CITY OF PHOENIX
PHOENIX, OREGON

ORDINANCE NO. 953

AN ORDINANCE AMENDING THE PHOENIX LAND DEVELOPMENT CODE, CHAPTER 1.3, CHAPTER 2.2.3, CHAPTER 2.2.5, CHAPTER 2.2.9, AND CHAPTER 2.3.

WHEREAS, the Housing Element, Goal 1, Policy 1.3 of the Comprehensive Plan promotes "the efficient use and esthetic[sic] design of urban residential uses"; and

WHEREAS, the City has provided notification to the Department of Land Conservation and Development as required by ORS 197 and the Phoenix Land Development Code; and

WHEREAS, the Planning Commission held a public hearing on May 12, 2014 and took any public testimony regarding the proposed changes; and

WHEREAS, the Planning Commission voted to recommend approval of the attached amendments to the City Council based upon the findings contained in the Staff Report number LDC 14-06; and

WHEREAS, the Public Hearing on July 21, 2014, was duly noticed and the public was given the opportunity to testify on the proposed changes; and

WHEREAS, the Land Development Code has an adopted procedure (Chapter 4.7) to amend the Land Development Code; and

WHEREAS, the Council, after considering the presentation by the Staff, the recommendation of the Planning Commission, and public testimony received at this hearing, has decided to approve the proposed amendment to the Land Development Code in accordance with this procedure;

NOW THEREFORE, The City Council of the City of Phoenix ORDAINS as follows:

Section 1. The Findings for this amendment are included in the attached Staff Report for LDC:14-06, Exhibit A.

Section 2: The Land Development Code Chapter 1 and 2 are amended as proposed in Exhibit B.

Section 3. Effective Date: This ordinance shall become effective within 30 days of adoption.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 21st day of July 2014.

_, Mayor

ATTEST:

_, City Manager/ Recorder

CITY OF PHOENIX
O • R • E • G • O • N

PO Box 330 • Phoenix, OR 97535

PLANNING DEPARTMENT (541) 535-2050 • FAX (541) 535-5769

TITLE: **AMENDMENT TO PHOENIX LAND DEVELOPMENT CODE REGARDING GROUP LIVING AND ACCESSORY DWELLING, BUILDINGS AND USES AND AMENDING CHAPTERS 1 AND 2**

FILE NUMBER: LDC 14-06

APPLICANT: City of Phoenix

STAFF REPORT: Available April 15, 2014 at the City of Phoenix, 112 W 2nd Street (M-F, 8:00 am to 5:00 pm) or on the website (www.phoenixoregon.net). For more information, call City of Phoenix, Planning Office, (541)535-2050.

DATE OF PLANNING COMMISSION HEARING: May 12, 2014

I. PROJECT INFORMATION: In response to a request from the Phoenix Planning Commission, the Staff has researched and prepared amendments to the Phoenix Development Code and Municipal Code to 1.) correct the definitions for residential terms; 2.) clarify the standards for accessory dwellings in the Residential zones; 3.) clarify the difference between Accessory Uses and Accessory Buildings and the standards for each; and 4.) clarify process for the development of group living structures.

Nearly all of the proposed changes are designed to clarify the standards that the City currently has. It provides better definitions for terms such as Accessory Use. It uses the State language to describe the Group Living Structures. It directs uses that are similar and use the same process, to one category, again to make it easier to understand.

The proposal limits the coverage of some of the accessory buildings. This is designed to protect neighbors and be more consistent with the requirements for the primary building on the property.

II. PROPOSED AMENDMENTS: The proposed amendments are:

1.3 Definitions

Accessory dwelling: A small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section A.

Accessory use: Accessory uses are uses that are incidental and subordinate to the principal use on the same lot, i.e. storage. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section H; and Chapter 2.3.10 – Special Standards for Certain Uses, section C.

Footnote: Italics indicate new language; strikeouts indicate deleted language

Accessory ~~use or~~ structure: Accessory ~~uses and~~ structures are ~~uses or~~ structures that are incidental and subordinate to the principal ~~use or~~ structure on the same lot. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section H; *and Chapter 2.3.10 – Special Standards for Certain Uses, section C.*

Childcare center: Facilities that provide care and supervision of minor children for periods of less than 24 hours. *(see also "Family child care providers").* ~~"Family child care providers" provide care for not more than 12 children in a home.~~ See also, ORS 657A for certification requirements.

Family child care providers. Centers that provide care for not more than 12 children in a home. See also, ORS 657A for certification requirements.

Group Living Structure. A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses:

- Residential facility/group care facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility; See Chapter2.2.9 – Special Standards for Certain Uses, Section F. or

- Residential home/group care home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residentialcare alone, or in conjunction with training or treatment. This definition includes the.State definition of Residential Home. See Chapter2.2.9 – Special Standards for Certain Uses, Section F.

Residential facility/group care facility. See Group Living Structure.

Residential home/group care facility. See Group Living Structure.

Chapter 2.2 – Residential Districts (R-1, R-2, R-3, HO)

2.2.3 – Building Setbacks

D. Setback Exceptions. The following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs and similar architectural features may encroach into setbacks by no more than three feet. *Accessory structures which are no higher than the adjacent fence and no higher than six feet, may encroach into the side yard and/or rear yard setbacks.* Porches, decks and similar structures may encroach into front setbacks…

2.2.5 - Maximum Lot Coverage

A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply:

1. Single Family Detached Houses - 40 percent
2. Duplexes and Triplexes - 50 percent
3. Single Family Attached Townhomes - 60 percent
4. Multiple Family Housing - 60 percent
5. Neighborhood Commercial and Public/Institutional Uses - 80 percent

B. Maximum lot coverage includes all of the housing units, the accessory dwelling unit (Section 2.2.9.A) and all accessory structures (Section 2.2.9.H).

2.2.9 – Special Standards for Certain Uses

This section supplements the standards contained in Sections 2.2.1 through 2.2.8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

A. Accessory dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code.
2. One Unit. A maximum of one accessory dwelling unit is allowed per lot.
3. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 50% of the primary unit, with an 800 square foot maximum.

4. Lot coverage. The accessory dwelling shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.

~~4.~~5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed building height requirements in Chapter 2.2.6 – Building Height, as measured in accordance with the definition of "Height of Building" in Chapter 1.3 – Definitions.

~~5.~~6. Buffering. A ~~minimum 6-foot~~ hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

~~6.~~7 Setbacks. Setbacks shall meet the Residential District requirements.

~~7.~~8 Architectural Compatibility. Architectural compatibility with the main residence is required.

~~8.~~9 Parking. One off-street, paved parking space shall be required in addition to off-street parking required by the primary residence.

B. Manufactured homes on individual lots.

C. Manufactured Home Park.

D. Single-family attached (townhouses), Duplexes, and Triplexes.

E. Multi-family housing.

F. ~~Residential care homes and facilities~~. *Group living structures. Group living structures* ~~Residential care homes~~ are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals (homes) or six to 15 individuals (facilities) who need not be related. Staff persons required to meet state licensing requirements

shall not be counted in the number of facility residents and need not be related to each other or the residents. ~~Residential care homes and facilities~~ ***Group living structures*** shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
2. Parking. Parking shall be provided in accordance with Chapter 3.4 – Vehicle and Bicycle Parking requirements.
3. Development Review. Development review shall be required for new structures to be used as ~~residential care homes or facilities~~ ***Group living structures,*** and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

G. Public and Institutional Land Uses.

H. Accessory Uses and Structures Accessory ~~uses and~~ structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Chapter 2.2.9 – Special Standards for Certain Uses, Section A.) All accessory structures shall comply with all of the following standards:

1. Primary use ***and primary structure are*** required. An accessory structure shall not be allowed without another permitted ~~primary~~ use (e.g., as listed in Table 2.2.2) ***and permitted primary structure.***
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed 330 square feet;
5. Building Height. The building height of detached accessory structure shall comply with Chapter 2.2.6 – Building Height, as measured in accordance with the definition of "Height of Building" in Chapter 1.3 – Definitions.
6. ***Lot coverage. The accessory structure shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.***

Chapter 2.3 City Center District

2.3.10 Special Standards for Certain Uses

C. **Accessory Uses and Structures** Accessory ~~uses and~~ structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the City Center District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the City Center District, as identified in Table 2.3.2.A Accessory structures shall comply with the folliwing standards:

1. Primary use ***and primary structure are*** required. An accessory structure shall not be allowed before or without another ***permitted*** primary use ***and permitted primary structure*** as identified in Table 2.3.2.a.
2.
3.
4.
5.

III. COMPLIANCE WITH DEVELOPMENT CODE PROVISIONS: Amendments to the Phoenix Land Development Code must comply with Section 4.7.2 of the Phoenix Land Development Code, which states that legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV Procedure in Chapter 4.1.6 – Type IV Procedure (Legislative) and shall conform to Section 4.7.2.B and 4.7.6, as applicable.

Section 4.7.2 – Demonstration of compliance with section 4.7.2.

FINDING: This proposed amendment will be reviewed by the Planning Commission at a noticed public hearing. Their recommendation will be presented to the Phoenix City Council at a noticed public hearing. The hearing by the Planning Commission was noticed by posting the information on the City of Phoenix website beginning March 21, 2014.

FINDING: The Department of Land Conservation and Development was notified with an application mailed February 24, 2014 and a Staff report email sent on March 31, 2014.

FINDING: A copy of all notifications is available at the City Planning Office.

Section 4.7.3.B .1 – Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a prerequisite to approval.

~~**FINDING:** The changes proposed are in compliance with Comprehensive Plan polices. Specifically, Housing Element, Goal 1.1: "Promote the efficient use and esthetic design of urban residential uses."~~ ~~***The proposed language will make the addition of other structures on the property within the conditions listed.***~~

FINDING: The changes proposed are in compliance with Comprehensive Plan polices. Specifically, Housing Element, Goal 1, Policy 1.3: "Promote the efficient use and esthetic

design of urban residential uses." The proposed language will make the use of residential land more efficient. The current requirement of five or ten feet setbacks for an accessory structure that is lower than the adjacent fence limits the usability of the yards and is inefficient.

Section 4.7.3.B.2 – Demonstration of compliance with all applicable standards and criteria of this code and other applicable implementing ordinances.

FINDING: The proposed changes do not require any changes to be made on the part of the homeowner. This clarifies the options and allows the owner to make decisions about the design of the home and the use of more of the area of the lot.

Section 4.7.3.B.3 – Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use Map regarding the property that is the subject of the application; and the provisions of Chapter 4.7.6 – Transportation Planning Rule Compliance, applicable.

FINDING: The proposed change is not based on a mistake in the Comprehensive Plan or the Land Use Map. The proposed change does not impact Transportation needs in the City.

Section 4.7.6 – Transportation Planning Rule, Subsection B, requires that amendments to land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

FINDING: The clarification of Group Living Quarters, Accessory Dwelling Units, Accessory Uses and Accessory Structures will have no significant transportation impact to the City transportation facility.

~~**FINDING:** The change of the vision clearance requirements will not significantly affect the transportation facility. The proposed vision clearance is consistent with the requirements of other cities within the region and will bring the City of Phoenix in line with this norm.~~

FINDING: The proposed amendments comply with Sections 4.7.3 and 4.7.6 of the Phoenix Development Code.

IV. RECOMMENDATION: Staff recommends that the Planning Commission review the proposed amendments to the above listed sections of the Phoenix Development Code and the Phoenix Municipal Code, take testimony, and direct Staff on a recommendation to City Council.

Footnote: Italics indicate new language; strikeouts indicate deleted language

EXHIBIT B
CHAPTERS 1.3, 2.2, AND 2.3, OF THE CITY OF PHOENIX LAND DEVELOPMENT CODE (PLCD), AS AMENDED BY ORDINANCE 953 ON JULY 21, 2014, SHALL READ AS FOLLOWS:

1.3 Definitions

Accessory dwelling: A small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section A.

Accessory use: Accessory uses are uses that are incidental and subordinate to the principal use on the same lot, i.e. storage. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section H; and Chapter 2.3.10 – Special Standards for Certain Uses, section C.

Accessory structure: Structures that are incidental and subordinate to the principal structure on the same lot. See also Chapter 2.2.9 – Special Standards for Certain Uses, Section H; and Chapter 2.3.10 – Special Standards for Certain Uses, section C.

Childcare center: Facilities that provide care and supervision of minor children for periods of less than 24 hours (see also "Family child care providers"). See also, ORS 657A for certification requirements.

Family child care provider: Centers that provide care for not more than 12 children in a home. See also, ORS 657A for certification requirements.

Group Living Structure: A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses:
- Residential facility/group care facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility; See Chapter2.2.9 – Special Standards for Certain Uses, Section F.
or
- Residential home/group care home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home. See Chapter2.2.9 – Special Standards for Certain Uses, Section F.

Residential facility/group care facility: See Group Living Structure.

Residential home/group care facility: See Group Living Structure.

Chapter 2.2 – Residential Districts (R-1, R-2, R-3, HO)

2.2.3 – Building Setbacks

D. Setback Exceptions. The following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs and similar architectural features may encroach into setbacks by no more than three feet. Accessory structures, which are no higher than the adjacent fence and no higher than six feet, may encroach into the side yard and/or rear yard setbacks. Porches, decks and similar structures may encroach into front setbacks by no more than five feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Chapter 3.2.2 – Vehicular Access and Circulation, Section M.

2.2.5 - Maximum Lot Coverage

A. **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply:

1. Single Family Detached Houses - 40 percent
2. Duplexes and Triplexes - 50 percent
3. Single Family Attached Townhomes - 60 percent
4. Multiple Family Housing - 60 percent
5. Neighborhood Commercial and Public/Institutional Uses - 80 percent

B. Maximum lot coverage includes all of the housing units, the accessory dwelling units (Section 2.2.9.A) and all accessory structures (Section 2.2.9.H).

2.2.9 – Special Standards for Certain Uses

This section supplements the standards contained in Sections 2.2.1 through 2.2.8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

A. **Accessory dwelling (attached, separate cottage, or above detached garage).** An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code.
2. One Unit. A maximum of one accessory dwelling unit is allowed per lot.
3. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 50% of the primary unit, with an 800 square foot maximum.
4. Lot coverage. The accessory dwelling shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.

5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed building height requirements in Chapter 2.2.6 – Building Height, as measured in accordance with the definition of "Height of Building" in Chapter 1.3 – Definitions.
6. Buffering. A hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.
7. Setbacks. Setbacks shall meet the Residential District requirements.
8. Architectural Compatibility. Architectural compatibility with the main residence is required.
9. Parking. One off-street, paved parking space shall be required in addition to off-street parking required by the primary residence.

B. Manufactured homes on individual lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5).

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. feet;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences;
4. Garages and Carports. The manufactured home shall have a garage or carport constructed of materials to match the primary residence;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code;
6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted; and with concrete masonry block stem wall or decorative material.

C. Manufactured Home Park. Manufactured home parks are permitted on parcels of one acre or larger, subject to compliance with subsections 1-6, below:

1. Permitted uses: Single-family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Chapter 4.9.2 – Home Occupation Permits.
2. Building pad. The minimum size building pad for each home is 2,500 square feet, and the overall density of the park shall not exceed 12 units per acre. Each building pad shall be at least 30 feet wide and shall be at least 40 feet long, in accordance with ORS 446.100(c).
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is five feet, in accordance with ORS 446.100(b). The minimum setback between park structures and public street right-of-way is between 15 feet to 20 feet, with a requirement of varied setbacks within the park. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six feet to any other structure or dwelling, except that a double carport or garage may be built which serves two dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three feet.
4. Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 15 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
5. House design (parks smaller than three acres). Manufactured homes in parks shall meet the following design standards, consistent with ORS 197.314(6):

a. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);

b. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar or superior to the exterior siding and roof material used on nearby residences;

c. Exception: Subsections a-b, above, do not apply to manufactured homes that existed within the City prior to the effective date of this ordinance.

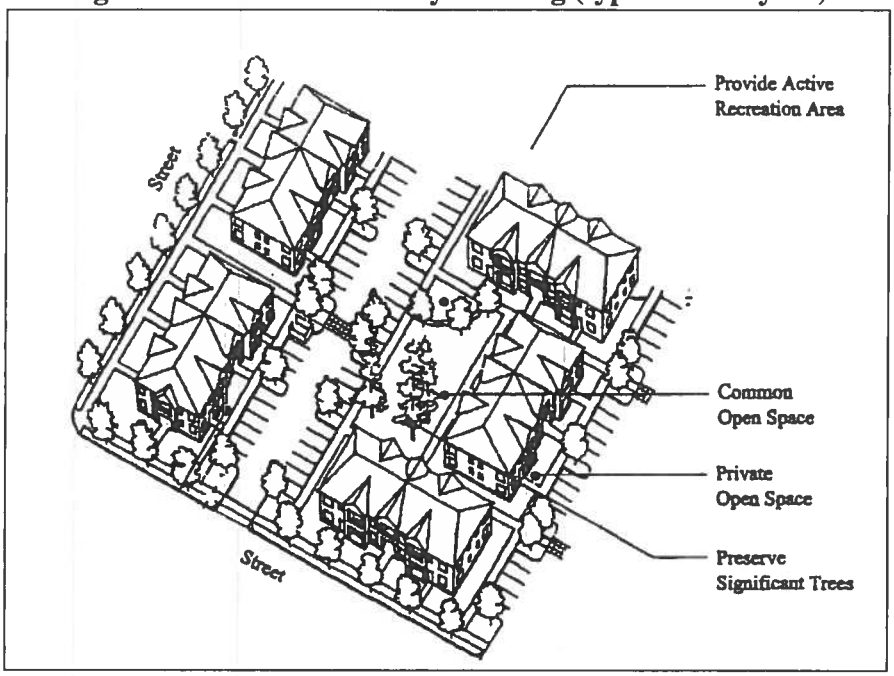
6. Play Area. The manufactured home park shall provide, in accordance with ORS 446.095(3), a separate general play area restricted to that use, if the park accommodates children who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each manufactured dwelling occupied by children.

D. Single-family attached (townhouses), Duplexes, and Triplexes. Single-family attached housing (townhouse units on individual lots), duplex and triplex developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhouse lots (e.g., between building breaks) to implement the standards in Chapter 3.2 – Access and Circulation.
2. Building Mass Supplemental Standard. Within the R-2 and R-3 Districts, the maximum number and width of consecutively attached townhouses (i.e. with attached walls at property line) shall not exceed six units, or 130 feet (from end-wall to end-wall), whichever is less.
3. Street Access Developments. Townhouses, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.
   a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four feet and shall be setback 20 feet from the back of the sidewalk.
   b. The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street. The maximum curb cut shall meet access standards and shall not be wider than 9' for single garages and 18' for double garages.
4. Common Areas. Common areas shall be maintained by a homeowner's association or other legal entity. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the city prior to building permit approval.

E. Multi-family housing. Multi-family housing is allowed within the R-2 and R-3 Zoning districts. Multi-family housing means housing that provides more than three dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

Figure 2.2.9.E – Multifamily Housing (typical site layout)



1. Building Mass Supplemental Standard. Within the R-2 and R-3 Residential District's, the maximum width or length of a multiple family building shall not exceed 130 feet (from end-wall to end-wall).

2. Common open space standard. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required public land dedication and public and private streets. Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

3. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

   a. All ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping);

   b. All upper-floor housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than five feet above the finished grade;

   c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable; and

4. Exemptions. Exemptions may be granted when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides an active recreation area such as a ball field, children's play area, sports court, track, or similar facility.

5. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with a solid masonry wall of not less than six feet in height.

F. **Group living structures.** Group living structures_Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals (homes) or six to 15 individuals (facilities) who need not be related. Staff persons required to meet state licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Group living structures_shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.

2. Parking. Parking shall be provided in accordance with Chapter 3.4 – Vehicle and Bicycle Parking requirements.

3. Development Review. Development review shall be required for new structures to be used as Group living structures, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

G. **Public and Institutional Land Uses.** Public and institutional uses (as listed in Table 2.2.2) are allowed in the Residential Districts as a Conditional Use and subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. Development Site Area. The maximum development site area shall be three acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4 – Conditional Use Permits, or as part of a Planned Unit Development, in accordance with Chapter 4.5 – Planned Unit Developments.

2. Building Mass. The maximum width or length of a building shall not exceed 130 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Planned Unit Development.

3. Vehicle Areas and Trash Receptacles. All vehicle areas and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with a solid masonry wall of not less than six feet in height.

H. **Accessory Uses and Structures** Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Chapter 2.2.9 –

Special Standards for Certain Uses, Section A.) All accessory structures shall comply with all of the following standards:

1. Primary use and primary structure are_required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.2.2) and permitted primary structure.
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed 330 square feet;
5. Building Height. The building height of detached accessory structure shall comply with Chapter 2.2.6 – Building Height, as measured in accordance with the definition of "Height of Building" in Chapter 1.3 – Definitions.
6. Lot coverage. The accessory structure shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.

Chapter 2.3 City Center District

2.3.10 Special Standards for Certain Uses

C. Accessory Uses and Structures Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the City Center District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the City Center District, as identified in Table 2.3.2.A Accessory structures shall comply with the following standards:

1. Primary use and primary structure are_required. An accessory structure shall not be allowed before or without another permitted primary use and permitted primary structure as identified in Table 2.3.2.a.