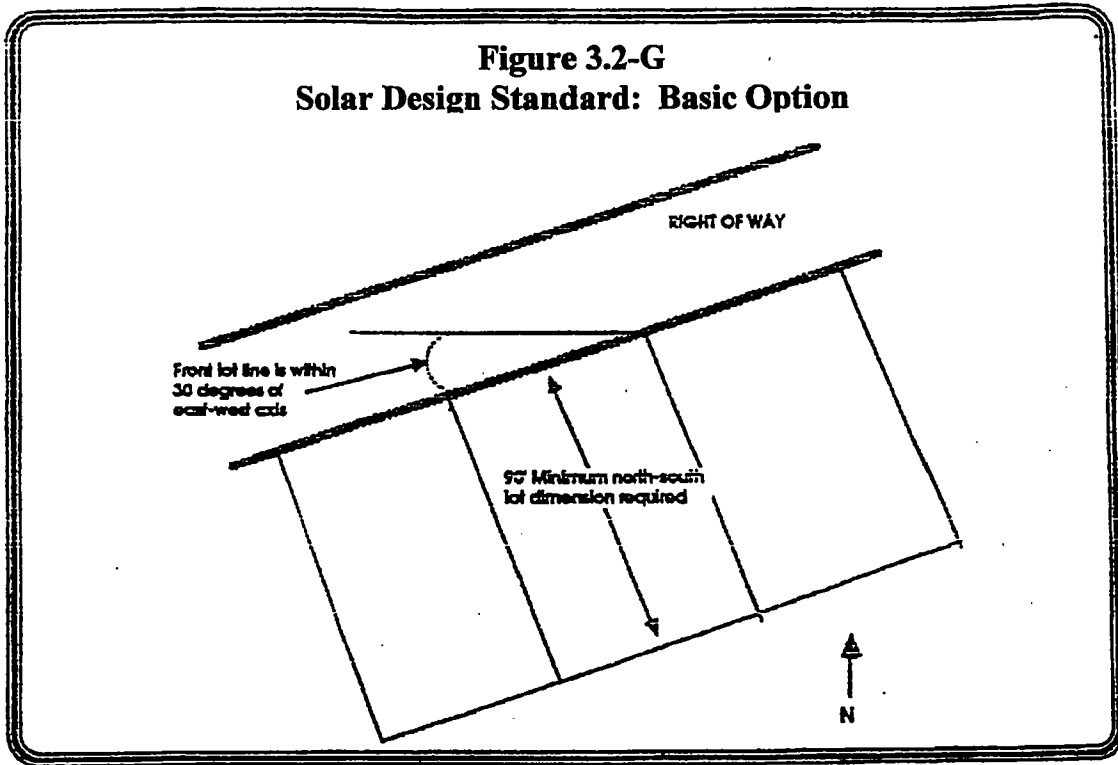
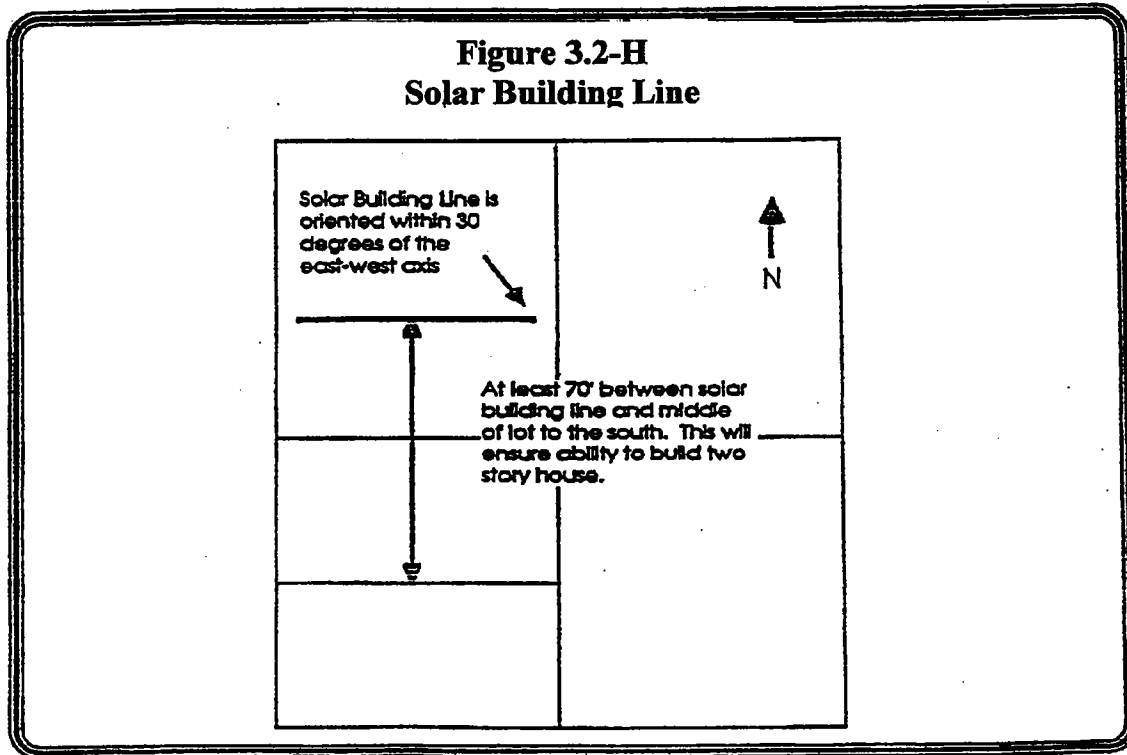
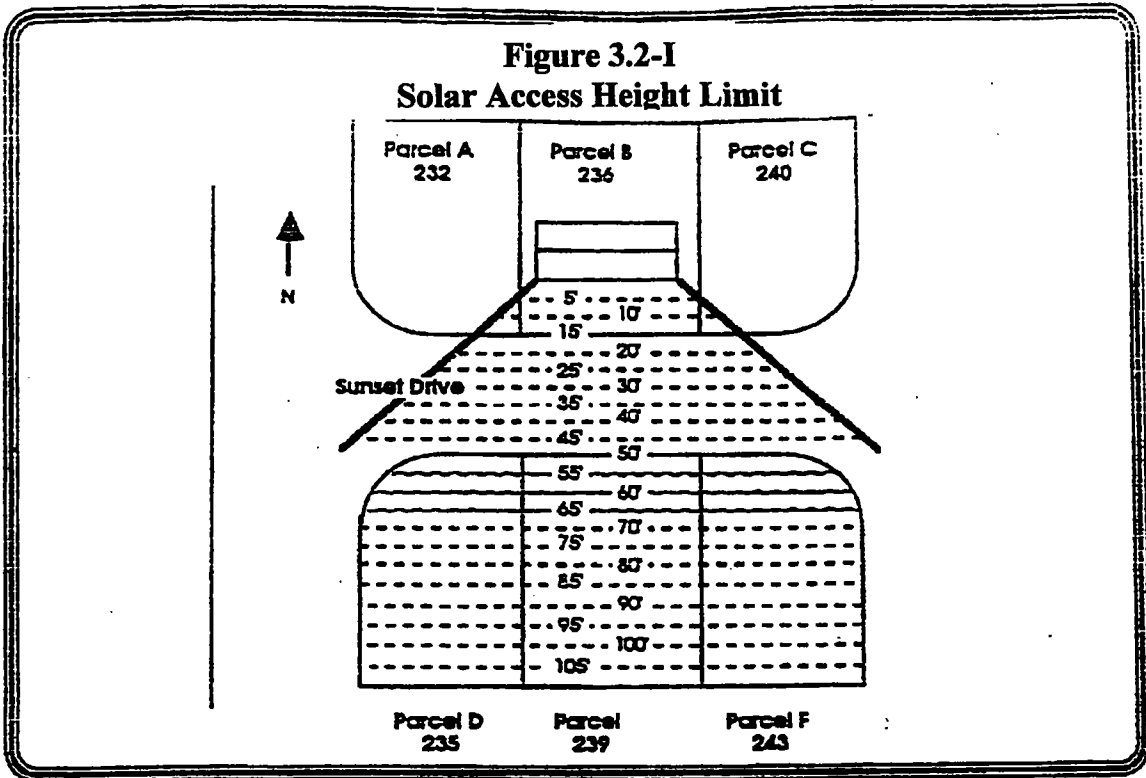


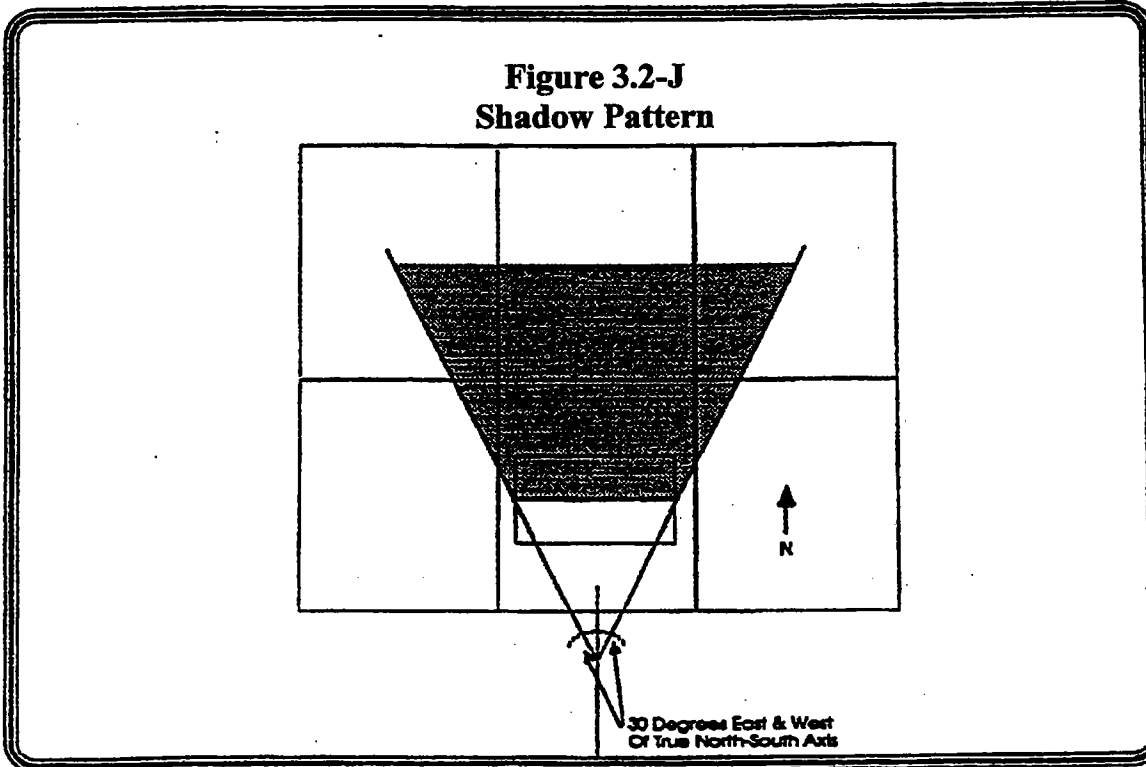
Figure 3.2-H
Solar Building Line



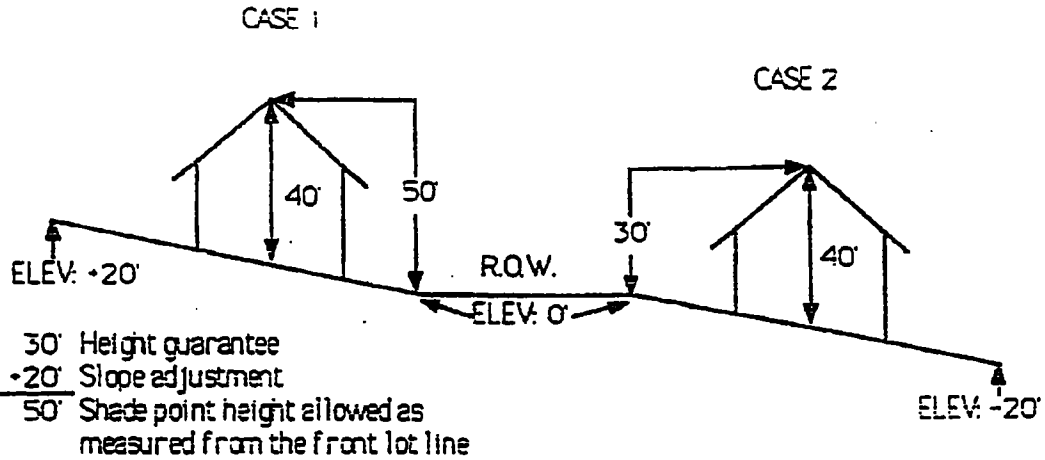
**Figure 3.2-I
Solar Access Height Limit**



**Figure 3.2-J
Shadow Pattern**



**Figure 3.2-K
Measuring the Shade Point Height on a Slope**



NOTE: Although the Solar Balance Point Standard guarantees a 30' high shade point at the lot's midpoint, the slope adjustment allows a house with a height of 40' from the shade point to grade to be located in the center of the lot.

3.2-230 Cluster Subdivisions

A. Description. Cluster Subdivisions:

1. Permit changes in dimensional requirements by reducing lot size, setback, street width and other developmental standards to allow more flexible design than is permissible under the conventional subdivision process;
2. Preserve open space and create innovative residential designs that emphasize affordability and home ownership;
3. Are permitted in all residential districts on property having a minimum development area of at least one gross acre; and
4. Shall not exceed the maximum density of the applicable zoning district and the Metro Plan. Density is calculated on the gross acreage.

EXCEPTION: Maximum density for Cluster Subdivisions within the Hillside Development Overlay District is calculated as specified in Section 3.3-520.

B. Purpose. Cluster Subdivisions:

1. Permit developers to use innovative methods and approaches not available under conventional subdivision methods to facilitate the construction of a variety of housing types;
2. Encourage infill on larger properties;
3. Lower development costs by economic provision of public facilities;
4. Provide common open space for active and passive recreation use of residents of the development; and
5. Preserve natural resources, including, but not limited to: wetlands, natural drainage ways, constructed open storm water management areas, and wooded areas by clustering development on those portions of a site that are suitable of development.

C. Review. All Cluster Subdivisions are reviewed under the Subdivision review process specified in Section 5.12-100; and

D. Permitted Dwellings, Structures and Uses. The following dwellings, structures and uses are permitted in all residential districts:

1. Attached single-family dwelling, row houses, town houses.
2. Detached single-family dwellings.
3. Duplexes.
4. Manufactured dwellings.
5. Multi- Family dwellings (in MDS and HDR zoning districts)
6. Accessory structures and uses permitted in the LDR District.
7. Common public and private open spaces

E. Adjustments to Dimensional Standards. Cluster Subdivisions allow reduced lot sizes and setback standards for individual lots, as specified in Subsection A., above.

EXCEPTIONS:

1. The perimeter of the development shall meet the LDR setbacks specified in Section 3.2-215.
2. No increase in building height is permitted.

3. Solar protection for abutting LDR properties north of the proposed development is required.
 4. The maximum lot coverage of the net development area shall meet the lot coverage standards of Section 3.2-215.
 5. Where zero lot line construction is used, spacing between buildings or clusters of buildings shall be at least 10 feet.
- F. **Neighborhood Compatibility.** New single-family detached, attached, and duplexes constructed within a Cluster Subdivision shall be generally compatible with existing homes. The goal is to reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings, for example, building details, massing, proportions, and materials. To foster compatible residential development at the higher densities sought by this Section. The following standards shall be followed.
1. **Front Yard Setbacks for Buildings in Established Residential Areas.** When an existing single-family residence is located within 25 feet of the subject site and fronts on the same street as a proposed building, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within 5 feet of the setback of the nearest single-family residence. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 and 25 feet. If there are two adjacent single-family residences fronting on the same street, then an average measurement is taken using the two adjacent residences. This standard shall not cause a front yard setback to exceed 25 feet.
 2. **Building Height Transition.** Tall buildings shall step-down to provide a height transition to existing single story buildings. This standard applies to new and vertically expanded buildings within 25 feet (as measured horizontally) of an adjacent LDR property line with an existing single story building that is less than 21 feet in height. The standard is met when the height of the taller building or portion of the taller building does not exceed the height of the shorter building by more than 5 feet within the 25-foot horizontal zone.
- G. **Specific Development Standards for Single-Family Dwellings.** The following design standards apply to single-family detached, single-family attached (less than three attached units) and duplexes:
1. **Building Orientation and Connectivity to the Fronting Street.**
 2. Dwelling units shall have a door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the door to the street. The walkway shall be constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

3. **Garage Doors.** Garage door placement and design shall meet the following conditions:
 - a. Garage door openings facing a fronting street shall not exceed 40 percent of the width of the house façade.
 - b. The garage façade shall be set back a minimum of four feet from the house façade. The minimum setback of the garage façade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.
4. **Windows.** A minimum area 15 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths (including garage facades). Gabled areas do not need to be included in the base wall calculation when determining the minimum 15 percent calculation for windows/doors.
5. **Design Variety.** Each home shall incorporate a minimum of three of the following five building design features. Applicants shall indicate which options they are proposing on plans submitted for building permits. While not all of the design features are expressly required, the inclusion of as many as possible is strongly encouraged.
 - a. **Roof Pitch and Design.** A minimum 4 to 12 roof pitch.
 - b. **Eaves** with a minimum 6-inch overhang.
 - c. **Building Materials.** At least two different types of building materials (including, but not limited to: stucco and wood, brick and stone) or a minimum of two different patterns of the same building material (including, but not limited to: scalloped wood and lap siding) on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.
 - d. **Architectural Features.** At least one architectural feature included on a dwelling facade that faces the street. For the purposes of this provision, architectural features are defined as bay windows, covered porches greater than 60 square feet in size, second floor balconies, dormers related to living space, or habitable cupolas, pillars or posts, recessed entries and off sets in building face or roof. If a dwelling is oriented so the front façade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the facade of the dwelling that faces the sidewalk and contains the front door.
 - e. **Architectural Details.** At least one architectural detail on a dwelling facade that faces the street. For the purposes of this provision, architectural details are defined as exposed rafters or beam ends, eave brackets, gridded windows or windows with

divided lites, or pergola/trellis work integrated into building facades. If a dwelling is oriented so the front façade (façade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then architectural details may be counted if they are located on the facades of the dwelling that face the sidewalk.

- H. **Open Space.** At least 20 percent of the development site shall be designated common open space. Common open space can be wetlands, steep slopes, natural waterways or wooded areas. Also, common open space can be created by placing on the land amenities for community activities for residents for example, playgrounds, picnic areas, gardens or sports features. Setbacks and buffer areas do not count towards common open space. The use of restrictive covenants, dedication and homeowners' association maintenance shall be assured through a homeowners' association.

EXCEPTION: The open space requirements specified in Section 3.2-240 shall be used when a multi-family development is proposed.

- I. **Landscaping.** Landscaping and/or natural vegetation shall occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features that are accessible to residents (including, but not limited to: by trails, boardwalks, etc.) may be used to satisfy this requirement. For example, if 25 percent of the site includes a natural resource or historic feature then 25 percent of the landscaping requirement is satisfied.
- J. **Conditions of Approval.** Over and above any other condition of approval, when mitigating conflicts with adjacent properties raised during the review of a Cluster Subdivision, the Director may require landscaping in the perimeter setbacks specified in Subsection E. 1., above, in order to provide a buffer area to adjacent properties. In this case, the setbacks shall be landscaped according to the screening standards listed in Section 4.4-110 or Section 3.2-240.

3.2-235 Residential Manufactured Dwellings

The siting of manufactured dwellings in Low and Medium Density Residential Districts is permitted subject to the provisions of this Section:

- A. **Manufactured Home** - as a permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density Residential.
- B. **Mobile Home** - as a permitted use in Manufactured Dwelling Parks.
- C. **Residential Trailer** - as a permitted use in Manufactured Dwelling Parks.
- D. **EXCEPTIONS.**
 - 1. All lots/parcels inside the City Limits that were previously zoned RL-Mobile Home Sub-district as of October, 1984, are allowed to maintain a manufactured home as a permitted use, subject to the conditions imposed

by the Planning Commission at the time of rezoning to RL-Mobile Home Sub-district. Replacement of any manufactured dwelling that was in place as of October 1984 shall be as specified in this Section.

2. All lots/parcels inside the City Limits that were previously zoned RL-Mobile Home Park Sub-district as of October, 1984, are allowed to maintain manufactured dwellings as a permitted use. Any expansion or modification of these parks shall comply with the provisions of this Section.
3. All manufactured dwellings that received prior City approval for use as residential facilities in Commercial or Industrial Districts are allowed to maintain existing manufactured dwellings subject to all conditions imposed at the time of City approval. Any replacement of these manufactured dwellings shall comply with the provisions of Section 4.8-110.

E. Parks and Subdivisions - General.

1. Unless modified by this Section, subdividing and developing land within manufactured dwelling parks and subdivisions shall comply with all other provisions of this Code.
2. Where standards for manufactured dwelling developments are established by Federal regulation, State law or Administrative Rule, these requirements shall be in addition to the provisions of this Section.

F. Review. Manufactured dwelling parks and subdivisions are reviewed under Type II procedure.

G. Parks, Subdivisions and Parcels - Placement Standards. Unless otherwise specified in this Section, manufactured dwelling placed within the City Limits and the City's urban services area after May 5, 1986 shall comply with the following:

1. Within manufactured dwelling parks, only manufactured homes are permitted on lots/parcels subject to the following standards:
 - a. The manufactured home shall be a Type 1 as defined in Chapter 6.
EXCEPTION: A Type 2 manufactured home may be sited on interior lots of existing platted manufactured home subdivisions and in multi-family developments;
 - b. The manufactured home shall be placed on an excavated and back-filled foundation not to exceed 6 percent slope within 10 feet of the perimeter enclosure, 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 shall be exposed on the uphill side of the home (if the manufactured home is placed on a basement, the 24 inch limitation will not apply); and

EXCEPTION: Manufactured dwelling parks approved prior to October, 1984.

8. Manufactured dwellings shall not be used for living purposes unless connected to local water, sewer, and electrical systems.

H. Parks and Subdivisions - Generic Standards.

1. New manufactured dwelling parks shall be located on land with an average slope of less than 10 percent. Areas with average slopes greater than 10 percent shall be retained as open space. Manufactured dwelling parks shall contain a minimum development area of one acre. The determination of the average slope is based upon the best available information satisfactory to the City demonstrating the average slope at the time of the development application. The vacation, re-platting, re-contouring, or other reconfiguration of land for the siting of manufactured homes, excluding those units constructed to the standards of the One and Two Family Structural Specialty Code adopted by the City, shall not remove the siting prohibition specified in this Subsection. Subdivision of land for the purpose of siting manufactured homes or a combination of site built and manufactured homes is subject to the platting standards specified in Section 5.12-100. All manufactured homes sited in these new subdivisions shall be Type I.
2. Existing manufactured dwelling parks may expand onto adjacent land provided that the combined area of the existing development and the additional land total at least one acre.
3. The maximum density in a manufactured dwelling park is subject to the density requirements of the underlying zoning district.
4. New or expanded manufactured dwelling parks shall have 10 foot landscaped setbacks around the entire perimeter of the park unless the park abuts another manufactured dwelling park in which case the landscaped setback shall be 7 feet. An approved planting plan, as specified in Section 4.4-105, is required and shall provide for continuous screening. It is the responsibility of the property owner to install and maintain the required planting as a condition of use.
5. For the purpose of this Code, Adams Plat, First Addition, is regarded as an approved manufactured home subdivision.
6. Site built homes may be constructed in any manufactured home subdivision consistent with all applicable standards of this Code.

I. Parks - Setbacks, Height and Area Standards.

1. Manufactured dwellings shall be setback:
 - a. 10 feet from a park building (not accessory buildings on individual spaces).

- b. 20 feet from any public street or park boundary line in new or expanded manufactured dwelling parks, unless the new or expanded park is adjacent to an existing manufactured dwelling park or subdivision.
 - c. 7 feet from any rear space line or interior space line.
 - d. 5 feet from the edge of a park street
 - e. 2 feet from the interior edge of a park sidewalk
 - f. **EXCEPTION:** The setback in Subsection c., above may be reduced to 5 feet if the Fire Marshal finds that the reduction will not cause a threat to public health or safety.
 - g. **EXCEPTION:** Existing manufactured dwelling parks built prior to Mat 5, 1986 are subject to the requirements of ORS 446 and the Oregon Department of Commerce Administrative Rules.
2. Manufactured dwelling accessory buildings or structures and site built manufactured dwelling accessory buildings or structures shall be setback:
- a. 10 feet from a park building
 - b. 20 feet from any public street or park boundary line
 - c. 5 feet from the edge of a park street
 - d. 2 feet from the interior edge of a park sidewalk
 - e. 3 feet from an interior space line or rear space line.
- EXCEPTION:** A double garage or carport may be built which serves two abutting manufactured dwellings, if a one-hour fire separation is provided separating the garage or carport bays
3. The maximum height of all park buildings shall be 30 feet as measured from the highest point of the roof to the average finished grade.
4. The maximum height of all State approved and site built manufactured dwelling accessory buildings or structures shall be no higher than the main building or structure.
5. There is no minimum space area requirement, however:
- a. No manufactured dwelling space line adjustment shall be made without notifying the Building Official.
 - b. Space line adjustments shall require Type I Review approval.

J. Parks - Development Standards.

1. Plans and Specifications.

- a.** The plans and specifications shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail conformance to the requirements of this Section and all ordinances, laws, rules and regulations of the City and the State pertaining to manufactured dwelling parks.
- b. Cover Sheet Requirements.**
 - i.** The name of the manufactured dwelling park and location (Vicinity Map)
 - ii.** The name of the property owner
 - iii.** The name of the park manager
 - iv.** The name of the person who prepared or submitted the plans.
- c. Plot Plan Requirements.**
 - i.** The proposed and existing construction (as applicable)
 - ii.** The general layout of the entire manufactured dwelling park at a scale of no smaller than 1 inch to 50 feet.
 - iii.** The traffic circulation pattern.
 - iv.** The distances from park boundaries to public utilities located outside the park (they may be indicated by arrows without reference to scale)
 - v.** The recreation areas.
 - vi.** Any permanent buildings for example, the park office, recreation building or other similar structures.
 - vii.** The property line boundaries. When construction involves an addition or remodeling of an existing manufactured dwelling park, the plan need only show the facilities related to the addition and or the facilities to be removed.
 - viii.** The individual manufactured dwelling space lines.
 - ix.** The location, size and materials of the patio or slab for each manufactured dwelling.
 - x.** The designation and location of each manufactured dwelling space by number, letter or name.

