

CITY OF PHOENIX, OREGON

ORDINANCE NO. 997

**AN ORDINANCE OF THE CITY OF PHOENIX
ADOPTING AMENDMENTS TO CHAPTERS 2.2, 3.2, 3.5, 4.1 & 4.3
OF THE LAND DEVELOPMENT CODE (Ord. No. 851)**

WHEREAS, Oregon law requires that state, regional and local governments adopt and periodically update coordinated Comprehensive Plans and implementing ordinances; and

WHEREAS, the City of Phoenix implements its Comprehensive Plan through Ordinance No. 851, the Phoenix Land Development Code (LDC), which was adopted in 2005; and

WHEREAS, periodic Development Code updates are warranted in response to identified issues where the existing language no longer serves the City's interests or may in fact be inconsistent with changes in State and/or case law; and

WHEREAS, the proposed amendments to the City's Land Development Code (LDC) contained in Exhibit A are intended to implement various "efficiency measures" in Residential zones, including but not limited to a transition from minimum and maximum lot size standards to density-based standards; and

WHEREAS, City staff worked with the Planning Commission over several publicly-noticed meetings to refine ideas for possible code amendments in the City's residential zones; and

WHEREAS, on June 11, 2018, the Planning Commission conducted a duly noticed public hearing on the proposed amendments, affording all citizens an opportunity to be heard on the subject; and

WHEREAS, following receipt of staff testimony at the June 11, 2018 public hearing, the Planning Commission deliberated and forwarded a unanimous recommendation of approval to the City Council; and

WHEREAS, the City Council has fully reviewed the record and deems all notices and comments to the record as compliant with state law and the City of Phoenix Land Development Code, and that no further action is necessary before the Planning Commission; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports in this matter, and testimony and evidence of interested parties, and has evaluated the proposed amendments against Statewide Goals, state, county, and regional requirements, the Comprehensive Plan, and other applicable standards;

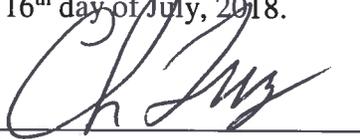
NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts as findings and conclusions of the foregoing recitals.

Section 2. Order. The City Council hereby adopts the amendments to the City of Phoenix Land Development Code attached as Exhibit A incorporated as set forth fully herein.

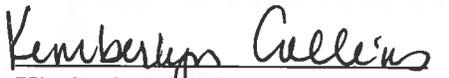
Section 3. Staff Directive. To reflect adoption of the ordinance, Staff is directed to make conforming changes to the City of Phoenix Land Development Code necessary to incorporate the amendments adopted herein.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 16th day of July, 2018.

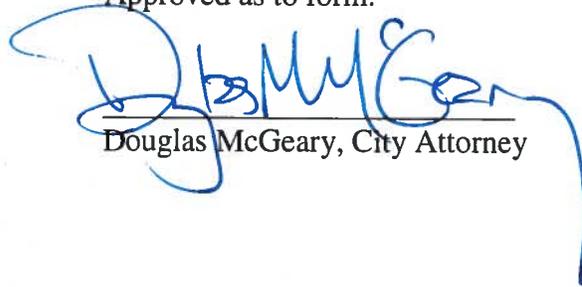


Chris Luz, Mayor

ATTEST:


Kimberlyn Collins, City Recorder

Approved as to form:


Douglas McGeary, City Attorney

**LDC18-01 Land Development Code Amendments
Ord. No. 997
Exhibit A**

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

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*Note: TOC will be revised pending final adopted changes;
pagination will change upon insertion into full code*

Amendments

2.2.3 – Ord. No. 952, 2014; Ord. No. 953, 2014

2.2.1 – Purpose

A. Intent:

1. Residential zones within the City of Phoenix are intended to provide the full range of “needed housing” to the residents of the City and the Region in accordance with Statewide Goal 10 and ORS Chapter 197. Residential Districts are also intended to promote the livability, stability, and improvement of the City’s neighborhoods. The City’s three residential zones vary primarily by the number of dwellings that shall be constructed per acre. Developers of new housing shall adhere to the minimum and maximum density standards for the appropriate zone, but need not be constrained by the type or tenure of housing they construct.
2. The R-1 Low Density Residential zone has historically been characterized by single-family detached structures on their own lots. However, that type of development is not mandated by this Code. If a developer wishes to construct a project utilizing common walls or perhaps a “cottage” style layout, provided the density standards of 5.5-8 units per acre are met, they may propose it.
3. The R-2 Medium Density Residential zone has historically been characterized by duplex and triplex development. However, a variety of other housing options may be contemplated at a range of 8-30 units per acre. At the lower end of the range, single family detached structures can easily be built while still providing useable yards. As density increases, common wall (townhouse/rowhouse) and multifamily projects will be more likely.
4. The R-3 High Density Residential zone mandates a minimum density of 12 units per acre. At this density, single-family detached development is unlikely, giving way instead to common

wall (townhouse/rowhouse) and multi-family projects which are more likely to include shared parking and common open space.

B. Development Standards

The primary development standards of the City's residential zones are contained in Table 2.1. Supplemental standards follow in text and graphic form. Not all standards within the respective zones will be achievable. For example, the Building Envelope within some residential zones may be larger than the Maximum Lot Coverage. The maximum density within the R-2 zone is 30 units per acre, but that maximum will not be achievable for certain housing types when other requirements such as setbacks, off-street parking and landscaping are factored in. Likewise, while there is no maximum density or building height in the R-3 High Density zone, Code requirements and market forces will mandate that the return on investment (ROI) will be negative well before a project will become so large that it cannot be made compatible with existing development. In simple terms, the developer would have to construct structured parking and other amenities that probably could not be supported under local market conditions.

This Code is intended to encourage creativity on behalf of the developer. Creativity and flexibility is rewarded. Development typologies that may have been precluded by Euclidean zoning practices may be considered again, and new options that may not be foreseen by currently prescribed standards will be enabled.

2.2.2 – Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.2.2 are permitted in Residential Districts, subject to the provisions of this Chapter. Only land uses specifically listed in Table 2.2.2 and land uses approved as similar to those in Table 2.2.2 may be permitted. The land uses identified as requiring a "CUP" in Table 2.2.2 require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4 – Conditional Use Permits.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Code Interpretations.

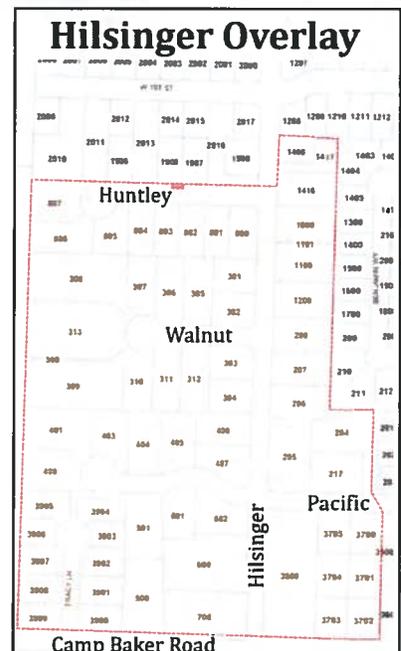
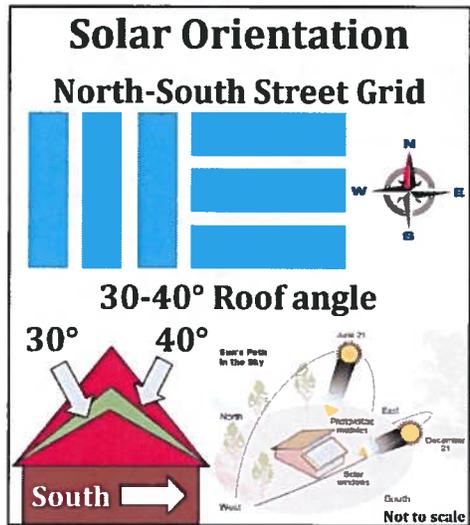
Table 2.2.2. Development Standards in Residential Zones

Residential Density	R-1	R-2	R-3	Notes
Minimum units per acre	5.5	8	12	Density is calculated on a project scale and is "net" (calculated after ROW dedication)
Maximum units per acre	8	30	None	Density calculations may be rounded on sites larger than one acre
Minimum area per unit	1000	750	500	Primary dwelling unit, measured in conditioned square feet.
Setbacks				See 2.2.3. We will be able to delete a lot of this.
Primary Structure	R-1	R-2	R-3	See 2.2.10 for buffering to UGB
Front Minimum	15	10	10	
Front Maximum	30	20	20	
Front-Side	10	10	10	Street-facing side yard on corner lots
Side	5	4	4	May be combined for zero-lot-line SF-D in all zones
Rear	10	5	5	May be reduced to 5' for alley garage in R-1
Accessory Structures	R-1	R-2	R-3	See 2.2.9.H.
Front	20	20	20	No accessory structures permitted in front (incl. front-side) of primary structure constructed after adoption of this Code. Accessory structures may be permitted on lots where a pre-existing primary structure has a setback of more than twice the minimum.
Front-Side	10	10	10	
Side	3	3	3	
Rear	3	3	3	Note - Structural/Fire Codes may require increased setbacks depending on construction type.
Garage/Carport Face facing public ROW	20	20	20	Attached or Detached, all zones. Measure from garage door or equivalent for carports.
Alley Garage/Carport	5	5	5	Garage or carport is required for all new SF-D, all zones.
Maximum Lot Coverage, all structures	50%	60%	75%	Delete Section 2.2.5. See definition and graphic.
Maximum Height	35	45	None	Delete Section 2.2.6. See definition and graphic.
Permitted, Conditional and Non-Permitted Uses/Structures				
Residential	R-1	R-2	R-3	
Single Family Detached	P	P	P	
SF-D zero lot line	P	P	P	Side setbacks combined; structure abuts lot line on one side
Single Family Attached	P	P	P	See 2.2.9.D
Condominium	P	P	P	See ORS Chapter 100
Accessory Dwelling Unit (ADU)	P	X	X	See 2.2.9.A.
Manufactured Home (on individual lot)	P	P	X	See 2.2.9.B.
Manufactured Home Park	P	P	P	See 2.2.9.C
Duplex, Triplex, Fourplex	P	P	P	See 2.2.9.D
Multifamily	P	P	P	See 2.2.9.E
Home Occupations	P	P	P	See 2.2.9.M
Residential Care Homes	P	P	P	See 2.2.9.F.
Residential Care Facilities	CUP	CUP	CUP	See 2.2.9.F See ORS 411.
Family Child Care	P	P	P	<12 children. See ORS 657.
Domestic Livestock	P	X	X	See 2.2.9.K
Agriculture	P	P	P	Incl. Community Gardens.
Cannabis Cultivation	P	P	P	See 2.2.9.N
Non-Residential	R-1	R-2	R-3	
Churches, Clubs, Lodges, similar uses		CUP		See RLUIPA
Government offices and facilities		CUP		See 2.2.9.G (in enclosed building)
Libraries, Museums, Community Centers		CUP		See 2.2.9.G. (and similar uses)
Private Utilities		CUP		Located within an enclosed building
Public Parks and Recreational Facilities		CUP		See 2.2.9.G
Schools (public and private)		CUP		See 2.2.9.G.
Uses similar to those listed above		CUP		See Interpretation standards
Bed and Breakfast, Vacation Rental		CUP		See 2.2.9.J
Wireless Communication Facilities		CUP		See 3.10.1.
Neighborhood Commercial	R-1	R-2	R-3	See 2.2.9.I.
Art Studios	CUP	CUP	CUP	
Child Care Center >12 children	CUP	CUP	CUP	All of the uses within this section may be permitted as part of an approved MU project;
Residential Care Facilities	CUP	CUP	CUP	See 2.2.9.F
Food Services, Bakeries, Coffee Shops	X	CUP	CUP	No further CUP is required for a change of use or tenant within an approved project unless specifically excluded in the original approval.
Laundromats, Dry Cleaners	X	CUP	CUP	
Neighborhood Grocery Store	X	CUP	CUP	
Medical and Dental Offices	X	CUP	CUP	
Personal Services	X	CUP	CUP	Barber, Salon, and similar uses
Professional and Administrative Offices	X	CUP	CUP	
Mixed-Use Building	X	CUP	CUP	Residential with other permitted use

Note: Properties inside the Hilsinger Overlay may continue with lot sizes of 10,000-16,000 square feet.

2.2.3 – Lot Orientation

- A. Newly platted lots and parcels shall meet the standards of the applicable zone within this Chapter, applicable Design Standards in Chapter 3, and applicable Land Division standards in Chapter 4.3.
- B. Newly platted lots and parcels shall have a minimum 20 feet of frontage along public right-of-way. Flag lots are discouraged, but if proposed shall have a minimum frontage of 15 feet for an individual dwelling on its own parcel or lot. No more than four flag lots shall share a common “pole,” which may be as narrow as 20 feet or the minimum width to meet Fire access and utility provision requirements, whichever is greater. Flag lots for multifamily development shall at a minimum be wide enough to provide two-way traffic, Fire access and all public and private utilities. Dedication of public right-of-way or creation of a private street within an access easement may be required.
- C. Cluster development may result in an increase of overall development density of no more than 15 percent over that which is otherwise permitted by the zoning district in which the lot or parcel is located, provided that other applicable standards of this Section are met. Clustering driven by the hillside slope density requirements in Section 3.7.4 (Hillside Development) of this code shall not qualify for a density bonus.
- D. Developers are encouraged to create lots that facilitate optimum solar orientation of homes and roof lines as shown in the image at right. Developers are encouraged to orient houses to within 15 degrees of true south. Ideally new construction will orient east-west with the longest wall facing south.
- E. Newly created lots within the Hilsinger Overlay (map to right) shall maintain a minimum lot size of 10,000 square feet and a maximum lot size of 16,000 square feet.



2.2.4 – Building Setbacks

Building setbacks provide space for private yards and building separation for fire protection/security, building maintenance, sunlight, and air circulation. These standards promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the foundation to the respective property line (See Chapter 2.2.3 – Building Setbacks,

Section D for exceptions). Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed in Table 2.2.2, apply to all structures on a lot or parcel, including temporary and prefabricated structures. A Variance is required, in accordance with Chapter 5.2 – Variances, to modify any setback standard.

A. Front Yard Setbacks

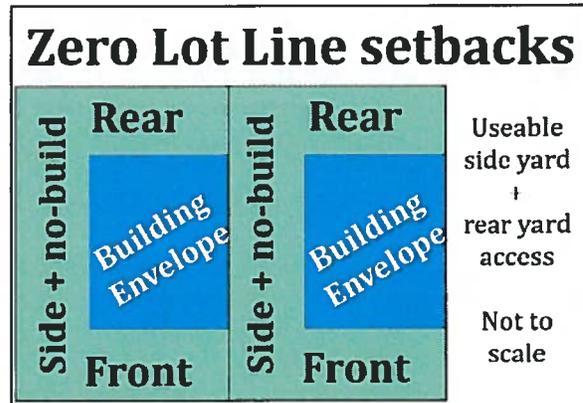
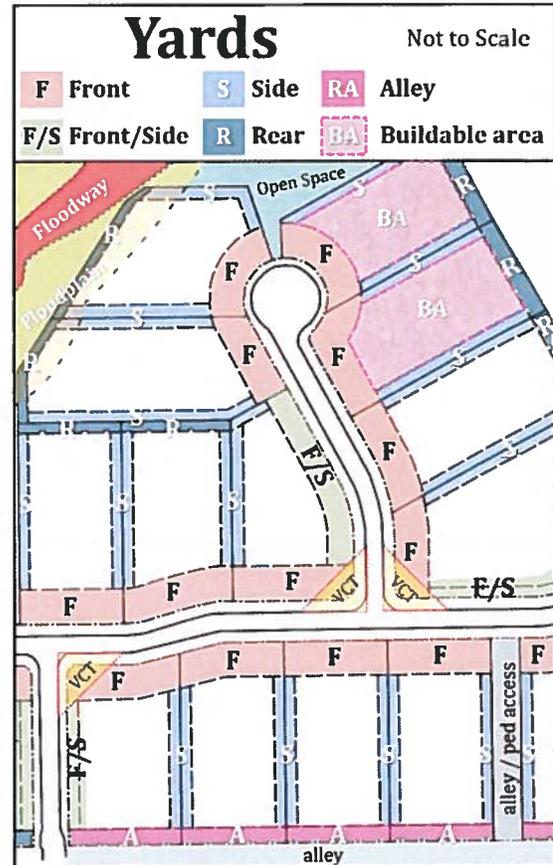
1. Residential Uses (single-family, duplex, triplex, and multi-family housing types).
 - a. All setbacks shall be as shown in Table 2.2.2.
 - b. Unenclosed (covered or uncovered) porches in the R-1 zone may be within 10 feet, as long as they do not encroach into a public utility easement.
 - c. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet and shall be a minimum of 20 feet from the back of any sidewalk. Multi-family developments with more than five units must be accessed from the rear.
 - d. Multi-family housing shall also comply with the building orientation standards in Chapter 2.2.7 – Building Orientation.

2. Neighborhood Commercial Buildings. A minimum setback of 15 feet is required, except as necessary to comply with the vision clearance standards in Chapter 3.2.2 – Vehicular Access and Circulation, Section M. Parking is to be located to the rear of the building.
3. Public and Institutional Buildings. The standards in Subsection 2, above, (Neighborhood Commercial Buildings) shall also apply to Public and Institutional Buildings.

B. Rear Yard Setbacks. All setbacks shall be as shown in Table 2.2.2.

C. Side Yard Setbacks. All setbacks shall be as shown in Table 2.2.2.

1. Side setbacks for single-family detached dwellings on individual lots may be combined on one side and reduced to zero on the other side if a no-build easement is included on the abutting lot to maintain a clear separation between houses. This provides for an actual useable side yard with access to the rear yard instead of two useless side yards.
2. In the case of multiple detached dwelling units or multi-tenant buildings constructed on the same lot or parcel, the minimum distance



between structures shall be the same as the minimum that would otherwise be required within the applicable zone, or the minimum distance required by the Structural Code, whichever is greater.

3. For attached/common wall/multifamily projects, setbacks shall be calculated based on each building rather than individual units.

D. Setback Exceptions. The following architectural features are allowed to encroach a maximum of three feet into a required yard but no less than 3 feet from a side or rear property line: eaves, chimneys, bay windows, overhangs and similar architectural features. Accessory structures, which are no higher than the adjacent fence and no higher than 6 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.” Retaining walls, 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.

E. Flag Lot Setbacks. A flag lot in a residential district shall comply with the setback requirements in 4.3.5 – Approval Criteria for Preliminary Plat, Section D. No structures are permitted in the “flag pole” portion of a flag lot. Setbacks within the building envelope of a flag lot shall be five feet on all sides, however, at least one “side” other than that used for access shall be a minimum of ten feet.

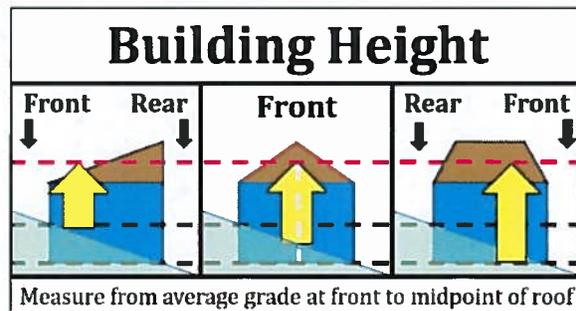
2.2.5 – Maximum Lot Coverage

- A. Maximum Lot Coverage shall be as set forth in Table 2.2.2, except Neighborhood Commercial and Public/Institutional Uses shall have a maximum coverage of 80 percent.
- B. Maximum lot coverage includes all primary and accessory structures.
- C. For attached/common wall/cottage/multifamily projects with shared open space, Lot Coverage may be calculated based on the total project area rather than by individual lots.
- D. Flag lots - only that portion of a flag lot inside the “flag” shall be used to calculate lot coverage.

2.2.6 – Building Height

A. Maximum building height shall be as set forth in Table 2.2.2. Building height is defined in Chapter 1.3.

B. Roof-mounted solar collection facilities are exempt from the building height standard if they are mounted flush on a standard sloped roof or no more than five feet above a flat roof. Solar panels may be mounted to flat roofs on multifamily and neighborhood commercial structures to function as shade canopies for rooftop patios.



2.2.7 – Building and Site Orientation

A. **Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes on the street.”

B. Applicability. This Section applies to single-family attached townhouses that are subject to Site Design Review (3 or more attached units); multi-family housing; neighborhood commercial buildings; and public and institutional buildings, except that the standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment, and similar uses.)

C. Building orientation standards. All developments subject to this subsection shall be oriented toward a street when the lot is of sufficient size to allow for this. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Table 2.2.2.
2. The primary façade of the primary structure shall be built parallel to the principal frontage line to the maximum extent possible.
3. All buildings shall have their primary entrances oriented toward the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.2 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.
4. Parking shall be located in the rear of the building unless lot configuration makes this impracticable. If parking is not located in the rear, it shall be located on the side of the building. Side parking shall be set back 20 feet from the street right-of-way and screened from view with landscaping.
5. North-south roof orientation is encouraged for maximum solar gain and ease of solar panel installation. Phoenix is at 42 degrees north latitude; roof slope of between 30-40 degrees is generally recommended for optimum year-round solar potential. Builders are encouraged to design homes that will easily accommodate rooftop solar panel installation, including mounting panels on the roof and electrical connections into the structure.

D. Off-street parking

1. Off-street vehicular parking shall be provided as required in Chapter 3.4.
2. A garage or carport is required for all single-family detached dwellings. Garages shall not exceed 40 percent of the front elevation.
3. A three-foot or wider path that is physically separated from the driveway shall be provided from the sidewalk to the front door.
4. On-street parking available along the frontage lines that correspond to each lot may be counted toward up to 50% of the parking requirement of the building on the lot for common-wall and multifamily residential uses exceeding ten units per acre, and for Accessory Dwelling Units.
5. Parking shall be accessed by an alley or rear lane, when such are available. Parking may be accessed from the primary or secondary frontage by means of a driveway for all single family detached lots/structures.
6. Within all common-wall and multifamily developments, a minimum of one (1) bicycle rack place shall be provided for every 10 vehicular parking spaces.

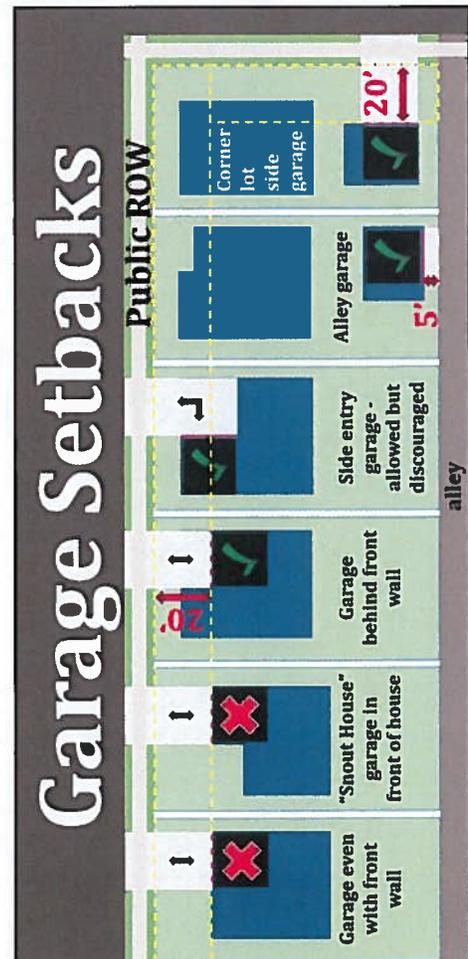
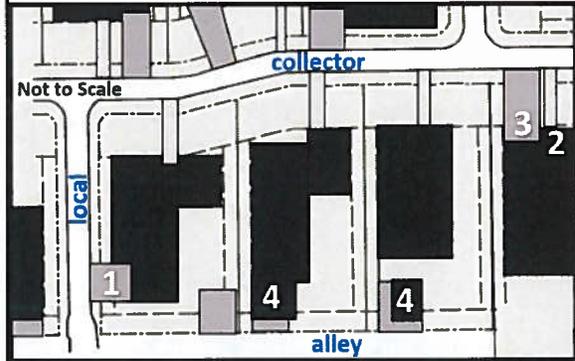
7. Open shared parking areas shall not be located in the front setback, excepting driveway aprons and access aisles. Garages accessed from the street may be accessed directly from the street; shared parking areas shall be accessed from a common driveway.
8. Each level of a parking structure or garage counts as a single story, regardless of its relationship to habitable stories.
9. The minimum setback from the property line to a garage face or equivalent for carports shall be as follows:
 - a. Any garage facing public right-of-way shall be set back at least 20 feet from the property line.
 - b. Any garage facing the primary street frontage shall be set back a minimum of four feet from the façade.
 - c. Alley-loaded garages (attached or detached) shall be placed a minimum of 5 feet from the rear (alley) property line.
 - d. Detached garages that do not face the street shall be a minimum 5 feet from side and rear property lines.
 - e. A carport roof may extend to within two feet of a side property line for alley-loaded structures provided it is constructed of noncombustible materials pursuant to all applicable Structural/Fire Code standards. The carport may utilize open support beams with a three-foot setback but may not have any wall or other enclosure within five feet of a side or rear property line.
 - f. A reduced garage face setback may be approved through a Type II Variance or Development Review or a Type III Site Design Review upon demonstration that the garage or carport face is not within 20 feet of an existing or future (minimum five-foot wide) sidewalk within a development project or as shown in the TSP.

2.2.8 – Architectural Standards

A. Purpose. Architectural standards are intended to encourage detailed, human-scale design and afford the flexibility to use a variety of building styles.

Garage Standards

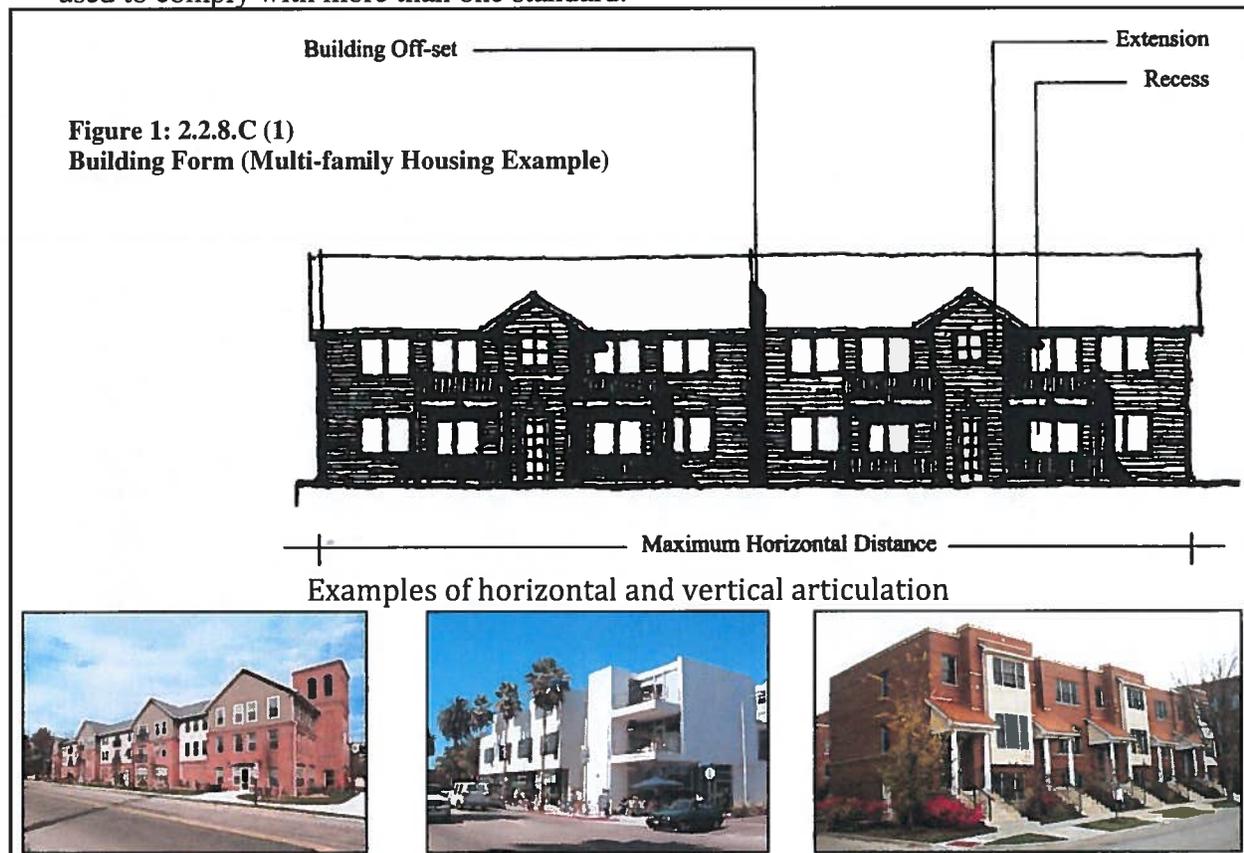
1. On corner lots the garage shall face the lower classification street. If both streets are the same classification, the garage shall be located as far from the corner as practicable.
2. Garage/carport face - minimum 4' behind façade.
3. Garage/carport facing the street - minimum 20' from property line.
4. Alley garages – preferred with alley frontage, minimum 5' from alley property line.



B. Applicability. This section applies to all of the following types of buildings and shall be applied during Site Design Review:

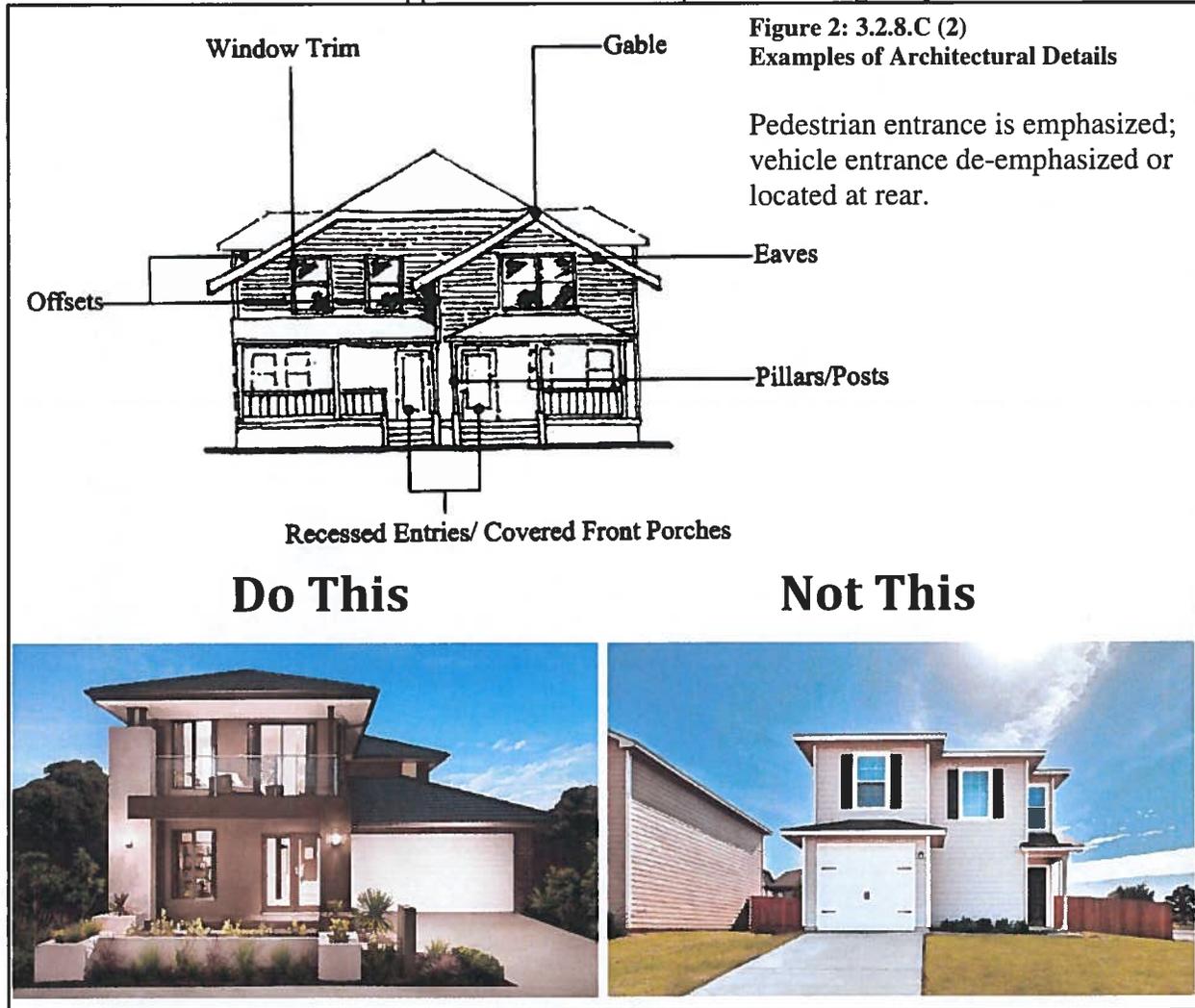
1. Single-family attached townhouses that are subject to Site Design Review (three or more attached units);
2. Multi-family housing;
3. Public and institutional buildings; and
4. Neighborhood commercial and mixed-use buildings.

C. Standards. All buildings subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.



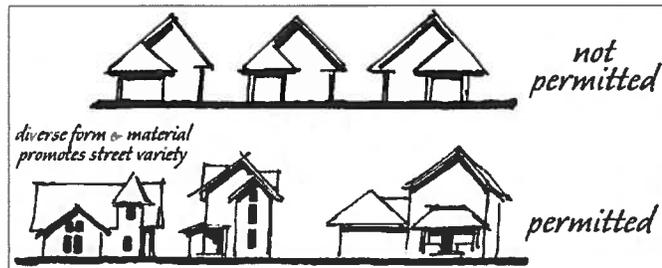
1. **Building Form.** The continuous horizontal distance of individual buildings, as measured from end-wall to end-wall, shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or

- c. Offsets or breaks in roof elevation of two feet or greater in height.
2. Eyes on the Street. All exterior walls visible from a street right of way shall provide doors, porches, balconies, windows, and/or other architectural features. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. Percent of elevation is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to each full and partial building story.



3. Detailed Design. All buildings shall provide consistency in architectural design treatment along all exterior walls (i.e., front, rear and sides). Detailed design shall be provided by using at least three of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
- Dormers
 - Gables
 - Recessed entries
 - Covered porch entries
 - Cupolas or towers
 - Pillars or posts

- g. Eaves (min. 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)
 - i. Window trim (minimum 4-inches wide)
 - j. Bay windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornices and roof lines (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options “a”–“m.”
4. **Repetition of Residential Façades.** Variability in design is encouraged. A detached single-family dwelling that has the same appearance or a mirrored reverse appearance as another detached single-family dwelling facing the same street may not be constructed adjacent to or across the street from that single-family dwelling. A different appearance for purposes of this section involves a different roof line and/or footprint.



2.2.9 – Special Standards for Certain Uses

This Section supplements the standards contained 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 small apartment. The additional unit can be a detached cottage, a unit attached to or above 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 and promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. 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 area, with an 800 square foot maximum.
4. Conformance with basic standards. Lot coverage, building height and setbacks shall conform to Table 2.2.2.
5. Architectural Compatibility. Architectural compatibility with the main residence is desired but not required. Color, trim, windows and doors should be similar to that of the primary structure if possible but shall not be justification for approval or denial of a permit.
6. Parking. One off-street, paved parking space shall be required in addition to off-street parking required by the primary residence. On-street parking along the property frontage, if available, may substitute for this requirement.

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 square 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 that are similar in color, material, and appearance 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 that match the primary residence;
5. **Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet 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 complies 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 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 meet the dimensional standards in ORS 446.100(c).
3. **Setbacks and Building Separation.** The minimum setback between park structures and abutting properties shall comply with ORS 446.100(b). The minimum setback between park structures and public street right-of-way is between 15 feet and 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 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 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 3 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/or 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 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.

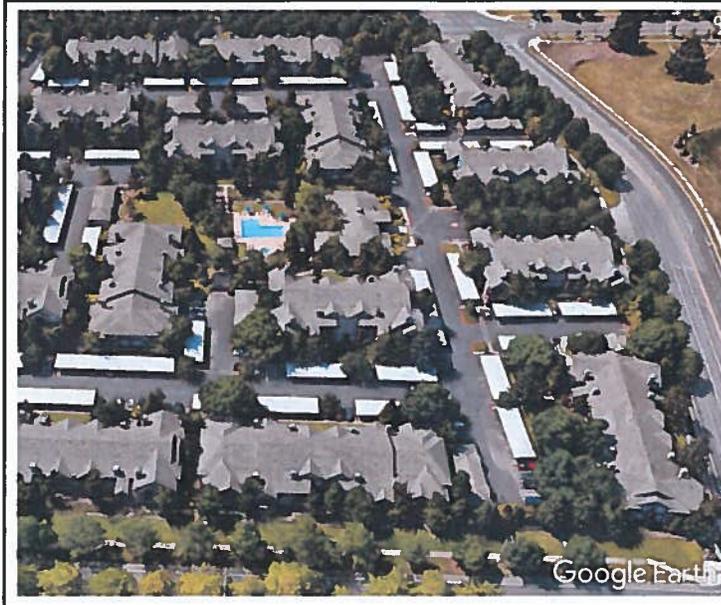
D. Single-family attached (townhouses), Duplexes and Triplexes. Single-family attached housing (townhouse units on individual lots), duplex and triplex developments shall comply with the standards below. The standards are intended to control development scale; avoid or minimize impacts associated with 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. The maximum number and width of consecutively attached townhouses (i.e. with attached walls at property line) shall not exceed the lesser 6 units or 150 feet (from end-wall to end-wall).
- 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 improve storm water management by minimizing paved surfaces.
 - a. Garage orientation shall be consistent with Section 2.2.7.D.
 - b. The maximum allowable driveway width facing the street is 24 feet per dwelling unit.
 - c. 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 garage facing the street. This standard shall not apply for alley-access units.
 - d. 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 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:

- 1. Building Mass Supplemental Standard. The maximum width or length of a multiple family building shall not exceed 150 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



**Figure 3: 2.2.9.E
Multifamily Housing
(sample site layout)**

- Provide active recreation area(s)
- Common open space for all tenants
- Private open space for individual tenants
- Preserve significant trees

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 5 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 5 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 a 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 and recycling areas shall be oriented away from adjacent residences and shall be screened with a solid masonry wall not less than 6 feet in height.

F. Group living structures. Group living structures and residential care homes are residential treatment, training, 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 6 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. Vehicle Areas and Trash Receptacles. All vehicle areas and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable and screened with a solid masonry wall of not less than 6 feet in height.

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 Conditional Uses, in accordance with Chapter 4.4 – Conditional Use Permits, or as part of Planned Unit Developments, 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. Development Review. A Type I 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.

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 **primary** use (e.g., as listed in Table 2.2.2) and permitted primary structure.
2. Restrictions. Accessory structures shall comply with all applicable standards for setbacks, height and lot coverage in Table 2.2.2 and 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 50% of the square footage of the primary structure or 800 square feet, whichever is less, unless approved through Type III Site Design Review.

I. Neighborhood Commercial Land Use. Small-scale neighborhood commercial uses are allowed as a Conditional Use in the R-2 and R-3 Residential Districts. All neighborhood commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between neighborhood commercial and residential uses:



Figure 2.2.9.I
Neighborhood Commercial
sample site

- Ground floor commercial/retail
- Upper story residential
- Maximum lot coverage
- Main entry oriented to street
- Minimum setbacks
- Pedestrian amenities at street level
- Off-street parking rear or side only

1. Permitted Uses. Only those neighborhood commercial uses specifically listed in Table 2.2.2 are permitted. Residential and neighborhood commercial uses may be mixed vertically, meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhouses, or condominiums), or may be mixed horizontally, meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.3 – Definitions, are expressly prohibited.

2. Dispersion of Neighborhood Commercial Development. A neighborhood commercial site shall be located no closer than one-quarter mile from another neighborhood commercial site within the City. A “neighborhood commercial site” means a lot or parcel (or combination of adjacent lots or parcels), zoned Residential and containing commercial uses.

3. Orientation and Parking. Neighborhood commercial developments shall conform to the building orientation and parking location standards in Chapter 2.2.7 – Building Orientation.

4. Building Mass Supplemental Standard. The maximum width or length of a neighborhood commercial or mixed-use (residential and commercial) building shall not exceed 130 feet (from end-wall to end-wall).

5. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per neighborhood commercial site within the Residential Districts. Floor area is measured by totaling the conditioned floor area of all building stories.

6. Hours of Operation. Neighborhood commercial land uses shall be limited to the following hours of operation 7 a.m. to 10 p.m.

7. Neighborhood commercial sites shall front onto an arterial or collector street.

J. Bed and Breakfast Inns.

1. One guest room is permitted for every 400 square feet of gross floor living area, plus one unit for the proprietor of the business. Total number of guest rooms shall not exceed 5. For calculation purposes, the outside dimension of each eligible structure may be used. Living area includes any structure on the lot lawfully used for residential purposes. Living area does not include: garages, garage conversion where the conversion has resulted in noncompliance with off-street parking requirements, utility shops, basements, storage sheds and other similar nonresidential structures.
2. Length of stay may not exceed 15 days in any 30-day period.
3. One off-street parking space for each guest room and one space for the proprietor's unit shall be required. All parking shall be located to the rear of the principal structure and screened from view from the road and adjacent property. The Planning Commission may modify the locational requirements upon demonstration by the owner that an alternate location for parking is more appropriate based on the particular conditions of the site.
4. One sign is permitted and must conform to the standards in Chapter 3.6.6 – Zoning District Sign Standards.
5. Structure Type and Appearance.
 - a. Existing Structures. Single-family dwellings are the only eligible structures for conversion to Bed and Breakfast Inns. Apartment dwellings and non-residential structures, such as institutional buildings, warehouses, and churches are not eligible.
 - b. The architecture of new structures shall resemble single-family dwellings.
6. Access. The street serving the Bed and Breakfast Inn shall have adequate capacity and turnaround area to serve the additional traffic.
7. Bed and Breakfast operator must reside at the Bed and Breakfast Inn.
8. An accurate and up-to-date guest register must be maintained and available for review by the City.
9. Breakfast is the only meal to be provided and shall be served only to guests of the Bed and Breakfast Inn. For the purpose of this Section, Breakfast is considered any meal served before 12:00 noon. Evidence of compliance with the Building Code as amended, Fire Code as amended and standards of the state and local health departments.

K. Animals. The non-commercial keeping of domestic livestock that do not pose a danger or threat to the community, is allowed on property developed with a single-family residence. Domestic livestock is defined as livestock or insects that can be raised to contribute to a family's livelihood, limited to bees (*Apidae* family, maximum of two hives), chickens (excluding roosters), rabbits or goats (at maturity weigh less than 100 pounds), and which can live compatibly in an urban setting.

1. All domestic livestock are confined to the property, and any compound, pen, run, shed, or fenced area of confinement is not located closer than ten feet to any property line and is not located closer than thirty feet to a dwelling on any contiguous property.
2. Permanent shelter shall not be located in the front yard or be visible from a public street.
3. Domestic livestock shall be limited to one animal for every 1,000 square feet of yard area on the subject property. The yard area shall not include that area occupied by structures.
4. The domestic livestock owner must keep the property in a safe and sanitary condition. Odor, noise, or other unsanitary conditions which disrupt the neighbors shall be classified as a nuisance and shall be prosecuted under the City of Phoenix Municipal Code as nuisance violations.

L. Garages. A garage or carport is required for all Single-Family detached housing in the R-1 zone.

M. Home Occupations. This code recognizes that small commercial ventures that are appropriate in scale and impact can be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses.

1. Use and development standards:

a. Appearance of Residence

- i. The use shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- ii. The use shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- iii. The use shall not violate any conditions of development approval (i.e., prior development permit approval).
- iv. No products and/or equipment produced or used by the home occupation may be displayed or be visible from outside any structure.

b. Storage

- i. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
- ii. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- iii. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees

- i. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this Chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
- ii. Additional individuals may be employed by or associated with the home occupation, as long as they do not report to work or pick up/deliver at the home.
- iii. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

d. Advertising and Signs. Signs are not permitted at a home occupation site.

e. Vehicles, Parking, and Traffic

- i. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
- ii. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8 p.m. to 7 a.m.
- iii. There shall be no more than eight vehicles per day at the home occupation site.

f. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 8 p.m. only, subject to Sections a and e, above.

- g. Prohibited Home Occupation Uses
 - i. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
 - ii. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from art instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to items a-f, above.
 - iii. Any uses described in this Section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, such as:
 - a) Ambulance service;
 - b) Animal hospital, veterinary services, kennels, or animal boarding;
 - c) Auto and other vehicle repair and/or service of any kind, including auto washing/detailing, painting or tow trucks;
 - d) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.
 - e) Mobile food vendors.
- h. Low Impact Home Occupation. A Home Occupation, which meets the following criteria, is considered a Low Impact Home Occupation and will be subject to reduced fees.
 - i. All employees are members of the family.
 - ii. Business traffic will be limited to vehicle deliveries which will not exceed one per day.
 - iii. No noise is heard on a regular basis on the adjoining property. Examples of noise are power saws or sanders.
- i. Enforcement. The Planning Director may visit and inspect the site of home occupations in accordance with this Code periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. The Planning Commission may revoke the Home Occupation Permit if the site is found to be in violation of this Code. Code violations shall be processed in accordance with Chapter 1.4 – Enforcement.

N. Cannabis Cultivation. The purpose of this section is to regulate the cultivation of cannabis within Residential Land Use Map districts in a manner that protects the health, safety and welfare of the community while avoiding undue interference with an individual's right to cultivate cannabis as allowed by the laws of the State of Oregon.

1. Applicability. All cultivation of cannabis, whether intended for immediate use by the grower or for distribution to and consumption by individuals other than the grower, shall meet the special-use requirements established by this section.
2. Standards for the cultivation of cannabis by a resident grower who is a registered OMMP patient or care provider for consumption by a resident OMMP-registered patient shall be as follows:
 - a. The total area permitted to be used for cannabis cultivation, including indoor and outdoor cultivation areas, shall not exceed one hundred (100) square feet upon the site;

- b. An outdoor cultivation area shall not exceed thirty-five (35) square feet and not exceed ten (10) feet in height from the top of average surrounding grade and shall be surrounded by a fence that is six (6) feet in height. Any access points to the cultivation area must be secured at all times to prevent unauthorized access;
 - c. Any and all points along the perimeter of an outdoor cultivation area shall not be located closer than ten (10) feet to any property line and shall not be located closer than thirty (30) feet to the closest edge of any other dwelling on any contiguous property;
 - d. An indoor cultivation area shall not exceed one hundred (100) square feet and not exceed ten (10) feet in height per residence and shall meet the following performance standards:
 - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
 - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited;
 - e. The OMMP-registered patient for whom cannabis is cultivated shall reside at the site where cultivation occurs.
3. Standards for the cultivation of cannabis for the consumption by individuals other than resident OMMP-registered individuals are as follows:
 - a. The total area permitted to be used for cannabis cultivation shall not exceed one hundred (100) square feet upon the property;
 - b. Outdoor cultivation areas are not permitted. All cultivation shall be conducted within an enclosed, secured building such as a part of a dwelling, a garage, out building, or greenhouse;
 - c. An indoor cultivation area shall not exceed one hundred (100) square feet per residence and shall meet the following performance standards:
 - i. Lighting used for indoor cultivation shall not exceed 1200 watts for every fifty (50) square feet of cultivation area;
 - ii. The use of explosive or flammable gas products for cannabis cultivation or processing is prohibited.
 4. Cannabis cultivation and distribution are prohibited as a Home Occupation in all Residential Land Use Districts. Cannabis cultivated in a Residential Land Use District is explicitly intended to allow a resident grower to cultivate cannabis for onsite consumption by an individual who is legally entitled to do so. This cannabis shall not be sold for offsite distribution or consumption by an individual or body corporate.
 5. Cannabis cultivation and distribution is not considered an accessory use in Residential Land Use Map Districts.
 6. There shall be no visual evidence of the presence of cannabis cultivation at the property line of the site upon which cultivation is conducted;
 7. The residence shall maintain a functional kitchen, bathroom, and at least one legally occupiable bedroom.
 8. The cannabis cultivation area shall be in compliance with the current, adopted edition of the Oregon Specialty Structural Code and other applicable building and fire safety codes.
 9. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

10. Any proposed cannabis cultivation by an individual qualified patient or primary caregiver that cannot meet the cultivation area standards of Section 2.2.9.N.2.a or 2.2.9.N.2.c may request a Code Interpretation of the need for additional cultivation area or reduction in the minimum spatial separation requirements defined by 2.2.9.N.2.c. Documentation, such as a physician's recommendation or verification of more than one qualified patient living in the residence, shall be submitted with the request showing why the cultivation area standard is not feasible. The Request for Interpretation shall include written permission from the property owner. The Planning Director or planning department staff assigned by the Planning Director shall review the submitted information and make an interpretation in accordance with PLDC Chapter 4.8. The City Building Official may require additional specific standards to meet applicable building and fire safety codes, including but not limited to installation of fire suppression sprinklers. Approved cultivation for personal use that exceeds one hundred (100) square feet shall conform to the following standards:
 - a. Shall be in compliance with all other applicable standards in sections 2.2.9.N.1-9 above;
 - b. The cannabis cultivation area shall not exceed an additional fifty (50) square feet for a total of 150 square feet, not exceeding ten (10) feet in height;
 - c. At a minimum, the cannabis cultivation area shall be constructed with a 1-hour firewall;
 - d. Any additional cannabis cultivation area approved through this process shall be conducted exclusively indoors, limited to a garage or other accessory building that is secured, locked, and fully enclosed.
11. An individual cultivating cannabis or wishing to cultivate cannabis within a Residential Land Use District shall obtain a Type I Zoning Clearance from the Planning Department prior to commencement of cultivation (typically prior to planting of immature plants or seeds). The applicant shall submit information as is necessary for department staff to determine that the cultivation area will meet the requirements established herein.

2.2.10 – Agricultural Buffering & Mitigation

To implement the Agricultural Buffering Standards of the Greater Bear Creek Valley Regional Plan, the Agricultural Buffering & Mitigation provisions of Chapter 3.11 are applicable to development permit applications for urban development on land along the urban growth boundary that abuts land zoned Exclusive Farm Use.

Amendments to other sections for consistency with above amendments

Chapter 3.2 – Access and Circulation

3.2.2 – Vehicular Access and Circulation

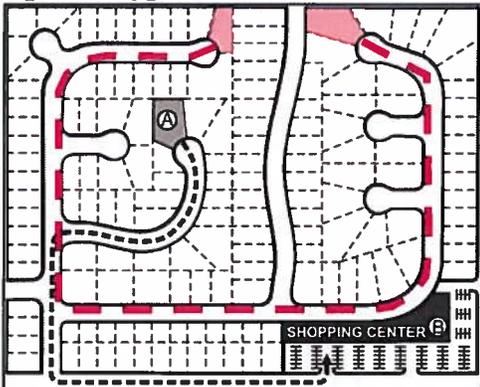
I. Street Connectivity.

1. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall be bounded by a connecting network of public and/or private streets. Public and private streets shall also conform to Chapter 3.5.2 – Transportation Standards, Section 3.2.3 – Pedestrian Access and Circulation, and applicable Americans with Disabilities Act (ADA) design standards.
2. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted due to topography, or in blocks adjacent to arterials, railroads, waterways, cemeteries, parks, public land or farmland.
3. In certain blocks, the City may require an easement or dedicated right-of-way through the block to accommodate utilities, drainage facilities, and pedestrian/bicycle connections. The dedication of pedestrian or bicycle connections, not less than five (5) feet wide for the travel way, may be required through a block or to connect to a cul-de-sac or where deemed necessary to provide circulation or access for non-motorized traffic.
4. In order to promote efficient pedestrian and vehicular circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or access ways, in accordance with the following standards for minimum and maximum distances between streets and access ways:

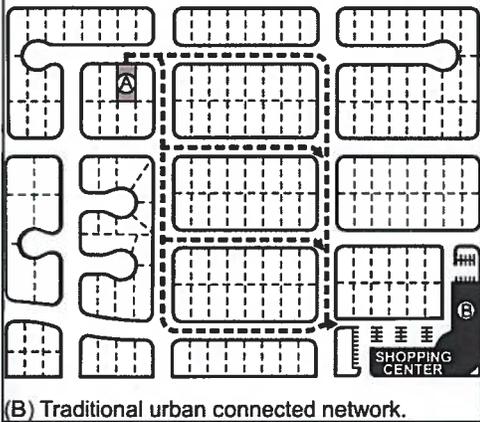
Block length and perimeter standards, in feet			
Zone(s)	Minimum length	Maximum length	Maximum perimeter
Residential	100	800	1800
City Center	100	400	1200
Commercial Highway	100	800	2000
Industrial	100	None	None

5. **Master Planned Developments:** Large multi-use sites may be granted a variance from these limits if the project includes multiple users and owners in its final development. These developments may not include districts solely developed for retail sales establishments or other similar uses that involve high traffic; and are not applicable to the Industrial Districts.

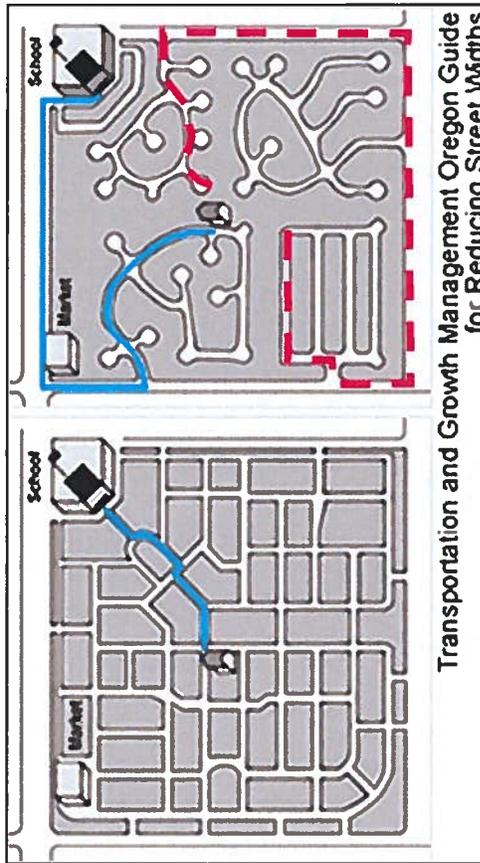
Examples of typical suburban networks (above) versus connected networks (below)



(A) Conventional suburban hierarchical network.



(B) Traditional urban connected network.



Chapter 3.5 – Street and Public Facilities Standards

3.5.2 – Transportation Standards

B. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 3.5.2. A Conditional Use shall be required in conformance with Chapter 3.5.2 – Transportation Standards, Section B to vary the standards in Table 3.5.2. The standards shown in Table 3.5.2 include the cross sections for each of the roadway classifications. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

1. Street classification in the Transportation System Plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements based on anticipated level of use;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize drainage and slope lands impacts;
8. Street tree location, as provided for in 3.3.4 – Street Trees;
9. Protection of significant vegetation, as provided for in 3.3.2 – Landscape Conservation;
10. Safety and comfort for motorists, bicyclists, and pedestrians;
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
12. Access needs for emergency vehicles; and
13. Transition between different street widths (i.e., existing streets and new streets), as applicable.

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.5 – Approval Criteria for Preliminary Plat

D. Flag Lots and Lots Accessed by Mid-Block Lanes

Subsection 2.d.iii

No more than four flag lots shall be permitted per private right-of-way or access easement.

Appeals – City Council appeal/call-up of a Planning Commission Decision

4.1.5 – Type III Procedure (Quasi-Judicial)

H. Appeals. Type III decisions may be appealed to the City Council as follows:

1. Notice of appeal. Any person with standing to appeal may appeal a Type III Decision by filing a Notice of Appeal according to the following procedures;
 - a. A Notice of Appeal shall be filed with the Planning Department within 14 days of the date the Notice of Decision was mailed;
 - b. The Notice of Appeal shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues raised on appeal;
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - v. Filing fee.
2. Scope of appeal. The appeal of a Type III Decision by a person with standing shall be limited to the specific issues raised during the written comment period, unless the City Council allows additional evidence or testimony concerning any other relevant issue. The City Council may allow such additional evidence if it determines that such evidence is necessary to resolve the case.
3. City Council Call-Up of Planning Commission Decision. The City Council may call up any Planning Commission decision upon motion and majority vote, provided such vote takes place in the required appeal period.
 - a. The Council may affirm, modify, or reverse the decision of the Planning Commission, or may remand the decision to the Commission for additional consideration if sufficient time is permitted for making a final decision of the city.
 - b. The Council shall make findings and conclusions and cause copies of a final order to be sent to all parties of the planning action.
 - c. City Council review of a Planning Commission decision shall be completed within the statutorily mandated 120-day limit unless a waiver of the time limit is received from the applicant.