

- a. The building design incorporates public seating, plazas, or other usable public space as specified in Subsection G. below;
  - b. The building design incorporates landscaped stormwater quality facilities within the setback area that also enhance the pedestrian scale, orientation and interest;
  - c. Necessary to preserve existing healthy mature trees; or
  - d. Necessary to accommodate handicapped access requirements.
2. Parking in the Downtown Mixed Use Area shall be located beside or behind buildings, internal to development on a site. For existing development sites, outparcel buildings between a large parking lot and the street shall be used to help define the streetscape, and lessen the visual impact of the parking lot from the street.
  3. Public entrances to all new buildings in the Downtown Mixed Use Area shall be visible from the street and oriented so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.
  4. In MUC Districts outside of the Downtown Mixed Use Area, buildings may be set back from fronting public or private streets, but shall be connected to those by a continuous internal sidewalk (and as needed, sidewalk crossings). This internal sidewalk network shall connect customer entrances of buildings on a development site with one another and with fronting public sidewalks or rights-of-way. The internal sidewalks shall be at least 5 feet wide. The internal sidewalk network shall connect transit stops or station to buildings on the development site to form a direct and convenient pedestrian connection with these transit facilities.
  5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.
- C. Weather Protection. Intent: Awnings and canopies are intended to protect pedestrians from the weather and add to the architectural interest of buildings. New commercial or mixed-use residential development shall provide a weather-protected area adjacent to sidewalks and plazas.
1. Awnings or canopies shall be at least 6 feet wide, and shall follow building offsets to eliminate long expanses of awnings and or canopies.
  2. Awnings and canopies shall not obscure architectural features (e.g. transom area) of the building and shall not extend into the second story of the building.
  3. Awnings and canopies shall be in proportion to the overall building and shall match the width of the storefront or window opening.
  4. Backlit awnings and canopies are not permitted.

5. Awnings and canopies shall be suspended from the building and not supported by posts.
6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

**D. Landscaping and Screening.**

1. Intent: Landscaping is intended to compliment built forms within a development area, softening and providing visual relief and contrast to buildings, sidewalks and parking lots. Trees, as part of a landscaping plan, shall provide shade for pedestrian comfort as well. The installation of landscaping shall be accomplished in a manner that assures that planted stock receives adequate irrigation. Screening is intended to compliment a development area by shielding trash receptacles, storage areas and other unsightly facilities from public view within the development area.
  - a. Mixed-use developments shall provide landscaping and screening in accordance with Sections 4.4-100 and 4.4-110 and the following standards:
  - b. Street trees shall be required consistent with Section 4.2-140. Species shall be compatible with the design features specified in Subsection G., below and shall provide continuity with nearby landscaping. The Director may grant a one-for-one reduction in the number of street trees required when a development preserves healthy, mature trees located within 10 feet of the sidewalk. Required street trees shall be placed in planter strips between sidewalks and curbs as specified in Sections 4.2-135 and 4.2-140, or in individual tree pits. If individual tree pits are utilized, each pit shall be a minimum of 64 square feet per tree, with a minimum width of 4.5 feet.
2. Screening of parking areas, drives, mechanical equipment and trash receptacles shall be as specified in Section 4.4-110. In addition:
  - a. No trash receptacles shall be allowed within the front setback areas abutting residential districts.
  - b. All ground-mounted utility equipment not installed underground shall be placed to reduce visual impact or screened with walls or landscaping.
  - c. Notwithstanding the timelines specified in Section 4.4-105, plants shall be sized to attain 50 percent coverage in two years and 100 percent coverage in four years.
3. Irrigation systems are required to support landscaping. Drought-resistant plants are encouraged. See Sections 5.17-120D.3. and 4.4-105.

4. Parking areas, drives, and mechanical equipment shall be screened as specified in Section 4.4-110. Trash receptacles shall be screened from on and offsite view by placement of a solid fenced or walled enclosure, from 5 to 6 feet in height. No receptacles are allowed within front setback areas abutting residential districts. All ground-mounted utilities equipment not placed underground shall be placed to reduce visual impact or screened with walls or landscaping. Plants shall be sized to attain 50 percent coverage in two years and 100 percent coverage in four years.
5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

**E. Street Connectivity and Internal Circulation.** Intent: To make mixed-use developments part of a connected street system that serves vehicles, pedestrians and bicycles. Public or private streets connect the development to adjacent neighborhoods and zoning districts. When street connections are not practicable, pedestrian connections are made to and through the development in lieu of planned street connections. Pedestrian connections shall equal what would be available if they were on a street.

1. Streets and accessways of any one development or site shall interconnect with those of adjacent developments or sites. Internal street or circulation patterns that isolate a development from all adjacent developments, and only allow access to fronting arterial or collector streets, shall be prohibited.

**EXCEPTION:** The Director may determine that topography and/or existence of natural features of the development site would be better accommodated with an alternative circulation pattern.

2. Streets and accessways shall align and connect to each other to create a direct and convenient pattern of circulation that is consistent with the City's existing street and block pattern in the area. The maximum block perimeter shall be 1,400 feet.
3. A mixed use development's street network (both public and private on-site streets) shall connect directly to neighborhood streets in the surrounding area, providing multiple paths for pedestrian, bicycle, and vehicular movement to and through the development area. In this way, trips made from the surrounding residential neighborhood to the mixed use development will be possible without requiring travel along a major thoroughfare or arterial.
4. Outparcel buildings shall be connected to and served from the internal streets of the primary development area of which they are a part.
5. Pedestrian paths and sidewalks shall connect all building entrances with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian.

6. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 5., above.

**F. Neighborhood Compatibility.** Intent: To achieve a compatible transition between mixed-use and other zones of differing height, bulk and scale requirements, consideration shall be given to the scale and design of surrounding buildings to promote compatibility and complement or enhance the character of existing single-family neighborhoods. Development in mixed-use districts shall be appropriate and related to the setting and established character of the surrounding area or neighborhood. Minimum standards adjacent to Low Density Residential Districts are:

1. Architectural compatibility between new development and adjacent LDR development, including, but not limited to: similar roof forms, windows, trim, and materials, shall be required to the maximum extent practicable.
2. Lighting shall be arranged and constructed not to produce direct glare on adjacent LDR development as specified in Section 4.5-100.
3. Site obscuring landscaping shall be required, including, but not limited to: the retention of existing vegetation; installation of a 6-foot minimum height, site-obscuring fence with shade trees planted a maximum of 30 feet on center (2-inch caliper at planting); and/or other landscaping to provide visual buffering.
4. Mechanical equipment shall be screened from view from adjacent LDR properties and the street as specified in Subsection D.4., above. Mechanical equipment shall be buffered so that noise does not typically exceed 50 decibels as measured at the LDR property line. The City may require a noise study certified by a licensed acoustical engineer.
5. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 4., above.

**G. Pedestrian Amenities.** Intent: To provide appropriate pedestrian amenities in mixed-use developments, pedestrian amenities, including, but not limited to: benches, ornamental paving and public art shall be provided and durably designed and integrated into an overall design scheme or pattern.

1. All new structures and substantial improvements to existing buildings shall provide pedestrian amenities, as specified in this Subsection. The number of pedestrian amenities provided shall comply with the following sliding scale.

<b>Size of Structure or Substantial Improvement</b>	<b>Number of Amenities</b>
<5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
>50,000 sq. ft.	4

- 2. Acceptable pedestrian amenities include:**
  - a. Sidewalks incorporating ornamental paving treatments, including, but not limited to: concrete masonry unit pavers, brick, or stone, which are 50 percent wider than required by this Code.**
  - b. A public outdoor seating plaza adjacent to, or visible and accessible from, the street (minimum useable area of 300 square feet).**
  - c. Sidewalk planters between the sidewalk and building including stormwater swales.**
  - d. Street tree density more extensive than required by this Section.**
  - e. Streetscape scale container planters.**
  - f. Installation of 3" caliper size or larger to fulfill the street tree requirement.**
  - g. Public art, including, but not limited to: sculptures, fountains, clocks, or murals with a value equal to or greater than one percent of construction value of the structure.**
  - h. Pocket parks with a minimum usable area of 300 square feet.**
- 3. Guidelines for the siting, construction and character of pedestrian amenities:**
  - a. Amenities shall be visible and accessible to the general public from a fully improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.**
  - b. The size or capacity of pedestrian amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The Director may alter minimum area standards for pocket parks and plazas based on this guideline.**
  - c. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a 10-year expected service life.**
  - d. Bus stops, as a pedestrian amenity, shall conform to standards of the Lane Transit District.**

4. The proposal contains an equally good or superior way to achieve the intent of Subsections 1. through 3., above.

**3.2-630 Mixed-Use Development Standards – Specific**

**A. MUC Development Standards.**

**1. Preservation of the Commercial Land Supply**

- a. 100 percent of a new mixed use building footprint may be developed for commercial uses.
- b. A minimum of 60 percent of the ground floor area within a new building in the MUC District shall be dedicated to commercial uses to ensure that commercial land is preserved for primarily commercial purposes. Up to 100 percent of any building may be developed for residential uses so long as 60 percent of the total ground floor area within the development area is devoted to commercial uses.

**EXCEPTION:** This provision shall not apply when commercial uses are proposed for an existing residential building within a commercial district that was within a commercial district prior to June 3, 2002.

- c. The commercial uses on an MUC site shall be developed prior to or concurrently with other proposed uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

**EXCEPTION:** This provision shall not apply to residential and/or limited manufacturing uses that are in existence as of June 3, 2002.

2. **Maximum Footprint for Retail Uses.** The maximum building footprint for a grocery store shall be 70,000 square feet. The maximum building footprint for other single tenant wholesale or retail uses shall be 50,000 square feet. The maximum footprint for all other uses shall be based upon lot/parcel coverage and building setbacks.
3. **Minimum Floor Area Ratio.** A minimum floor area ratio (FAR) of .40 shall be required for all new development or redevelopment in the MUC portion of the Downtown Mixed Use Area. A FAR of .30 is required for new development on lots/parcels greater than one acre in the MUC District outside of the Downtown Mixed Use Area. FAR is defined for this purpose as the amount of gross floor area of all buildings and structures on the building lot/parcel divided by the total lot/parcel area.

**B. MUE Development Standards.**

**1. Preservation of the Industrial Land Supply**

- a. A minimum of 60 percent of the gross floor area within a MUE District shall be dedicated to industrial uses to ensure that industrial land is preserved for primarily industrial purposes.

**EXCEPTION:** Pre-existing structures and uses shall be covered under the provisions of Section 5.8-100 that addresses continuing non-conforming uses.

- b. "Businesses and Professional Offices and Personal Services" listed in Section 3.2-610 shall not have a ground floor area of more than 5,000 square feet for any single use.
- c. The industrial uses on an MUE site shall be developed prior to or concurrently with any other commercial or residential uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

**EXCEPTION:** Commercial and/or residential uses that are in existence as of June 3, 2002.

**2. Minimum Floor Area Ratio.** A minimum floor area ratio of .25 is required for all new development or redevelopment in the MUE District.

**3. On-Site Design Standards** specified in Section 3.2-445 apply to development in the MUE District with the following exemptions:

- a. Outdoor storage is allowed, but storage areas shall not be permitted in front or street-side yards.
- b. Outdoor storage shall be screened from the view of adjacent properties and from public rights-of-way as specified in Section 4.4-110. Painted structural screens shall match the building color scheme of the development area.
- c. The minimum landscaped open space and the maximum impermeable surface standards specified in Section 3.2-445 shall be reduced to 25 percent and 75 percent respectively.

**C. MUR Development Standards.**

**1. Preservation of the Residential Land Supply**

- a. A minimum of 80 percent of the gross floor area within a MUR District shall be dedicated to multi-unit residential uses to ensure that medium and high density land is preserved for primarily residential purposes.

**EXCEPTION:** Pre-existing structures and uses shall be covered under the provisions of Section 5.8-100 that addresses continuing non-conforming uses.

- b. The residential uses on an MUR site shall be developed prior to or concurrently with any other commercial or industrial uses. Concurrency may be established by approval of a Master Plan that provides a mix of uses that includes commercial and other proposed uses.

**EXCEPTION:** Commercial and/or industrial uses that are in existence as of the adoption of this MUR District.

**2. Minimum/Maximum Residential Densities.**

- a. Minimum residential densities for strictly residential development within the MUR District shall be 20 units per gross acre.
- b. Minimum residential densities for developments that include mixed uses within the MUR District shall be 12 units per gross acre.

**EXCEPTION:** If less than 20 units per gross acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

- c. There are no maximum residential densities established for the MUR District.

**EXCEPTION:** Building heights shall regulate maximum densities.

**3. Nonresidential Uses.**

- a. Nonresidential uses in the MUR District shall not exceed 5,000 square feet of ground floor area for each separate use and shall be limited to a maximum of 20 percent of the total gross floor area in the development area.
- b. Nonresidential uses developed as part of a mixed use building that includes housing shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

**EXCEPTION:** Civic uses shall not be a permitted use in the MUR District.

**4. All development in the MUR District complies with the standards specified in Section 3.2-240.**

**EXCEPTION:** Section 3.2-240D.5.a. exempts multi-unit developments in mixed-use buildings from the minimum open space standards.



### **3.2-635 Phased Development**

- A.** If development is planned to occur in phases, a phased development plan shall be submitted concurrently with the Site Plan application specified in Section 5.17-100. In addition to the phasing requirements specified in Section 5.17-115, the phasing plan shall include the following information:
- 1.** Existing buildings and dimensions with distances from property lines and other buildings.
  - 2.** The location of future right-of-way dedications based on TransPlan, the adopted Local Street Network Plan and the block length and size standards specified in Section 3.2-625E.
  - 3.** A re-division plan at the minimum density required by this Subsection, for any lot/parcel that is large enough to further divide or a plot plan showing building footprints for MUC minimum densities.
  - 4.** The location of natural resources, regulated wetlands, natural drainage/stormwater management areas and wooded areas showing how future development will address preservation, protection or removal.
  - 5.** Adopted public facilities plans.
  - 6.** The intended use, residential, commercial, and/or industrial and size in square feet of each building.
  - 7.** The ratio of the square footage of each intended use, residential, commercial, and/or industrial to the total square footage of the buildings in each phase of the development.
- B.** Site Plan Review shall include the monitoring of the ratio of uses to ensure that the proposed development maintains the ratio of:
- 1.** Commercial and non-commercial uses as specified in Section 3.2-630A.1.; or
  - 2.** Industrial and non-industrial uses as specified in Section 3.2-630B.1.; or
  - 3.** Residential and non-residential as specified in Section 3.2-630C.1.

## Section 3.2-700 Public Land and Open Space Zoning District

### 3.2-705 Establishment of the Public Land and Open Space (PLO) District

- A. Establishment of the PLO District includes the following categories:
1. Government uses, including public offices and facilities;
  2. Educational uses, including high schools and colleges; and
  3. Parks and open space uses including, publicly owned metropolitan and regional scale parks and publicly and privately owned golf courses and cemeteries.
- B. The PLO District shall also be permitted on properties designated other than Public and Semi-Public as specified in the Metro Plan, a refinement plan, or plan district.

### 3.2-710 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

**“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.

**SITE PLAN REVIEW SHALL BE REQUIRED**, unless exempted elsewhere in this code.

<i>Use Categories/ Uses</i>	<i>PLO District</i>
<b>Primary Uses (Section 4.7-203)</b>	
<b>Education</b>	
Colleges	S
High Schools	S
Private/Public Elementary and Middle Schools	S
<b>Government</b>	
Libraries	S
Senior/Adult Activity Centers	S
Courts	S
Fire Stations	D
Administrative offices	S
Museums	S
Neighborhood and community centers	S
Performing arts centers	S
Plazas and other sites of public interest	S
Police satellite facilities	D
Post offices	S

Public transit facilities	D
Sports complexes/stadiums	D
Justice Center, a building, including, but not limited to: a police station, courts, administrative offices and a jail	D
<b>Parks and open spaces</b>	
Public and private parks and recreational facilities:	
Neighborhood Parks	P
Community Parks	S
Regional Parks	S
Private areas of greater than one acre reserved for open space as part of a cluster or hillside development	P
Publicly and privately owned golf courses and cemeteries	D
R.V. parks and campgrounds within a regional park	S
R.V. parks and campgrounds outside of a regional park and without sanitary sewer service as a temporary use subject to termination when within 1,000 feet of sanitary sewer	D
<b>Secondary uses (Section 4.7-203)</b>	
Agricultural cultivation of undeveloped land	P
Cafeteria and restaurants primarily serving the patrons of the development	P
Child care facilities	P
Heliports and helistops	D
Office and storage yards that are incidental to a primary use	P
Mortuaries and chapels associated with cemeteries	D
Maintenance and security residences, excluding mobile homes	D
Low impact public facilities	P
High impact public facilities (Section 4.7-160)	D
Certain Wireless Telecommunications Systems Facilities	(Section 4.3-145)
Wellness center	S
Parking structures	S

**3.2-715 Base Zone Development Standards**

The following base zone development standards are established. The base zone development standards of this Section and any other additional provisions, restrictions or exceptions specified in this Code shall apply.

<b>Development Standard</b>	<b>PLO Zoning District Requirement</b>
Minimum Lot/parcel Size	None
Lot/parcel Coverage and Planting Standard	Parking, driveways and structures shall not exceed 65 percent of the development area. At least 25 percent of the development area shall be landscaped.
<b>Landscaped Setbacks (1), (2), (3) and(4)</b>	
Street Setback	15 feet
Residential Property Line	20 feet
Parking and Driveway	5 feet
<b>Maximum Building Height (5)</b>	None, unless abutting a residential district
PLO District abuts Residential District	When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet measured from the boundary of the adjacent residential zoning district. Beyond the 50 foot measurement, there is no building height limitation.

(1) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.

- (2) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including TransPlan), or the City's Conceptual Street Plan, setbacks are based on future right-of-way locations. Dedication of needed right-of-way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (3) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (4) In the Downtown Exception Area, there are no minimum setbacks for administrative offices and other public uses listed under Section 3.2-710.
- (5) Incidental equipment may exceed the height standards.

## Section 3.2-800 Quarry and Mining Operations Zoning District

### 3.2-805 Establishment of the Quarry and Mine Operations (QMO) District

- A.** The QMO District is established to:
1. Recognize that minerals and materials within the Springfield Urban Growth Boundary are a non-renewable resource, and that extraction and processing are beneficial to the local economy.
  2. Protect major deposits of minerals, rock and related material resources with appropriate zoning.
  3. Institute procedures for the protection of public health and safety on and adjacent to land where quarry and mining blasting operations are occurring.
  4. Institute standards to be used in reviewing referrals from State and Federal agencies of Operation and Reclamation Plans, pollution control and similar permits.
  5. Provide for cooperation between private and governmental entities in carrying out the purposes of this Section.
- B.** The QMO District is applied to areas with a Sand and Gravel designation on the Metro Plan Diagram.

### 3.2-810 Schedule of Use Categories

The following buildings and uses are permitted in this district as indicated, subject to the provisions, additional restrictions and exceptions specified in this Code and the provisions of the Reclamation Permit required by ORS 517.790, issued by the Oregon Department of Geology and Mineral Industries.

**“P” = PERMITTED USE** subject to the standards of this Code.

**“S” = SPECIAL DEVELOPMENT STANDARDS** subject to special locational and siting standards to be met prior to being deemed a permitted use.

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

**SITE PLAN REVIEW SHALL BE REQUIRED**, unless exempted elsewhere in this Code.

<i>Uses/ Use Categories</i>	<i>QMO District</i>
Extracting and storing of rocks and minerals, including equipment and materials necessary to carry out these functions	P
Plants for the processing of minerals from quarry and mining extraction operations	P
Sale of products generated from the quarrying and mining operation	P
Activities permitted as part of the reclamation process	P
Structures and buildings used in conjunction with the extracting and storing of	P

mineral	
Parking facilities for employees and customers	P
Tree felling necessary to prepare a site for mining or as a quarry activity as specified in Section 5.19-100	P
Low impact public facilities	P
High impact public facilities	P
Certain Wireless Telecommunications Systems Facilities (Section 4.3-145)	P
Night watchperson's quarters	P

### 3.2-815 Review

- A. To establish a new quarry or mining operation within the Springfield Urban Growth Boundary, the following are required:
1. A Metro Plan amendment (Type IV review).
  2. A concurrent zone change to QMO District (Type IV review). The ordinance rezoning properties to the QMO District shall specify the precise location of any scenic areas listed on Metro Plan inventories that require protection under Subsection A.1., above.
  3. Site Plan Review (Type II review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in Section 5.17-100.
  4. A copy of the application for a Reclamation Permit as specified in Section 3.2-820 shall be referred to the Director for review.
- B. To expand an existing quarry or mining operation, which is zoned QMO District, within the Springfield Urban Growth Boundary, the following are required:
1. Discretionary Use (Type III review) shall be used to determine whether, where and under what conditions quarry and mining operations may occur in identified scenic areas within the QMO District.
  2. Site Plan Review (Type II review). For the purpose of this Section, all permitted uses are considered industrial uses requiring Site Plan Review as specified in Section 5.17-100.
  3. A copy of the application for a Reclamation Permit as specified in Section 3.2-820 shall be referred to the Director for review.

### 3.2-820 Permits for Quarry and Mine Extraction

No quarry or mining extraction or related operations may be initiated in the QMO District until a Reclamation Permit required by ORS 517.790 has been issued by the Oregon Department of Geology and Mineral Industries. Standards established under ORS 517 for quarry and mine extraction are considered minimum standards to be observed during extraction, processing and reclamation activities to assure that the operation takes into consideration the health, safety and welfare of people on and off the site who may be affected by the operation, and that the site shall be clean, orderly and left in a condition conducive to appropriate uses after extraction has been

completed and that conflicts between other identified environmental resources are resolved consistent with the Policies of the Metro Plan.

### **3.2-825 Operation and Reclamation Standards**

- A.** Information submitted as part of the Reclamation Permit process required in Section 3.2-820 shall be evaluated against the following standards by the Director:
- 1.** In lieu of uniform setbacks for all quarry and mine extraction operations:
    - a.** Setbacks from adjacent properties shall be sufficient to protect the normal activities of residences, businesses, industries recreation and other uses permitted under this Code.
    - b.** Setbacks from adjacent properties shall be a distance sufficient to minimize hazards to persons and property resulting from blasting, slides, slippage, subsidence, ground and surface water contamination and depletion and other hazards.
  - 2.** Any night lighting shall be arranged and controlled so as not to illuminate adjacent properties and uses permitted under this Code.
  - 3.** The hours of operation shall be determined by what is necessary to protect the surrounding activities from disturbance caused by quarry and mining extraction operations.
  - 4.** Fencing around the quarry and mining operation shall be required when it has been determined that the location, type and nature of the operation poses hazards to the safety of the surrounding residents and public and private property.
  - 5.** When expansion of an existing operation is in close proximity to existing or planned uses potentially incompatible with QMO District uses, or where there is a conflict with any other resource that appears on an adopted environmental resource inventory, the application of the QMO District or the expansion of an existing operation may be limited to a specific portion of a property in order to encourage the compatibility and proper management of land uses.
  - 6.** All mining spoils shall be disposed of so they will not create a geological hazard or contribute to water pollution through leaking, leaching or erosion. Management of mining spoils shall be in a manner which is consistent with the standards of the local soil and water conservation district.
  - 7.** Overburden and topsoil not removed from the property shall be placed and stabilized in a manner that does not create safety hazards or nuisances for adjacent properties.
  - 8.** Screening shall be required where it is determined necessary to minimize the visual impact of the quarry and mining extraction operation on

neighboring properties, residences, commercial, industrial, park and recreational or other land use activities.

9. Wherever possible, existing trees, shrubs, and other types of vegetation along street frontages shall be preserved, maintained and supplemented.
10. When the quarry and mine operation includes the use of open shafts or tunnels, the entrance to all shafts and tunnels shall be covered, closed off or otherwise protected against entry during non-working hours.

**B.** Reclamation of land subjected to quarry and mining extraction operations is an ongoing process, which shall occur as phases of the quarry and mine extraction operation are completed. The application for the Reclamation Permit required in Section 3.2-820 shall comply with the following standards:

1. **General Provisions and Timing.**
  - a. A schedule for reclamation shall define areas covered by each phase and the probable timing.
  - b. Reclamation operations shall be consistent with the Metro Plan.
  - c. All structures and buildings used in conjunction with the extraction and storing of minerals shall be removed following completion of the operation, unless the structures or buildings are suitable for other permitted uses or as determined by the Director.
2. **Topsoil and Fill Material.**
  - a. Material used in refilling holes, pits and excavations shall be of a quality that will not decompose, contaminate or pollute the groundwater or surface, or cause subsidence either during the operation of the excavation or upon termination of the quarry and mine operations.
  - b. All graded or back-filled areas, or banks shall be covered with topsoil to a depth sufficient to support vegetation and/or other approved cover adequate to control soil erosion.
3. **Slopes and Grading.** Excavations made to any setback lines shall meet the following requirements:
  - a. Where excavations have not been made to water-producing depth;
    - i. Slopes that are steeper than that of the immediately surrounding area shall be acceptable if they are designed by an engineer with expertise in the field of rock and soils mechanics and acceptable to the State Department of Geology and Mineral Industries. If the slopes are steeper than 1 vertical to 1 1/2 horizontal, provisions shall be made



so that people and wildlife can find safe egress from the excavation area.

- ii. The bottom of any excavation shall be graded so that drainage flows into one low area of the excavation. If drainage from this site is practical, the site shall be graded to discharge water to existing natural channels.
- b. Where excavations have been made to water-bearing strata;
- i. Excavations made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect-breeding area or back-filled with material that will not impair the groundwater quality.
  - ii. All banks shall be sloped at a ratio no steeper than 1 vertical to 2 horizontal to a water depth of three feet, measured from the low water mark, and to 3 feet above the high water mark.
  - iii. All grading shall be done to establish safe access to and egress from water for persons and wildlife.
- c. Unless specified above, upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or significant erosion. Natural drainage shall be maintained to prevent harmful effects on neighboring property. The rate of drainage shall not be increased over what it would have been if the site had remained in its original use.
- d. All quarry faces, which exceed 45 degrees, shall be benched. The bench face ratio shall not exceed 1 1/2 vertical to 1 horizontal. Benches shall be at least 10 feet wide.

### **3.2-830 Blasting Standards**

Operators using explosives for quarry and mine extraction shall follow explosive regulations and use engineering standards acceptable to the Public Works Director, based on atmospheric conditions and physical conditions of the site to prevent injury to persons and damage to public and private property.

- A. When blasting is proposed within 500 feet of an occupied building, the operator, or an authorized agent, shall notify all occupants that a blast is to be initiated. Notice shall be given not more than six hours nor less than 30 minutes prior to detonation and shall include the approximate time of the blast.
- B. Each operator shall maintain a record of each blast for at least two years. These records shall be available upon request to the City, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction. The records shall show the following for each blast:

- 1.** Name of quarry or mine.
- 2.** Date, time and location of blast.
- 3.** Description of type of explosives and accessories used.
- 4.** Time interval of delay in milliseconds.
- 5.** Number of different delays.
- 6.** Number of holes per delay.
- 7.** Nominal explosive weight per hole.
- 8.** Total explosive weight per delay.
- 9.** Total weight of explosives per blast.
- 10.** Blast hole diameter, depth, spacing and stemming height.

## Section 3.3-100 Overlay Districts

<b>3.3-100 Overlay Districts</b>
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The regulations of the overlay district shall supplement the regulations of the underlying zoning district. In cases where the regulations conflict, the overlay district regulations shall supersede the underlying zoning district regulations. The following overlay districts are established:

<b>Section</b>	<b>Overlay District Name</b>	<b>Metro Plan Reference</b>
<b>3.3-200</b>	Drinking Water Protection	Environmental Resources Element
<b>3.3-300</b>	Willamette Greenway	Willamette River Greenway, River Corridors, and Waterway Element
<b>3.3-400</b>	Floodplain	Environmental Resources Element
<b>3.3-500</b>	Hillside Development	Environmental Resources Element
<b>3.3-600</b>	Reserved for Future Use	
<b>3.3-700</b>	Reserved for Future Use	
<b>3.3-800</b>	Urbanizable Fringe	Growth Management & Urban Service Area Policies
<b>3.3-900</b>	Historic	Historic Preservation Element
<b>3.3-1000</b>	Nodal Development	Nodal Development Area Designation
<b>3.3-1100</b>	Hospital Support	Economic Element

## **Section 3.3-200 Drinking Water Protection Overlay District**

### **3.3-205 Purpose**

- A.** The Drinking Water Protection (DWP) Overlay District is established to protect aquifers used as potable water supply sources by the City from contamination. This Section establishes procedures and standards for the physical use of hazardous materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:
- 1.** Protect the City's drinking water supply which is obtained from groundwater resources from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and
  - 2.** Provide standards for hazardous materials that pose a risk to groundwater within the TOTZ.
- B.** In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:
- 1.** Restrict or prohibit the use of hazardous materials which are potential groundwater contaminants;
  - 2.** Set standards for the storage, use, handling, treatment, and production of hazardous materials that pose a risk to groundwater within TOTZ; and
  - 3.** Review new or expanded uses of hazardous material that pose a risk to groundwater.

### **3.3-210 Applicability**

As of May 15, 2000, all areas within specified wellhead TOTZ automatically are rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Area Maps on file in the Development Services Department and incorporated in this Section by reference.

### **3.3-215 Warning and Waiver of Liability**

The degree of aquifer protection required by this Section in the areas designated in Section 3.3-220 is based on scientific and engineering considerations. The nature of these considerations is that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Section be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Section shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Section or any administrative decision made under this Section.

### 3.3-220 Time of Travel Zones

- A. The DWP Overlay District includes 4 TOTZ: 0-1 year; 1-5 years; 5-10 years; and 10-20 years. The locations of the TOTZ for each wellhead are shown on Drinking Water Protection Area Maps on file with the City's Development Services, Public Works, and Fire and Life Safety Departments; and Springfield Utility Board (SUB) and Rainbow Water District (RWD).
- B. The areas within specified wellhead TOTZ are those drinking water protection areas certified by the Oregon Health Division, under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Division Delineation Certification #0002R, March 18, 1999.
- C. In determining the location of a property within a TOTZ, the following criteria apply:
1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.
  2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.
  3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

**EXCEPTION:** The Director may waive the requirement that the more restrictive standards apply when all of the following apply:

- a. Storage, use, handling, treatment, and/or production of hazardous materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and
  - b. Storage, use, handling, treatment, and/or production of hazardous materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and
  - c. The tax lot is 20,000 square feet or larger.
4. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Division, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

### **3.3-225 Review**

- A.** A DWP Overlay District Development Application is required when the criteria of both Subsections A.1. and 2., below are met:
- 1.** A site is affected by one of the following:
    - a.** There is a change of land use, occupancy or tenancy of a property, including, but not limited to: a change from vacant to occupied; or
    - b.** During the Building Permit process; or
    - c.** In conjunction with any development application, including, but not limited to: Site Plan review and Minimum Development Standards.
  - 2.** The action in Subsection A.1., above will:
    - a.** Affect the storage, use, and/or production of hazardous materials that pose a risk to groundwater; or
    - b.** Increase the quantity of hazardous materials that pose a risk to groundwater that are stored, used and/or produced.
- B.** Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 3.3-230B.1.
- C.** DWP Overlay District applications shall be reviewed under Type I procedures.
- D.** Prior to undertaking an activity covered by Section 3.3-225 A., the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
- 1.** A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 3.3-230. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts - 10 pounds shall be considered equal to one gallon as specified in Uniform Fire Code 8001.15.1;
  - 2.** A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required;
  - 3.** A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 3.3-235 A.;

4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;
  5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of a hazardous material;
  6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;
  7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.
- E. For those development proposals requiring Site Plan Review (Section 5.17-100) or Minimum Development Standards review (Section 5.15-100), applications may be submitted concurrently.
- F. The Director shall review the application and make a decision based on the standards contained in Section 3.3-235, after consulting with the Building Official, Fire Marshal, Public Works Director, and the managers of SUB and RWD, as appropriate.

### **3.3-230 Exemptions**

This Section does not exempt any material or use from Fire Code regulations adopted by the City.

- A. Exemptions are as specified in this Section unless the Director, in consultation with SUB and Fire/Life Safety, determines that a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Section related to that hazardous material, activity or facility. This determination will be based upon site and/or chemical-specific data and are eligible for appeal to the Hearings Official as specified in Section 3.3-245.
- B. Unless otherwise provided herein, the following materials are exempt from regulation hereunder:
1. Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director in consultation with SUB, are exempt from all regulation under this Section with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire Code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the

applicant seeking the exemption and will be subject to review by technical experts.

2. Hazardous materials offered for sale in their original sealed containers of 5 gallons or less are exempt from the 500 gallon storage limit specified in Section 3.3-235A.1.
3. Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or machinery, including, but not limited to: fuel, engine oil and coolant.
4. Fuel oil used in existing heating systems.
5. Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.
6. Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.
7. Hazardous materials contained in properly operating sealed units (including, but not limited to: transformers, refrigeration units) that are not opened as part of routine use.
8. Local natural gas distribution lines.
9. Fuel for emergency generators located at facilities that provide essential community services (including, but not limited to: hospitals, fire/life safety, police, public shelters, and telephone systems).
10. Any commonly used office supply – including, but not limited to: correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms – where the supplies are purchased off-site for use on-site.
11. Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs.

### **3.3-235 Standards for Hazardous Materials within Time of Travel Zones**

Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Uniform Fire Code, the following standards apply:

- A. 0 -1 year TOTZ Standards.
  1. Within the 0-1 year TOTZ, hazardous materials that pose a risk to groundwater may be stored in aggregate quantities of no more than 500 gallons if in original containers not exceeding 5 gallons\* in size. Within that aggregated 500-gallon inventory, no more than 150 gallons of hazardous materials that pose a risk to groundwater may be on the



premises in opened containers for handling, treatment, use production, or dispensing on site. Hazardous materials that pose a risk to groundwater are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

\*A waiver of the 5-gallon maximum size may be given by the Director if the applicant can demonstrate that a larger size container would pose less risk to the aquifer.

2. Unless exempted, all hazardous materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
3. All new uses of Dense Non-Aqueous Phase Liquids (DNAPLs) are prohibited.
4. Any change in type of use or an increase in maximum daily inventory quantity of any DNAPL shall be considered a new use and prohibited.
5. The following certain types of new facilities or changes in use and/or storage of hazardous materials that pose a risk to groundwater are prohibited:
  - a. Underground hazardous material storage facilities;
  - b. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
  - c. Injection wells  
**EXCEPTION:** Dry wells for roof drainage;
  - d. Solid waste landfills and transfer stations;
  - e. Fill materials containing hazardous materials;
  - f. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.
6. Requirements found in Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.
7. Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater shall be met unless exempted.

8. Application of fertilizers containing nitrates are restricted to no more than the amount recommended by the Lane County, Oregon State University Extension Service for turf grass and are prohibited within 100 feet of a wellhead. In no event shall a single application exceed one half pound per 1,000 square feet of area per single application or a total yearly application of 5 pounds nitrogen fertilizer per 1,000 square feet.

**B. 1-5 year TOTZ Standards.**

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.
2. Unless exempted, all hazardous materials that pose as risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
3. All new use of DNAPLs are prohibited.
4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. The following certain types of facilities or changes in chemical use and/or storage of hazardous materials that pose a risk to groundwater are prohibited:
  - a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;
  - b. Injection wells.  
**EXCEPTION:** Dry wells for roof drainage;
  - c. Solid waste landfills and transfer stations;
  - d. Fill materials containing hazardous materials;
  - e. Land uses and new facilities that will use, store, treat handle, and/or produce DNAPLs.
6. Requirements found in Uniform Fire Code Appendix II-E 3.2.6 for a monitoring program and in 8003.1.3.3 for monitoring methods to detect hazardous materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.
7. Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house

inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater shall be met unless exempted.

**C. 5-10 year TOTZ Standards.**

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City
2. All hazardous materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Uniform Fire Code Articles 2 and 8003.1.3.3).
3. All new use of DNAPLs are prohibited.
4. Any change in type of use or an increase in the maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.
5. Requirements found in Uniform Fire Code Appendix II-E Section 3.2.7 for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous materials that pose a risk to groundwater shall be met unless exempted.

**D. 10-20 year TOTZ Standards.** The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

**3.3-240 Conditions**

The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 3.3-235. These conditions may include, but are not limited to: on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

**3.3-245 Appeals**

The only portions of this Section that are subject to appeal are Section 3.3-225F., the Director's decision on a DWP application, Section 3.3-230, Exemptions, and Section 3.3-235A.1., Waiver. The appeal of a decision of the Director may be appealed as specified in Section 5.3-115.

## Section 3.3-300 Willamette Greenway Overlay District

### 3.3-305 Purpose

The Willamette Greenway (WG) Overlay District is established to protect and preserve natural scenic, historic and recreational qualities of lands along the Willamette River. This overlay district delineates the Willamette Greenway area for the City and establishes standards for the delineation of the Greenway Setback Area.

### 3.3-310 Applicability

The WG Overlay District applies to all lands which are within 150 feet of the ordinary low water line on the channel of the Willamette River, or are adjacent to the river and are publicly owned for park and recreation purposes.

### 3.3-315 Review

- A. Development proposals shall be reviewed under Discretionary Use procedure as specified in Section 5.9-100, the Site Plan Review process as specified in Section 5.17-100, where applicable, and the standards of this Section.
- B. Notice shall be given to the Oregon Department of Transportation by immediately forwarding a copy of the application by certified mail, return receipt requested. Notice of final City action shall also be provided to the Oregon Department of Transportation.

### 3.3-320 Permitted and Discretionary Uses

- A. Uses allowed in the WG Overlay District are the same as those in the underlying zoning districts (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities).

**EXCEPTION:** Uses within the Greenway Setback Area are limited to water-dependent or water-related uses as may be permitted in Section 3.3-325.

- B. Any change or intensification of use, or construction that has a significant visual impact shall require Discretionary Use Approval.

### 3.3-325 Greenway Setback

A Greenway Setback Line is established to protect, maintain, preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette Greenway. Only water-dependent or water-related uses are permitted between the Willamette River and the Greenway Setback Line. The Greenway Overlay District shall substitute temporarily as the Greenway Setback Line for all properties within this Overlay District that do not have an established Setback Line. Establishment of this Setback Line may occur with or without a request for development approval, but any request for development approval on land without an established Setback Line shall be accompanied by an application for establishment of the Greenway Setback Line. The location of the Greenway Setback Line shall be determined consistent with the following standards derived from Section C.3 of the Willamette River Greenway Goal 15:

- A. Local, regional and State recreational needs shall be provided for consistent with the carrying capacity of the land. The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent possible.
- B. Adequate public access to the river shall be provided.
- C. Significant fish and wildlife habitats shall be protected.
- D. Identified scenic qualities and view-points shall be preserved.
- E. The maintenance of public safety and protection of public and private property, especially from vandalism and trespass shall be provided for, to the maximum extent practicable.
- F. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.
- G. The location of known aggregate deposits shall be considered. Aggregate extraction may be permitted outside the Greenway Setback Area subject to compliance with State law, the underlying zoning district and conditions of approval designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, quiet and safety and to guarantee reclamation.
- H. Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses shall be permitted to continue as urban uses, including port, public, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

### **3.3-330 Development Standards**

In addition to Discretionary Use criteria specified in Section 5.9-120, applications in the WG Overlay District shall also meet the standards specified in Section 3.3-325.

## Section 3.3-400 Floodplain Overlay District

### 3.3-405 Purpose

- A.** The Floodplain (FP) Overlay District is established to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this Section are designed to:
1. Protect human life and health.
  2. Minimize expenditure of public money on costly flood control projects.
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  4. Minimize prolonged business interruptions.
  5. Minimize damage to public facilities and utilities, including, but not limited to: water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards.
  6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas.
  7. Provide information to potential buyers of property in areas of special flood hazard.
  8. Minimize the threat to persons, property and urban water quality from flooding and inadequate or improper drainage resulting from uncontrolled development or redevelopment of land to include filling, grading, excavation, removal; earthwork construction including berms and dikes; stockpiling of materials; or other Land and Drainage Alterations.
- B.** In order to accomplish the purpose, this Section includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
  2. Requiring that uses vulnerable to floods, including facilities which serve these uses, be protected against flood damage at the time of initial construction.
  3. Controlling the alteration of natural floodplains, stream channels and protective barriers, which help accommodate or channel flood waters.
  4. Controlling filling, grading, dredging and other development, which may increase flood damage.

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase special flood hazards in other areas.
6. Issuing a Land and Drainage Alteration Permit.

### **3.3-410 Applicability**

- A. The FP Overlay District applies to all areas of special flood hazard.
- B. The areas of special flood hazard are identified as follows:
  1. Those areas identified by the Federal Insurance Administration in scientific and engineering reports entitled "THE FLOOD INSURANCE STUDY FOR THE CITY OF SPRINGFIELD, LANE COUNTY, OREGON", dated June 2, 1999 and any revision thereto, and "THE FLOOD INSURANCE STUDY FOR LANE COUNTY, OREGON, UNINCORPORATED AREAS," dated June 2, 1999 and any revisions thereto, with accompanying Flood Insurance Maps;
  2. Areas of special flood hazard designated by the City Engineer as susceptible to inundation of water from any source where the above-referenced maps have not identified any special flood areas.
- C. The flood insurance studies specified above are hereby adopted by City Ordinance and filed with the City Engineer. These studies shall form the basis for the administration and implementation of this Section.
- D. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Section in the areas designated in Subsection B., above is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, or any officer or employee of the City, for any flood damage that may result from reliance on this Section or any administrative decision lawfully made under this Section.

### **3.3-415 Review**

- A. Development proposals within the FP Overlay District shall be reviewed under Type I procedure (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities). Development approval within the FP Overlay District, including a Land and Drainage Alteration Permit, shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.3-410B. Approval is required for all structures, manufactured homes and development as defined in this Code.
- B. **Special Review Procedures.** The Director shall administer this Section in consultation with the Building Official and the City Engineer. They shall:

1. Review all development applications to determine that the application requirements of this Section have been satisfied;
2. Review all development applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies for which prior approval is required;
3. Review all development applications to determine if the proposal is located in the floodway. If the proposal is located in the floodway, assure that the encroachment provisions of Section 3.3-420C. are met.
4. When base flood elevation data has not been provided as specified in Section 3.3-410B.1., the City Engineer shall obtain, review and utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer this Section.
5. Where base flood elevation data is provided through the Flood Insurance Study or as specified in Subsection B.4., above, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
6. For all new or substantially improved flood-proofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level); and
  - b. Maintain the flood-proofing certifications required in Section 3.3-420B.2.a.iii.;
7. Maintain for public inspection all records pertaining to the provisions of this Section;
8. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of this notification to the Federal Insurance Administration;
9. Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of a watercourse so that the flood carrying capacity of the watercourse is not diminished; and
10. Make interpretation, where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). A person contesting the location of the boundary may appeal the interpretation as specified in Section 5.3-100.

### **3.3-420 Development Standards**

- A. General Standards.** In all areas of special flood hazard within the City and its urbanizable area, the following standards apply:



- 1. Anchoring.** All new construction, manufactured homes and substantial improvements subject to less than 18 inches of flood water during a 100 year flood shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods for manufactured homes may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). If subject to 18 inches or more of flood water, or located in the floodway, manufactured homes, apart from manufactured homes in Mobile Home Parks and Subdivisions, shall be anchored to prevent flotation or lateral movement and the design shall be certified by an engineer or architect. Manufactured homes in an existing Mobile Home Park or Subdivision may use the ties to ground anchors and additional techniques specified above.
  
- 2. Construction Materials and Methods.**
  - a.** All new construction and substantial improvements shall be constructed with approved materials and utility equipment resistant to flood damage.
  - b.** All new construction and substantial improvements shall be constructed using approved methods and practices that minimize flood damage.
  - c.** Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding.
  
- 3. Utilities.**
  - a.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - b.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
  - c.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  
- 4. Subdivision Proposals.**
  - a.** All subdivision proposals shall be consistent with the need to minimize flood damage;
  - b.** All subdivision proposals shall have public utilities and facilities, including, but not limited to: sewer, gas, electrical and water

systems located, constructed and maintained to minimize flood damage;

- c. All subdivision proposals shall have adequate drainage to reduce exposure to flood damage; and
- d. 100-year flood elevation data shall be provided and shown on final and subdivision plats. The boundaries of the 100-year flood and floodway shall be shown on the final subdivision plat.
- e. A permanent monument shall be established and maintained on land subdivided, showing the elevation in feet above mean sea level. The location of the monument shall be shown on the final partition map or subdivision plat.
- f. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be prepared by the applicant's engineer for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

- 5. **Review of Building Permits.** Where base flood elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits including those for manufactured home placement shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall include but not be limited to the use of historic data, high water marks, photographs of past flooding, where available. Failure to elevate at least two feet above (the exterior) grade in these zones may result in higher insurance rates. This requirement does not apply to manufactured homes in existing Mobile Home Parks and Subdivisions.

- B. **Specific Standards.** In all areas of special flood hazard within the City and its urbanizable area where base flood elevation data has been provided as specified in Sections 3.3-410A. and B. or 3.3-415B.4., the following provisions are required:

- 1. **Residential Construction.**
  - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 foot above the base flood elevation.
  - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-waters. Designs for meeting this requirement shall either be certified by an engineer or architect or shall meet or exceed the following minimum criteria:

- i. A minimum of two openings of equal size having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than 1 foot above grade.
- iii. Openings shall be located to allow unrestricted cross-flow of flood-waters through the enclosed area from one side to the other.
- iv. Openings may be equipped with screens, louvers, or other coverings or devices if certified by an engineer or architect, provided that they permit the automatic entry and exit of flood-waters.

**2. Nonresidential Construction.**

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor, including basement, elevated to a level at least 1 foot above the base flood elevation; or together with utility and sanitary facilities shall:
  - i. Be flood-proofed to 1 foot above the base flood level, so that the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - iii. Be certified by an engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. The certifications shall be provided to the Building Official as specified in Section 3-415B.6.b.
- b. Nonresidential structures that are elevated, not flood-proofed, shall meet the same standards for space below the lowest floor as specified in Subsection B.1.b., above.
- c. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

**3. Manufactured Homes.**

- a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation where the lowest floor of the manufactured home is elevated to a height of 1 foot above the base flood elevation:
  - i. On sites outside of a manufactured home park or subdivision;
  - ii. On sites in a new manufactured home park or subdivision;
  - iii. On sites in an expansion to an existing manufactured home park or subdivision; and
  - iv. On sites within an existing manufactured home park or subdivision and upon which manufactured homes have incurred substantial damage as the result of flood.
- b. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH or AE that are not subject to the provisions of Subsection a., above shall be elevated so that:
  - i. The lowest floor of the manufactured home is at or above the base flood elevation, or
  - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
- c. Recreational vehicles placed on site within Zones A1-30, AH or AE shall
  - i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
  - ii. Satisfy the review procedure of Section 3.3-415.
- 4. Foundations. Foundations for all new construction, substantial improvements and manufactured homes subject to 18 inches or less of flood water during a 100 year flood shall be as specified in the Springfield Building Safety Codes. Foundations for all new construction, substantial improvements and manufactured homes not in a Mobile Home Park or Subdivision subject to 18 inches or more of flood water during a 100 year flood or located within a designated floodway shall be certified by an engineer to meet the following foundation requirements:
  - a. Concrete footings sized for 1000 psf soil pressure unless data to substantiate the use of higher values are submitted;

- b. Footings shall extend not less than 18 inches below the undisturbed natural grade or engineered fill and in no case less than the frost line depth; and
    - c. Reinforced concrete, reinforced masonry, or other suitably designed supporting systems to resist all vertical and lateral loads which may reasonably occur independently or combined.
  - 5. Streets.
    - a. Adequate provisions shall be made for accessibility during a 100 year flood, to ensure ingress and egress for ordinary and emergency vehicles and services during potential future flooding.
    - b. No street or surface of any new street shall be at an elevation of less than 1 foot below the base flood height.
- C. Floodways. Located within areas of special flood hazard established in Section 3.3-410A. and B. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - 1. Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 

**EXCEPTION:** Manufactured homes as well as other structures already in the floodway may be replaced if they are located in the same site and are the same size without the certification.
  - 2. If the requirements of Subsection C.1., above are satisfied, all new construction and substantial improvements shall comply with all applicable special flood hazard reduction provisions of Subsection B., above.
  - 3. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the floodway.
- D. Encroachment. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.

### 3.3-425 Emergency Approval

Where there is an emergency, the Director may issue development approval, including a Land and Drainage Alteration Permit either orally or in writing:

- A. If issued orally, written approval shall follow within 5 days setting forth the conditions of operation.

- B.** Emergency approval may be issued to protect existing shorelines or structures under immediate threat by flood or storm waters or for the prevention of channel changes that threaten immediate and significant loss of property.
- C.** A representative of the City may inspect the project site to verify that an emergency condition exists and that the emergency action will not adversely impact water resources.
- D.** Emergency approval shall be in effect for the time required to complete the authorized emergency action and shall not exceed 60 days.
- E.** Any emergency approval shall be circulated for public information within 10 days of issuance.

<b>3.3-430 Variance Procedures</b>
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- A.** A Variance from the provisions of this Section, with respect to the provisions for special flood hazard reduction, shall be reviewed as a Type III procedure as specified in Section 5.1-135.
- B.** The Approval Authority shall consider all technical evaluations, all relevant factors and standards specified elsewhere in this Section. A Variance shall be granted if the proposal is determined by the Approval Authority to meet each of the following criteria:
  - 1.** There is no potential danger that materials may be swept onto other lands to the injury of others;
  - 2.** There is no potential danger to life and property due to flooding, debris or erosion damage;
  - 3.** There is no significant susceptibility of the proposed facility and its contents to flood damage and the effect of that damage on the individual owner;
  - 4.** The facility necessitates a waterfront location, where applicable;
  - 5.** There are no other alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - 6.** The proposed use is compatible with existing and anticipated development;
  - 7.** The proposed use is consistent with the Metro Plan and Floodplain management program for that area;
  - 8.** There is adequate and safe access to the property in times of flood for ordinary and emergency vehicles;
  - 9.** There has been adequate consideration of expected heights, velocity, duration, rate of rise, sediment, debris transported by the floodwaters and the effects of wave action, if applicable, expected at the site; and

10. There are no substantial costs of providing governmental services during or after flood conditions, including maintenance and repair of public utilities and facilities, including, but not limited to: sewer, gas, electrical and water systems, and streets and bridges.
- C. Reasonable conditions may be established in connection with a Variance if necessary to comply with the purpose and requirements of this Section. In cases where a Variance is granted to allow residential construction with a lowest floor elevation below the required minimum elevation, or nonresidential flood-proofing below the required minimum elevation, the applicant shall record a deed covenant that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced floor elevation flood-proofing.
- D. Variances may be issued for the reconsideration, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to procedures specified in the remainder of this Section.
- E. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- F. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the special flood hazard, to afford relief.

#### **3.3-435 Post-Flood Substantial Damage Procedures**

- A. Building inspectors from the Development Services Department shall make post-flood inspections immediately after a flood event to determine damage to structures by the flooding.
- B. A list of damaged structures, which are not in compliance with the provisions of this Section, shall be reported to FEMA.
- C. The City shall notify affected property owners prior to submitting the damage report to FEMA.

#### **3.3-440 Periodic Floodplain Inspections and Enforcement Actions**

Field staff from the Development Services Department and/or the Public Works Department shall make periodic inspections of floodplain areas both within the city limits and outside the city limits, but within the City's urban services area to establish that any activity involving the fill and/or removal of materials within the floodplain is being performed in compliance with an approved Land and Drainage Alteration Permit. The staff shall prepare a field report listing non-complying conditions to be delivered to the Director. Upon receipt of the report, the Director shall proceed with enforcement actions including, but not limited to: the issuance of a Stop Work Order; the issuance of a citation; and the commencement of civil legal proceedings.

**3.3-445 Land and Drainage Alteration Permits - Enforcement of Requirements and Penalties**

**A. Within Springfield's city limits:**

- 1.** Enforcement of the provisions of this Section is through commencement of civil legal proceedings in the Springfield Municipal Court. Violation of the provisions of this Section including the failure to obtain a Land and Drainage Alteration Permit and the failure to comply with the requirements of a Land and Drainage Alteration Permit shall be punished by a fine not exceeding \$250.00 or imprisonment, not exceeding 100 days, or both fine and imprisonment. Every day of the violation shall constitute a separate offense.
- 2.** Enforcement of the provisions of this Section may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:
  - a.** Require the person responsible and/or the property owner to cease the violation of the provisions of this Section and bring the property into conformance with this Section;
  - b.** Require the person responsible and/or the property owner to take action to return the property to its original condition before any work initiated without a Land and Drainage Alteration Permit;
  - c.** If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Section;
  - d.** Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Section either against the property itself, the person responsible, or the property owner; and/or
  - e.** Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.
- 3.** Enforcement of the provisions of this Section may also be through the use of nuisance abatement procedures of Sections 5.000 to 5.018 of the Springfield Municipal Code, 1997.

**B. Beyond Springfield's city limits but within Springfield's urban services area. Enforcement of the provisions of this Section may also be through commencement of legal proceedings in Lane County Circuit Court. Upon determination that a violation has occurred, the court may:**



- 1. Require the person responsible and/or the property owner to cease the violation of the provisions of this Section and bring the property into conformance with this Section;**
- 2. Require the person responsible and/or the property owner to take action to return the property to its original condition before any work initiated without a Land and Drainage Alteration Permit;**
- 3. If the person responsible and/or the property owner does not return the property to its original condition within the prescribed time period, authorize the City to take whatever action is necessary to return the property to its original condition prior to the initiation of any work without a Land and Drainage Alteration Permit, or otherwise bring the property into conformance with the provisions of this Section;**
- 4. Authorize the City to charge the costs for restoring the property to its original condition or for bringing the property into conformance with the provisions of this Section either against the property itself, the person responsible, or the property owner; and/or**
- 5. Order the person responsible and/or the property owner to pay to the City its attorney fees and costs incurred in pursuing its civil legal remedies.**

## Section 3.3-500 Hillside Development Overlay District

### 3.3-505 Purpose

The Hillside Development (HD) Overlay District is established to ensure that development in hillside areas: Minimizes the potential for earth movement and resultant hazards to life and property; protects water quality by minimizing soil erosion and siltation; retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas; assures the compatibility of new development with surrounding areas; encourages site and building design that is consistent with the natural topography in order to minimize the cost of providing public infrastructure; provides for adequate access for emergency services; and otherwise protects the public health and safety.

### 3.3-510 Applicability

The HD Overlay District is applied in residential zoning districts above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 percent slope as determined using the slope calculation described in Subsection 3.3-520A.

### 3.3-515 Review

Development within the HD Overlay District is reviewed under Type II procedure, submitted concurrently with the applicable application for a: Site Plan Review, Property Line Adjustment, or a Partition or Subdivision Tentative Plan.

### 3.3-520 Development Density and Options

- A. For the purpose of calculating the allowed number of dwelling units in the development area below 670 feet in elevation, the "average slope" as defined below may be used:

$$S = \frac{0.00229 \cdot I \cdot L}{A}$$

Where:

S = Average % of slope for the area.

I = Contour Interval (not greater than 10 feet).

L = Summation of length of the contour lines within the area.

A = Area.

Where the average slope of the portion of the development area below 670 feet in elevation is less than 15 percent, the number of dwelling units allowed shall be as provided in Section 3.2-205A.

**B.** The developer has two options for the development of steeply sloped land. Option "A", is designed to correlate minimum lot/parcel sizes to the average slope of the development area. Option "B", is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

**1.** **OPTION "A" - AVERAGE SLOPE - MINIMUM LOT/PARCEL SIZE.**  
The site development requirements of the LDR District apply, with the exception of the minimum lot/parcel size and duplex standards. Determination of minimum lot/parcel size where the slope is 15 percent or greater is a three step process.

**a.** Step 'A-1'. Determine the area of the lot/parcel where the slope of the land is:

- i.** Less than 15 percent.
- ii.** From 15 percent to 35 percent.
- iii.** Greater than 35 percent.

Use the following formula to determine the % of slope:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = V \times 100 = \% \text{ slope}$$

Indicate the portions of the development area that are less than 15 percent; from 15 percent to 35 percent; and greater than 35 percent then use a planimeter or other technology acceptable to the City Engineer to determine the land area of each category.

**b.** Step 'A-2'. Determine the average slope of the portion of the development area where the slope of land is from 15 percent to 35 percent by using the following formula:

$$S = \frac{0.00229 \text{ I L}}{A}$$

Where:

S = Average percent of slope for the area where the slope ranges from 15 percent to 35 percent.

I = Contour interval. (Not greater than 10 feet).

L = Summation of the length of the contour lines within the area where the slope is from 15 percent to 35 percent.

A = Area in acres of the portion of the parcel where the slope is from 15 percent to 35 percent.

- c. Step 'A-3'. Determine the minimum lot/parcel size for the portion of the development area where the slope of the land is greater than 15 percent by using the following Table:

**Table 3.3-1**

<b>Average Slope</b>	<b>Minimum Lot/Parcel Size Per Dwelling Unit</b>	<b>Minimum Per Lot/Parcel Frontage*</b>
Less than 15 % and below 670 feet	See the applicable lot/parcel size and frontage requirements in Section 3.2-215.	
Less than 15% on wooded lots**	10,000 sq. ft.	60 ft.
15% - 25%	10,000 sq. ft.	90 ft.
25% - 35%	20,000 sq. ft.	150 ft.
Over 35%	40,000 sq. ft.	200 ft.

\*Panhandles are permitted only when requirements of this Section pertaining to fire protection and lot/parcel size are met and the lot/parcel cannot be served with a public street. Minimum frontage standards for all other lots/parcels may be amended by the Director when it is found that the topography or location of natural features prevent achieving the standard. Cul-de-sac frontages are as specified in Section 3.2-215.

\*\* A Lot/parcel that is 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh (See also Chapter 6).

2. **OPTION "B" DENSITY TRANSFER BONUS.** In order to promote the preservation of natural slopes greater than 25 percent, and encourage solar access, development density transfer is encouraged when dividing land with slopes greater than 25 percent. The density transfer is only feasible where there are sizable portions of the development area which have slopes less than 25 percent. Determination of the density transfer bonus is a four step process:
- a. Step 'B-1'. Determine the area of the parcel where the average slope of the land is:
    - i. Less than 15 percent.
    - ii. From 15 percent to 25 percent.
    - iii. From 25 percent to 35 percent.
    - iv. Greater than 35 percent.
  - b. Step 'B-2'. Determine the average slope of the area of the parcel where the average slope of the land is greater than 15 percent by using the formula identified in Option A, Step 'A-2'.

- c. Step 'B-3'. Determine the number of potential lots/parcels for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using Table 3.3-1 in Option "A", Step 'A-3'.
- d. Step 'B-4'. Multiply the number of potential lots/parcels by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average slope used to calculate a density transfer bonus shall be maintained as permanent open space or dedicated for park use. Modification of standards as specified in Section 3.3-535 may be applied to the entire development area.

### **3.3-525 Street Grade Standards**

- A. Streets shall be contoured in hillside areas to minimize environmental and scenic disruption.
- B. Street grades may exceed the 12 percent local street standard specified in Section 4.2-105, Street Standards – Public, only where topographical conditions make it impractical to meet the 12 percent standard, subject to the following conditions:
  - 1. No new driveways or intersections shall be permitted where street grades exceed 12 percent.  
  
**EXCEPTION:** Lots/parcels created prior to the adoption of the Comprehensive Zoning Code, 1982.
  - 2. No street with a grade of 15 percent or greater shall be permitted for a distance of more than 200 feet.
  - 3. In no case shall a street grade exceed 18 percent for any distance.

### **3.3-530 Reports Required**

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports are required and their conclusions applied in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Section. The applicant shall fund peer review of the reports as deemed necessary by the City Engineer.

- A. **Geotechnical Report.** This report shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions. Where geologic conditions of the site indicate that a

hazard may exist, the report shall show that the proposed Subdivision or Partition shall result in lots/parcels that are suitable for development. The investigation and report shall be prepared by a civil engineer/geologist or a geotechnical engineer.

**B. Grading Plan Report.** This plan shall include the following information:

1. Existing and proposed details and contours (5-foot intervals) of property;
2. Details of terrain and area drainage;
3. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography;
4. The direction of drainage flow and the approximate grade of all streets with the final determination to be made as specified in Subsection D., below;
5. Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;
6. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains;
7. A schedule showing when each phase of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (i.e., covered with gravel, a slab foundation or other construction), landscaped (i.e., seeded or planted with ground cover) or otherwise protected; and
8. The Grading Plan shall be prepared by a civil engineer.

**C. Vegetation and Re-vegetation Report.** This report shall be as specified in Section 5.19-120, if tree felling is proposed.

**D. Verification of Slope and Grade Percentages.** Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to

determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, i.e., density or street gradients exceed the limits specified in this Section, the Tentative Plan shall be modified to reflect the revised information and resubmitted.

- E. **Development Plan Report.** A proposed development plan shall be submitted, depicting building envelopes for each lot/parcel, including driveway approaches and all other associated impervious surface areas. The applicant shall specify whether trees will be felled under one Tree Felling Permit, as specified in Section 5.19-100, as part of the subdivision construction process or by separate Tree Felling Permit for each individual lot/parcel prior to the issuance of a Building Permit. The plan shall be based upon the findings of the required reports in this Section and the lot/parcel coverage standards of Section 3.2-215. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.

### **3.3-535 Modification of Standards**

The Director may modify the standards of this Code, as they apply to the entire development area, within the following prescribed limits:

- A. Front, side and rear yard setbacks may be reduced to zero (when permitted by the Building Safety Codes); provided, however, where attached dwellings are proposed, there shall not be more than 5 dwelling units in any group.
- B. The reduction of public right-of-way, pavement width, and/or requirements for the installation of sidewalks as specified in Table 4.2-1, may be allowed if provisions are made to provide off-street parking in addition to that specified in Section 4.6-125. The Director may require combinations of collective private driveways, shared parking areas and on-street parallel parking bays where topography, special traffic, building, grading, or other circumstances necessitate additional regulation to minimize land and soil disturbance and minimize impervious surface areas.

### **3.3-540 Fire Protection Requirements**

Additional fire protection requirements may be required in hillside development areas which are considered vegetated areas subject to wildfires as determined by the Fire Marshal.

- A. All buildings with a gross area in excess of 1,500 square feet shall be constructed within 50 feet of an approved fire lane or public street. Fire apparatus access shall be provided to within 50 feet of the building (This may mean modifying the driveway designs for width, grade and construction material in order to meet fire lane requirements). Installation of a residential fire sprinkler system will be considered as an alternative to the requirement to be within 50 feet of a fire lane or street.
- B. The developer shall specify in the recorded Covenants, Conditions and Restrictions that a wildfire defense plan for each lot/parcel, approved by the Fire Marshal, will be required prior to the issuance of a building permit.

- C. All buildings located in or adjacent to vegetated areas subject to wildfires shall have Class A or B roofing as specified in the Oregon State Structural Specialty Code.**



**Section 3.3-600 Reserved for Future Use**

**Section 3.3-700 Reserved for Future Use**

## Section 3.3-800 Urbanizable Fringe Overlay District

### 3.3-805 Purpose

The Urbanizable Fringe (UF-10) Overlay District is established to effectively control the potential for urban sprawl and scattered urbanization to achieve the goal of compact growth. This concept will remain the primary growth management technique for directing geographic patterns of urbanization in the City. The UF-10 Overlay District limits the division of land and prohibits urban development of unincorporated urbanizable land which will eventually be annexed to the City. All interim development shall be designed and constructed to City standards.

### 3.3-810 Applicability

- A. The provisions of the UF-10 Overlay District apply to all land between Springfield's city limits and the Urban Growth Boundary.
- B. **EXCEPTIONS:**
  - 1. The provisions of the UF-10 Overlay District shall not apply to land designated Government and Education on the Metro Plan diagram.
  - 2. The UF-10 Overlay District shall cease to apply upon annexation to the City.

### 3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District

The following uses may be permitted in the underlying residential, commercial, or industrial district subject to the provisions, additional restrictions and exceptions specified in this Code. **EXCEPT AS SPECIFIED IN SECTION 3.3-810B., URBAN USES (e.g., multiple-family or churches) NOT LISTED IN THE UF-10 OVERLAY DISTRICT ARE NOT PERMITTED.**

**"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**

<i>Use Category</i>	<i>Underlying Zoning District</i>		
	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>
Agricultural uses and structures	P	P	P
Child care facility (Section 4.7-125)	S	N	N
Detached single-family dwellings and manufactured homes (Section 3.3-825)	P	N	N
Home Occupations (Section 4.7-165)	S	S	S
Neighborhood parks that do not require urban services (Section	S*	N	N

4.7-200)			
Partitions (Section 3.3-825E.)	P	N	N
Property Line Adjustments	P	N	N
High Impact Facilities (Section 4.7-160)	S*	S*	S*
Low Impact Facilities	P	P	P
Temporary sales/display of produce, the majority of which is grown on the premises (Section 4.8-125)	P	P	P
Tree felling (Section 5.19-100)	P	P	P
R.V. parks and campgrounds (Section 4.7-220D.)	S*	N	N
RV parks and campgrounds that do not require urban services (Section 4.7-220D.)	N	D*	D*
Expansion of non-conforming uses existing on the effective date of Lane County's application (on either the /ICU or I/U District to the property (Section 3.3-385F.)	N	D*	D*
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (Section 3.3-825H.)	N	P*	P*
Expansion or replacement of lawful Discretionary Uses in the underlying zoning district (Section 3.3-825H.)	N	D*	D*
New Permitted and Specific Development Standards in the underlying zoning district within existing structures (Section 3.3-825H.)	N	P*	P*
Manufactured home (night watch person) or manufactured unit (office) in an industrial district (Sections 4.7-185 and 4.7-170)	N	N	S*
Certain Wireless Telecommunications Systems Facilities	See Section 4.3-145	See Section 4.3-145	See Section 4.3-145

### 3.3-820 Review

- A. The siting of single-family residences in the UF-10 Overlay District that require a Future Development Plan as specified in Section 5.12-120E shall be reviewed under Type I procedure.
- B. Partitions are reviewed under Type II procedure.
- C. All other requests are reviewed in accordance with the procedures applicable in the underlying zoning district (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities).
- D. The Hearings Official shall hear all Type III land use requests.

### 3.3-825 Additional Provisions

- A. The City shall not extend water or sanitary sewer service outside the city limits, unless the property owner obtains annexation approval.
- B. The Lane County Sanitarian shall certify that the proposed individual waste water disposal system meets D.E.Q. standards prior to Development Approval.
- C. Lane County is considered an affected party and shall be notified of all development applications.

- D. Siting of Residential Uses.** Detached single family dwellings shall be sited to allow the future division and/or more intensive use of the property. The applicable on-site sewage disposal facility shall be conditional, and made a part of any permit necessary to achieve the standards of this Overlay District. The following standards apply:
- 1.** In order to achieve ultimate densities provided in the Metro Plan, the siting of single family homes on any lot/parcel designated MDR or HDR, or any lot/parcel 5 acres or more in size and designated LDR, shall require approval of a Future Development Plan as specified in Section 5.12-120E.
  - 2.** Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities shall be applied where necessary to reserve land for future urban development.
- E.** Connection to the sanitary sewer system. Any property to be partitioned that is within the distances specified in OAR 340-071-0160(4) for connection to the City's sanitary sewer system shall require annexation to the City, unless the Director determines that a topographic or man-made feature makes the connection physically impractical.
- F.** Uses requiring Discretionary review, uses requiring specific development standards, new permitted uses and expansion of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly or in the aggregate additional need for key urban services.
- G.** New permitted uses and expansions of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly, or in the aggregate, additional need for key urban services.
- H.** R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified Section 4.7-220.

## Section 3.3-900 Historic Overlay District

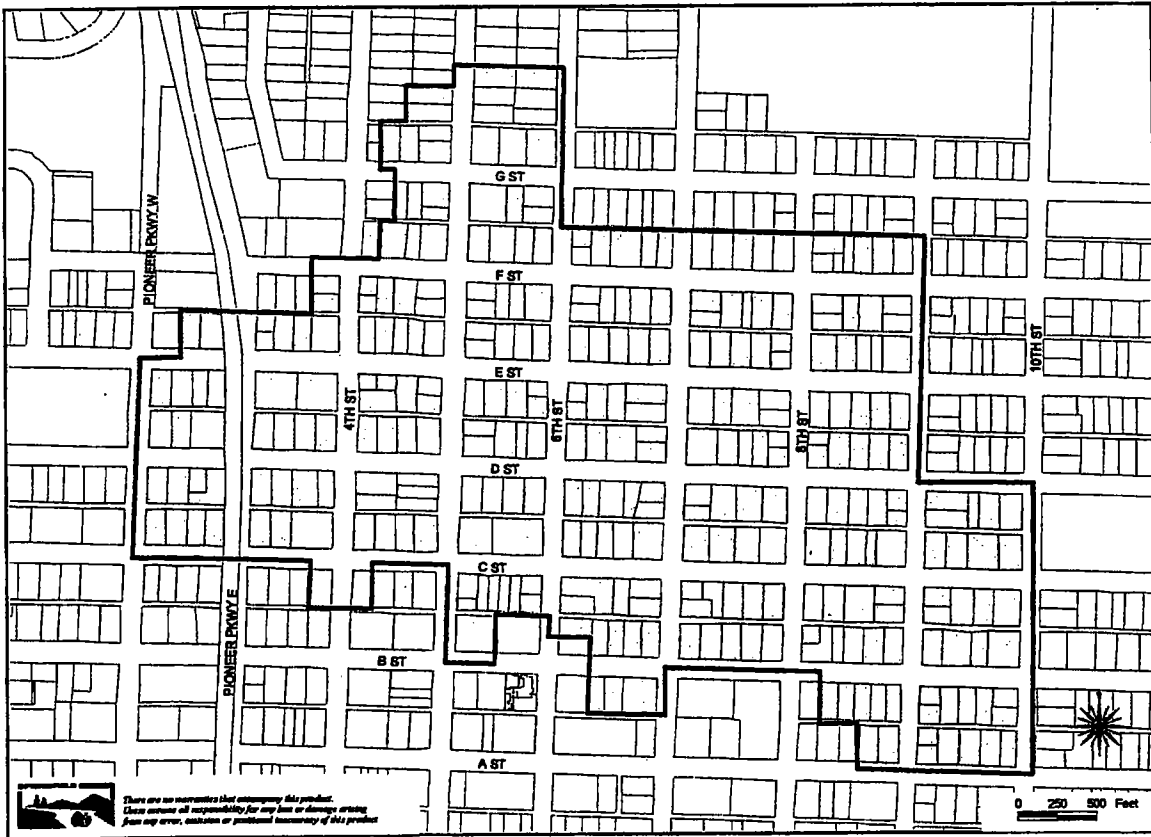
### 3.3-905 Purpose

The Historic (H) Overlay District is established to encourage the restoration, preservation and adaptive use of identified Historic Landmark Structures and Sites. The H Overlay District implements the Washburne Historic Landmark District, Section 2.500 et. Seq., of the Springfield Municipal Code, 1997 and OAR Chapter 660-023.

### 3.3-910 Applicability

This Section applies in the following instances to all structures and sites:

- A. Within the Washburne Historic Landmark District; and



- B. On the adopted Historic Landmark Inventory within the City or its urbanizing areas, including the following individually designated Historic Landmarks:

<b>Historic Site/ Structure</b>	<b>Address</b>
Stevens and Perkins Building	330 Main Street
I.O.O.F. Building	346 Main Street
Pacific Power & Light Building	590 Main Street
Southern Pacific Railroad Depot	310 S. 7 <sup>th</sup> Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 2 <sup>nd</sup> Street
Douglas House	961 S. 32 <sup>nd</sup> Street

**3.3-915 Review**

- A.** The Historic Commission shall make recommendations to the Planning Commission or City Council on the following issues:
1. The establishment or modification of a Historic Landmark District (e.g. the Washburne Historic Landmark District) - Type IV procedure and as specified in Section 3.3-930;
  2. The establishment of the Historic Landmark Inventory - Type III procedure and as specified in Section 3.3-920;
  3. The removal of individual Historic Landmark Sites and Structures from the Historic Landmark Inventory - Type III procedure and as specified in Section 3.3-925;
  4. Demolition of Historic Landmark Structures - Type III procedure and as specified in Section 3.3-950; or
  5. Any Discretionary Use listed in the underlying zoning district - as specified in Section 5.9-100.
- B.** The following major alterations of Historic Landmark Sites or Structures shall be reviewed under Type II procedures as specified in Section 3.3-945:
1. Additions, partial demolitions, or substantial alterations to a building facade;
  2. A change to a more intensive use category as defined in the underlying zoning district;
  3. Installation of four or more parking places;
  4. Removal or radical trimming of large established trees or vegetation, unless necessary for immediate public safety as determined by the City Engineer;
  5. Specific Development Standards in the Washburne Historic Landmark District specified in Section 3.3-935B.;

6. New construction of 1,000 square feet or more within the Washburne Historic Landmark District; or
  7. Any other alteration or use that the Director determines may detract from the historic character of a Historic Landmark Site or Structure.
- C. The following minor alterations of Historic Landmark Sites and Structures shall be reviewed under Type I procedures as specified in Section 3.3-945:
1. Construction, modification or demolition of accessory structures;
  2. Additions, partial or total demolitions or substantial alterations to the building facades of non-contributing and intrusive structures within the Washburne Historic Landmark District;
  3. Replacement of damaged exterior features with virtually identical materials;
  4. Additions, partial demolitions or alterations to Historic Landmark Sites and Structures which fully conform to the standards of Section 3.3-945 and which are not visible from the street;
  5. Installation of fewer than four parking spaces;
  6. Installation of signs of less than four square feet; or
  7. Any similar alteration or use which does not detract from the character of a Historic Landmark Site or Structure.
- D. The application shall include a Plot Plan and exterior elevations of sufficient detail to determine compliance, as prescribed by the Director or Historic Commission.

### **3.3-920 Establishment of the Historic Landmark Inventory**

- A. The following criteria shall be considered by the Historic Commission or Planning Commission in establishing sites or structures on the Historic Landmark Inventory. In each case the approval authority shall determine whether the Historic Landmark Site or Structure is:
1. Associated with historic or famous events;
  2. Old (usually at least 50 years old);
  3. Representative of a period or style of architecture or method of construction;
  4. Recognized as having architectural merit, by reason of unusual or extraordinary design, detail, use of materials or craftsmanship;



5. Identified as the work of an architect, designer, or master builder whose individual work has influenced development in the City, State or Nation;
  6. Included in the National Register of Historic Places;
  7. Related to the broad cultural history of the City, State or Nation;
  8. Identified with a person or persons, organizations or events that have contributed significantly to the history of the City, State or Nation; or
  9. Identified as a unique aesthetic or educational feature of the City.
- B. If at least two of the criteria specified in Subsection A., above apply, and the Historic Landmark Site or Structure is not in an advanced state of deterioration, the Planning Commission upon the recommendation of the Historic Commission may add the Historic Landmark Site or Structure to the Historic Landmark Inventory.
- C. Once a Historic Landmark Site or Structure is included in the Historic Landmark Inventory, it is automatically subject to the provisions of the H Overlay District.

**3.3-925 Removal of Individual Historic Landmark Sites and Structures From the Historic Landmark Inventory**

In order to remove a Historic Landmark Site or Structure from the Historic Landmark Inventory, the Historic Commission shall determine that:

- A. The original criteria used in determining historic significance as specified in Section 3.3-920A. were erroneously applied; or
- B. That demolition has been approved as specified in Section 3.3-950.

**3.3-930 Establishment and Modification of Historic Landmark Districts**

- A. Historic Landmark District Preservation Plans shall be defined as Refinement Plans of the Metro Plan.
- B. The provisions of Section 5.6-100 shall apply to the establishment and modification of Historic Landmark Districts.
- C. The applicant shall demonstrate that the establishment or modification of a Historic Landmark District is in conformance with the following additional criteria:
  1. The area can be logically bounded and is distinguishable from the surrounding areas; and
  2. The area possesses a significant number of Historic Landmark Sites and/or Structures; or
  3. The area possesses a significant concentration, linkage or continuity of sites and/or structures that may individually lack distinction but are collectively important due to their visual or historic association.

### **3.3-935 Schedule of Use Categories**

The following buildings and uses are permitted in the H Overlay District as indicated subject to the provisions, additional restrictions and exceptions specified in this Code.

- A. Historic Landmark Sites and Structures.** The categories of uses listed in the underlying zoning district are permitted, provided that the integrity of the historic landmark site or structure can be maintained as specified in this Section (See Section 4.3-145 for siting standards and review process for certain wireless telecommunications systems facilities for all underlying zoning districts in the Historic Overlay District).
- B. The Washburne Historic Landmark District.** To encourage investment in the historic restoration of existing homes, limited small-scale businesses shall be considered in residential districts. These businesses may operate out of a home, provided that the residential character of the neighborhood and the integrity of the Historic landmark Site or Structure is not substantially altered. Therefore, in addition to uses permitted in the underlying residential district, the following additional uses may be permitted subject to the Specific Development standards of Subsection C., below and the provisions, additional restrictions and exceptions specified in Sections 3.3-900-950.

  - 1. Professional offices.** Including accountants, architects, attorneys, counselors, engineers, insurance agents, medical practitioners, planners, and real estate sales.
  - 2. Studios for artists, interior decorators or photographers.**
  - 3. Retail sales of hand-crafted merchandise, original art or antiques, exclusive of mass-produced items, copies of original art objects, or second-hand goods with limited historic value as determined by the Historic Commission.**
  - 4. Bed and Breakfast facilities.**
- C. Washburne Historic Landmark District Specific Development Standards.**

  - 1. Both the business and the dwelling shall be owned and operated by the resident.**
  - 2. Not more than 40 percent of the habitable floor area of the dwelling may be used for business purposes; i.e. at least 60 percent of the habitable floor area shall be used for residential purposes.**
  - 3. The business may not employ more than two full-time support persons, exclusive of family members who reside on the premises. All professional practitioners shall reside on premises.**
  - 4. In addition to the two required parking spaces for the dwelling, one off-street parking space is required for each full time employee.**

- a. Access to employee parking shall be through an alley, and employee parking spaces shall not be located between the house and front or street side property line.
  - b. In cases where the installation of employee parking would require the removal of a Historic Landmark Site or Structure, the Historic Commission may waive one or both of the required spaces if substantial traffic problems would not result. In making this determination, the Historic Commission shall consider the report of the Transportation Manager.
- 5. No display of merchandise either from the windows of a structure or on the property itself is permitted.
- 6. No commercial vehicle repair and/or sales is permitted.
- 7. Home businesses shall not be open to the public on Sundays or holidays recognized by the City, apart from for activities sponsored by the City or the Washburne Neighborhood Association.
- 8. Hours of operation are limited as follows:
  - a. On local streets, from 9:00 a.m. to 8:00 p.m.
  - b. On collector or arterial streets, from 7:00 a.m. to 10:00 p.m.
- D. Commercial uses as specified in Section 3.3-935B.1. through 3. may be permitted on Assessor's Map 17-03-35-24 Tax Lots 10800, 10801, 10900, 12900, 13000 and 13100 when the integrity of the Historic Landmark Site or Structure is not substantially altered provided that:
  - 1. The development meets the standards of Section 5.17-100.
  - 2. Parking areas shall have paved alley access, and shall not be located between the house and front or streetside property line.
  - 3. In cases where the installation of parking would require the removal of a Historic Landmark Site or Structure, the Historic Commission may waive up to 50 percent of the required spaces if substantial traffic problems would not result. In making this determination, the Historic Commission shall consider the report of the City Engineer.
  - 4. No display of merchandise for sale that is incompatible with the residential character of the neighborhood is permitted.
  - 5. No commercial vehicle repair and/or sales is permitted.

### **3.3-940 Development Standards**

**Placement.** In order to protect the historic character of an Historic Landmark District or an individual Historic Landmark Structure, residential garages may be permitted to abut an alley, provided that:

- A.** Minimum fire separation as required by the Building Safety Codes is not exceeded; and
- B.** Access is taken from the alley.

### **3.3-945 Major and Minor Alteration Standards**

- A.** The following standards apply to major and minor alterations as specified in Section 3.3-915B. and C., within the H Overlay District.
  - 1.** Any proposed use shall minimize exterior alteration of the Historic Landmark Site or Structure and its environment; uses that require substantial exterior alteration shall not be permitted.
  - 2.** The distinguishing original qualities of the Historic Landmark Site or Structure and its environment shall not be substantially altered. The removal or alteration of any historic material or distinctive architectural features is prohibited unless an immediate hazard to public safety exists.
  - 3.** All Historic Landmark Sites or Structures are recognized as products of their own time. Alterations which have no historic basis and which seek to create an earlier appearance are prohibited.
  - 4.** Changes that have taken place in the course of time are evidence of the history and development of a Historic Landmark Site or structure and its environment. Where changes have acquired significance in their own right, this significance shall be recognized.
  - 5.** Distinctive stylistic features and examples of local or period craftsmanship which characterize a Historic Landmark Site or Structure shall be retained.
  - 6.** Deteriorated architectural features shall be repaired rather than replaced. In the event replacement cannot be avoided, the new material shall match the material being replaced in composition, design, color, texture and visual qualities. Repair or replacement of missing architectural features is based on accurate duplicate features, substantiated by historic, physical or pictorial evidence rather than on conjectural design, or the availability of different architectural elements from other buildings or structures.
  - 7.** New design for undeveloped Historic Landmark Sites in the Washburne Historic Landmark District and for alterations and additions to existing Historic Landmark Sites and Structures are permitted when they complement significant historic, architectural or cultural features and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

8. New additions or alterations to Historic Landmark Structures shall not impair the essential form and integrity of the structure.

### **3.3-950 Demolition Standards**

Demolition of Historic Landmark Sites or Structures is an extreme measure that may be permitted only after all other reasonable alternatives for preservation have been thoroughly examined.

- A. No demolition permit will be granted for any Historic Landmark Site or Structure unless the owner has demonstrated to the satisfaction of the Historic Commission that one of the following criteria applies:
  1. The condition of the Historic Landmark Site or Structure constitutes a serious and immediate threat to the safety of the public or occupants that cannot be eliminated without repairs that would exceed 50 percent of the value of the structure itself.
    - a. A MIA-certified appraisal shall be required to determine the value of the Historic Landmark Structure.
    - b. At least two bids from qualified contractors shall be required to determine the cost of repairs to the Historic Landmark Structure.
  2. The property owner has demonstrated that there would be no reasonable, long-term economic benefit from preservation of the Historic Landmark Site or Structure. In making this determination, the owner shall demonstrate that all potential uses or adaptive uses for the Historic Landmark Site or Structure have been thoroughly examined. For example:
    - a. The fact that a greater economic return would result from demolition than preservation is insufficient to meet this criteria.
    - b. A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet this criteria (i.e., selling the Historic Landmark Site or Structure is an option that shall be considered).
- B. If a Historic Landmark Site or Structure is permitted to be demolished, the property owner shall provide the Historic Commission with:
  1. Four sets of measured drawings prepared by a qualified draftsman showing the primary floor plans and the primary exterior elevations.
  2. A set of photographs that document the exterior and interior details, including significant architectural elements.
- C. The property owner shall also supply the Historic Commission with any artifact or other architectural element as identified by the Historic Commission. The artifact or architectural element shall be carefully removed and delivered to the Historic Commission in good condition to be used in future conservation work.

## Section 3.3-1000 Nodal Development Overlay District

### 3.3-1005 Purpose, Applicability and Review

- A. Purpose.** The Nodal Development (/ND) Overlay District is established to work in conjunction with underlying zoning districts to implement transportation related land use policies found in TransPlan and in the Metro Plan. The /ND Overlay District also supports "pedestrian-friendly, mixed-use development" as outlined in the State Transportation Planning Rule.

Design standards for the /ND Overlay District are structured to foster the essential characteristics of pedestrian-friendly, human scale development that define "nodal development." These include:

1. Design elements that support pedestrian environments and encourage transit use, walking and bicycling;
2. Transit access within walking distance (generally 1/4 mile) of anywhere in the node;
3. Mixed uses and a core commercial area so that services are available within walking distance;
4. Public spaces, including parks, public and private open space, and public facilities that can be reached without driving; and
5. A mix of housing types and residential densities that achieve an overall net density of at least 12 units per acre.

It is important to note that the Nodal Development Overlay District works using the design and development standards found in Section 3.2-600 Mixed-Use Districts, as a basis for achieving pedestrian-friendly design. The overlay district is needed to add those special standards and prohibitions that help define a nodal development area under TransPlan.

- B. Applicability.** The /ND Overlay District applies to all property where /ND Overlay is indicated on the Springfield Nodal Overlay Map, unless the property is an historic property as specified in Section 3.3-900. The /ND Overlay District requirements described in this Section apply to the following:
1. New development on vacant land.
  2. New structures on already developed sites, including the conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
  3. An expansion of 50 percent or more of the total existing building square footage on the development site.

4. The /ND Overlay standards in this Section do not apply to a building alteration.
  5. Single-Family dwelling units for which building permits were filed prior to the designation of an area for nodal development are exempt from Section 5.8-120 and from the standards of this Section for the purposes of reconstruction if the dwelling unit is partially or completely destroyed or if the dwelling undergoes renovation. Room additions or other expansions typical of a single-family use shall also be allowed.
- C. **Review Procedure.** All multi-unit residential, commercial and industrial development proposals within the /ND Overlay District are reviewed under Type II procedure.

**3.3-1010 Permitted and Prohibited Uses**

- A. **Permitted Uses.** The table below shows the schedule of allowed uses within each base zone. With some exceptions, the activities allowed within the base zone are also allowed within the /ND Overlay District. The /ND Overlay District adds the flexibility of mixing compatible uses on a given site. Mixed-use development is encouraged within the /ND Overlay District. Certain auto oriented uses listed in Subsection B. below, are prohibited within the /ND Overlay District.

<b>Allowed Use Categories</b>	<b>Base Zone</b>
Those uses allowed within Mixed-Use Commercial MUC District in Section 3.2-610	NC, CC, MRC, GO, MUC, MS
Those uses allowed within Mixed-Use Employment MUE District in 3.2-610	LMI, SLI, HI, MUE
Those uses allowed within Mixed-Use Residential MUR District in 3.2-610	MDR, HDR, MUR
Those uses allowed within the Low Density Residential zone as described in 3.2-210	LDR

B. **Prohibited Uses.**

1. Car washes.
2. Auto Parts stores.
3. Recreational vehicle and heavy truck sales/rental/service.
4. Motor vehicle sales/rental/service.
5. Service stations, including quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor.

**EXCEPTION:** Where there is a shared parking arrangement with another permitted use.

8. Agricultural machinery rental/sales/service.
9. Boats and watercraft sales and service.

- 10. Equipment, heavy, rental/sales/service.
- 11. Manufactured dwelling sales/service/repair.

### **3.3-1015 Location Standards**

When establishing the location and boundaries of a /ND Overlay District, the following criteria shall be considered:

- A. The /ND Overlay District shall be applied to the mixed-use centers or "nodes" identified by the City in response to its responsibility under TransPlan.
- B. All parcels included within a /ND Overlay District shall be located within 1/4 mile of a transit stop, and shall have near its center a commercial or employment core area.

### **3.3-1020 Minimum Density and General Development Standards**

The General Development Standards for Mixed-Use described in Section 3.2-625 describe the pedestrian-friendly and transit oriented design standards that apply to mixed use and nodal development. These standards apply to development within the /ND Overlay District. In addition to those standards found in Section 3.2-625, the following apply:

#### **A. Minimum Density and Floor Area Ratio (FAR).**

FAR means the amount of gross floor area of all buildings and structures on a building lot/parcel divided by the total lot/parcel area. A two story building that covers 50 percent of a lot/parcel would have a FAR of 1.0. Typical suburban FAR's range from 0.3 to 1.0 in mixed-use centers.

- 1. Where the base zone is LDR, new subdivisions shall achieve a minimum residential density of 6 units per net acre. Minimum residential density in MDR or MUR shall be 12 units per net acre; in HDR it shall be 25 units per net acre. The combined net residential density within a node or mixed-use center shall be 12 units per acre or more.
- 2. Where the base zone is NC, CC, MRC, MUC, or GO, the minimum floor area ratio (FAR) is .40.
- 3. Where the base zone is LMI, CI or MUE, the minimum FAR is 0.25.

#### **B. Building Setbacks.**

- 1. Buildings occupied by commercial and industrial uses shall be set back a maximum of 20 feet from the street. There is no minimum setback from the street for commercial and industrial uses.
- 2. Residential uses shall be set back a maximum 25 feet from the street.
- 3. Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standards on only one of the streets.



**C. Parking Between Buildings and the Street.**

- 1. Automobile parking, driving, and maneuvering areas shall not be located between the main building and a street.**
- 2. For sites that abut a street, parking shall be located at the rear of the building or on one or both sides of a building when at least 40 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space.**

**EXCEPTION:** These parking standards shall not apply where the base zone is LDR.

**3.3-1025 Specific Design Standards**

**A. Specific Development Standards for Single Family and Multi-Unit Residential Uses.**

**1. Detached Single Family, Two-Unit Attached Single Family, & Duplexes**

**a. Building Orientation and Connectivity to the Fronting Street**

Dwelling units shall have a front door opening directly to the fronting street. A minimum 3-foot wide walkway shall connect the front 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.

**b. Garage Doors. Garage door placement and design shall meet the following conditions:**

**i. Garage door openings facing a fronting street shall not exceed 40 percent of the width of the house facade.**

**ii. The garage facade shall be set back a minimum of four feet from the house facade. The minimum setback of the garage facade is reduced to 0 feet if the house facade has a porch, 50 square feet or more in size, encroaching into the setback.**

**c. Windows. A minimum area of 15 percent windows and/or dwelling doors shall be required on facades facing fronting 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.**