

# Housing Model Code – Small Cities

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# Chapter I – General Provisions

Sections:

- 1.1 Purpose
- 1.2 Applicability
- 1.3 Relationship to Other Regulations
- 1.4 Exception to Certain Design Standards

### 1.1. Purpose

The Housing Model Code for Small Cities provides standards for a range of housing types that are clear and objective, consistent with Housing law, and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

### 1.2 Applicability/Adoption by Reference

- A. Applicability to Existing Development.** The standards apply to the development of new dwelling units, including the addition of dwelling units to sites with existing dwelling units. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this Model Code.
- B. Location.** The Model Code is not a zoning ordinance. The applicability of the standards to a particular location or zone within a city must be specified as provided in OAR 660-008-0400 to 0430.
- C. Exceptions.** The standards in the Model Code do not allow the following:
  1. The development of housing on Goal Protected Lands, unless otherwise permitted by a city's development code through clear and objective standards, criteria, and procedures.
  2. The development of housing on lands that do not allow residential uses unless otherwise allowed by statute.
- D. Adoption by Reference.** A city may choose to adopt by reference the entire Model Code or one or more individual modules. Modules are identified in Table I.1. When adopting one or more individual modules, the following requirements apply:
  1. All modules are subject to the provisions in the following sections: *Applicability* (Section 1.2), *Relationship to Other Regulations* (Section 1.3), and *Definitions and Measurement Methodology* (Chapter 10).
  2. All detached single-unit and middle housing modules (Chapters 2-5) are subject to the provisions in *Exception to Certain Design Standards* (Section 1.4).
  3. Each module under "Procedures and Applications" is subject to the provisions in *Procedures and Applications, Generally* (Section 8.1).

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## I – General Provisions

4. Some modules can only be applied in conjunction with another module. Where this is the case, a city adopting a module by reference must also adopt any modules identified as “Required” in the “Related Code Sections” column in Table I.1.

<b>TABLE I.1 MODEL CODE MODULES</b>		
<b>Module</b>	<b>Model Code Chapter / Section</b>	<b>Related Code Sections</b>
<i>Housing Types</i>		
Detached Single-Unit and Duplex	Chapter 2	
Triplex and Quadplex	Chapter 3	
Townhouse	Chapter 4	
Cottage Cluster	Chapter 5	
Multi-Unit Housing	Chapter 6	
Accessory Dwelling Unit	Chapter 7	
<i>Procedures and Applications</i>		
Procedure - Ministerial Decision	Section 8.2	
Procedure - Limited Land Use Decision	Section 8.3	
Application - Zoning Review	Section 8.4	Required: Sections 8.2 and 8.3
Application - Modification	Section 8.5	Required: Section 8.3

### I.3 Relationship to Other Regulations

#### A. Conflicts.

1. For a city that has opted to adopt or apply the Model Code or has been directed to apply the Model Code by the Commission as provided in OAR 660-008-0430, in the event of a conflict between this Model Code and other development and design standards applicable to regulated housing, the standards of this Model Code control Recommended: except as provided in section (2) or subsections (B) or (C) below].

Recommended 2. If a locally adopted land use development standard conflicts with this Model Code but it would allow the development of more housing (additional square footage or units), an applicant may comply with either the standard in this Model Code or the locally adopted standard.]

#### B. Additional Standards Applicable to Regulated Housing.

In addition to the standards identified in this Model Code, a city may only apply the following locally adopted land use regulations to regulated housing:

1. Public works and public utilities standards, provided exceptions granted to single-unit dwellings shall also be granted to duplexes.
2. Protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).
3. Minimum density requirements.
4. Regulations related to the following:

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## I – General Provisions

- a. Tree protection, retention and planting.
- b. Landscaping design, installation and maintenance including, but not limited to, materials and planting requirements.
- c. Parking lot design and installation, including, but not limited to, shading, screening, materials, and layout.
- d. Sustainability and greenhouse gas reduction.

4. Land division standards and procedures.

**C. Exceptions.** In no case shall the requirements of this Model Code supersede requirements related to:

1. Health and safety, including, but not limited to, fire ingress or egress and emergency vehicle access.
2. Public works standards ensuring safe vehicle access onto the public street system, including but not limited to, standards for clear vision areas and driveway/intersection spacing and alignment. This exception does not include minimum driveway width standards.
3. Hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources.
4. Implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements or requirements of any federal, state or local law other than a land use regulation.

### 1.4 Exception to Certain Design Standards

In accordance with Oregon Laws 2025, Chapter 330, Section 8, housing development that includes detached single-unit, duplex, triplex, quadplex, townhouse, or cottage cluster housing that includes 20 or more units in housing types listed in subsection (A) is exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes; this includes design standards regulating the features listed in subsection (B). All other design and siting standards in this Model Code shall apply.

**A. Applicable Housing Types:**

- Detached single-unit;
- Duplex;
- Triplex;
- Quadplex;
- Townhouse; or
- Cottage cluster housing.

**B. Residential Design Features:**

- Facade materials, colors or patterns;
- Roof decoration, form or materials;

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## I – General Provisions

- Accessories, materials or finishes for entry doors or garages;
- Window elements such as trim, shutters or grids;
- Fence type, design or finishes;
- Architectural details, such as ornaments, railings, cornices and columns;
- Size and design of porches or balconies;
- Variety of design or floorplan; or
- Front or back yard area landscaping materials or vegetation.

# Chapter 2 – Detached Single-Unit and Duplex

### Sections:

- 2.1 Siting Standards - Detached Single-Units and Duplex
- 2.2 Design Standards - Detached Single-Unit and Duplex
- 2.3 Conversions - Duplex

## 2.1 Siting Standards – Detached Single-Unit and Duplex

The siting standards in Table 2.1 apply to the development of a detached single-unit or duplex (two-unit) dwelling on a lot. Accessory dwelling units are addressed in Chapter 7.

<b>TABLE 2.1 SITING STANDARDS - DETACHED SINGLE-UNIT AND DUPLEX</b>	
<b>Maximum Building/Structure Height</b> (see Section 9.1.3)	35 ft
<b>Minimum Setbacks</b> (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street access (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
<b>Minimum Required Outdoor Area</b> (see Section 9.1.5)	30% of lot area
<b>[Recommended: Vehicle Parking</b> (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]

## [Recommended: 2.2 Design Standards – Detached Single-Unit and Duplex]

Except as provided in Section 1.4, the design standards in this section apply to the development of a detached single-unit or duplex dwelling on a lot.

### 2.2.1 Entry Orientation and Pedestrian Connectivity

**A. Standard.** At least one main entrance for each residential structure must meet the following standards.

The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
  - a. Face the street (see Figure 2.2.1a);

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## 2 – Detached Single-Unit and Duplex

- b. Be at an angle of up to 45 degrees from the street (see Figure 2.2.1.b); or
- c. Open onto a covered porch or covered patio (see Figure 2.2.1.c). The porch or patio must:
  - i. Be at least 25 square feet in area; and
  - ii. Have at least one entrance facing the street.
- 3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 2.2.1.a). The walkway may abut the driveway (see Figure 2.2.1.c). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

**B. Exceptions.** The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing façade is separated from the street lot line by:
  - a. A dwelling; or
  - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessory dwelling units.
- 3. Accessible or adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.]

## 2 – Detached Single-Unit and Duplex

Figure 2.2.1.a. Main Entrance Facing the Street

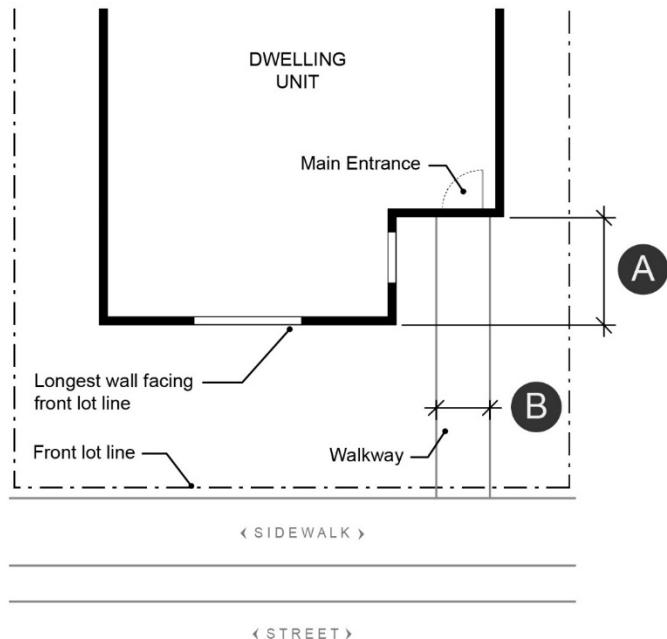
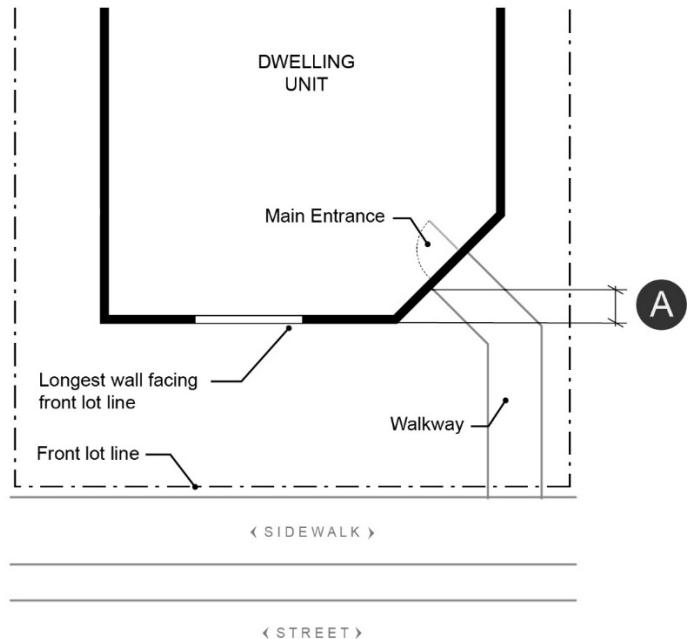


Figure 2.2.1.b. Main Entrance at 45° Angle from the Street

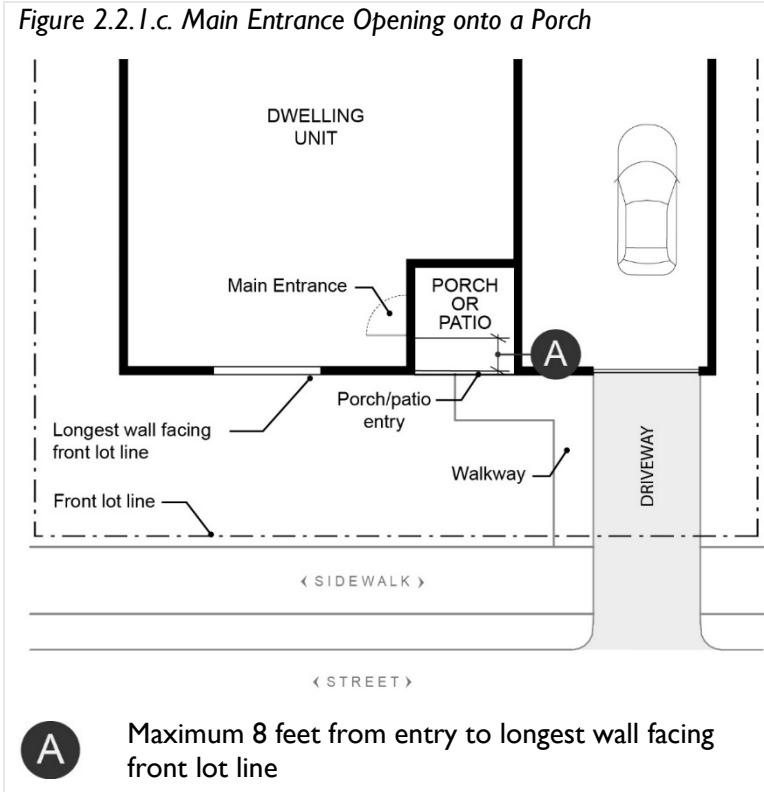


**A** Maximum 8 feet from entry to longest wall facing front lot line

**B** Walkway width minimum 2 feet

**A** Maximum 8 feet from entry to longest wall facing front lot line

## 2 – Detached Single-Unit and Duplex



### 2.2.2 Windows and Doors

#### A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
  - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
  - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

#### B. Exceptions. The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

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## 2 – Detached Single-Unit and Duplex

### 2.2.3 Off-Street Parking Areas

#### **A. Standards.**

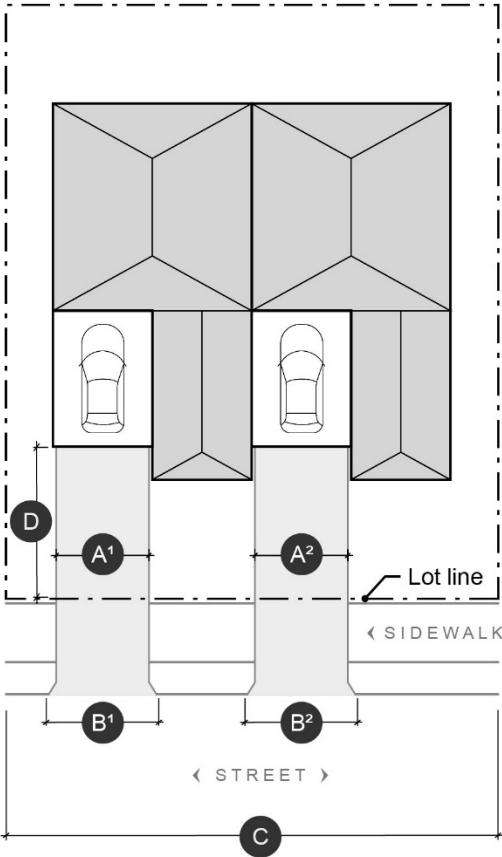
1. The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 2.2.4.a). Walkways abutting a driveway are excluded from this calculation.
2. The total width of all driveway approaches must not exceed 32 feet, as measured at the lot lines.

#### **B. Exceptions.**

1. The following are exempt from these standards:
  - a. Accessible or adaptable units.
  - b. Lots that receive vehicular access from an alley.
2. Garages or off-street parking areas that are separated from the street lot line by a dwelling or that are more than 40 feet from the street lot line are exempt from subsection (A)(1).

## 2 – Detached Single-Unit and Duplex

Figure 2.2.4.a. Width of Garages and Parking Areas



- A** Garage and on-site parking and maneuvering areas:  $(A1 + A2) \div C \leq 50\%$
- B** Driveway approaches:  $B1 + B2 \leq 32$  feet
- C** Total street frontage
- D** Minimum driveway length 18 feet (or maximum 5 feet)

### 2.3. Conversions – Duplexes

Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code, unless increasing nonconformance is otherwise permitted by the city's development regulations.

# Chapter 3 – Triplex and Quadplex

Sections:

- 3.1 Siting Standards – Triplex and Quadplex
- 3.2 Design Standards – Triplex and Quadplex
- 3.3 Conversions – Triplex and Quadplex

## 3.1 Siting Standards – Triplex and Quadplex

The siting standards in Table 3.1 apply to the development of a triplex or quadplex on a lot.

<b>TABLE 3.1 SITING STANDARDS – TRIPLEX AND QUADPLEX</b>	
<b>Maximum Building/Structure Height</b> (see Section 10.1.3)	35 ft
<b>Minimum Setbacks</b> (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
<b>Minimum Required Outdoor Area and Usable Open Space</b> (see Section 9.1.5)	
• Required Outdoor Area	25% of lot area
<b>[Recommended: Vehicle Parking</b> (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]

## 3.2 Design Standards – Triplex and Quadplex

Except as provided in Section 1.4, the design standards in this section apply to the development of a triplex or quadplex on a lot.

### 3.2.1 Entry Orientation and Pedestrian Connectivity

**A. Standard.** At least one main entrance for each residential structure must comply with all the following standards. The entrance must:

1. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
2. Meet at least one of the following:
  - a. Face the street (see Figure 3.2.1.a);

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### 3 – Triplex and Quadplex

- b. Be at an angle of up to 45 degrees from the street (see Figure 3.2.I.b);
- c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3.2.I.c); or
- d. Open onto a covered porch or covered patio (see Figure 3.2.I.d). The porch or patio must:
  - i. Be at least 25 square feet in area; and
  - ii. Have at least one entrance facing the street.

3. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet (see Figure 3.2.I.a). The walkway may abut the driveway (see Figure 3.2.I.d). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

**B. Exceptions.** The following are exempt from these standards:

- 1. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by:
  - a. A dwelling; or
  - b. A buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Accessible and adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

### 3 – Triplex and Quadplex

Figure 3.2.1.a. Main Entrance Facing the Street

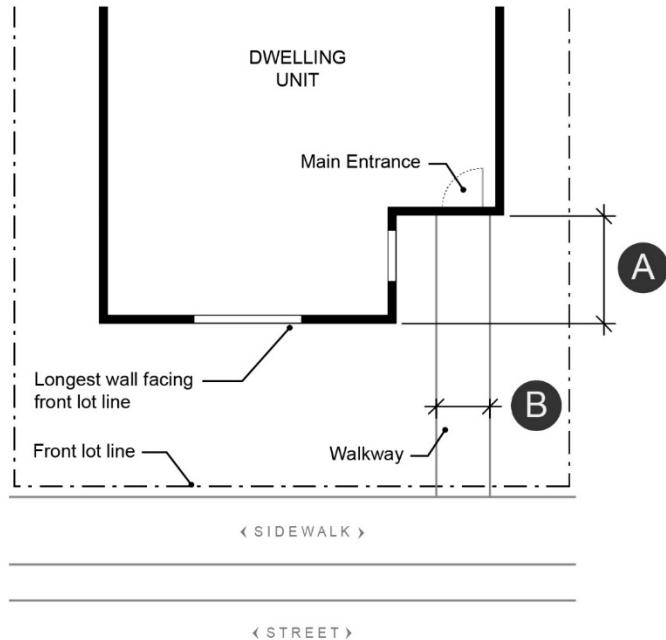
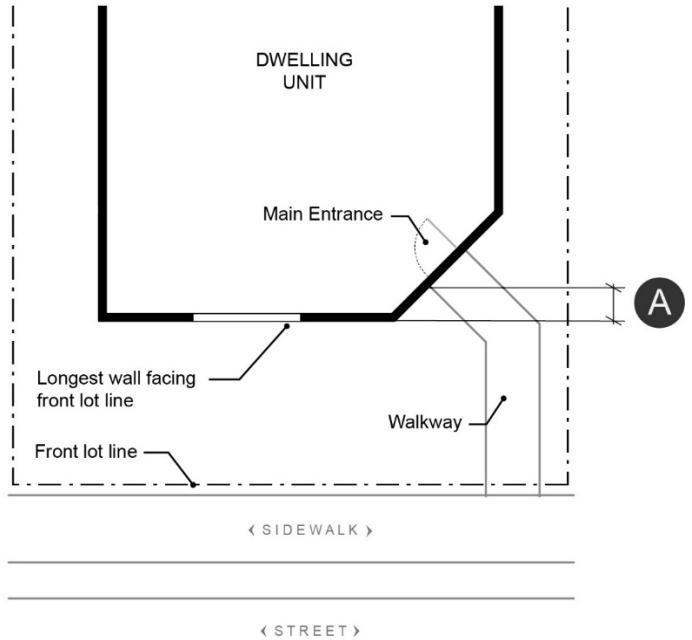


Figure 3.2.1.b. Main Entrance at 45° Angle from the Street



**A** Maximum 8 feet from entry to longest wall facing front lot line

**B** Walkway width minimum 2 feet

**A** Maximum 8 feet from entry to longest wall facing front lot line

### 3 – Triplex and Quadplex

Figure 3.2.1.c. Main Entrance Facing Common Open Space

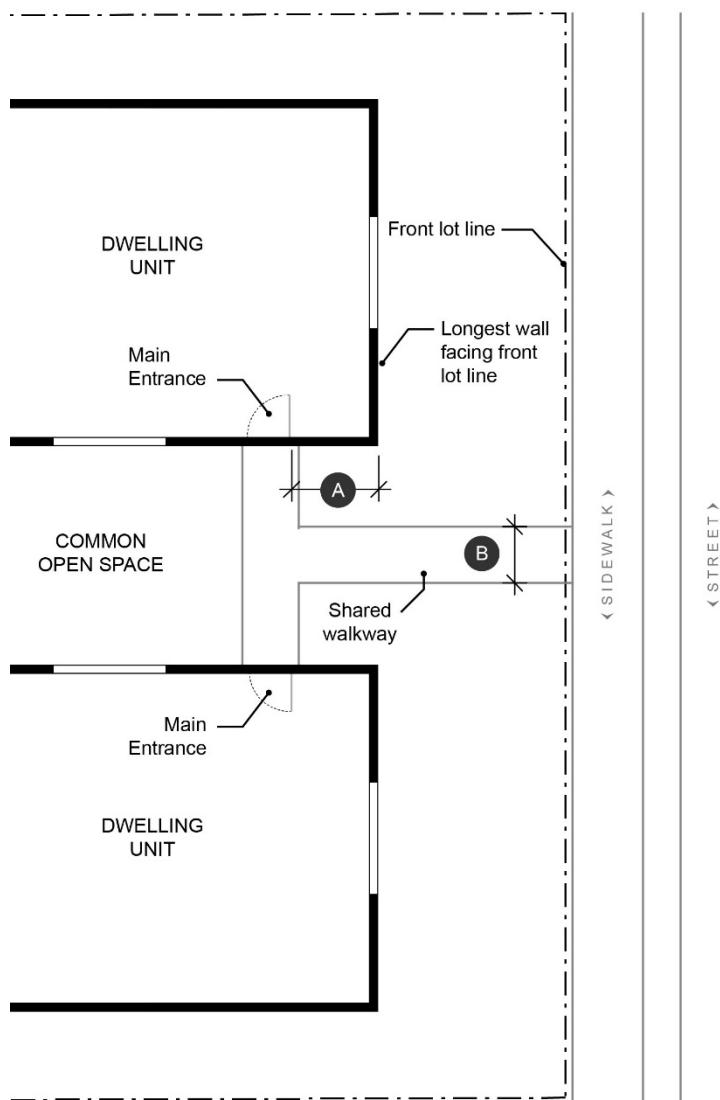
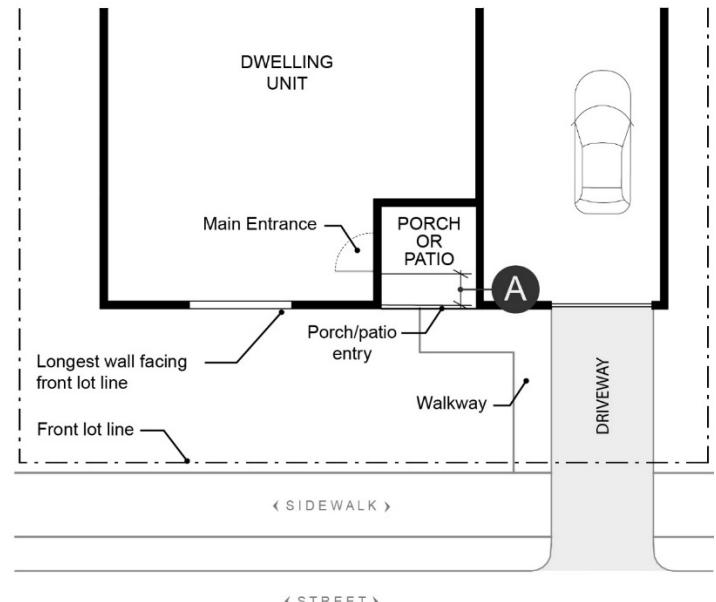


Figure 3.2.1.d. Main Entrance Opening onto a Porch



**A** Maximum 8 feet from entry to longest wall facing front lot line

**B** Walkway width minimum 2 feet

**A** Maximum 8 feet from entry to longest wall facing front lot line

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## 3 – Triplex and Quadplex

### 3.2.2 Windows and Doors

**A. Standard.**

1. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
  - a. At least one street-facing façade must have a minimum of 15 windows or pedestrian entrance doors.
  - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

**B. Exceptions.** The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

### 3.2.3 Off-Street Parking Areas

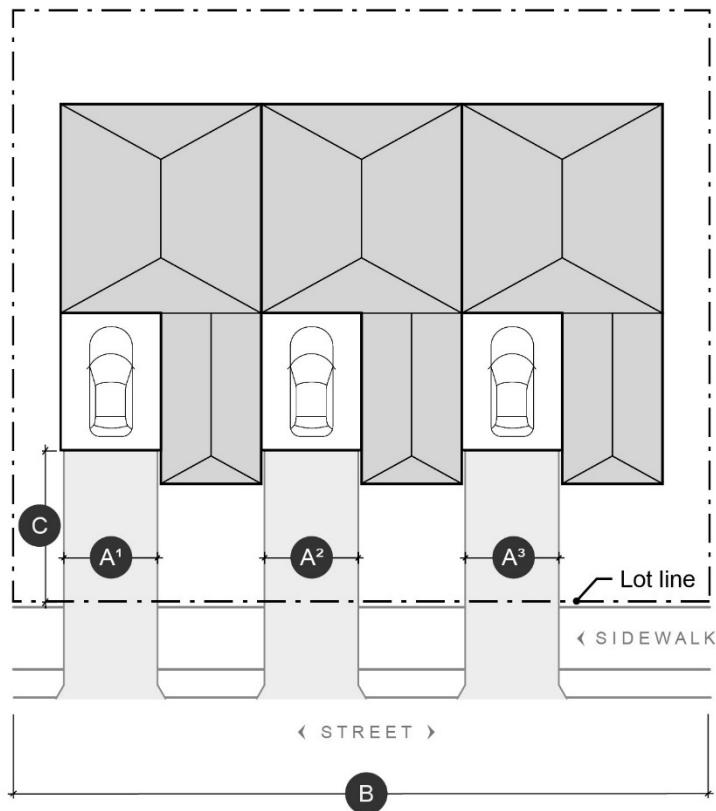
**A. Standard.** The combined width of all garages and outdoor on-site parking and maneuvering areas, as measured at their widest dimension, shall not exceed a total of 50 percent of the street frontage (see Figure 3.2.3.a). Walkways abutting a driveway are excluded from this calculation.

**B. Exceptions.** The following are exempt from these standards:

1. Accessible and adaptable units.
2. Lots that receive vehicular access from an alley.
3. Off-street parking areas that are separated from the street lot line by a dwelling.

### 3 – Triplex and Quadplex

Figure 3.2.3.a. Width of Garages and Parking Areas



A

Garage and on-site parking and maneuvering areas:  $(A1 + A2 + A3) \div B \leq 50\%$

B

Total street frontage

C

Minimum driveway length 18 feet (or maximum 5 feet)

#### 3.2.4 Driveway Approach

**A. Standard.** Driveway approaches must comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figures 3.2.4.a and 3.2.4.c). For lots with more than one frontage, see subsection (3).
2. Driveway approaches may be separated when located on a local street (see Figure 3.2.4.a). If approaches are separated, they must meet the city's driveway spacing standards applicable to local streets.

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### 3 – Triplex and Quadplex

3. In addition, lots with more than one frontage must comply with the following:
  - a. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that meets the city's standards for width and pavement, access must be taken from the alley (see Figure 3.2.4.b).
  - b. Lots with frontages only on collectors or arterial streets must meet the city's access standards applicable to collectors or arterials.
  - c. Triplexes and quadplexes on lots with frontages only on local streets may have either:
    - i. Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 3.2.4.d); or
    - ii. One maximum 16-foot-wide driveway approach per frontage (see Figure 3.2.4.e).

**B. Exceptions.** Accessible or adaptable units are exempt from the standards in subsections (A)(1) and (A)(3)(c).

### 3 – Triplex and Quadplex

Figure 3.2.4.a. Driveway Approach Width and Separation on Local Street

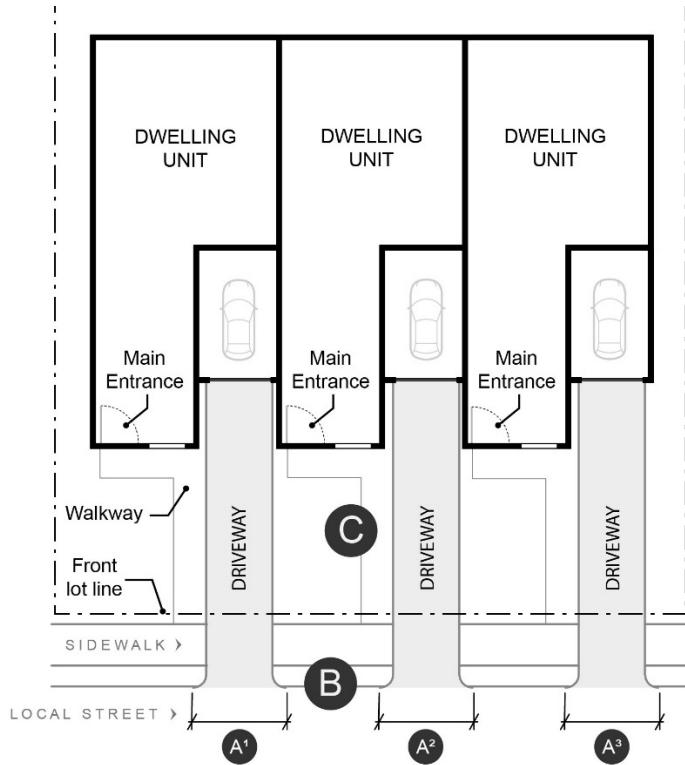
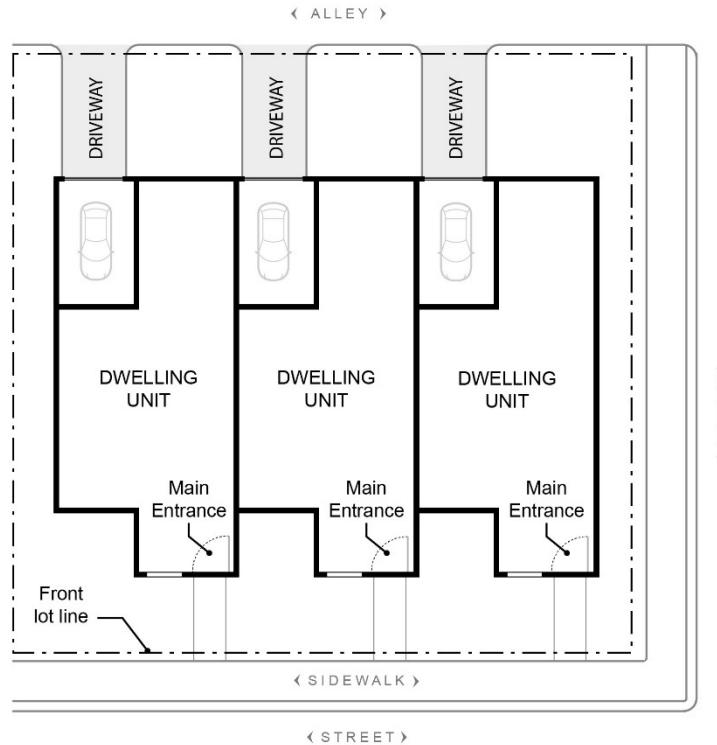


Figure 3.2.4.b. Alley Access



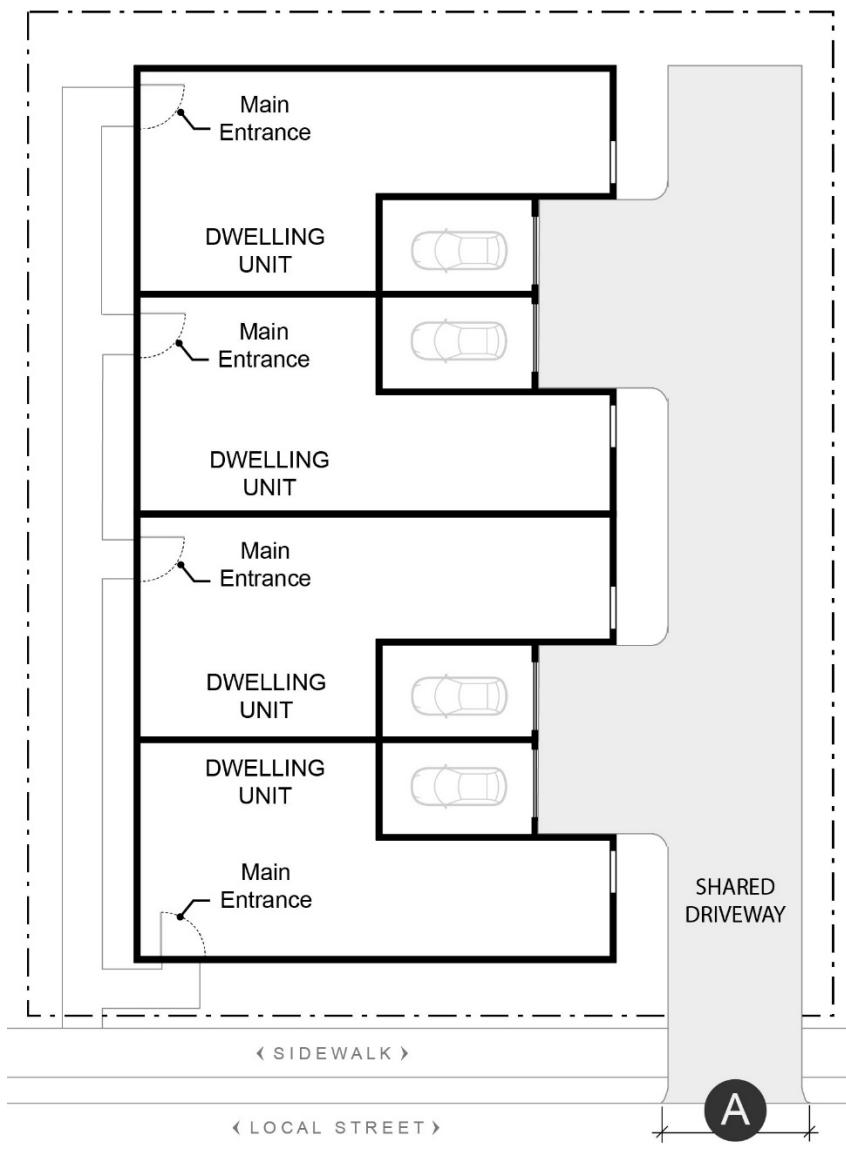
**A**  $A_1 + A_2 + A_3 \leq 32$  feet

**B** Driveway approaches must meet separation standards for a local street.

**C** Walkway may abut driveway

### 3 – Triplex and Quadplex

Figure 3.2.4.c. Driveway Approach Width on Local Street – Shared Driveway

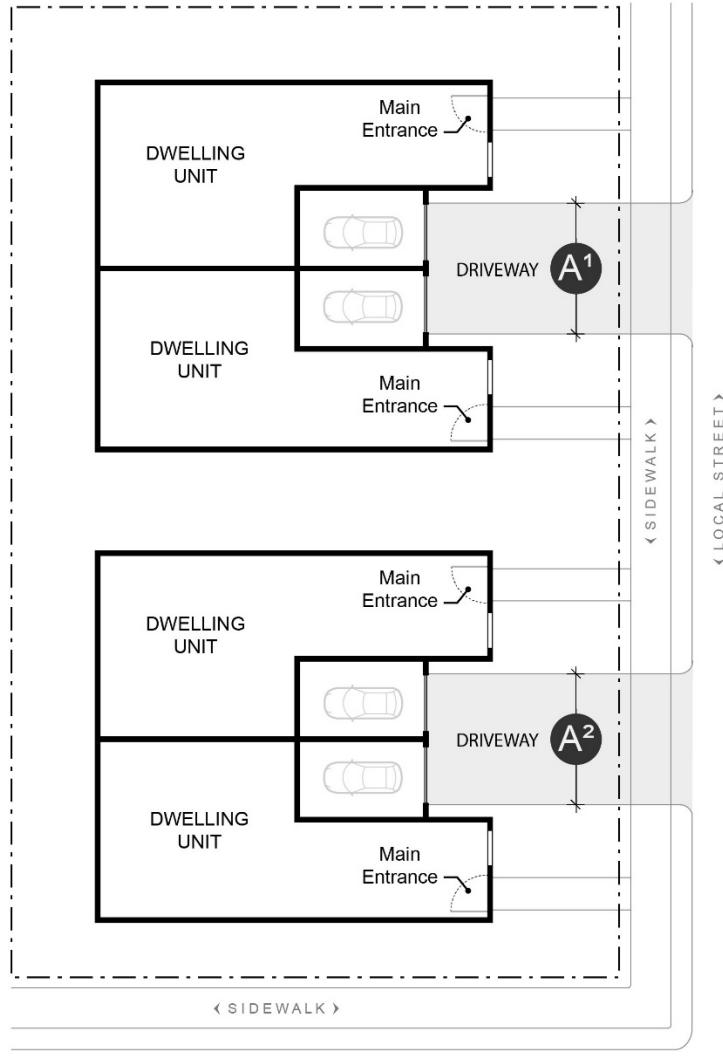


A

Maximum width of driveway approach(es) 32 feet

### 3 – Triplex and Quadplex

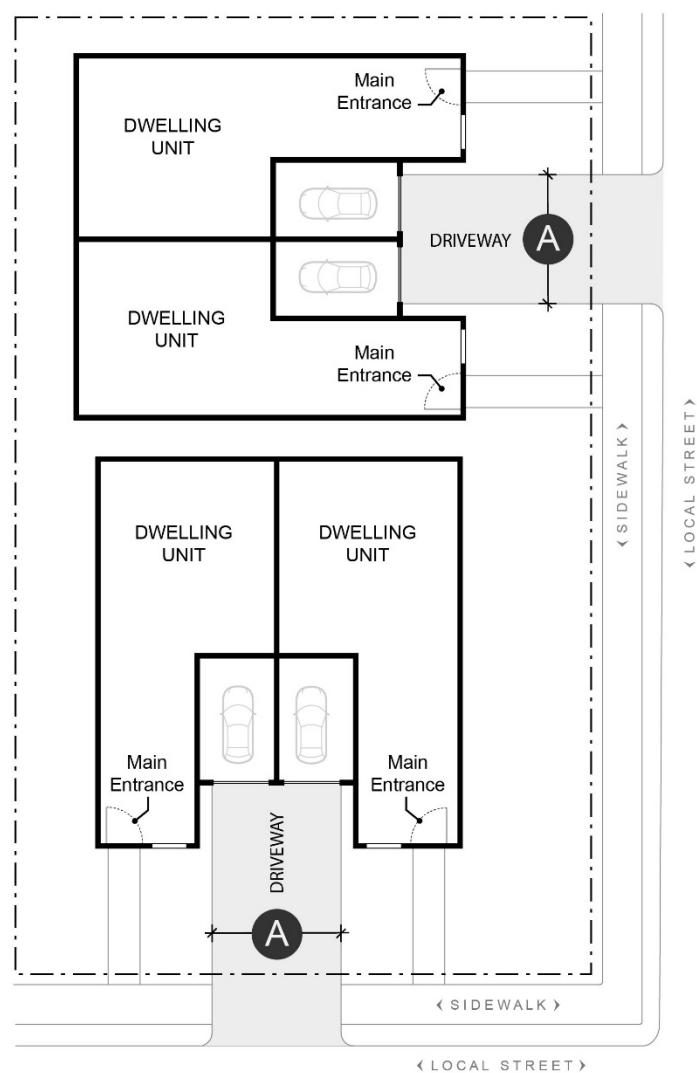
Figure 3.2.4.d. Driveway Approaches on One Local Street Frontage



A

One maximum 16-foot-wide driveway approach per frontage

Figure 3.2.4.e. Driveway Approaches on Two Local Street Frontages



A

Two driveway approaches on one frontage:  
 $A^1 + A^2 \leq 32$  feet

### 3.2.5 Trash Storage

**A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

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## 3 – Triplex and Quadplex

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

**B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

### 3.3. Conversions – Triplex and Quadplex

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this Model Code

, unless increasing nonconformance is otherwise permitted by the city's development regulations.

# Chapter 4 – Townhouse

Sections:

4.1 Siting Standards – Townhouse

4.2 Design Standards – Townhouse

## 4.1 Siting Standards – Townhouse

The siting standards in Table 4.1 apply to the development of townhouses. Required outdoor area is calculated based on the entire townhouse project (not each townhouse lot).

<b>TABLE 4.1 SITING STANDARDS – TOWNHOUSE:</b>	
<u>[Recommended: Minimum Size for New Townhouse Lots (see Section 9.1.1)]</u>	1,800 sf]
<u>[Recommended: Minimum Lot Width for New Townhouse Lots (measured at front lot line of each townhouse lot)]</u>	20 ft]
<b>Maximum Building/Structure Height</b> (see Section 10.1.3)	35 ft
<b>Maximum Number of Attached Townhouses per Structure</b>	4 Townhouses
<b>Minimum Setbacks</b> (see Section 9.1.4)	
• Front and street side building setback	10 ft
• Common wall setback (along lot line where units are attached)	0 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances facing a public street (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
<b>Minimum Required Outdoor Area</b> (see Section 9.1.5)	25% of site area
<u>[Recommended: Vehicle Parking (see Section 9.1.6)]</u>	
• Minimum number of off-street spaces	1 space per unit]
<b>Areas Owned in Common</b>	
Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

## 4.2 Design Standards – Townhouse

Except as provided in Section 1.4, the design standards in this section apply to the development of townhouses.

### 4.2.1 Entry Orientation and Pedestrian Connectivity

**A. Standard.** A main entrance to each townhouse must comply with all the following standards (see Figure 4.2.1.a). The entrance must:

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## 4 – Townhouse

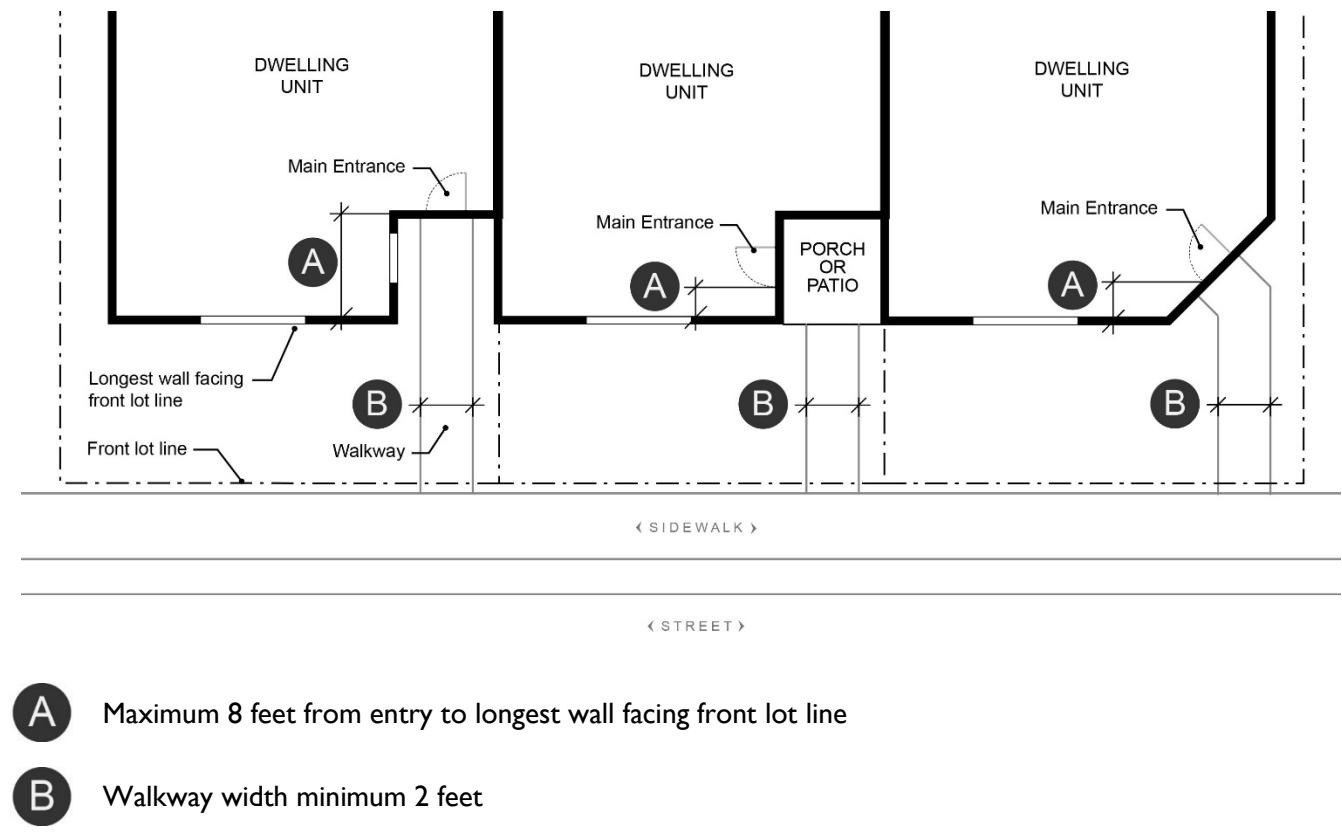
1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
2. Meet at least one of the following:
  - a. Face the street;
  - b. Be at an angle of up to 45 degrees from the street; or
  - c. Open onto a covered porch or covered patio. The porch or patio must:
    - i. Be at least 25 square feet in area; and
    - ii. Have at least one entrance facing the street.
3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

**B. Exceptions.** The following are exempt from these standards:

1. Townhouses on townhouse lots that do not have public street frontage.
2. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

## 4 – Townhouse

Figure 4.2.1.a. Main Entrance Facing the Street, at 45° Angle, or Opening onto a Porch



### 4.2.2 Windows and Doors

#### A. Standard.

1. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
  - a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
  - b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
2. See Section 9.1.8 for measurement methodology.

#### B. Exceptions. The following facades are exempt from these standards:

- I. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.

---

## 4 – Townhouse

2. Facades that are more than 40 feet from the street lot line.
3. Facades facing an alley.

### 4.2.3 Driveway Access and Parking

**A. Standard.** Townhouse lots with frontage on a public street shall either meet the standards in subsection (1) or subsection (2). Townhouse lots without frontage on a public street are subject to subsection (3).

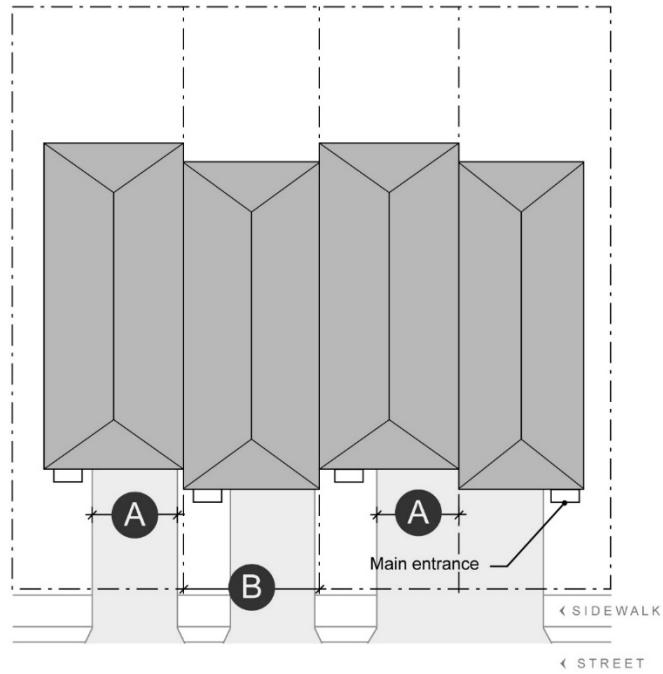
1. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 4.2.3.a).
  - a. The townhouse lot shall have at least 15 feet of street frontage on a local street.
  - b. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.
  - c. On each townhouse lot, the width of the following features shall not exceed 12 feet, or 60 percent of the lot frontage width, whichever is less:
    - i. Outdoor on-site parking and maneuvering areas; and
    - ii. Garages, as measured from the inside of the garage door frame.
  - d. This standard does not supersede a city's driveway separation standards.
2. For all other configurations of driveway access and parking, the following standards shall be met.
  - a. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 4.2.3.b.
  - b. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 4.2.3.c.
  - c. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.
3. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 4.2.3.d.

**B. Exceptions.**

1. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt these standards.
2. Townhouses with ground levels that are designed as accessible or adaptable units are exempt from subsection (A)(1)(c).

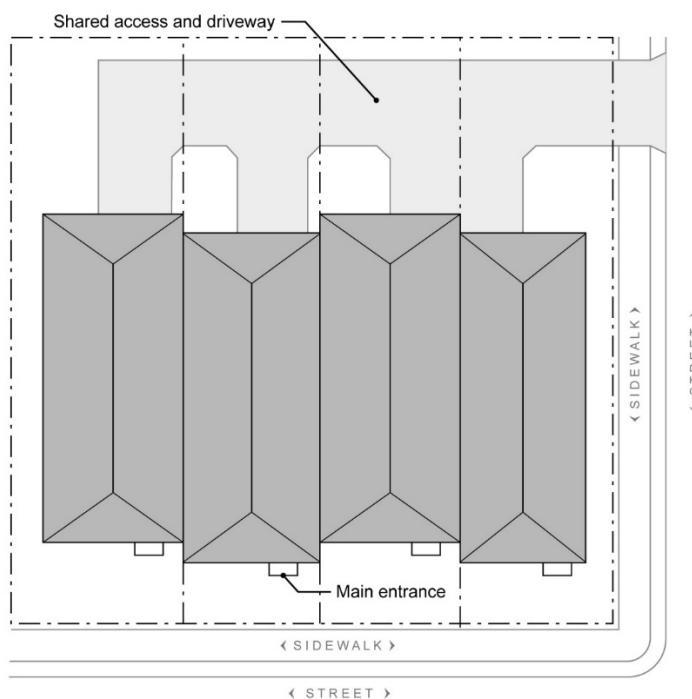
## 4 – Townhouse

Figure 4.2.3.a. Townhouses with Parking in Front Yard



- A** Maximum width of driveway, parking or maneuvering area, or garage: 12 feet or 60% of lot frontage width, whichever is less
- B** Minimum 15 feet of street frontage

Figure 4.2.3.b. Townhouses on Corner Lot with Shared Access



## 4 – Townhouse

Figure 4.2.3.c. Townhouses with Consolidated Access

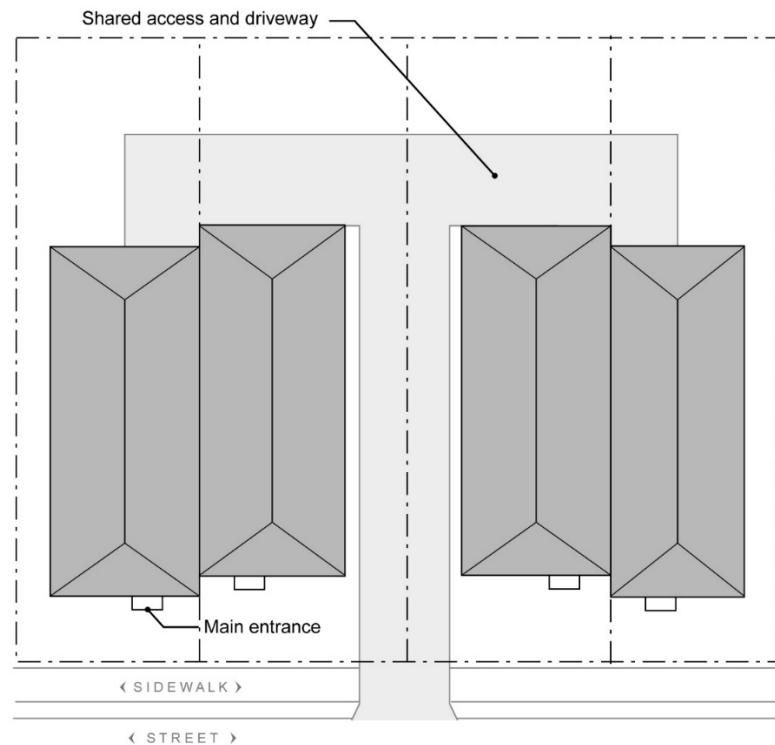
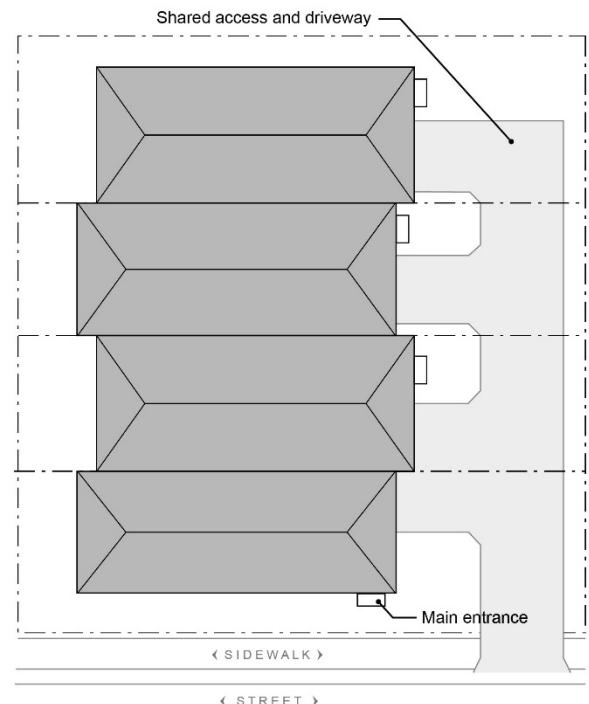


Figure 4.2.3.d. Townhouses with Access from Shared Driveway and Access Easement/Tract



### 4.2.4 Trash Storage

**A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

**B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

# Chapter 5 – Cottage Cluster

### Sections:

5.1 Siting Standards – Cottage Cluster

5.2 Design Standards - Cottage Cluster

### 5.1 Siting Standards – Cottage Cluster

The siting standards in Table 5.1 apply to the development of a Cottage Cluster on a lot.

<b>TABLE 5.1 SITING STANDARDS - COTTAGE CLUSTER</b>	
<b>Maximum Number of Cottages per Cottage Cluster</b>	8 cottages
<b>Average Cottage Size.</b> Based on average floor area of all cottages and community buildings within the cottage cluster (see Section 10.1.2).	1,400 sf or less
<b>Average Cottage Footprint</b> <ul style="list-style-type: none"><li>Average of cottages with height of 15 feet or less</li><li>Average of cottages with height over 15 feet</li></ul>	1,400 sf or less 900 sf or less
<b>Maximum Building/Structure Height</b> (see Section 10.1.3)	25 ft
<b>Minimum Setbacks</b> (see Section 9.1.4) <ul style="list-style-type: none"><li>Front and street side building setback</li><li>Side (interior) building setback</li><li>Rear building setback</li></ul>	10 ft 5 ft 10 ft
<b>Minimum Required Open Space - Courtyard</b> (see Section 5.2.2)	150 sf per cottage
<b>[Recommended: Vehicle Parking</b> (see Section 9.1.6) <ul style="list-style-type: none"><li>Minimum number of off-street spaces</li></ul>	1 space per unit]
<b>Areas Owned in Common</b> Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

### 5.2 Design Standards – Cottage Cluster

Except as provided in Section 1.4, the design standards in this section apply to the development of cottage clusters. **[Recommended: Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section.]**

---

## 5 – Cottage Cluster

### 5.2.1 Cottage Orientation

**A. Standard.** Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards (see Figure 5.2.2.a):

1. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
2. A minimum of 50 percent of cottages within a cluster must:
  - a. Be within 10 feet from the common courtyard, measured from the nearest façade of the cottage to the nearest edge of the common courtyard; and
  - b. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
3. Cottages must abut the common courtyard on at least two sides of the courtyard.

**B. Exceptions.** An existing dwelling included within a cottage cluster pursuant to Section 5.2.8 may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

### 5.2.2 Common Courtyard Design Standards

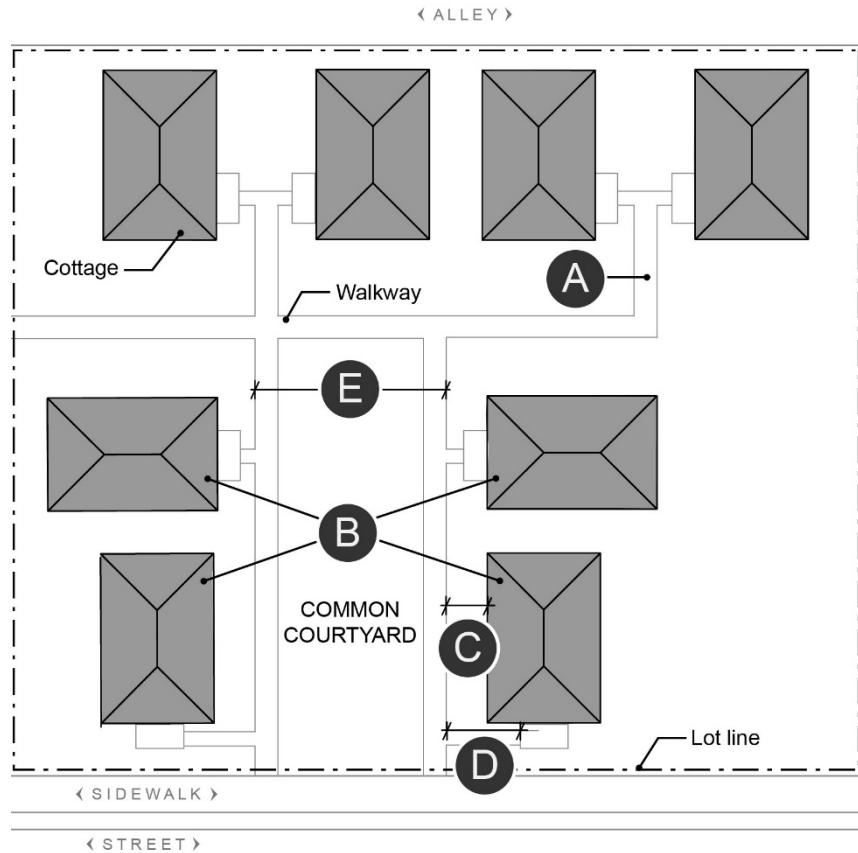
**A. Standard.** Each cottage cluster must share a common courtyard that meets the following standards (see Figure 5.2.2.a):

1. The common courtyard must be a single, contiguous piece.
2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
4. Common courtyards must include pedestrian walkways. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

**B. Exceptions.** None.

## 5 – Cottage Cluster

Figure 5.2.2.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** All cottages connected to courtyard by walkway.
- B** Minimum 50% of cottages meet the orientation requirements illustrated by **C** and **D**.
- C** Maximum 10 feet from cottage to courtyard.
- D** Maximum 20 feet from entry to courtyard.
- E** Minimum 15 feet width at narrowest dimension.

---

## 5 – Cottage Cluster

### 5.2.3 Community Buildings

**A. Standard.** Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

1. Each cottage cluster is permitted one community building, which shall count towards the maximum average cottage size, pursuant to Table 5.1.
2. Community buildings shall not include individual storage spaces for residents. However, storage areas for shared equipment or supplies is permitted.

**[Recommended: 3. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in Table 5.1 or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.]**

**B. Exceptions.** None.

### 5.2.4 Pedestrian Access

**A. Standard.**

1. A walkway must connect the main entrance of each cottage to the following:
  - a. The common courtyard;
  - b. Shared parking areas;
  - c. Community buildings; and
  - d. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
2. The walkway must be hard-surfaced and a minimum of 4 feet wide.
3. An accessible walkway must connect the main entrance of each accessible or adaptable unit to:
  - a. The sidewalk or right-of-way; and
  - b. At least one ADA parking space, if provided.

**B. Exceptions.** None.

### 5.2.5 Windows and Doors

**A. Standard.** Cottages within 20 feet of a street lot line must meet the following standards:

1. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
2. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.

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## 5 – Cottage Cluster

3. See Section 9.1.8 for measurement methodology.

**B. Exceptions.** The following facades are exempt from these standards:

1. Facades separated from the street lot line by a dwelling, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
2. Facades facing an alley.

### 5.2.6 Parking Design

**A. Standards.** (see Figure 5.2.6.a).

1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
  - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
  - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
  - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
  - d. Clustered parking areas may be covered.
2. Parking location and access.
  - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
    - i. Within of 20 feet of any street lot line, except alley lot lines; or
    - ii. Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
  - b. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
3. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
4. Garages and carports.
  - a. Garages and carports (whether shared or individual) must not abut common courtyards.
  - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
  - c. Individual detached garages must not exceed 400 square feet in floor area.
  - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

**B. Exceptions.** None.

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## 5 – Cottage Cluster

### 5.2.7 Accessory Structures

- A. Standard.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- B. Exceptions.** None.

### 5.2.8 Existing Structures

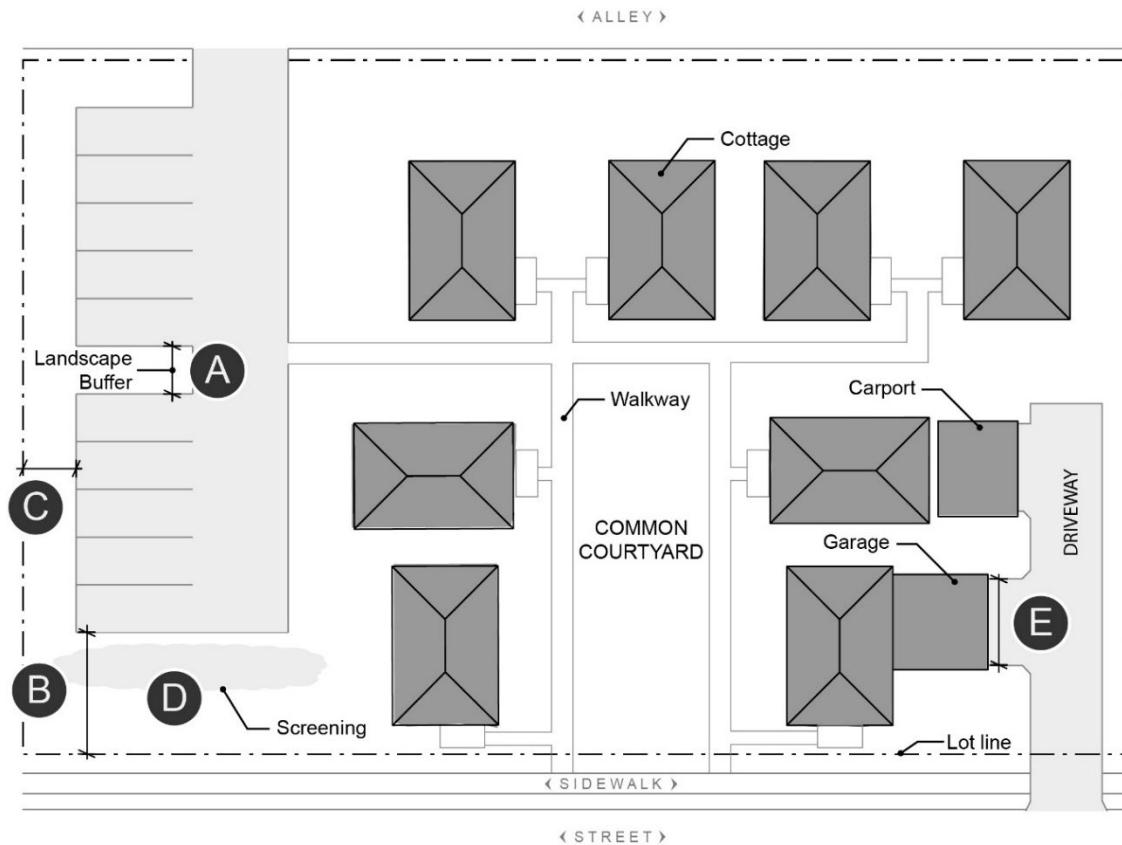
- A. Standard.** On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
  1. The existing dwelling may be nonconforming with respect to the requirements of this code.
  2. The existing dwelling may be expanded up to the maximum height or the maximum building footprint in Table 5.1; however, existing dwellings that exceed the maximum height or footprint of this code may not be expanded.
  3. An applicant may choose to exclude the floor area of the existing dwelling when calculating the average cottage size of a cottage cluster.
- B. Exceptions.** None.

### 5.2.9 Trash Storage

- A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
  1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
  2. The storage facility must be separated from the street lot line by at least 5 feet.
  3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.
- B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

## 5 – Cottage Cluster

Figure 5.2.6.a. Cottage Cluster Parking Design Standards



- A** Parking clusters separated by minimum 4 feet of landscaping.
- B** No parking within 20 feet of street lot line.
- C** No parking within 10 feet of lot line other than street or alley.
- D** Screening required between parking areas or parking structures and public streets or common courtyards.
- E** Maximum 20 feet garage door width.

# Chapter 6 – Multi-Unit Housing

Sections:

6.1 Siting Standards – Multi-Unit Housing

6.2 Design Standards – Multi-Unit Housing

## 6.1 Siting Standards – Multi-Unit

The siting standards in Table 6.1 apply to the development of multi-unit housing.

<b>TABLE 6.1 SITING STANDARDS - MULTI-UNIT</b>	
<b>Maximum Building/Structure Height</b> (see Section 10.1.3)	
• Buildings with accessible or adaptable units	40 ft
• All other buildings	35 ft
<b>Minimum Setbacks</b> (see Section 9.1.4)	
• Front and street-side building setback	10 ft
• Side (interior) building setback	5 ft
• Rear building setback	10 ft
• Garage entrance setback	
○ Garage entrances with a public street access (driveway length)	18 ft
○ Garage entrances with alley access	5 ft
<b>Minimum Required Outdoor Area and Usable Open Space</b> (see Sections 6.2.5 and 9.1.5)	
• Required Outdoor Area	
○ Site size: less than 10,000 sf	25% of site area
○ Site size: 10,000 sf to 50,000 sf	30% of site area
○ Site size: greater than 50,000 sf	35% of site area
• Usable Open Space	See Section 6.2.5
<b>[Recommended: Vehicle Parking]</b> (see Section 9.1.6)	
• Minimum number of off-street spaces	1 space per unit]
<b>[Recommended: Minimum Number of Bicycle Parking Spaces]</b> (see Section 9.1.7)	
• Long-term Spaces	0.5 spaces per unit]

### 6.2 Design Standards – Multi-Unit

The design standards in this section apply to the development of multi-unit housing. In sections 6.2.2 and 6.2.7, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing.

Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

#### 6.2.1 Entry Orientation – Non-Townhouse Style

Multi-unit housing other than townhouse-style development is subject to the following standards.

##### **A. Standards.**

1. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
  - a. Except as provided in (c), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
  - b. Except as provided in (c), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the city's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
  - c. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
    - i. The abutting streets have equal levels of transit service and equal street classifications; or
    - ii. The highest transit service street or highest classification street is an arterial street that includes 4 or more travel lanes designed for through movement of vehicles.
2. The main entrance meeting standard (A)(1), must:
  - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
  - b. Meet at least one of the following:
    - i. Face the street;
    - ii. Be at an angle of up to 45 degrees from the street;
    - iii. Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
    - iv. Open onto a covered porch or covered patio that is at least 25 square feet in area.

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## 6 – Multi-Unit Housing

- c. Connect to the sidewalk by an accessible walkway in conformance with Section 6.2.3(A)(2). Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

**B. Exceptions.** If a site abuts only one street, and the abutting street is an arterial with 4 or more travel lanes designed for through movement of vehicles, a building facade with ground floor dwelling units may be set further back than 20 feet, provided the screening standards in Section 6.2.8 are met, except as specified in subsection 6.2.8(B).

### 6.2.2 Entry Orientation – Townhouse Style

Townhouse-style multi-unit housing is subject to the following standards.

**A. Standards.** A main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards. The entrance must:

- 1. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
- 2. Meet at least one of the following:
  - a. Face the street,
  - b. Be at an angle of up to 45 degrees from the street; or
  - c. Open onto a covered porch or patio. The porch or patio must:
    - i. Be at least 25 square feet in area; and
    - ii. Have at least one entrance facing the street.
- 3. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

**D. Exceptions.** None.

### 6.2.3 Pedestrian Connections

**A. Standard.**

- 1. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
- 2. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
  - a. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or

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## 6 – Multi-Unit Housing

- b. There is a planned walkway on the abutting property, as identified in the city's adopted Transportation System Plan.
- 3. Walkway Design.
  - a. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (i) and (ii), walkways must be at least 5 feet in unobstructed width.
    - i. Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
    - ii. Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets other ADA standards for accessible walkways, including standards related to passing spaces and slope.
  - b. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
  - c. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

**B. Exceptions.** None.

### 6.2.4 Windows and Doors

**A. Standard.** A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 9.1.8 for measurement methodology.

**B. Exceptions.** The following facades are exempt from this standard:

- 1. Facades separated from the street lot line by another building, or by a buildable lot with a depth of at least 20 feet measured from the street lot line.
- 2. Facades that are more than 40 feet from the street lot line.
- 3. Facades facing an alley.

### 6.2.5 Required Outdoor Area and Usable Open Space

**A. Standard.**

- I. Minimum Outdoor Area. Except as specified in subsection (B), a portion of the gross site area must be provided as outdoor area, as specified in Table 6.1. The required outdoor area must meet the description and standards in Section 9.1.5.

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## 6 – Multi-Unit Housing

2. Minimum Usable Open Space. For sites over 10,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
  - a. For sites between 10,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space
  - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
3. Usable Open Space Standards. The usable open space shall meet the following criteria:
  - a. The usable open space shall contain one or more of the features specified in Section 9.1.5(B)(2).
  - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.

### **B. Exceptions.**

1. For sites under 50,000 square feet in size, 100 percent of the required outdoor area may be met by:
  - a. A rooftop garden provided it is accessible to all of the residents; or
  - b. Private open space.
2. Sites that are under 10,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
3. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

### **6.2.6 Parking Location and Design**

The following standards apply to multi-unit housing. For townhouse style developments, see Section 6.2.7.

#### **A. Vehicle Parking Standards.**

1. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
  - a. A driveway providing access to a shared parking garage.
  - b. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
2. Screening of surface parking areas. The city's parking area screening standards shall apply, if any, otherwise the following standards shall apply. Surface parking areas with more than 8 spaces must be screened from view of the street by a landscaped area that includes the following, at a minimum:

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## 6 – Multi-Unit Housing

- a. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
- b. At least one tree for every 30 linear feet; and
- c. Evergreen ground cover must cover the remaining landscape area.
- d. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.

3. Additional parking area design and landscaping standards are provided in Section 9.1.6.

**B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.

**C. Exceptions.** None.

### 6.2.7 Driveway Access and Parking – Townhouse-Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located between a dwelling unit and a public street (other than an alley), the following standards shall be met. For all other units, the standards in Section 6.2.7 shall be met.

**A. Standards.** See Figure 4.2.4.a.

1. Access must be taken from a local street.
2. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches or driveways may be shared.
3. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
4. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
5. This standard does not supersede a city's local driveway separation standards.

**B. Bicycle Parking Standards.** Bicycle parking location and design standards are provided in Section 9.1.7.

**C. Exception.** None.

### 6.2.8 Screening from Arterials

**A. Standard.**

The following standards apply to multi-unit sites that abut an arterial street with 4 or more vehicle travel lanes designed for through movement of vehicles. Screening shall be provided within the setback area between any street-facing facade and the street lot line abutting the arterial street. The screening shall meet the following standards:

- I. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing

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## 6 – Multi-Unit Housing

of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.

2. Trees shall be at least 6 feet tall at the time of planting.

**B. Exception.** This standard does not apply to arterial streets with frequent transit service.

### 6.2.9 Trash Storage

**A. Standard.** Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:

1. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. Except as specified in subsection (3), the screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
2. The storage facility must be separated from the street lot line by at least 5 feet.
3. For lot lines abutting residential properties, the storage facility must either be setback from the lot line by at least 5 feet, or the screen facing the lot line must be at least 6 feet in height.

**B. Exceptions.** Trash and recycling receptacles stored within a building are exempt from these standards.

# Chapter 7 – Accessory Dwelling Unit

Sections:

- 7.1 Siting Standards – Accessory Dwelling Unit
- 7.2 Design Standards – Accessory Dwelling Unit

## 7.1 Siting Standards – Accessory Dwelling Unit

### 7.1.1 Siting Standards, Generally

**A. Standards.** Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings (Table 2.1 if applicable, or in the city's development code).

**B. Exceptions.**

- I. The following siting standards do not apply to accessory dwelling units:
  - a. Minimum Required Outdoor Area;

Recommended: b. Minimum Vehicle Parking.]
2. Conversion of an existing legal non-conforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
3. If an accessory dwelling unit is added to a lot with an existing dwelling unit that has been in place for at least 5 years, up to 1,000 square feet of floor area is permitted even if it would cause the site to fall below the minimum percentage of required outdoor area.
4. Setbacks.
  - a. Where an accessory dwelling unit is accessed from an alley, **the minimum setback from the alley lot line shall be 5 feet.**
  - b. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of a side or rear lot line (excluding street lot lines other than alleys).

### 7.1.2 Number of Units and Configuration

**A. Standard.** A maximum of one accessory dwelling unit is allowed per legal detached single-unit dwelling (referred to as the primary dwelling). The unit may be in a separate detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

**B. Exception.** None.

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## 7 – Accessory Dwelling Unit

### 7.1.3 Maximum Floor Area

- A. Standard.** The maximum floor area for an accessory dwelling unit is 1,000 square feet.
- B. Exceptions.** The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
- C. Measurement.** Floor area is measured as provided in Section 9.1.2(B)(1).

## 7.2 Design Standards – Accessory Dwelling Unit

[Recommended: Accessory dwelling units are exempt from design standards.]

# Chapter 8 – Procedures and Applications

Sections:

- 8.1 Procedures and Applications, Generally
- 8.2 Procedure - Ministerial Decisions
- 8.3 Procedure - Limited Land Use Decisions
- 8.4 Application - Zoning Review
- 8.5 Application - Modifications

## 8.1 Procedures and Applications, Generally

- A. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the applicant may request that the proceedings be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided.
- C. Basis of Approval.** Approvals are based on the information submitted. If the information relied upon to grant the approval is incorrect, the approval may be voided.

## 8.2 Procedure – Ministerial Decision

Ministerial decisions are made following a review that does not require use of discretion, based on land use standards that do not require interpretation or the exercise of policy or legal judgment. The decision is made by the Planning Official, without public notice and without a public hearing.

### A. Application Requirements.

1. Application Forms. Requests for approval of development subject to Ministerial Review shall be made on forms provided by the Planning Official. An application submitted concurrently with a building permit application does not require a separate application form.
2. Application Requirements. Applications shall include the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought; and
  - c. The required fee.

### B. Completeness Review.

## 8 – Procedures and Applications

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Ministerial Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
  - a. All of the missing information;
  - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
  - c. Written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

**C. Criteria and Decision.** The Planning Official's review determines whether minimum code requirements are met. The Planning Official shall approve, approve with conditions, or deny an application within 60 days after receiving a complete application.

**D. Effective Date.** A Ministerial Decision is final on the date it is signed by the Planning Official.

**E. Appeal of a Ministerial Decision.** [Recommended: A Ministerial Decision may be appealed to Circuit Court. There is no opportunity for local appeal.]

### 8.3 Procedure – Limited Land Use Decision

**A. Method of review.** Limited Land Use Decisions are subject to administrative review. The decision is made by the Planning Official with public notice and an opportunity to appeal.

**B. Time allowed.** The City shall complete its review within the timeframes specified in subsections (C) through (G), below, provided that in all cases the City shall take final action on Limited Land Use applications, including resolution of all appeals, within the number of days specified in the table below, unless the applicant requests an extension in writing. The total of all extensions may not exceed 245 days except to allow for mediation in accordance with ORS 227.178(11).

Project Type	Maximum Days*
Limited land use decisions for affordable housing projects meeting the following criteria: <ul style="list-style-type: none"><li>• Multi-unit residential building containing five or more residential units within the urban growth boundary; and</li><li>• At least 50 percent of the residential units included in the development will be sold or rented as affordable housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the</li></ul>	100 days from the date the Planning Official deems the application complete for purposes of processing,

## 8 – Procedures and Applications

county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.	
All other Limited Land Use Decisions	120 days from the date the Planning Official deems the application complete for purposes of processing,
* A city may extend these periods by no more than seven days in order to assure the sufficiency of its final order where the city has tentatively approved the application for development of residential structures.	

### C. Application Requirements.

1. Application Forms. Applications subject to Limited Land Use Review shall be made on forms provided by the Planning Official.
2. Submittal Information. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought; and
  - c. The required fee.

### D. Completeness Review.

1. The Planning Official shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the application submittal.
2. If an application for a Limited Land Use Decision is incomplete, the Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt by the Planning Official of:
  - a. All of the missing information;
  - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
  - c. Written notice from the applicant that none of the missing information will be provided.
3. If an applicant requests review under different standards as provided in subsection (E)(2) the applicable timelines for completeness review restart as if a new application were submitted on the date of the request. The application shall not be deemed complete until the Planning Official

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## 8 – Procedures and Applications

determines that additional information is not required under subsection (2) of this section or the applicant makes a submission under subsection (2) of this section in response to a Planning Official's request.

4. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) and has not submitted some or all of the information or provided written notice that none of the missing information will be provided.

**E. Applicable Standards and Criteria.** Approval or denial of an application shall be based upon the applicable standards and criteria as follows.

1. Except as provided in subsection (2), the approval or denial of an application that was complete when first submitted or deemed complete pursuant to subsection (D)(3) shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Up to the issuance of Notice of Pending Limited Land Use Decision (subsection (F)), an applicant may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
  - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
  - b. Submission of additional information may be required if the request affects or changes information in the application.
  - c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.
  - d. The applicant may not make more than one request under this subsection (E)(2).

**F. Notice of Pending Limited Land Use Decision.** The purpose of the notice of pending decision is to provide a 14-day comment period during which nearby property owners and affected agencies can submit written comments on the application before the Planning Official issues their decision.

- I. The Planning Official shall mail notice of a pending Limited Land Use Decision to the following individuals and agencies.
  - a. All owners of record of real property within a minimum of 100 feet of the entire contiguous site for which the application is made;
  - b. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
  - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

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## 8 – Procedures and Applications

2. The notice of pending Limited Land Use Decision shall briefly summarize the local decision making process for the Limited Land Use Decision being made and shall contain all of the following information:
  - a. Deadline (date and time) for submitting written comments, which must be at least 14 days prior to the scheduled decision date, the place where written comments are to be submitted, and the name and phone number of the city's contact person;
  - b. Street address or other easily understood geographical reference to the subject property;
  - c. List, by commonly used citation, of the applicable criteria for the decision;
  - d. Statement that all evidence relied upon by the Planning Official to make their decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
  - e. Statement explaining that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period. Such issues must be raised with sufficient specificity to enable the decision maker to respond to the issue; and
  - f. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
3. The Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and demonstrate that the notice was mailed to the parties listed in subsection (1) and was mailed within the time required by law.

**G. Notice of Decision.** At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable standards and criteria. Within 7 days of making a Limited Land Use Decision, the Planning Official shall mail a notice of that decision.

- I. The Planning Official shall mail notice of a Limited Land Use Decision to the following individuals and agencies.
  - a. Applicant;
  - b. Property owner (if different);
  - c. Building Official;
  - d. Those individuals or agencies who provided written comments on the proposal; and
  - e. Those individuals or agencies who requested a copy of the decision.
2. The Notice of Decision shall contain all of the following information:

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## 8 – Procedures and Applications

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the decision to City's appeal body pursuant to subsection (H) by the date specified on the notice.

**H. Effective Date.** Unless the conditions of approval specify otherwise, a Limited Land Use Decision becomes effective 14 days after the City mails the decision notice, unless the decision is appealed.

**I. Appeal of a Limited Land Use Decision.** A Limited Land Use Decision made by the Planning Official may be appealed to the Appeal Body designated by the City to hear appeals of decisions made by the Planning Official.

- I. Who may appeal. The following people have legal standing to appeal a Limited Land Use Decision:
  - a. The applicant or owner of the subject property;
  - b. Any person who was entitled to written notice of the decision; and
  - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
  - a. Notice of appeal. Any person with standing to appeal, as provided in subsection (I), above, may appeal a Limited Land Use Decision by filing a Notice of Appeal according to the following procedures.
  - b. Time for filing. A Notice of Appeal shall be filed with the Planning Official within the timeframe specified on the Notice of Decision.
  - c. Content of Notice of Appeal. The Notice of Appeal shall be accompanied by the required filing fee and 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 being raised on appeal; and
    - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

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## 8 – Procedures and Applications

3. Scope of appeal. The appeal of a Limited Land Use Decision shall be a hearing de novo before the Appeal Body. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Limited Land Use Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal Hearing Procedure. Hearings on appeals of Limited Land Use Decisions shall follow the city's procedures used for public hearings.

### 8.4 Application – Zoning Review

#### **A. Method of review.**

1. Limited Land Use Decision. Zoning Review applications for proposed developments meeting one or more of the following criteria require Limited Land Use approval:
  - a. Development with more than 20 units;
  - b. Site size greater than 1 acre (43,560 square feet) in size; or
  - c. Applicant is requesting a Modification pursuant to Section 8.5.
2. Ministerial Decision. Zoning Review applications for all other proposed developments require ministerial approval.

#### **B. Requirements.** Zoning Reviews may be processed concurrently with a building permit application or submitted in advance of a building permit application. In either case, a building permit shall not be issued until the Planning Official has approved a Zoning Review for the proposed project.

#### **C. Zoning Review Application Requirements.**

1. The applicant has the responsibility to obtain the property owner's permission for the request.
2. Applicants must submit information showing that the proposal complies with this Code, including:
  - a. Information requested on the application form. A Ministerial Zoning Review submitted concurrently with a building permit application does not require a separate application form;
  - b. The applicable housing type. In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the application;
  - c. A site plan and elevations as specified in subsection (D) which provides sufficient detail to determine the standards are met; and
  - d. Service provider letters or other documentation demonstrating that sufficient infrastructure is available or will be available prior to certificate of occupancy to serve the proposed development, based on applicable public works standards.
3. Applications must be filed with the required fee, based on the applicable local fee schedule.

#### **D. Site Plan and Building Elevation Requirements.**

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## 8 – Procedures and Applications

- I. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
  - All property lines with dimensions and total lot area;
  - North arrow and scale of drawing;
  - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
  - Existing Goal Protected Resources, if any are present on the site;
  - Easements and on-site utilities;
  - Existing and proposed development with all dimensions, including floor area and building footprint (if applicable);
  - Distances of all existing and proposed development to property lines;
  - Types and location of outdoor area and required usable open space (if required);
  - Percentage of the site proposed for outdoor area coverage;
  - Motor vehicle and pedestrian access and circulation systems, including connections off-site, and associated dimensions; and
  - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas.
2. Building elevations showing required entries and windows and associated dimensions.

**E. Criteria.** The Planning Official’s evaluation of a Zoning Review application will determine whether minimum code requirements have been or will be met.

**F. Expiration of Approvals.** An approval under this section expires if:

- I. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

**G. Extension.** The Planning Official, upon written request by the applicant, may grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant provides evidence demonstrating substantial progress toward commencing construction on the site within the next year; and
3. The applicant provides evidence demonstrating that failure to obtain building permits and substantially begin construction within 2 years of Zoning Review approval was beyond the applicant’s control.

### 8.5 Application – Modification

**A. Method of review.** An applicant may request one or Modifications of the standards in this Model Code. The approval criteria for a Modification requires the use of discretion, therefore applications for Modifications are subject to the Limited Land Use Decision procedure in Section 8.3. Nothing in this section implements Oregon Laws 2024, Chapter 110, Section 38.

## 8 – Procedures and Applications

Requested Modifications shall be submitted and reviewed concurrently with a Zoning Review application.

### **B. Modification Application Requirements.**

1. In addition to the information required for the Zoning Review application, applicants requesting one or more Modifications must submit a written statement for each requested Modification explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
2. Applications must be filed with the required fee, based on the applicable local fee schedule.

### **C. Criteria.** A Modification to a standard will be approved if the applicant demonstrates that the following criteria have been met.

1. Granting the Modification will equally or better facilitate housing production, affordability, and choice under Goal 10.
2. Granting the Modification will not impact the ability of the provision of sufficient infrastructure.
3. The proposed development will equally or better address all of the considerations in Table 8.5 applicable to the standard(s) to be modified.
4. Any significant negative impacts resulting from the Modification are mitigated to the extent practical.

**TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION**

<b>For Modifications of standards relating to:</b>	<b>Considerations for granting a Modification include:</b>
Setbacks, building height, building floor area, and required outdoor area	The proposed modification(s) do not decrease setbacks or required outdoor area, or increase building height or building floor area, by more than 10 percent. In addition, the impact of the mass/bulk of proposed buildings on neighboring uses, including opportunities to minimize those impacts through design. For garage entrance setbacks (driveway length), the impact of the driveway on the public right-of-way and pedestrian environment.
Minimum vehicle parking	Whether the reduction in parking will help the city meet its transportation, environmental, housing production, affordability, and accessibility goals.
Bicycle parking, amount and design and location of spaces	Whether the reduction in amount /or changes in design ensure bicycle parking that is adequate and user-friendly or why the standard(s) are not appropriate for the proposed project context or location.
Entry orientation and pedestrian access	Opportunities to ensure pedestrian friendly neighborhoods, on-site pedestrian access, and pedestrian connections to the street.

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<b>TABLE 8.5: CONSIDERATIONS FOR GRANTING A MODIFICATION</b>	
Entry orientation and required percentage of windows and doors	How the proposed building façade(s) will contribute to a safe and comfortable pedestrian-oriented environment on the abutting street or why this is not appropriate in this location.
Cottage orientation	Opportunities to ensure that an adequate number of cottages have a direct relationship to the common courtyard and that the common courtyard provides shared community space for the cottage cluster.
Off-street parking design; driveway & garage design	The impact of parking and vehicle access on the public right-of-way and pedestrian environment on- and off-site, and opportunities to minimize those impacts through design.
Required outdoor area and usable open space; common courtyards	Ensuring livable design for residents, including access to light, air, open space, and active or passive recreation amenities; supporting shared community space for residents; and enabling culturally-sensitive amenities.
Screening of Parking Areas and Trash Storage	Opportunities to minimize impact of parking areas and trash storage on the pedestrian environment; and, for trash storage, to minimize the impact on abutting residential properties.
Screening from Arterials	Opportunities to minimize noise and air quality impacts from abutting transportation facilities on residents.

**D. Expiration of Approvals.** An approval under this section expires if:

1. Within 2 years of the date of the final decision, a building permit has not been issued for approved development.
2. Within 2 years of the date of the issuance of a building permit, if the approved development has not commenced.

# Chapter 9 – Measurement Methodologies and Definitions

Sections:

9.1 Measurement Methodologies  
9.2 Definitions

## 9.1 Measurement Methodologies

### [Recommended: 9.1.1 Minimum Lot Size for New Lots

- A. Standard.** Minimum lot size requirements for townhouses are stated in Section 4.1. These standards apply to the creation of new lots through a subdivision or partition. Exceptions to the minimum lot size standards are stated in subsection (C).
- B. Measurement Methodology.** Lot size is the total surface area (measured horizontally) within the boundary lines of a lot or parcel.
- C. Exceptions.**
  - 1. The minimum lot size requirements do not apply to development on existing lots and parcels, and do not preclude the siting of a housing type on an existing, legally established lot or parcel.
  - 2. Minimum lot size does not apply to tracts for private streets, pedestrian facilities, stormwater facilities, open space, or other common areas.
  - 3. Within a townhouse project, individual townhouse lots or parcels may be as small as 60 percent of the required minimum lot size, provided the average size of all of the townhouse lots or parcels within the land division meets the minimum lot size.]

### 9.1.2 Floor Area

#### **A. Standard.**

- 1. Average cottage size (i.e., average floor area) for cottage clusters is specified in Table 5.1.
- 2. Maximum floor area for accessory dwelling units is specified in Section 7.1.3.

#### **B. Measurement Methodology.**

- 1. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

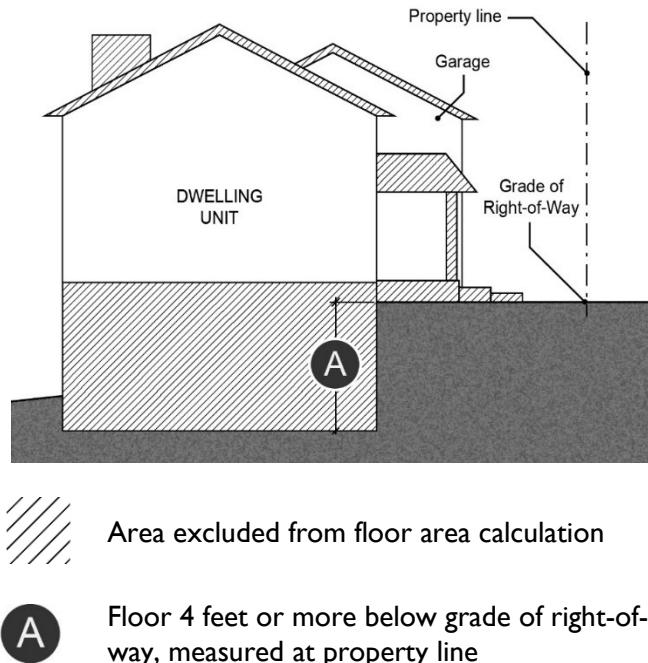
Floor area does not include the following (see Figure 9.1.2.a):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;

## 9 – Measurement Methodologies and Definitions

- Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- Areas where the ceiling height is less than 6 feet 8 inches;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- Covered carports.
- Stairwells are only counted as floor area on one level.

Figure 9.1.1.a. Areas Excluded from Floor Area Calculation



2. **Average Cottage Size.** Within each cottage cluster, the average cottage size is calculated as follows:
  - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.

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## 9 – Measurement Methodologies and Definitions

- b. The average floor area within a cluster may not exceed the maximum stated in Table 5.1.
- c. An applicant may choose to exclude existing structures retained under Section 5.2.8 from the calculation.
- d. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.

**C. Exceptions.** None.

### 9.1.3 Height

- A. Standard.** Maximum building/structure height allowed for each housing type are stated in Tables 2.1 - 6.1. It is intended to work with setback, and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the maximum height are stated in subsection (C).
- B. Measuring Building Height.** Building height shall be calculated in accordance with the applicable building code.

**C. Exceptions.**

- 1. Chimneys, vents, flag poles, satellite receiving dishes and other projecting items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
- 2. Roof mounted solar panels are not included in height calculations.
- 3. For buildings over 3 floors in height, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
  - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
  - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

### 9.1.4 Building Setbacks

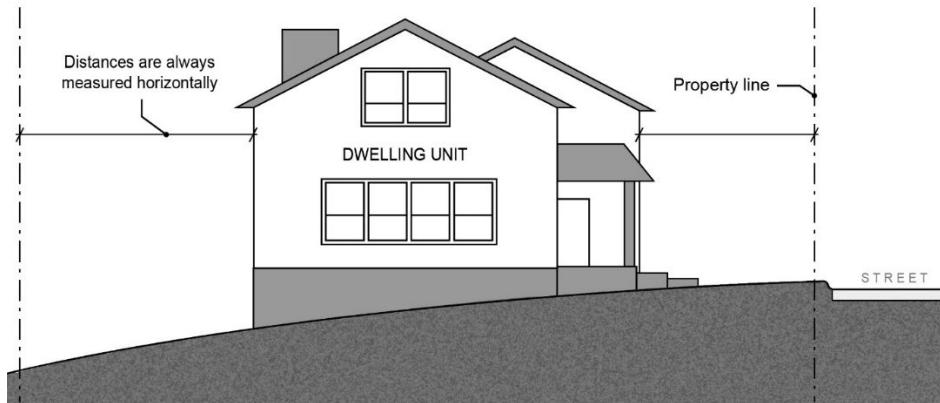
- A. Standard.** The minimum setbacks required for each housing type are stated in Tables 2.1 - 6.1. Minimum setbacks work with height and outdoor area requirements to control the overall bulk and placement of buildings. Exceptions to the minimum setbacks are stated in subsection (C).

**B. Measuring Building Setbacks.**

- I. Setback distances are measured along a horizontal plane from the appropriate property line to the edge of the building (see Figure 9.1.4.a).

## 9 – Measurement Methodologies and Definitions

Figure 9.1.4.a. Setback Measurements



2. For multi-unit housing proposed on a site that includes more than one lot, setbacks are calculated based on the property lines of the overall site, rather than individual lots.
3. Where the subject property line abuts an existing right-of-way whose width is substandard based on the roadway classification in the city's adopted Transportation System Plan, the setback shall be based on the future right-of-way line after dedication.
4. Measurements are made to the closest wall of the structure. Projections into setbacks allowed pursuant to subsection (C)(4) are not included when determining the closest wall of the structure.

Recommended 5. Where a rear lot line abuts an alley, one half of the width of the alley shall count toward meeting the rear setback.]

### C. Exceptions to Building Setbacks.

1. The interior side lot line between two attached dwelling units is not subject to the minimum side setback standard in Table 4.1 (Townhouses).
2. Alley lot lines are exempt from minimum garage entrance setbacks (driveway length). If there is a driveway but no garage, the driveway length must be at least 18 feet. This includes driveways covered by a carport.
3. Portions of structures that are entirely underground are not included in measuring required distances.
4. Projections into Setbacks.
  - a. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
  - b. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
  - c. The following minor features may extend into entire required building setbacks:

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- i. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
- ii. Gutters and downspouts that drain stormwater off a roof of the structure;
- iii. Stormwater planters that are no more than 2-1/2 feet above the ground;
- iv. Water collection cisterns that are 6 feet or less in height;
- v. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
- vi. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
- vii. Balconies and bay windows may encroach into a required street-facing setback area.

- d. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line.
  - i. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
  - ii. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of subsection (C)(4)(c); and
  - iii. Decks, stairways, that do not meet the standard for subsection (C)(4)(c), but only along a street lot line.

### 9.1.5 Required Outdoor Area and Usable Open Space

**A. Standard.** The minimum amount of outdoor area and usable open space (if applicable) required for each housing type is stated in Tables 2.1 – 6.1. Site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (C).

**B. Measurement Methodology.**

1. **Required Outdoor Area.** Areas which can be counted toward the required outdoor area include:
  - Areas planted with vegetation (including natural areas and existing trees);
  - Private open space;
  - Pedestrian hardscape; and
  - Usable open space pursuant to subsection (B)(2).
2. **Usable Open Space.** Where usable open space is required, it must include one or more of the following:

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- Outdoor recreation area surfaced with lawn, groundcover, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
- Tree grove (e.g., existing mature trees);
- Turf or grass play fields;
- Children's play structure or play area;
- Sports courts;
- Swimming or wading pool or hot tub;
- Walking fitness course;
- Natural area with benches; or
- Gardening area with at least 50 square feet of planting area.

3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed. Covered outdoor areas are subject to the applicable setback standards.

**C. Exceptions.** None.

### 9.1.6 Vehicle Parking

**A. Standards.**

1. The minimum amount of off-street vehicle parking required for each housing type is stated in Tables 2.1 - 6.1.
2. Fractions. In calculating the required number of vehicle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number
3. Exceptions to the minimum parking requirements are stated in subsection (C).

**B. Vehicle Parking.**

1. **Parking Location and Design.** Off-street vehicle parking spaces required to meet minimum quantity requirements must meet the following standards:
  - a. Located on a hard-surfaced area.
  - b. Minimum space size:
    - Standard:
      - Width: 8.5 feet
      - Depth: 18 feet
    - Compact:
      - Width: 7.5 feet
      - Depth: 16 feet
  - c. Up to 20 percent of parking stalls in shared parking areas may be compact spaces.
  - d. Spaces may be covered or uncovered.
  - e. Spaces may be provided on individual lots or in a shared parking area on a common tract.

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- f. ADA parking spaces must be provided on site; all other required parking must be provided on site or within 200 feet of the site.
- g. Except for ADA parking spaces, a credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (2).

2. On-Street Parking. If on-street parking spaces meet all the standards in subsections (a)-(d) below, they shall be counted toward the minimum off-street parking requirement.

- a. The space must be abutting the subject site;
- b. The space must be in a location where on-street parking is allowed by the city;
- c. The space must be a minimum of 22 feet long; and
- d. The space must not obstruct a required sight distance area.

### **C. Exceptions.**

[Recommended: 1. Accessory dwelling units are exempt from minimum required parking spaces]

#### **9.1.7 Bicycle Parking**

##### **A. Standards.**

- 1. The minimum amount of bicycle parking required for multi-unit housing is stated in Table 6.1.
- 2. Fractions. In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
- 3. Exceptions to the bicycle parking requirements are stated in subsection (C).

##### **B. Long-Term Bicycle Parking.**

- 1. Long-term bicycle parking must be provided in one or more of the following locations.
  - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
  - b. Within dwelling units that are at least 400 square feet, in the following circumstances:
    - i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
    - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
    - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.

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- c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
- 2. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.
- 3. Bicycle parking spaces shall meet the following dimensional standards:
  - a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long and 3 feet 4 inches tall.
  - b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long and 3 feet 4 inches tall.

**C. Exceptions.** The following are exempt from the long-term bicycle parking requirements:

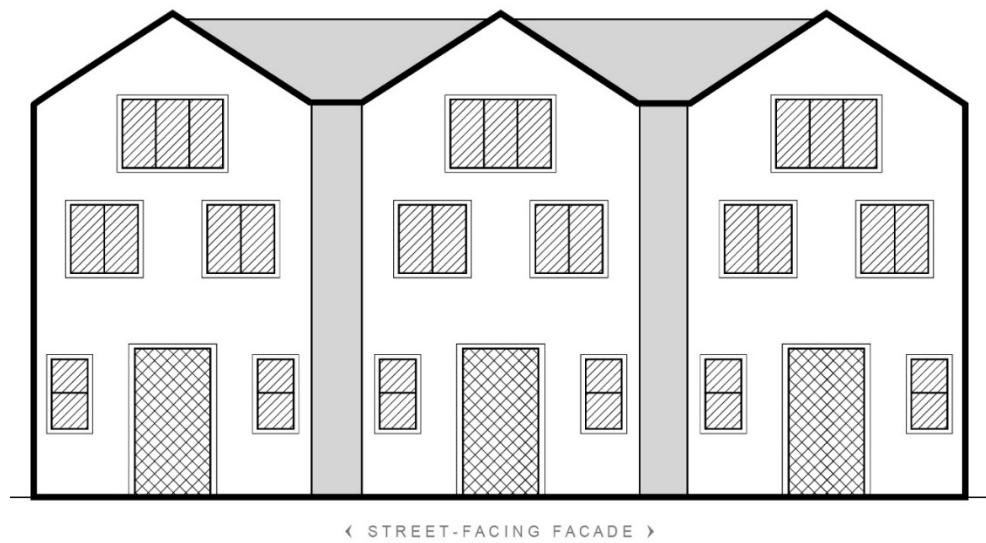
- 1. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
- 2. Accessible units.

### 9.1.8 Windows and Doors

- A. Standard.** The minimum amount of window and door area required for each housing type is stated in the applicable design standards.
- B. Measurement Methodology.** Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 9.1.8.a):
  - 1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.
  - 2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
  - 3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

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Figure 9.1.8.a. Window and Door Coverage



Area subject to window & entrance door coverage requirement



Qualifying window coverage



Qualifying door coverage

## 9.2 Definitions

**A. Applicability.** The following definitions shall apply for the purposes of this Model Code, notwithstanding other definitions in a locally adopted development code.

**B. Definitions.**

1. “Accessible unit” means a unit of housing that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. “Accessible walkway” means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. “Accessory Dwelling Unit” – see “Housing Type.”

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4. “Adaptable unit” means a unit of housing that complies with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
5. “Appeal Body” means the local decision-making authority designated by a City to hear and decide appeals of land use decisions and Limited Land Use Decisions. The Appeal Body for an appeal of a decision made by a Planning Official may be a Hearings Officer, Planning Commission, or City Council.
6. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
7. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
8. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
9. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
10. “Cottage cluster” – see “Housing Type.”
11. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
12. “Detached single-unit” – see “Housing Type.”
13. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
14. “Duplex” – see “Housing Type.”
15. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
16. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line.
17. “Frontage” means the portion of a lot or parcel that abuts a street.

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18. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
  - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
  - Goal 6 Air, Water, and Land Resource Quality
  - Goal 7 Areas Subject to Natural Hazards;
  - Goal 9 Economic Development;
  - Goal 15 Willamette River Greenway;
  - Goal 16 Estuarine Resources;
  - Goal 17 Coastal Shorelands; or
  - Goal 18 Beaches and Dunes.
19. “Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.
20. “Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)
  - a. “Accessory Dwelling Unit” or “ADU” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
  - b. “Cottage cluster” means a grouping of detached dwelling units on a lot or parcel that share a common courtyard and that each have a small footprint or floor area. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”
  - c. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured dwellings or prefabricated homes).
  - d. “Duplex” means two attached dwelling units in any configuration on a lot or parcel.
  - e. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
  - f. “Multi-unit housing” means 5 or more dwelling units located on the same lot or development site, not including middle housing.
  - g. “Quadplex” means 4 attached dwelling units in any configuration on a lot or parcel.
  - h. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” “townhome,” or “common-wall house.”
  - i. “Triplex” means 3 attached dwelling units in any configuration on a lot or parcel.
21. “Local street” means a street designated as a local street in a city’s adopted Transportation System Plan, in the applicable functional classification map, or in the city’s public works or engineering

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standards. Where street classifications have not been established, “local street” means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.

22. “Lot” or “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.
23. “Main entrance” means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.
24. “Middle housing” – see “Housing Type.”
25. “Multi-unit housing” – see “Housing Type.”
26. “Planning Official” means the person(s) or body (including designees) designated by the governing body of a city to administer the city’s comprehensive plan, land use regulations, and related requirements. Typically, the Planning Official is an individual employed by a city (e.g., Planning Director or designees) but may be the Planning Commission or City Council.
27. “Quadplex” – see “Housing Type.”
28. “Regulated housing” means residential dwelling units of the following types: Detached Single-Unit, Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster, Multi-Unit Housing, and Accessory Dwelling Unit.
29. “Primary dwelling” means a principal dwelling on a lot or site that constitutes the main residential use of the property. Where a dwelling unit:
  - a. Is added to a lot with an existing dwelling that has been in place for at least 5 years, the existing dwelling is designated as the primary dwelling.
  - b. Is constructed within 5 years of the primary dwelling, the larger unit is designated as the primary dwelling.
  - c. Could meet the definition of either a primary or accessory dwelling unit, the applicant may designate which dwelling shall serve as the primary dwelling.
30. “Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”
  - a. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot on which the housing unit or units is proposed.
  - b. For townhouse and multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.
31. “Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.

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32. “Sufficient Infrastructure” means the following level of public services to serve a new housing development:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

33. “Townhouse” – see “Housing Type.”

34. “Townhouse project” means one or more townhouse structures (i.e., structures formed by attached townhouses) constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property. For developments with a mix of housing types or uses, the amount of commonly owned property attributed to the townhouse project shall be prorated based on the square footage of development sharing the property.

35. “Townhouse style multi-unit housing” means developments in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit

36. “Triplex” – see “Housing Type.”