

Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods

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1. Executive Summary

The housing types described in this report support higher population densities in single-family neighborhoods in ways that maintain neighborhood character and increase housing options.

The housing types studied include:

- Cottage clusters
- Internal division of larger homes
- Corner duplexes
- Accessory dwelling units

In Oregon, urban populations are growing, household sizes are shrinking, and housing prices are rising.¹ Pressures to expand urban growth boundaries in some areas are balanced by efforts to reduce carbon impacts from the housing and transportation sectors. Single-family zoning is still a dominant land use in most Oregon cities. In fact, within the Portland Metro urban growth boundary, single-dwelling residential zones make up 48% of all land area and 77% of all land area currently zoned for housing.² As Oregon cities grow, it is anticipated that smaller housing options, such as those outlined in this report, will grow in importance for single-dwelling residential zones.

These traditional housing types have been selected specifically for their small size and ability to nestle discreetly and compatibly within existing neighborhoods of detached, single-unit homes.

Many Oregon communities have already experimented with legalizing one or more of these housing types, or re-legalizing where once allowed. This report provides case studies, analyzes codes, and recommends best practices.

General recommendations across all four housing types

- Allow by-right or through a simple land use process;
- Allow in all single-dwelling zones;
- Minimize off-street parking requirements;
- Customize use restrictions and design compatibility requirements (if any) based on local priorities and concerns;
- Balance regulatory restrictions against desired housing production levels; and
- Periodically review and update regulations based on actual production levels and community feedback (positive and negative) from completed projects.

Cottage Clusters

- Couple density bonuses (up to 2x) with home size caps;
- Avoid minimum lot size requirements for the entire cluster and for individual lots within it;

¹ Risa Proehl, "Who's Home? – A Look at Households and Housing in Oregon" (Population Research Center, Portland State University, September 2011).

² Metro Data Resource Center, Regional Land Information System (RLIS), <http://www.oregonmetro.gov/rlis-live> (accessed December 2015).

- Support community-oriented site plans (e.g., homes fronting on shared central courtyard; vehicle access and parking at periphery) with flexible subdivision regulations or by allowing multiple homes on a single lot through a discretionary review (e.g., planned development) process; and
- Balance strictness of layout and design requirements with the demands of neighborhood compatibility and the flexibility required by the market to see cottage cluster provisions get used in practice.

Internal Division of Larger Homes

- Expand application of provisions currently applied to historically-designated homes to any older home exhibiting key characteristics (quality materials, neighborhood character); and
- Expand or drop zoning code definitions of “household.”

Corner Duplexes

- Allow attached housing and increased density (up to 2x) on corner lots;
- Consider individual or combined size limits on new corner duplex homes so their collective massing is similar to that of a single large house; and
- Provide the option of subdividing corner lots with duplexes into two fee-simple lots.

Accessory Dwelling Units (ADUs)

- Avoid owner-occupancy and special use requirements (e.g., restrictions on home-based businesses, affordable housing deed restrictions, short term housing*);
- Ensure that resulting property tax increases, if any, are not so large as to serve as a deterrent to building;
- Consider allowing both a detached and an attached ADU on the same lot; and
- Provide more flexibility in size, allowing for both very small and larger ADU types.

* A 2013 study by sponsored by Oregon Department of Environmental Quality found that just 5% of ADUs were used as short-term rentals.³ Both the short-term rental market and ADU market have evolved since then, however, and more recent data are not yet available. Such data could be helpful for cities to determine the appropriateness of regulating this use.

³ Martin Brown, “Accessory Dwelling Units in Portland, OR: Evaluation and interpretation of a survey of ADU owners” (Oregon Department of Environmental Quality, June 2014).

2. INTRODUCTION AND PURPOSE

Intended or not, many zoning codes in Oregon tend to encourage the development of large, detached homes in residential neighborhoods to the exclusion of anything else. Research by the Oregon Department of Environmental Quality (DEQ) found that building smaller homes was among the best practices to reduce the lifetime carbon and energy impacts of single-dwelling housing.⁴ When combined with an appropriate mix of uses, denser housing configurations also support more walkable and less auto-oriented communities.⁵ Demographers expect the trend towards smaller households to continue, and many parts of Oregon are experiencing a critical lack of affordable housing. Collectively, these observations motivate research into space-efficient housing models, and methods of supporting their production.

This report showcases local development codes that expand housing choices in single-dwelling neighborhoods. Specifically, it examines zoning codes that support these four housing types:

- Cottage clusters
- Internal division of larger houses
- Corner duplexes
- Accessory dwelling units (also known as secondary dwelling units)

There can be cross-over in how zoning codes define and regulate these housing types. For instance, corner duplexes can be created through internal divisions of older homes or by adding ADUs to existing homes at corner locations. Rules requiring corner duplex units to visually match and to have front doors facing different streets are also commonly found in ADU regulations. And similar trade-offs between density bonus and home size cap can be found both in cottage cluster and corner duplex regulations.

Although historic examples of each of these housing types can be found in communities throughout Oregon, they are sometimes challenging or illegal to build under current municipal zoning codes. This report interweaves case studies from across Oregon, examples of supportive or limiting code language, feedback from developers and residents, and best practice recommendations.

Transportation and Land Use Planning

The State of Oregon's Transportation and Growth Management Program (TGM), a partnership between the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT), supports communities across the state in their planning efforts to expand transportation options for people and promote efficient use of urban land in order to create vibrant urban areas and protect Oregon's farm and forest lands.

TGM assists communities by publishing the Model Development Code for Small Cities and providing technical assistance to local jurisdictions. The Model Development Code is primarily used by cities of fewer than 25,000 people, but also serves as a menu of options for larger ones. This report bridges DEQ research with case studies and municipal code examples to support TGM's future Model Development Code updates and thereby expand the pallet of housing options available in residential zones.

⁴ Jordan Palmeri, "A Life Cycle Approach to Prioritizing Methods of Preventing Waste from the Residential Construction Sector in the State of Oregon" (Oregon Department of Environmental Quality, September 2010).

⁵ *Smart Development Code Handbook* (Transportation and Growth Management Program, Oregon Department of Land Conservation & Development and Oregon Department of Transportation), August 1997.

Single-Dwelling vs. Multi-Dwelling Zones

Each of the four housing types featured in this report can be built today by-right in most multi-dwelling zones. In fact, many of them were common practice before single-dwelling zoning was widely introduced to Oregon municipalities and counties in the late 1950s or, in some communities, before zoning codes were first adopted.⁶ However, multi-dwelling zones make up a much smaller portion of zoned acres in most Oregon cities. For example, for the 25 cities in the Portland Metro Urban Growth Boundary, single-dwelling residential zones occupy 48% of all land area and 77% of all land area currently zoned for housing.⁷ Therefore, Oregon municipalities have two primary strategies available for supporting the development of smaller, less expensive homes. They can:

1. Designate more land area for multi-dwelling development, and/or
2. Create additional flexibility within single-dwelling zones.

Both approaches are important. This report focuses on the second strategy, in recognition of the enduring popularity of single-dwelling zoning and the associated political challenge of the first approach. The other reason for focusing on options for single-dwelling zones is that it takes particularly careful and creative code writing, as well as regard for neighborhood concerns, to successfully (re)introduce these housing types into existing neighborhoods while maintaining neighborhood character. If cities want to boost density within neighborhoods, it is wise to study and learn from past efforts. This report attempts this for these four housing types.

⁶ Interview with Steve Dotterer, November 12, 2015; and Lloyd T. Keefe, “History of Zoning in Portland, 1918 to 1959” (City of Portland, Bureau of Planning, 1975).

⁷ Metro Data Resource Center, Regional Land Information System (RLIS).

3. COTTAGE CLUSTERS

Cottage clusters are groups of relatively small homes, typically oriented around a shared common space, such as a courtyard, garden, quiet street, or alleyway. They can be found in urban, suburban, or rural areas, and range in site area and number of dwellings. As architect Ross Chapin, architect and developer of many clustered residential developments, puts it, cottage clusters are designed around peoples’ natural “scale of sociability.”

As home sizes decrease, the importance of site and building design arguably increase. To support community interactions, provide essential buffer areas between private and public spaces, and ensure they fit in well with the surrounding neighborhood, successful cottage cluster developments rely on design and density strategies that are quite different from patterns found in typical single-dwelling developments.



Third Street Cottages in Langley, WA, is a community of eight detached cottages located on four standard single-dwelling lots, oriented around a shared commons building and tool shed. (Photo courtesy of Third Street Cottages and Ross Chapin Architects.)

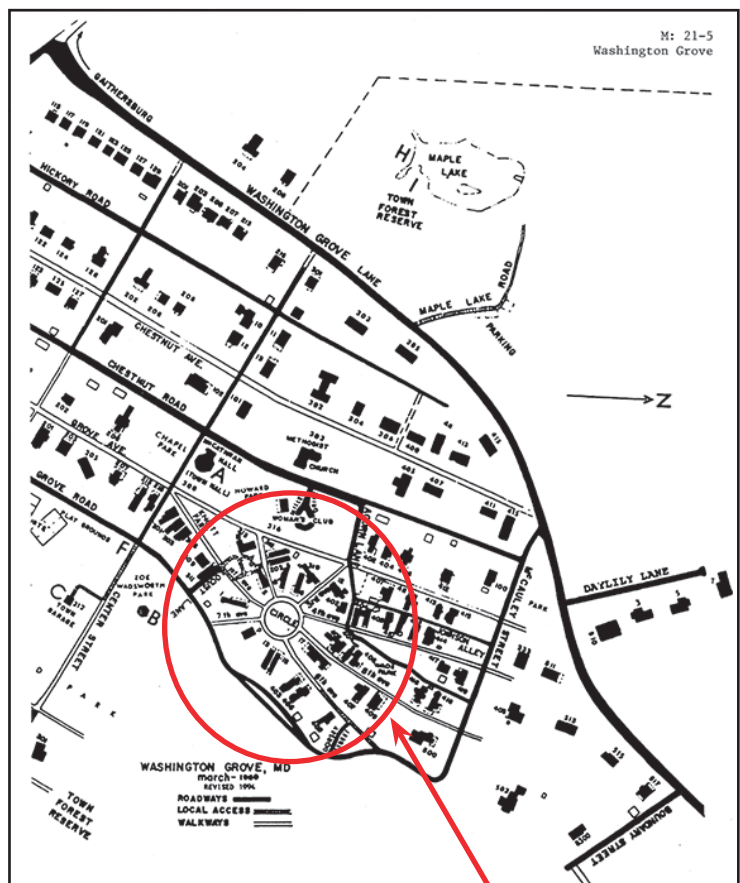
Cottage Cluster Characteristics

Cottage Clusters – Typical Characteristics	
Form	
	• 4-14 detached homes situated around shared open space
	• Home sizes under 1,000-1,200 square feet
	• Recently built cottage clusters often feature deep porches, kitchens facing courtyards, and bedrooms tucked in the back or upstairs. Older examples of the form may have some or none of these design elements.
	• Similar configurations with attached homes may be also called courtyard apartments
	• Parking is either not required on-site or located along the site perimeter
Ownership	
	• Fee simple lots (Case Study: Wyers End)
	• Single-lot Planned Development with condominium ownership (Case Study: Cully Grove)
Density	
	• Varies; up to 225% of single-dwelling densities

History & Regulatory Context

Precedents for small homes clustered around common spaces go back as long as people have been building homes. Early examples of recognizable cottage clusters in the United States find roots in Methodist and other camp meetings from the early 1800s that grew over time into permanent housing developments. One such community that still exists is Washington Grove in Montgomery County, MD, a mostly car-free neighborhood of small, ornate homes, anchored by a cluster of “Cottages in a Circle” around a common green.

A more recent form of cottage cluster housing is the Bungalow Court, which was introduced in Pasadena, CA, in 1909 as a collection of small, inexpensive, detached single family homes around a central garden courtyard.⁸ These are quite similar to the courtyard clusters found in Salem (see the Catterlin Cottages case study) and other Oregon cities, mostly built before single-dwelling zoning was widely introduced in the 1950s. Minimum lot sizes and one-house-per-lot requirements, which figured prominently into this new approach to residential zoning, were (and still are) largely incompatible with cottage cluster housing. Couple in the growth of average home sizes and increase in home ownership rates⁹ following World War II, and it's easy to see why construction of new cottage clusters ceased - even as pre-existing examples of this housing form continued to provide small, affordable housing options amidst larger and more expensive homes built in the latter half of the century.



Washington Grove, Montgomery County, MD.
(Images courtesy of the Maryland Historical Trust.)

Common Green

⁸ James Curtis and Larry Ford, “Bungalow Courts in San Diego: Monitoring a Sense of Place,” *Journal of San Diego History*, Spring 1988.

⁹ James Pollock, “Long-term home ownership trends: The US, England, and Canada,” *Housing Finance International*, March 2014.



Cottage clusters on Cottage Street NE, Salem, OR.
 (Photos courtesy of TGM.)

More recently, cottage housing codes crafted in the 1990s and 2000s were introduced to support housing diversity and affordability on infill sites in single-dwelling zones, primarily aimed at one- and two-person households. In 1995, the City of Langley, WA, working to meet the State of Washington Growth Management Act’s urban growth and housing goals, adopted the Cottage Housing Development code provision, the first of its kind to be implemented in the Pacific Northwest. Architect Ross Chapin, who was instrumental in creating this Langley code, has since designed and/or developed a number of cottage cluster communities across the country. He often works with local jurisdictions to adopt supportive zoning code regulations as a necessary precedent to constructing cottage cluster developments (See Wyers End case study in White Salmon, WA).

Code Elements

Cottage cluster codes depart in multiple ways from typical single-dwelling zone standards, as summarized below:

Attribute	Typical Single-Dwelling Zones	Cottage Clusters
Density	3,100 – 10,000 square-foot lot / unit	Can double densities found in single-dwelling zones
Home size	Median size of new U.S. home in 2014 was 2,506 sf ¹⁰	Up to 1,200 sf (and ≤1,000 more typical)
Height	Typically 1-3 stories	Typically 1-1.5 stories
Development size	Varies widely	Typically 4-12 homes; larger communities may have more homes around two or more courtyards on the same or contiguous plots of land
Orientation	Facing a public street or road	Dwellings are oriented toward a common green, courtyard, or other central feature
Common buildings	Rare	May include shared common buildings for meals, guest accommodations, and/or social gatherings
Parking	Street-facing garage or carport houses one to two vehicles	Parking is located on the edge of the property, or no parking is provided/required

¹⁰ <http://www.census.gov/construction/chars/highlights.html>

Attribute	Typical Single-Dwelling Zones	Cottage Clusters
Location	Allowed in any residentially zoned area, regardless of lot size	Sometimes limited to specific overlay zones and/or properties over a minimum size

For the purpose of this study, the key elements of cottage cluster codes are:

1. Home size caps in exchange for density bonuses
2. Relaxed off-street parking requirements

In addition, design requirements are often included to ensure a threshold level of community-oriented design (e.g., covered front porches, homes fronting on shared central courtyard, vehicle access and parking at periphery) and compatibility with neighborhood context. Sometimes codifying design expectations makes adoption of new codes more politically feasible, even if developers might have incorporated them into their projects regardless.

Yet, the cottage cluster regulations uncovered while researching this report were often used just once, when used at all. Since projects built using these codes were quite well received by residents and the surrounding community, it raises the question of whether standard cottage cluster codes might be stricter than they need to be. With so few new built examples, particularly of cottage cluster communities that weren't well received, there are insufficient data to get definitive answers. But it is possible to itemize key features of cottage cluster codes and suggest how they might be adjusted to try and increase production rates of this housing type while still fitting in nicely to existing neighborhoods.

Jurisdictions wanting to see broader use of this model could experiment by:

- Increasing the density bonus and/or the home size cap; and
- Relaxing or removing code requirements (e.g., minimum front porch sizes, requirements that homes be oriented towards central courtyards, parking location standards) geared towards community-oriented design that are helpful for neighborhood compatibility, but not essential to respond to the demand for smaller, more affordable, and environmentally-friendly housing choices.

Summarized below are some common code provisions, and how they may influence the likelihood that cottage clusters will be developed in a particular jurisdiction:

Provision Type	Supportive Codes	Limiting Codes
Density	<ul style="list-style-type: none"> • Provide density bonus in exchange for unit size caps 	<ul style="list-style-type: none"> • Offer no increase in density
Ownership	<ul style="list-style-type: none"> • Allow property to be divided into fee-simple lots or have multiple homes on a single lot (that could be rented out or sold as condominiums) 	<ul style="list-style-type: none"> • Require whole cluster to be on a single tax lot, or • Require the creation of multiple lots through a subdivision
Eligible Properties	<ul style="list-style-type: none"> • Establish overall site size minimums (~6,000 sf) that allow for small, infill clusters • Allow outright in all residential zones 	<ul style="list-style-type: none"> • Establish large lot size minimums (e.g., 21,000 sf) for cottage clusters that rule out many possible development sites • Allow only in a special overlay district or in particular residential zones
Site Features	<ul style="list-style-type: none"> • Allow building coverage to exceed single-unit dwelling requirement 	<ul style="list-style-type: none"> • Expand side/rear setbacks and building separation requirements • Require inclusion of a "Common house" and other common amenities (e.g., fire pit, etc.)

Provision Type	Supportive Codes	Limiting Codes
Homes	<ul style="list-style-type: none"> • Allow a range of sizes (e.g., 600 sf – Wyers End; 1,200 sf - Commons at NW Crossing) • Allow both attached and detached homes 	<ul style="list-style-type: none"> • Establish specific building and design requirements, such as porches, height limits, trim, eaves, and other features • Require design review*
Off-Street Parking	<ul style="list-style-type: none"> • Minimize or waive off-street parking requirements for clusters near frequent transit • Allow on-site parking to be clustered along the edge of property 	<ul style="list-style-type: none"> • Require one or more off-street parking spaces per home
Standard Provisions	<ul style="list-style-type: none"> • Common open space requirement • Require design review, conditional use, or other discretionary review (true for all cottage cluster codes examined for this report). However, codes could be written to allow clustered housing by right. 	

* Note the discussion in Recommendations, below, regarding design requirements.

Recommendations

(1) Couple Density Bonuses with Home Size Caps

It is critical to the success of cottage cluster codes that density bonuses and home size caps go hand-in-hand. Without a density bonus, developers have no financial incentive to opt in to home size limits. With a suitable density bonus, builders can spread the fixed cost of land across more units, allowing them to build smaller homes *and* compete successfully with land buyers who would construct larger homes.

(2) Avoid Minimum Individual Lot Size Requirements

Some jurisdictions set minimum sizes for individual cottage cluster home lots as high as 2,100 square feet. Such a standard could hinder the development of compact home clusters, especially in inner, higher-density residential and mixed-use neighborhoods. Cities could consider leaving out lot size minimums all together, relying instead on compliance with all other appropriate standards to ensure good design and neighborhood compatibility.

(3) Support Community-Oriented Site Plans with Flexible Subdivision or Planned Development Rules

Cottage cluster codes support community-oriented site layouts, particularly for deep lots large enough to accommodate multiple homes. By defining courtyards or common greens as streets (Portland, OR), or by allowing multiple homes on a single lot through a planned development process, cities can legalize a path for developers to orient homes to a central garden, lawn, or other active space rather than a paved central parking area or public street. Although such code provisions support nice site plan designs, they do not encourage the cottage development to be any denser than other residential development allowed in the zone. Without an accompanying density bonus, there's no reason to expect homes in these developments will be smaller than average.

(4) Strike a Balance with Design Requirements

Those cottage cluster codes adopted thus far have tended to have fairly strict design and site layout requirements. Such requirements may have been written for a particular project or to

respond to concerns expressed by neighbors. They may turn out to be insufficiently flexible to accommodate cottage developments on properties elsewhere in the jurisdiction, each with its own unique characteristics. In some cases (e.g., Sisters and Wood Village), cottage cluster codes have been adopted, but remain unused. It is also important to note that while design and other review processes can be highly involved and lengthen project timelines, they can also be critical to a project’s success, particularly with housing types that are proposed in a jurisdiction for the first time. City councils may be less likely to consider passing an ordinance without design requirements, or taking any other measure that might allow a project unless they are confident that the ultimate development will be aesthetically pleasing, well-designed, and that existing neighborhood character will be maintained.

(5) Experiment with Geographically-Specific, Limited Adoption

It can be difficult to measure the extent to which design requirements, or any requirement, may constrain the application of cottage cluster codes. Cities may benefit from experimenting with an initial cluster code limited to a very small geography, with the intent to revisit the code in a few years. Since only a small proportion of Oregon communities have cottage cluster ordinances to date, odds are high that a developer wanting to build this type of community would need to pass an ordinance first, as happened in White Salmon, WA; Bend, OR; and Manzanita, OR. This adds some cost and risk to the development process, limiting usage of this housing model to developers who are especially driven to give it a try.

Benefits and Limitations of the Cottage Cluster Housing Type	
Benefits	Limitations
<p><i>More Efficient Use of Land</i> It is not unusual for cottage cluster developments to double the underlying zoning’s density. If cottages are clustered densely enough, the cost per unit can be lower than nearby larger single-unit homes (though the cost per square foot is generally higher).</p> <p><i>Flexible Ownership Models</i> Cottage clusters can be rental (Catterlin Cottages in Salem, OR), owned as fee simple lots in a subdivision (Wyers End in White Salmon, WA and Northwest Crossing in Bend, OR), or owned as condominiums (Cully Grove in Portland, OR).</p> <p><i>Flexible Scale of Development</i> Over the past two decades, the Pacific Northwest has witnessed increased demand for cottage clusters across a wide range of city sizes and neighborhood densities. Partly because they can be designed successfully at a wide range of scales, cottage clusters can be found in cities of all sizes, including Portland and Salem, or towns like White Salmon, WA, and tiny Manzanita, OR.</p>	<p><i>Availability of Suitable Lots</i> Unlike other development models in this report that can be implemented at the scale of one single-dwelling residential lot, cottage clusters require relatively large parcels of land, which can be hard to find or assemble in desirable, pedestrian-friendly locations.</p> <p><i>Lack of Familiarity with Sharing Space</i> Many buyers are increasingly gravitating toward housing options that allow them to down-size, economize, and share resources. However, the culture of individual ownership of private homes with fully private yards is deep-rooted, limiting the breadth of demand for cottage cluster housing.</p>

Conclusions

Cottage cluster zoning is a critical infill development tool, providing a larger number of relatively small homes compared to more standard infill at the single home, lot by lot level. On the one hand, this creates the opportunity for efficiencies of scale by building multiple small homes all at once, close to one another. On the other, it can be a more difficult housing type

to site because of the amount of land required per cottage cluster development. So, although clusters are well-suited for under-developed and/or awkwardly shaped pieces of property, these kinds of parcels are more frequently found in more suburban or even rural locations than in built-out neighborhoods.

Although there are many examples of older clustered developments (including cottages and courtyard apartments), this type of housing is only now starting to re-emerge. Part of the reason for this is its appeal to a range of households, including empty nesters and families with children, who tend to prioritize community over large homes. Building cottage clusters around shared spaces doesn't guarantee that a cohesive community will form, but it does stack the odds in favor of residents getting to know one another more than they might in a more conventional neighborhood subdivision setting.

COTTAGE CLUSTER CASE STUDIES

Commons at NorthWest Crossing – Bend, OR

Irregular lot development in an experimental/opportunity district

Location: Skyliners Rd & NW Lemhi Pass Drive, Bend, OR (population 81,236)

Owner/Developer: West Bend Property Company

Architect: Jason Offutt, The Shelter Studio, Inc.

Builder: Tye Development

Type: 14 single-family cottages on 1.91 acres, Subdivision, owned as fee simple lots with homeowner association

Square Footage: 793–999 sf

Year Built: 2013–2015

The Commons at NorthWest Crossing is a cluster of traditional-style cottages oriented around a common courtyard, with a large gardening and recreation area along the southeastern edge. The Commons offers efficient, relatively affordable homes that are designed to work well for singles, couples, and empty nesters looking to downsize. The project is close to Galveston Avenue restaurants, breweries, Rimrock Park, and adjacent to pedestrian, biking, and hiking paths.

Homes in the Commons range from 793-square-foot one-bedroom units to 999-square-foot two-bedroom units. Unlike typical cottage cluster developments where parking is clustered on the edge of the property, each cottage also has an attached one- or two-car garage. An additional five spaces are located near the Commons entrance.



*1,200 square foot cottage, Commons at NW Crossing, Bend, OR.
(Photo courtesy of Tye Development.)*

The NorthWest Crossing Residential Cluster

Housing Overlay District, based on Langley, Washington's cottage cluster code, was adopted into the NorthWest Crossing Overlay Zone in order for this development to proceed. This Cluster Housing Overlay District sets standards for cottage cluster developments, including maximum cottage floor areas of 1,000 square feet (1,200 with an attached garage), site layout specifications, and open space requirements. The NorthWest Crossing Overlay Zone, within which the Cluster Housing Overlay District is located, allows for a density of up to 12 units per acre, significantly higher than the underlying zone (Bend's Standard Residential/Urban Standard Density zone - RS) allowance of up to 7.3 units per acre.



*Commons at NW Crossing site plan, Bend, OR.
(Image courtesy of Tyee Development.)*

The Commons, however, has 14 units on 1.91 acres, at a density of 7.33 units/acre, barely over the minimum density allowed in the Standard Density Residential District. Developers indicated that the parking arrangement and relatively low density are responses to local buyer preferences for parking and storage space, as well as challenging site topography. That said, the small increase in allowed density does little to meet the potential that cottage cluster codes have for supporting land-efficient development patterns.

The City of Bend views the NorthWest Crossing Zone area as a laboratory for new housing ideas. Hence, the Commons essentially became a plan district, and was allowed to employ a new set of codes specifically for cottage clusters. Following project execution, Bend is considering extending the cottage cluster provision to additional parts of the city.

Bend now also has a Cottage Housing Development code, which may be applied in the Standard Density Residential (RS), Medium Density Residential (RM), and Medium-10 Residential (RM-10) zones outside of the NorthWest Crossing area. However, increased density is not available in exchange for smaller homes. The Cottage Housing Development code, rather, stipulates that

maximum densities shall not exceed those of the base zone.¹¹ Further, in addition to an on-site parking minimum (one space per one-bedroom and 1.5 spaces per for two-bedroom cottages), the requirement for an attached garage increases allowable floor area from 1,100 to 1,200 square feet, perhaps making cottage developments less suitable to compact, inner areas.

Supportive Code Provisions

The NorthWest Crossing Cluster Housing Overlay District provides flexibility for commons-oriented design elements such as street frontage and lot coverage. The NorthWest Crossing Overlay Zone allows for up to 12 units per acre, however this density bonus was barely used at this site.

Limiting Code Provisions

Currently, increased density for smaller homes is not offered outside of the NorthWest Crossing Overlay District. Cottage housing developments that are permitted in other single-dwelling zones via the Cottage Housing Development code offer no density beyond the base zone.

Lessons Learned

Even though this project minimally utilized the density bonus provision available to small cottage developments, it demonstrates how cottage cluster zoning can facilitate development of irregular lots with topographic challenges, and meet market demand for significantly smaller units within walking distance of nearby amenities. It is also a successful example of experimental adoption of the cottage cluster housing type in anticipation of expanded applicability to single- and multi-dwelling zones throughout the city.

Current Status

Cottages are being completed and sold in batches, with three homes available at a time. Of the five pre-sold cottages at the time of this report, all buyers are empty nesters and/or second-home buyers.

Project website: <http://thegarnergroupharcourtsusa.com/Home/Neighborhoods/The-Commons-at-NorthWest-Crossing/5456>

¹¹ The aforementioned Cottage Housing Development code (Section 4.5.600, "Cottage Housing Development") is not included in the appendix to this report. To find this provision, please visit the City of Bend at www.codepublishing.com/OR/Bend.

Wyers End – White Salmon, WA

Site-specific code adoption and subsequent expansion

Location: Fifth Street and Jewett Boulevard, White Salmon, WA (population 2,305)

Owner/Developer: Smart Development Corporation

Architect: Ross Chapin

Builder: Skyward Construction

Type: 11 residential bungalows, 7 cottages, and 10 homes with flexible live/work space within a mixed-use planned unit development on 2.4 acres, owned as fee simple lots with home owner’s association

Square Footage: 600–1,500 sf

Year Built: 2006–2008

Wyers End is composed of 28 homes: 11 residential bungalows, 7 cottages, and a yet-to-be-built second phase of 10 homes with flexible live/work space on a 2.4-acre, wedge-shaped infill site three blocks from the center of White Salmon, WA. Wyers End replaced Timms Trailer Court, while preserving the mature oak trees that now shade many front yards and footpaths. Its density is similar to that of the former trailer park: 28 homes replaced 29 single-wide trailers. Home sizes range from 600-square-foot, one-story cottages to 1,500-square-foot, two-story houses.

Designed as a “pocket neighborhood,”¹² Wyers End homes are oriented toward courtyards, small park-like areas, and landscaped walkways. There is also a small common building used mostly as a community meeting space. Parking is provided in attached garages for some units, detached parking for others, and a parking strip along Lower Wyers St. for the smaller cottages.



*Live-work homes, Wyers End, White Salmon, WA.
(Photo courtesy of Ross Chapin Architects.)*

Wyers End could not have been developed under existing zoning codes, so the developer and architect presented the idea of cottage cluster zoning at a town hall meeting. Sixteen months later, the City adopted Ordinance 2006-08-783, based on Langley, Washington’s cottage housing development code (Langley Municipal Code 18.22.180).¹³ The amendment added Chapter 17.74 to the Zoning Ordinance for the City of White Salmon, providing for a Mixed Use Planned Unit Development (MU-PUD) overlay zone, with standards for cottage dwellings.

¹² A term coined by Ross Chapin and described in his 2011 book, *Pocket Neighborhoods: Creating Small-Scale Community in a Large-Scale World*, Taunton Press.

¹³ Excerpts from Langley’s code are included in the Code Appendix to this report.

Chapter 17.74 increased the single-dwelling density permitted in the underlying R-2 (Two-Family Residential) and R-3 (Multi-Family Residential) zones by 200% and 225%, respectively, where the MU-PUD overlay is applied, so long as the developer caps the square footage and height of new homes, organizes them into four-to-ten-home clusters, provides shared common spaces, and meets special design, parking, screening, and setback requirements.¹⁴ Both base zones require 5,000-square-foot minimums for single-family lots, whereas the MU-PUD overlay zone allows densities of one home per 3,500 and 3,000 square feet, respectively. Rather than



*Cottages, Wyers End, White Salmon, WA.
(Photo courtesy of Ross Chapin Architects.)*

establishing minimum lot sizes, it states that: “The minimum lot sizes will be the product of compliance with all other standards and criteria applicable to the cottage development as a special use within a PUD.”¹⁵ The MU-PUD was intentionally crafted so it could only be used at



*Site plan for Wyers End, White Salmon, WA.
(Image courtesy of Ross Chapin Architects.)*

two or three locations in town, one of which was the site of Wyers End. This allowed White Salmon to explore this development type on a limited basis before deciding whether to make it more broadly available. While no other cottage clusters have been proposed for White Salmon, a City planner indicated that there would likely be enthusiastic support for more.

¹⁴ Section 17.73.010, “Cottage Infill Projects,” White Salmon Zoning Ordinance.

¹⁵ White Salmon Ordinance 2006-08-783, Section 17.74.080.B.6.

Supportive Code Provisions

The MU-PUD provision, adopted specifically to allow this development, offers a substantial density bonus in exchange for more compact homes, shared open space, and other attributes. In addition to the MU-PUD provision, under which Wyers End was permitted, White Salmon's zoning ordinance now offers a Cottage Infill Project overlay (Chapter 17.73) in two residential zones (R2 and R3). Both offer density bonuses for smaller home sizes, but the land use processes differ. Cottage infill projects are treated as conditional uses subject to a special site plan review process, whereas PUDs (as used for Wyers End) are classified as special uses that must meet additional, prescriptive development standards.

Limiting Code Provisions

The MU-PUD Provision, which allowed Wyers End to move forward, has not to date been applied to additional sites or areas. In addition, the Cottage Infill Projects overlay is narrowly applied: the overlay is not allowed in the R-1 (Single-Family Residential District) or the RL (Single-Family Large Lot District) zones, and the minimum site areas for cottage-style developments start at 21,000 or 14,000 square feet. Collectively, these severely limit the number of properties eligible for cottage-cluster-style developments. Furthermore, the Cottage Infill Projects overlay contains a number of requirements, above and beyond capping home sizes, to earn a density bonus. Finally, the allowed bonus (from 5,000-square-foot minimum lot sizes to 3,000 or 3,500 square feet) still yields a fairly low density – and may be insufficient to incentivize cottage cluster development.

Lessons Learned

Meeting the requirements of the MU-PUD provision was already contemplated for the Wyers End development, for which it was written. Adopting a site-specific ordinance allowed White Salmon to experiment with this housing type with minimal worry about possible unintended consequences should early projects be poorly received. Happily, Wyers End was received quite well.

Current Status

Initial buyers were mostly retired couples looking to downsize into a supportive community environment; others were looking to purchase a second, vacation, or investment rental property. Over time, Wyers End owners have opted to make White Salmon their primary residence, including single working adults and a young couple.

Cully Grove – Portland, OR

Community-oriented site layout achieved through Planned Development

Location: Cully Neighborhood, Portland, OR (609,456)

Owner/Developer: Eli Spevak and Zach Parrish, Cully Grove LLC

Architect: Hans Kretschmer, Green Gables Design & Restoration; Mark Lakeman, Communitecture

Builder: Orange Splot LLC

Type: 16 for-sale homes with shared common buildings on two acres, owned as condominiums with HOA

Square Footage: Thirteen 1,450–1,530 sf, three-bedroom homes; three 1,780 sf, four-bedroom homes; one 1,100 sf common house

Year Built: 2012–2013

Cully Grove is a 16-home garden community tucked within a Portland neighborhood with relatively large lots, predominantly unimproved streets, and a focus on urban agriculture. Thirteen homes are attached three-bedroom townhomes in two- and three-unit buildings; the remaining three are single dwelling detached four-bedroom homes. The property was never divided into fee simple lots. Instead, the homes (and parking spaces) were sold and financed as condominiums.

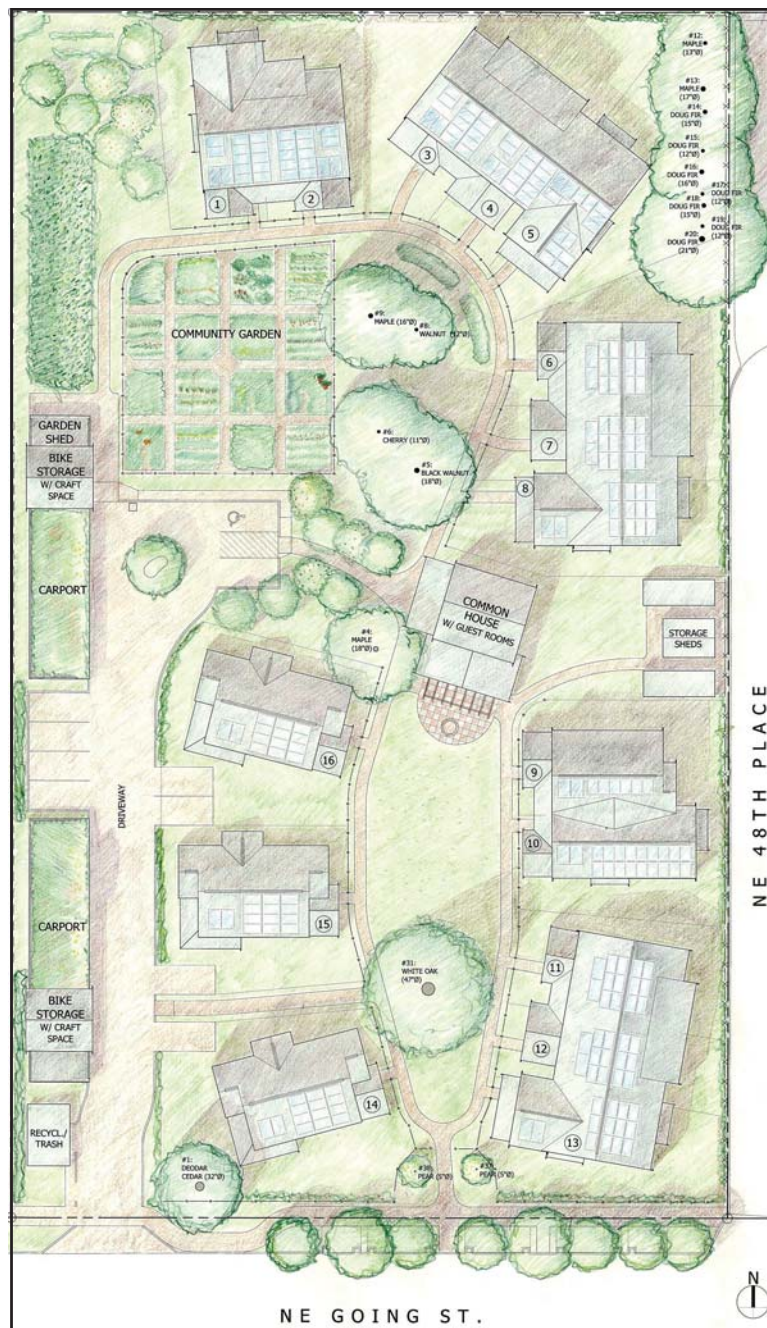


*Courtyard, Cully Grove, Portland OR.
(Photo courtesy of Communitecture.)*

The site is laid out around two internal courtyards, anchored by large trees and a community garden. A shared common house between these courtyards serves as an extension of residents' individual homes. The first floor contains a community gathering space, small kitchen, and half bath. Upstairs, there are two bedrooms and a full bath for community members' out-of-town guests. Shared outdoor spaces at Cully Grove host picnic tables, vegetable and flower gardens, fruit trees, chickens, ducks, children's play areas, a campfire circle, and quieter lawn areas.

Twenty-two on-site parking spaces are located on the edge of the property: two for guests and the rest separately deeded and sold to residents. Shared bike storage and garden tool and wood shop rooms are built into the carport structures, along with two small craft space units for on-site office or art space.

Rather than subdivide the property into multiple single-dwelling lots, as allowed by code, the developers used Portland's Planned Development process to distribute allowed units across the site, free from the constraints of subdivision standards. Design flexibility was instrumental in preserving existing trees, orienting homes around courtyards, using attached townhomes as the primary building type (where the base zone requires detached housing) and sequestering parking and driveway access to the periphery of the site. This discretionary Type III land use process gives staff and a hearings officer, informed by neighbor input, the opportunity to determine whether the proposed alternative layout would be appropriate for this single-dwelling zone.



Site plan, Cully Grove, Portland OR.
(Image courtesy of Orange Splot, LLC.)

Supportive Code Provisions

The Planned Development process allowed site layout flexibility crucial to meeting project design and community goals.

Limiting Code Provisions

Portland's lack of zoning options to increase density in exchange for smaller home sizes was a barrier for this project. The developers would have liked to include smaller homes in this community. But without a density bonus, the fixed per-unit costs associated with land acquisition, site work, and (required) half street improvements made it financially prohibitive to do so. Also, the Planned Development process that was required in order to locate more than one home on a lot in the single-dwelling R5 zone added complexity and costs to the process.

Lessons Learned

Planned Development processes can provide a density-neutral way to support community-oriented site layouts and preserve existing trees and/or homes. However, if a jurisdiction wants to see substantially smaller homes built in single-dwelling zones, they may need to increase allowed densities, decrease minimum lot sizes, and offer density bonuses for smaller homes. Homes in Cully Grove were also pre-sold, as required by the construction lender, which led to more buyer customization and complexity than the developer/builders had expected.

Current Status

All homes are owner-occupied, and there has been no turnover thus far. Approximately half the owners are singles or couples with young children; the others are empty nesters.

Project website: www.cullygrove.org

Catterlin Cottages – Salem, OR

World War II-era cottage clusters become market-based affordable rentals

Location: Northeast Neighborhood, Salem, OR (population 160,614)

Owner: Jeff Zeeb

Architect, Builder: Unknown

Type: Six detached cottages on .31 acres; long-term rentals

Square Footage: Each home is single story, approximately 910 sf

Year Built: ~1940

The Catterlin Cottages consist of six detached one-story homes, each approximately 38' x 24' fronting onto a central courtyard. Six angled off-street parking spaces are available off a back alley near the site perimeter.

The Catterlin Cottages' mid-century appeal is starting to come back into favor, and the project has become exemplary of historic, World War II housing options preserved and updated to maintain appealing, space-efficient housing. Residents have decorated several of the home entry patios with flowers and other custom landscaping. One resident volunteered that he loves living there because of the lack of shared walls between homes. According to the owner, these homes are relatively low-cost, low-amenity rentals. Most renters turn over after two or three years.

The Multiple Family Residential (RM-II) zoning applicable to this parcel supports multi-dwelling housing at a density of between 12 and 28 dwelling units per acre. At 19 dwellings per acre, Catterlin Cottages would be legal to build at this location today. The owner noted,



The Catterlin Cottages in Salem, OR, are six detached one-story homes, each approximately 38'x24', fronting onto a central courtyard.

(Photo by Eli Spevak.)

however, that they wouldn't likely be built as rentals, due to high construction costs relative to potential rental income. Some other cottage clusters in Salem, however, are located in zones with designations that *would not* allow them to be built today.

Supportive Code Provisions

Salem's Multi-Family Residential (RM-II) zone.

Limiting Code Provisions

This housing type, although fairly common in Salem, would not be allowed today in single-dwelling zones.

Lessons Learned

Certain housing types may not be financially feasible, regardless of zoning, if local rents or sales prices are too low to cover current construction costs. Hence, cities that have existing legal, non-conforming ("grandfathered") housing built to older codes may find that preserving these homes provides a valuable source of housing at smaller sizes and lower prices than could be built today.

4. INTERNAL HOME DIVISIONS

Where communities have older housing stock, there may be opportunities for conversions of homes into multiple units to simultaneously provide:

- Small, affordable, energy-efficient dwelling units;
- Increased density; and
- Preservation of neighborhoods' most cherished, beautiful structures.

Some municipalities allow the internal conversion of older homes into two or more units in single-dwelling zones, as long as their exterior is minimally altered and they retain their single-dwelling appearance.



*This four-plex still looks like a single-unit home from the street.
(Photo courtesy of Michael Anderson, Bike Portland.)*

Internal Home Division Characteristics

Homes can be internally divided in many ways, including:

- Converting a two-story house into stacked flats by adding a side entry door for the first floor unit, converting an upstairs space into a second kitchen, and ensuring that there is a bathroom on each floor;
- Bisecting a two-story house into side-by-side townhomes by using a vertical partition wall to split the house in half from front to back, and adding a second set of stairs;
- Combining both of the above approaches to create a four-plex; and
- Converting basements and/or attics into stand-alone dwelling units by bringing them into the insulated envelope of the structure, installing life safety measures, adding heat sources, and providing independent access.

Internal Divisions – Typical Characteristics	
Form	
	<ul style="list-style-type: none"> • 2-6 units, ranging from fully separated units to Single Room Occupancies (SROs) with shared kitchens and bathrooms
	<ul style="list-style-type: none"> • Appearance remains that of a single house
	<ul style="list-style-type: none"> • Entrances may be shared at the front, or separate entrances may be created around sides or back
Ownership	
	<ul style="list-style-type: none"> • Rental or condominium
Density	
	<ul style="list-style-type: none"> • 2-6 times the units allowed on a lot in a typical single-dwelling zone

History & Regulatory Context

The tradition of internally dividing homes into smaller units (and sometimes opening them back up again into single-family homes) in response to changing household compositions and housing demand goes as far back as the residential construction industry. When workers flooded into Portland during World War II to support the shipbuilding industry, one policy response to the associated housing shortage was to allow homes in single-dwelling residential zones to be internally divided into multiple units.¹⁶

More recently, there has been renewed interest in internal home divisions as a way to meet multiple public policy goals. This is especially true in larger Oregon cities where housing supply has failed to keep up with demand, rents have increased, and public pressure to preserve older homes has grown. Add to this the long-term trend of diminishing household sizes and the increasing number of people either downsizing or living with roommates out of choice or economic necessity, and it's no surprise that older homes are once again being called upon to serve multiple, smaller households, legally or not.

Key Code Elements

Most Oregon zoning codes reviewed for this report did not allow for the conversion of existing homes into multiple units in single-dwelling zones. However, two examples in larger Oregon cities could certainly be adapted for use in any city with older housing stock.

First, Portland allows homes on the historic registry to be internally divided, in single-dwelling zones, into up to one unit per 1,000 square feet of site area.

¹⁶ Interview with Steve Dotterer, November 12, 2015.

Portland, OR – Portland Zoning Code 33.445.610.C.2

Additional density allowed when preserving a Conservation Landmark or a Historic Landmark in Single-Dwelling zones

33.445.610 Historic Preservation Incentives . . .

C. Incentives. The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The Incentives are: . . .

2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling residences, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new net building are used for additional dwelling units only if the expansion is approved through historic resource review.

Salem, Oregon, also offers incentives for the adaptive reuse of older homes. Within Salem’s Historic Preservation chapter is a provision for “Historic Adaptive Reuse” (Salem Revised Code 230.085, full code text is included in the appendix), which is achieved as a conditional use in residential zones. The provision is more limiting than Portland’s in some ways, while more flexible in others:

Limiting provisions:

- Maximum of four dwelling units may be created;
- Adaptive reuse only applies to properties located along arterial and collector streets;
- Historic buildings may not be structurally expanded;
- Parking requirements match those of the underlying zone (typically 1+ per residence, and for commercial and retail);
- Requires a Type III, quasi-legislative land use process for approval; and
- Applicants must demonstrate that any other use for the structure allowed in the zone is not economically practical, and that the property does not meet the criteria for a zone change.

Flexible provisions:

- Allowed in most zones, including RS (Single-Residential) and RD (Duplex-Residential); and
- Allows dwellings to be created in combination with retail, professional services, offices, and others.

Following is an overview of commonly applied code provisions. “Supportive” code provisions are likely to encourage internal division of homes, while “limiting” provisions may serve as disincentives.

Provision Type	Supportive Codes	Limiting Codes
Ownership	<ul style="list-style-type: none"> • Allow units to be rented out or sold independently as condominiums 	<ul style="list-style-type: none"> • Enforce strict owner-occupancy requirements
Density	<ul style="list-style-type: none"> • Allow a single home to be internally divided into multiple independent or semi-independent units, increasing density by 2x to 6x 	<ul style="list-style-type: none"> • Default to existing single-dwelling density
Unit Requirements	<ul style="list-style-type: none"> • Allow additional micro-kitchen(s) within existing homes • Allow shared bathroom (e.g., SRO) housing configurations 	<ul style="list-style-type: none"> • Require all units to be fully self-contained; restrict common elements
Parking	<ul style="list-style-type: none"> • Waive or reduce per-unit parking minimums • Waive parking minimums at locations well-served by transit 	<ul style="list-style-type: none"> • Apply off-street parking standards for each unit
Approval Process	<ul style="list-style-type: none"> • Allow by-right 	<ul style="list-style-type: none"> • Allow only through a Type III Land Use or other discretionary review process

Provision Type	Supportive Codes	Limiting Codes
Other	<ul style="list-style-type: none"> • Charge impact fees, if at all, based on unit size, or another proxy commensurate with impact • Drop the definition of “family” from the code, and/or define “household” as flexibly as possible 	<ul style="list-style-type: none"> • Allow only for homes with historic designations or located within historic districts • Charge impact fees at the multi-unit dwelling rate based on the number of additional units created • Define “household” narrowly to exclude large and non-traditional configurations
Standard Provisions	<ul style="list-style-type: none"> • Apply commercial building code that requires fire-rated separations between units and/or fire sprinkler systems for internal divisions of three or more units 	

Recommendations

(1) Expand Preservation Incentives

Portland and Salem allow homes that are in single-dwelling zones and have historic designations to be internally divided into multiple units. This is one of several incentives made available to owners of historic properties in exchange for strict limitations on modifications to the structure. If cities want to allow internal conversions of older homes that don’t have historic designations, they could extend this flexibility to *any* home over a certain age. This could add use value to older homes, and perhaps keep some of them from being demolished.

(2) Revise or Drop Definition of “Household” or “Family”

Most counties and municipalities include a definition of “household” or “family” that stipulates how many people of which relation are allowed to live in a single home (or, in some jurisdictions, a house + ADU). Removing these definitions from the zoning code (as Bend did), or defining households without reference to relationship,¹⁷ could open up spare rooms for occupancy in larger homes. This would also legalize other innovative, community-oriented housing models, such as the co-living model being pioneered in the San Francisco Bay Area.¹⁸ Finally, it would get the zoning code out of the “who’s married to whom” and “who’s living with whom” business – and cause jurisdictions to rely instead on noise, nuisance, and building code regulations to address life safety and community impact concerns associated with larger households.

(3) Parking

Municipalities concerned about parking may choose to conduct a transit access and older home inventory, assessing whether enough older homes are in fact well-served by transit to warrant waiving or changing off-street parking minimums.

¹⁷ For example, Victoria, BC, defines a household as “one person or group of persons who through marriage, blood relationship, or other circumstances normally live together.”

¹⁸ <http://opendoor.io/project/coliving-org/>

Benefits and Limitations of the Internal Home Division Housing Type	
Benefits	Limitations
<p><i>Preservation of Historic Resources</i> Internal divisions of existing homes provide an excellent opportunity to preserve existing homes by increasing their economic value.</p> <p><i>Neighborhood Appeal</i> The strongest appeal to this housing model, from a design perspective, is that it maintains a single-family aesthetic from the street no matter how many units may exist inside.</p> <p><i>Existing Transit Access</i> Many homes were originally built along old streetcar routes in central locations. These same spots, in the present day, are often well served by transit and urban amenities, making them ideal for densification through internal home divisions. Strong transit access can also mitigate the need for additional off-street parking that might otherwise be triggered by an internal home division.</p> <p><i>Encourage Mixed-Income Neighborhoods</i> For many renters entering the housing market, an apartment carved out of a house is an ideal match between affordability and location, frequently more so than new construction. In addition, the creation of smaller, affordable units inside older homes introduces affordability into neighborhoods from which many residents would otherwise be priced out.</p>	<p><i>Lack of Acoustical Privacy</i> Partition walls in internally divided older homes don't come close to providing the acoustic isolation found in newer attached homes.</p> <p><i>Fire and Life Safety Building Codes</i> Even in multi-dwelling zones where internal conversions can be done by-right, the practice is rare. The reason for this often lies not with the zoning code (which likely already allows internal conversions of older homes in <i>multi-dwelling</i> zones), but with modern building codes. Residential building codes apply to buildings with one to two units; commercial building codes apply to buildings with three or more units.</p> <p>Homes divided into just two units fall under the One- or Two-Family Residential Building Code, which is easier and less expensive to comply with than the commercial code that applies to three or more residential units. Hence two-unit internal conversions of older homes are more likely to be financially feasible than internal conversions to three or more units.</p> <p><i>Parking</i> As with many infill housing types, parking can become an area of contention with neighbors. On the one hand, residents of smaller units are less likely to have vehicles and older homes are often located close to the city center, where it is less important to have a car. On the other hand, older homes often have few or no off-street parking spaces to begin with. When an older home is internally converted into multiple units, odds increase that the number of vehicles in the neighborhood will grow, so neighbors who rely on street parking might push back on this housing type.</p> <p><i>Plumbing, Electrical & Mechanical</i> Adding bathrooms and kitchens to older homes as part of an internal conversion can strain already-stretched plumbing, electrical, and mechanical systems that may not have been installed properly in the first place. This can trigger extra construction costs to update existing systems (e.g., electrical wiring, plumbing, heating, etc.), which can jeopardize the financial feasibility of a project.</p>

Conclusions

Internal divisions of older homes bring together the interests of planners seeking discreet, space-efficient housing options and neighbors interested in preserving existing homes. Converting a home to multiple units can sometimes increase its economic value such that a deteriorating house may be preserved rather than demolished. Zoning code provisions already on the books for historic homes can be easily adapted to any older home. Such provisions can allow homes over a certain age to be internally converted so long as they retain their original,

single-family appearance from the street.

The major limitations on internal home internal conversions predominantly stem from building, not zoning, codes. Internal conversions to three or more units trigger commercial codes and their accompanying requirements for firewalls and sprinkler systems that can be costly enough to jeopardize the financial feasibility of a conversion. Duplex conversions are more likely to work, since they can be done under the residential (one- and two-family) building code. As an illustration of how modern building codes can stand in the way of this housing type, consider the infrequency with which large single-family homes in *multi-dwelling* zones ever get converted to multiple units. This used to happen regularly. With modern building codes, it probably won't happen nearly as often.

Emerging & Resurgent Housing Types

Beyond the case studies featured in this section, the internal home division model has been implemented in forms that divide large existing or new homes into multiple tiny units.

One example is the co-living model in San Francisco, in which large older homes are organized into extended, intentional, shared housing configurations appealing to young professionals seeking strong communities in an urban setting.¹⁹ Another model is the micro-apartment, in which 6-8 bedroom apartments are built, then rented out by the bedroom to offer relatively affordable housing options in expensive locations within larger cities like Seattle and Portland. Neither of these models is a classic internal home division into self-contained, independent units. But co-living, micro-apartment, and Single Room Occupancy models can all increase density without altering exterior appearances, and frequently add economic value to older homes.

¹⁹ Elise Hu, "Bay Area's Steep Housing Costs Spark Return to Communal Living," *Morning Edition*, National Public Radio, Dec. 19, 2003.

INTERNAL HOME DIVISION CASE STUDIES

Moulton Condo Association – Portland, OR

Increased density in exchange for preservation of historic structures

Location: 2566 NW Lovejoy St, Portland, OR (population 609,456)

Current owner: Moulton Condo Association

Owner/Developer at time of conversion: Charles L. & Lucy H. Metcalf

Type: Historic house on 7,780-sf-lot converted into six condominium units

Square Footage: Units range in size from 706–1,581 sf

Year Built: 1911, **Year Converted:** 1998–1999



This historic home in Portland, OR was built in 1911 for a wealthy lawyer and his family and was converted into seven units, becoming the Moulton Condo Association, in 1998-1999.

(Photo by Madeline Kovacs.)

For instance, the home's front deck is designated as part of the unit on the entry floor, with a railing separating the deck from the common entryway. There are six storage spaces, one for each unit, located on the first story. All units are accessed jointly through the former front door and shared living-room-turned-foyer.

In 1998, owners Charlie and Lucy Metcalf took advantage of a seldom-used zoning code provision available to Conservation Landmarks and Historic Landmarks, dividing Moulton House into six independent residences. Portland allows such buildings to be internally divided up to one unit per 1,000 square feet of site area in single-dwelling zones. The resulting density of one dwelling unit per 1,200 square feet of site area is much greater than the one unit per 7,000 square feet otherwise allowed at this single dwelling (R-7) zoned property.

Moulton House was originally built in 1911, home to a prominent lawyer and his family. The property occupies a corner lot on a busy street close to downtown Portland, abutting commercial retail buildings and a hospital to the east and a hilly, residential neighborhood to the house's immediate west. Two on-site parking spaces are provided near the southeast corner of the property via a driveway off NW 25th Ave., a short dead end street. Unit sizes range greatly, from 706 to 1,581 square feet. Original amenities of the Moulton house are distributed across different units. For



Originally the living room, now the entryway to multiple second-floor units.

(Photo by Madeline Kovacs.)

Standard for Rehabilitation of Historic Buildings, in which case tailored, equivalent approaches to meet code intent had to be crafted and approved (through appeal). Going forward, any new development at the condominium must be done in accordance with the City's historic design review criteria.

Supportive Code Provisions

Portland's Historic Resource Overlay Zone (Title 33.445.610.C.2) allowed a density increase on this property of more than 500%, making preservation financially feasible. This same code section exempted the project from having to build additional off-street parking; it only requires that existing parking spaces, if any, be retained.

Limiting Code Provisions

Modern fire codes that increase life safety in multi-dwelling buildings can have the side effect of making internal conversions of existing homes challenging or cost-prohibitive, even if allowed by zoning.

Lessons Learned

Zoning code allowances for internal conversions might be more widely used if expanded to cover any older home, not just those on historic registers. Even so, building and fire code requirements triggered by such conversions could limit their frequency.

Current Status

The Moulton Condo Association currently includes four couples, one retired and two newlyweds, who inhabit the units on the garden through second floors. Two single people occupy the one-bedroom and studio units on the third floor.

Although zoning regulations supported this conversion, historic preservation, building, and fire safety codes presented hurdles the owners/developers had to overcome. Historic Design Review was required as part of the permitting process to ensure that the exterior historic materials that helped classify the property as a Conservation Landmark would be preserved through the renovation and conversion process. Dividing the building into multiple units triggered compliance with present-day fire and life safety requirements. This proved to be a lengthy process that included multiple code appeals to address egress, stair enclosure, light and ventilation, fire wall, and fire suppression (sprinkling) requirements. Sometimes conflicts arose between fire safety requirements and the US Secretary of the Interior's

Buckman Neighborhood, (Portland, OR)

Legal non-conforming internal home conversions

Location: Buckman Neighborhood, Portland, OR (population 609,456)

Owner/Developer at time of conversion: N/A - converted in 1930s and 1940s

Type: Home #1 converted to a duplex; home #2 converted to an eight-plex; both on 5,000-square-foot lots and managed as long term rentals

Units Square Footage: 2,160 sf (home #1); 2,135 sf (home #2)

Year Built: 1904 (home #1); 1898 (home #2)



*Side by side converted duplex and 8-plex, Southeast Portland, OR.
(Photos by Eli Spevak.)*

These side-by-side homes were each built over a hundred years ago. In the 1930s or 1940s, both were converted to plexes, as allowed by code at that time. The first house was converted to a duplex, as it remains today. It contains the maximum number of units allowed by the existing (R2.5) residential zoning. When the owner sought permission to add an ADU, she was informed by the City that this is not an option because in Portland, ADUs can be added to single-family homes, not duplexes.

Meanwhile, the house next door (home #2) was converted during World War II to eight units: one one-bedroom unit and seven very small studio apartments. Three of the studios are merely bedrooms with corner kitchenettes; four are bedrooms with separate kitchens. All studio residents share two bathrooms. Such a conversion today would violate zoning density rules and most likely trigger prohibitively expensive building code requirements.

Each tenant at the second Buckman home has a separate rental agreement and rents range from \$500-\$700/month, covering all utilities. In this neighborhood, standard studio apartments are unavailable for less than \$800/month. Most residents are in their twenties, with a 50/50 mix of students and those just starting their careers.

Supportive Code Provisions

Nonconforming use regulations can allow this small, energy-efficient, and relatively affordable housing type that is typically prohibited in single dwelling zones, if the conversion was originally legal.

Limiting Code Provisions

Portland's single-dwelling zones do not allow house conversions even where multi-dwelling development was previously allowed. ADUs cannot be added to duplexes.

Lessons Learned

In high-amenity neighborhoods where competition for relatively scarce single-unit homes can drive values above what the same home would be worth as an internally divided plex, there may be fewer instances of home conversions, even where codes allow multi-unit buildings.

5. CORNER DUPLEXES

Corner lots have some advantages over interior lots on the same block to accommodate additional density consistent with the single-dwelling character of existing neighborhoods:

- Two separate street frontages
- More linear feet of on-street parking
- More available land area in some platting patterns
- More visually prominent and tend to sell for more than interior lots, hence homes built on them are often larger than others on the block



This corner duplex at 2104 NE Wasco St, Portland, OR, was built in 1926. (Photo courtesy of Michael Anderson, Bike Portland.)

Corner Duplex Characteristics

Some cities use the opportunity presented by corner lots to allow an additional dwelling unit on them in single-dwelling zones. This can be achieved through a corner duplex provision that allows attached units (side-by-side or stacked) and/or division of corner lots into two smaller lots.

Corner Duplexes – Typical Characteristics	
Form	
	• Attached housing (stacked or side-by-side) on corner lots in single-dwelling zones
	• Design compatibility with single-dwelling streets on both sides
	• Entrances required on each street
Ownership	
	• Duplex on single lot <i>or</i>
	• 2-unit subdivision into fee simple lots with attached, zero-lot-line homes
Density	
	• Up to twice the density of the single-dwelling zone

Both of these approaches can yield environmental benefits. Shared wall (or shared floor) homes have smaller carbon footprints than detached homes of the same size.²⁰ If two homes are allowed instead of one, and they are each smaller than average, this too reduces carbon impacts.²¹

²⁰ Jordan Palmeri, “A Life Cycle Assessment Based Approach to Prioritizing Methods of Preventing Waste from Residential Building Construction, Remodeling, and Demolition in the State of Oregon, Phase 1 Report, Version 1.2” (Oregon Department of Environmental Quality, 2009).

²¹ Ibid.

When corner duplexes are configured with side-by-side units, off-street parking is usually located either in garages where the units attach, as shown in this picture, or on the outer edges of the building as surface parking (see case studies). In both cases, each unit gets natural light on all three non-attached sides.

When corner duplexes are configured as stacked flats, units get natural light on all four sides and the ground floor unit can be made fully ADA accessible. However, it is more challenging to achieve acoustic isolation between units, and ownership of the property cannot be divided through a land use process. Stacked flat corner duplexes are more often found in older structures, sometimes through internal conversions of larger homes. If provided at all, off-street parking is most often uncovered or in a detached garage.



*This side-by-side corner duplex showcases units fronting on opposite streets, and shared parking in between, Northeast Portland, OR.
(Photo by Madeline Kovacs.)*

Key Code Elements

Many Oregon jurisdictions, including Medford,²² Bend,²³ Sublimity,²⁴ and Ashland,²⁵ allow duplexes on corner lots in single-dwelling zones. Ownership rules and regulations for corner duplexes vary. With some codes, there's no way to split the lot. Hence duplexes must have a single owner, unless submitted to condominium ownership. In others, corner lots with side-by-side attached homes can be divided into two fee-simple lots, with one house per lot. Portland allows this through either a two-unit partition or a property line adjustment (if there's a pre-existing property line bisecting the property). Medford requires corner duplexes to be built this way in its SFR-4 zone.²⁶

Some Oregon cities take the additional step of offering density bonuses for corner duplexes. Salem's corner duplex provision allows the minimum lot size for a corner lot duplex to be less than the total minimum lot size that would be required for two stand-alone homes. Specifically, Salem allows two homes on a 7,000-square-foot lot (yielding 3,500 square feet per home) in its RS or Single-Family Residential zone, which otherwise allows one home on a 4,000 square

²² <http://www.ci.medford.or.us/CodePrint.asp?CodeID=3956>

²³ <http://www.codepublishing.com/OR/bend/html/benddc02/BendDC0201.html>

²⁴ See code appendix (Code section 2.101.02).

²⁵ See code appendix (Code section 18.2.3.110).

²⁶ <http://www.ci.medford.or.us/CodePrint.asp?CodeID=3956>

foot lot. Portland takes this density allowance further by doubling the allowed density on corner lots in all of its single-dwelling zones. For instance, on a Portland city block platted with 50’x100’ lots (zoned for one house per 5,000 square feet), one may build a corner duplex, resulting in one dwelling per 2,500 square feet.²⁷

Cities that allow corner lot duplexes frequently also require additional development and/or design standards. For example, Portland requires that “each of the [duplex] units must have its address and main entrance oriented towards a separate street frontage.”²⁸ This and a few other provisions are intended to ensure that the appearance and impact of corner duplexes will be compatible with surrounding houses, namely, “to give the appearance of a house when viewed from [either] street.”²⁹ Portland’s code takes the extra step of requiring visual consistency in exterior finish materials, roof pitch, eaves, exterior trim, and windows between two units comprising a corner duplex. It also requires that the heights of side-by-side corner duplexes be within four feet of each other.

The following gives an overview of those provisions that may encourage the development of corner duplexes, and codes that might limit their production:

Provision Type	Supportive Codes	Limiting Codes
Density	<ul style="list-style-type: none"> • Double density on corners by allowing two units where the zone normally allows one 	<ul style="list-style-type: none"> • Provide no density bonus • Offer a small density bonus by setting the minimum lot size for a duplex slightly less than twice the size for a single home
Ownership	<ul style="list-style-type: none"> • Allow the duplex on a single lot, or allow a 2-unit partition with zero-lot-line attached homes 	<ul style="list-style-type: none"> • Only allow the duplex on a single lot
Design Compatibility	<ul style="list-style-type: none"> • Minimize or avoid design match requirements • Allow each attached home to meet size and footprint standards of the zone 	<ul style="list-style-type: none"> • Require units to match (e.g., roof pitch, trim, height) • Limit collective massing and lot coverage to that of a large, single house
Parking	<ul style="list-style-type: none"> • Reduce or eliminate off-street parking requirement • Waive parking minimums at locations well-served by transit 	<ul style="list-style-type: none"> • Apply the zone’s standard off-street parking standards for each unit • Require one driveway per unit per street frontage required
Approval Process	<ul style="list-style-type: none"> • Allow by-right 	<ul style="list-style-type: none"> • Require conditional use or other discretionary review process
Standard Provisions	<ul style="list-style-type: none"> • Allow side-by-side or stacked duplex configurations • Require front doors to face different streets, mimicking single family homes from either frontage 	

²⁷ Corner duplexes may sometimes be built in Portland using alternative code provisions. A popular approach to splitting corner lots is to “confirm” (i.e., re-establish) historic lot lines and simultaneously rotate them by ninety degrees through a Property Line Adjustment (PLA). Many homes were originally sited on 2-4 narrow, originally platted lots, leaving the opportunity open for this approach, which avoids a potential 9-month partition process and associated fees. In response to the up-tick in this practice and the irregularly shaped lots sometimes created through the process (to comply with lot width minimums of the zone), Portland recently changed its code so that lots reconfigured through a PLA on a corner can be as small as 1,600 square feet, and 36 feet wide, and be developed with attached or detached houses.

²⁸ See appendix for full text of Portland’s Corner Duplex provision (33.110.240.E).

²⁹ Ibid.

Recommendations

(1) Allow Increased Density on Corners

Although many Oregon cities allow corner duplexes in single-dwelling zones, Portland and Salem appear to be alone in offering density increases. Since corner duplexes can be designed to resemble single-family homes from either street frontage, they represent a prime opportunity to discreetly absorb density within single-dwelling zones. And since corner duplexes naturally have more street frontage than other homes on a block, there's a decreased likelihood of conflicts with neighbors over limited on-street parking.

(2) Consider Individual or Combined Size Limits on New Corner Duplex Homes

There have been some negative reactions to new corner duplexes in Portland, where their height and bulk can be out of line with older, typically smaller, surrounding homes. Planners are receiving complaints about large, 2,500+ square-foot homes built on mid-block lots too, but massing of these new homes becomes more dramatic when they're doubled-up on corners. One way to address this is to limit the collective massing of new homes created through a corner duplex provision to what's allowed in that zone for a single-family home. This is similar to the logic of cottage cluster zoning, where additional density is provided in exchange for home size (and sometimes height) limits. Such a condition could be applied whether or not the developer subdivides the property into two smaller lots to separate ownership.

There should be no need to place size limits on the internal conversion of existing corner homes into duplexes. This is because the original house presumably complied with applicable size limits for new homes at the time of construction.

(3) Allow Outright or Simplify Approval Process

Corner duplexes are less likely to be built where they are treated as a planned development or require a discretionary land use process. Such processes add cost, time, and risk to projects that have few efficiencies of scale to start with, limiting the number that actually get built. That said, review by the planning commission or another body may be less of a barrier in smaller cities and towns where discretionary reviews are easier to navigate.

(4) Allow Partitions of Corner Lots for Affordable, Fee-Simple, Ownership Opportunities

Allow corner lots to be separated into fee-simple lots so the two halves of a duplex can be sold independently, even if such lots are smaller than would be allowed for other lots in the zone. This flexibility supports lower per-unit land costs on for-sale housing, which can yield lower sales prices (see PCRI case study).

Even if they can't be partitioned, duplexes on single lots do provide relatively low housing costs on a per-unit basis because of the shared land cost. But financing for this housing type requires the borrower to have a higher income and larger down payment than would be required to buy half of a duplex on its own fee-simple lot because, at root, they're buying two homes instead of one (even if one would be rented and generate some income).

In the Salem case study, the owner felt that his inability to legally subdivide the lot so the homes could be sold and financed independently hampered the financial feasibility of the project.

(5) Allow Corner Duplexes in All Single-Dwelling Zones

If a duplex is appropriate in one primarily single-dwelling zone, chances are it should work equally well in others. Regulations regarding size, bulk, lot coverage, and other considerations may be adjusted accordingly.

Benefits and Limitations of the Corner Duplex Housing Type

Benefits	Limitations
<p><i>Affordability</i> Allowing two units to be built instead of one can aid in the creation of affordable homes, because developers can distribute the fixed cost of land to an additional home.</p> <p><i>Neighborhood Compatibility</i> Corner duplexes also offer a discreet form of density within existing neighborhoods at locations where street parking is typically in good supply. In addition, duplexes facing opposite streets help to complete each streetscape, leaving no blank or inactive street-fronts.</p> <p><i>Environmental Footprint</i> From an environmental perspective, previous Department of Environmental Quality research has shown that attached housing is one of the most important strategies (along with smaller size) to reduce construction waste and greenhouse gas emissions.³⁰</p> <p><i>Reside Near Family</i> Some of the interviewees for this project included family members who live in duplexes next to each other. Similar to ADUs and some cohousing communities, duplex arrangements can allow families to live near each other while still maintaining their own, private space.</p> <p><i>Privacy + Attached Housing</i> One interviewee mentioned that she often forgot that her corner duplex home was attached to anyone else's, because she had her own front porch looking directly onto the street, with no direct visual connection from it to the other entry façade. The same was true for her duplex neighbor. Hence, corner duplexes can offer more privacy and autonomy than mid-block duplexes or attached townhomes where main entries both face the same street.</p> <p><i>On-Street Parking</i> Corner lots have more street frontage, and more space for on-street parking, than internal lots of the same size. So additional density at corners will strain on-site parking limitations less than density at other locations.</p>	<p><i>Size and Bulk</i> Collectively, duplexes (particularly new ones) may be larger than other buildings on the street. This is especially dramatic in older neighborhoods where surrounding homes are shorter and smaller than what is allowed by current regulations.</p> <p><i>Street Improvement Costs</i> Corner lots have more street frontage than mid-block homes. Washington County officials were uncertain whether a duplex might also trigger requirements for street improvements, which would be of concern in much of un-incorporated Washington County where streets do not meet current standards. Requirements for street improvements along two street frontages could raise developer costs significantly, and theoretically negate much of the affordability created through reduced land purchase costs per residence.³¹ If street improvements are required regardless of whether a single home or duplex is proposed for a corner lot, such a requirement would not specifically constrain the corner duplex model.</p>

³⁰ Jordan Palmeri, "A Life Cycle Approach to Prioritizing Methods of Preserving Waste from the Residential Construction Sector in the State of Oregon, Phase 2 Report" (Oregon Department of Environmental Quality, September 29, 2010).

³¹ Ibid.

Conclusions

Zoning codes allowing duplexes on corner lots are fairly common in Oregon, but they're rarely coupled with a density bonus. Even without density bonuses, corner duplexes offer the environmental benefits of attached housing. But corner lots are also well suited for some extra density, so long as regulations anticipate potential neighborhood concerns. To this end, it's helpful to include design compatibility requirements, entry door location requirements, and height and size limits – with the goal of having the duplex look like a single home from either street frontage (or from just one frontage, in cases of internal conversions with a single entry door).

Corner duplexes offer a neighborhood-friendly way for cities to support relatively affordable, environmentally-friendly housing options. To figure out how many housing units could be created in a community, multiply the number of single-dwelling zoned blocks by four. Of course, only a small fraction of eligible corner lots will ever host duplexes. But as an extreme example, consider that Seattle could allow an additional 60,000+ housing units within existing single-dwelling zones by allowing corner duplexes at twice the density currently allowed.³² If large enough areas of a city are zoned solely for single dwelling development, low implementation rates might still yield a substantial number of new homes.

³² David Sucher, "Add housing by allowing one triplex per city block," *Seattle Times*, Nov. 17, 2015. Note: calculation revised from two extra units per block by allowing a triplex to four extra units per block by allowing a corner duplex on each corner

CORNER DUPLEX CASE STUDIES

PCRI, Portland, OR

Attached homes on corners made affordable by sharing land costs

Location: 5105 N Fessenden & 9430 N Exeter, Portsmouth Neighborhood, Portland, OR (population 609,456)

Owner/Developer: Portland Community Reinvestment Initiatives, Inc.

Architect: eMZzed Architecture LLC/Keyan Mizani

Builder: Terra Firma

Type: Two 5,000-square-foot corner properties, each divided into two fee simple lots for attached houses

Square Footage: 1,500 and 1,620 square-foot three-bedroom units

Year Built: 2010

Portland Community Reinvestment Initiatives (PCRI) built two affordable, for-sale duplexes a couple of blocks from one another. Both developments replaced single homes, which were deconstructed. Both also share very similar designs, with each duplex entrance facing a different street.



Affordable corner duplexes built by Portland Community Reinvestment Initiatives (PCRI) on N Fessenden Street, Portland, OR.

(Photos courtesy of PCRI.)

No off-street parking was provided, although one resident chose to add a driveway to the home after purchase. Generally this presents less of a problem on corner lots, where there is typically more street parking available than there would be for an interior lot. The common wall between units was constructed to two-hour firewall standards to avoid sprinkling.

Portland's corner lot provision allows a duplex (two homes on the same lot) or two attached homes (zero-lot-line homes on adjoining lots) to be built on a corner lot that would typically just support one unit "in locations where their appearance and impact will be compatible with the surrounding houses" (Portland Zoning Code 33.110.240.E). Each home must face a different street, and the builder has the option to establish a property line between the units so

they can be sold separately on fee simple lots.

Supportive Code Provisions

Portland's corner lot provision (Title 33.110.240.E) for duplexes allows density on corners to be approximately doubled in any single-dwelling zone. In addition, PCRI projects were supported by an additional allowance to re-establish historic lot lines, saving developers time and resources compared with standard partitions.

Limiting Code Provisions

The only limiting code provisions are design requirements that dictate aspects of the building form, namely:

- Duplex units must face different streets;
- Attached duplex heights must be within four feet of each other; and
- Exterior finish, roof pitch, eaves, trim, and windows of the two units must match.

None of these provisions is onerous, particularly as companion to a code that effectively doubles density on corners.

Lessons Learned

Average new home sizes in Portland can be upwards of 2,400 feet, so being able to offer three-bedroom homes in the 1,500 to 1,620-square-foot range helped reach lower-income and first-time homebuyers. The developer says that being able to share land costs was a key factor in making units affordable.

Current Status

Diverse buyers found these duplex units appealing, including a multigenerational household, a retired couple, a single person, and a young couple about to start a family. PCRI is currently preparing to replicate this process on NE Ainsworth Street, transforming another home on a corner 50x100 foot lot into a corner duplex.

Statesman St. Duplex – Salem, OR

Custom duplex in a single-dwelling zone

Location: Northeast Neighborhood, Salem, OR (population 160,614)

Owner/Developer: Mitch Bell

Type: New duplex on a .20 acre single fee simple lot

Square Footage: 1,760 and 1,550 sf homes

Year Built: 2002

This side-by-side duplex was constructed by Mitch Bell on a lot zoned Single-Family Residential or RS. At the time of development, a duplex could be built on this 10,000 square-foot lot, but it could not be divided into two separate lots. Since then, the City of Salem has amended its code to allow slightly greater density in the RS zone; a developer could now divide this property into two lots and build detached or attached (zero-lot-line) homes.



Corner duplex on Statesman Street, Salem, OR. The owner and his wife live in one unit, and rent the other to a family member.

(Photo courtesy of Google.)

The Salem Revised Code requires two off-street parking spaces per unit. This was accommodated at 590-592 Statesman St. by locating two spaces on each side of the duplex (one in a carport), which takes up a significant amount of site area. Parking is tight, and the back of the second car is 20 feet away from the street line.

The owner/builder expressed that although he is happy with the project result, he likely built to a higher quality than what the market supports in this neighborhood, and for duplexes

in Salem generally. So, making a return on his investment during resale could be difficult, particularly because lots are required to remain adjoined, forcing him to sell the whole building together as a duplex. The owner stated that if he were to begin today, he would probably subdivide the property and build the homes as attached townhomes, which would provide latitude to sell the units independently, and better ensure that he would recoup his development costs.

Supportive Code Provisions

Salem's incentive for duplexes on corners comes from a slight reduction in minimum lot size requirements in the RS zone: 7,000-square-foot minimum for duplex lots, as opposed to 8,000 square feet (or 3,500-square-foot minimum per dwelling instead of the typical 4,000 square feet).

Limiting Code Provisions

This particular site plan was adversely affected by the code's requirement of two off-street parking spaces per unit, particularly at a corner location with ample abutting on-street parking available.

Lessons Learned

Two units are often more valuable if they can be sold separately as attached townhomes on separate lots, rather than selling them as a duplex on a single lot. Flexible corner duplex code provisions are more likely to be used since they allow a developer to craft financially feasible projects, responding to market demand and site-specific circumstances.

Current Status

The developer/builder lives in the 1,550-square-foot unit, while the other unit is occupied by a family member.

6. ACCESSORY DWELLING UNITS

Accessory dwelling units (ADUs) are smaller, ancillary dwelling units located on the same property as a primary residence. ADUs are known by many names that reflect their various potential uses, including granny flats, in-law units, studio apartments, and secondary dwellings. They are self-contained homes with their own kitchen, bathroom, and sleeping area. They can be attached to or detached from the primary residence, and are typically located discreetly on the property in order to preserve a single-dwelling appearance from the street. Primary dwellings and ADUs are almost always owned by the same party, although it is technically possible to separate ownership through the condominium process.



*M. Keplinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

Accessory Dwelling Unit Characteristics

Most Oregon jurisdictions, Salem being a notable exception, allow ADUs in some variation. Those that do, typically allow them to be created in one or more of the following ways:

- Converting existing living area, attic, basement, or garage;
- Adding floor area to an existing home;
- Building a detached structure on the same lot as an existing home;
- Building a new primary dwelling on the same lot as an existing (small) home, such that the existing home becomes an ADU; or
- Building a new home with an attached or detached ADU.

Accessory Dwelling Units – Typical Characteristics	
Form	
	<ul style="list-style-type: none"> • Self-contained units with own kitchen, bathroom, and sleeping area
	<ul style="list-style-type: none"> • Either attached (within the main building envelope) with one door facing the street, or detached, separate structure
	<ul style="list-style-type: none"> • Size limits range, but most ADUs are 800 square feet or less
	<ul style="list-style-type: none"> • Detached ADUs are usually required to be set back from the property line and/or behind the primary dwelling
	<ul style="list-style-type: none"> • Parking is either not required on-site or located along the site perimeter
Ownership	
	<ul style="list-style-type: none"> • Primary house and ADU owned in common, with either or both units rented out (depending on local regulations) <i>or</i> • Primary house and ADU owned as condominiums, which may be owner-occupied or rented (depending on condo documents and local regulations)³³
Density	
	<ul style="list-style-type: none"> • Typically double that of a single-dwelling zone

ADU regulations often address:

- Maximum square footage, placement on the lot, height limits, and entrance locations that reinforce its auxiliary relationship to the main dwelling;
- Design compatibility requirements meant to ensure that ADUs are constructed in a manner consistent with the look and scale of surrounding homes;
- Maximum allowed occupancy between primary dwelling and ADU (typically a single household, as defined by the jurisdiction);
- Use restrictions (i.e., owner occupancy requirements, home-based business limitations, short term rentals, etc.);
- Property eligibility standards (i.e., minimum lot sizes, location within a designated overlay zone, etc.); and
- Rules on sharing of utilities between the ADU and primary dwelling.

History and Regulatory Context

While the term “accessory dwelling unit” may be new, the structure type is not. Older examples include alley apartments and carriage or coach houses. Sometimes settlers would first build a small home, then live in it while constructing their larger primary house, as Thomas Jefferson and his family did while building Monticello. Starting in 1770, Jefferson lived in a two-story, two-room house tucked into the hillside. Two years later, his new wife joined him and they had their first daughter there before moving into the main house.



*Before it became the slave quarters for the Monticello estate, Thomas Jefferson, his wife, and their newborn baby lived in this annex (foreground) as the main house (background) was under construction.
(Photo courtesy of Michael Snell and Alamy Stock Photos.)*

³³ Unusual ownership form; see Woodstock Gardens case study for details.

In the late 1800s, alley-facing ADUs flourished in Washington, DC as an affordable housing choice.³⁵ With the increasing off-street footprint requirements of garages and the postwar rise of suburban single-family development, accessory dwellings fell out of favor, and nearly ceased to be built (legally) in the United States by the mid-20th century. After a long dormant period, ADUs began making a comeback in the 1980s and 1990s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In response to growing demand for supportive regulations, AARP and the American Planning Association released a model state act and local code for ADUs in 2000 (the full AARP model code is included in the appendix).

More recently, some cities have been motivated by escalating housing costs, smaller household sizes, and large numbers of illegal ADUs to create legal paths for them. Doing this can simultaneously raise funds (building permits and property taxes) and, in the case of illegal ADUs, get owners to address life-safety issues. In the 1980s, Vancouver, BC, studied utility bills and estimated that as many as a quarter of single-family houses had apartments hidden within them. In response, the City council legalized “family suites,” known also as “Auxiliary ADU or AADUs.”

These allowed owners to construct a complete in-home apartment for a family member. The council also opted to let each neighborhood vote on whether or not to legalize these interior ADUs. The result became a problematic patchwork of areas and zones where ADUs were allowed or banned, which made growth and infrastructure planning difficult. However, by 2004, controversy had died down, and the council legalized AADUs citywide, while relaxing rules for ceiling heights and sprinkler systems.³⁶

Vancouver, BC continues to outpace most US cities in its forward-thinking approach to housing affordability and efficient resource use, and it sees ADUs as a key component of those strategies: Since 1990, Vancouver has allowed what it calls laneway houses on 90% of its single-family lots. It’s now thinking about extending the allowance of laneway houses to an additional 6% of residential lots and perhaps going so far as to *encourage or require all new houses* to be designed so that future owners can easily convert parts of their homes to apartments, or to be “suite-ready.”³⁷

“My favorite building on the grounds [of Monticello] is the South Pavilion, also called the ‘outchamber,’ where Jefferson lived with his wife Martha and newborn daughter of the same name . . . It consists of only one well-proportioned room, with a kitchen in the basement, a Greek Revival roof line and large six-over-six double-hung windows on all four sides. Jefferson and his family lived in the South Pavilion while the main house was under construction.³⁴

– Peter Miller

³⁴ Peter Miller and Charley Miller, *Monticello: The Official Guide to Thomas Jefferson’s World* (National Geographic, 2016).

³⁵ Jamal Kadri, review of *Alley Life in Washington: Family, Community, Religion, and Folklife in the City, 1850-1970*, by James Borchert, <http://accessorydwellings.org/2011/12/05/dwelling-in-the-urban-alleys-of-dc/>

³⁶ <http://daily.sightline.org/2013/03/07/in-law-and-out-law-apartments/> accessed September 22, 2015.

³⁷ Ibid.

Key Code Elements

Municipalities differ widely in the strictness of their ADU regulations. For example, this table compares ADU codes in Ashland, Hood River, and Springfield, Oregon; and Vancouver, BC.

ADU Regulation Comparison*

City	ADU Number, Type(s) Allowed	Owner Occupancy	Size Allowances	Off- Street Parking Requirements
Vancouver, BC	2 ADUs total (1 AADU and 1 DADU ³⁸) per lot	Owner of secondary unit will be a relative of occupier of main dwelling	400 sf or less, or less than or equal to the size of the primary dwelling for AADUs; 280-500 sf and 12.5% or less of lot coverage for DADUs.	None
Ashland, OR	1 ADU (either AADU or DADU) per lot	None	Less than either 1,000 sf or 50% of the maximum gross habitable floor area of the primary residence	0 or 1 off-street space per unit, depending on site characteristics
Hood River, OR	1 ADU per lot	Owner must reside in primary residence or ADU 6 months/year	800 square feet or less	1 per unit
Springfield, OR	1 ADU per lot	Owner must reside in either primary residence or ADU	Lesser of 40% of primary unit, or 750 sf, whichever is smaller; 300 sf minimum	1 per unit

*Full ADU codes are included in the appendix.

Springfield, OR: Springfield Development Code – 5.5-130

Springfield’s design standards are exemplary of many cities’ standards. They are fairly detailed and apply irrespective of the aesthetic or desirability of the primary residence:

5.5-130 Design Standards

An accessory dwelling unit shall comply with the following standards, where practicable the:

Exterior finish materials shall be the same or essentially the same in terms of type, size, placement and finish as the primary dwelling.

Roof pitch shall match the roof pitch of the primary dwelling.

Trim shall be the same in type, location and finish as the primary dwelling.

Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).

Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

The full Springfield ADU code is included in the appendix.

³⁸ AADU stands for Attached ADU, and, DADU stands for Detached ADU.

Following is an overview of supportive and limiting codes for accessory dwelling units, followed by some specific recommendations:

Provision Type	Supportive Codes	Limiting Codes
Use	<ul style="list-style-type: none"> Rental and occupancy standards for both primary unit and ADU match what is allowed in single-dwelling zones Allow one “household” per unit 	<ul style="list-style-type: none"> Owner-occupancy requirement for one of the dwellings Limit use as short-term rentals Allow one “household” for the entire property (primary house + ADU) ADU residents must be family members of primary home’s household
Eligible Properties	<ul style="list-style-type: none"> Allow on any residentially-zoned lot with a house or a duplex Low lot size minimums (e.g., 4,000 sf or less) for a property to be ADU-eligible 	<ul style="list-style-type: none"> Only allow in some single-dwelling zones or only allow in duplex or multi-dwelling zones Only allow in overlay zones or specific geographic areas Large lot size minimums (e.g., 6,100 sf or more)
Size	<ul style="list-style-type: none"> Allow a flexible range of ADU sizes, e.g., ranging from small, micro-ADUs of 160 sf (Novato, CA) to detached ADUs up to 80% FAR of the main house (Portland, OR) Allow 1.5-2 story ADUs If the code allows garages in side or rear setbacks, allow small, 1-story ADUs there too 	<ul style="list-style-type: none"> Cap ADUs at very small sizes, e.g., ADU limited to 600 sf (Durham, OR) Cap ADU height at 1 story
Form	<ul style="list-style-type: none"> Allow attached and detached options Allow up to two ADUs per lot, one internal and one detached 	<ul style="list-style-type: none"> Only allow attached ADUs in single-dwelling zones
Parking	<ul style="list-style-type: none"> Require no on-site parking beyond what’s required for the primary house Waive on-site parking requirement for ADU if site is near transit 	<ul style="list-style-type: none"> Require one or more additional on-site parking spaces per ADU
Design Compatibility	<ul style="list-style-type: none"> Require design compatibility with the primary house only for new ADUs over 1-story tall 	<ul style="list-style-type: none"> Require ADU’s design to match primary residence in all cases, including one-story units (commonly specified items include roof pitch, siding, trim, windows, eaves, and others)
Approval/ Process	<ul style="list-style-type: none"> Allow by right 	<ul style="list-style-type: none"> Require conditional use permit or other discretionary review process
Fees	<ul style="list-style-type: none"> Waive or reduce development impact fees Scale impact fees based on reduced size 	<ul style="list-style-type: none"> Charge the same development impact fees as for larger single-dwelling homes
Standard Provisions	<ul style="list-style-type: none"> Locate ADUs behind the main house and/ or set back a certain distance from the front property line (often 40 to 50 feet) Limit homes with internal ADUs to one street-facing entry door 	

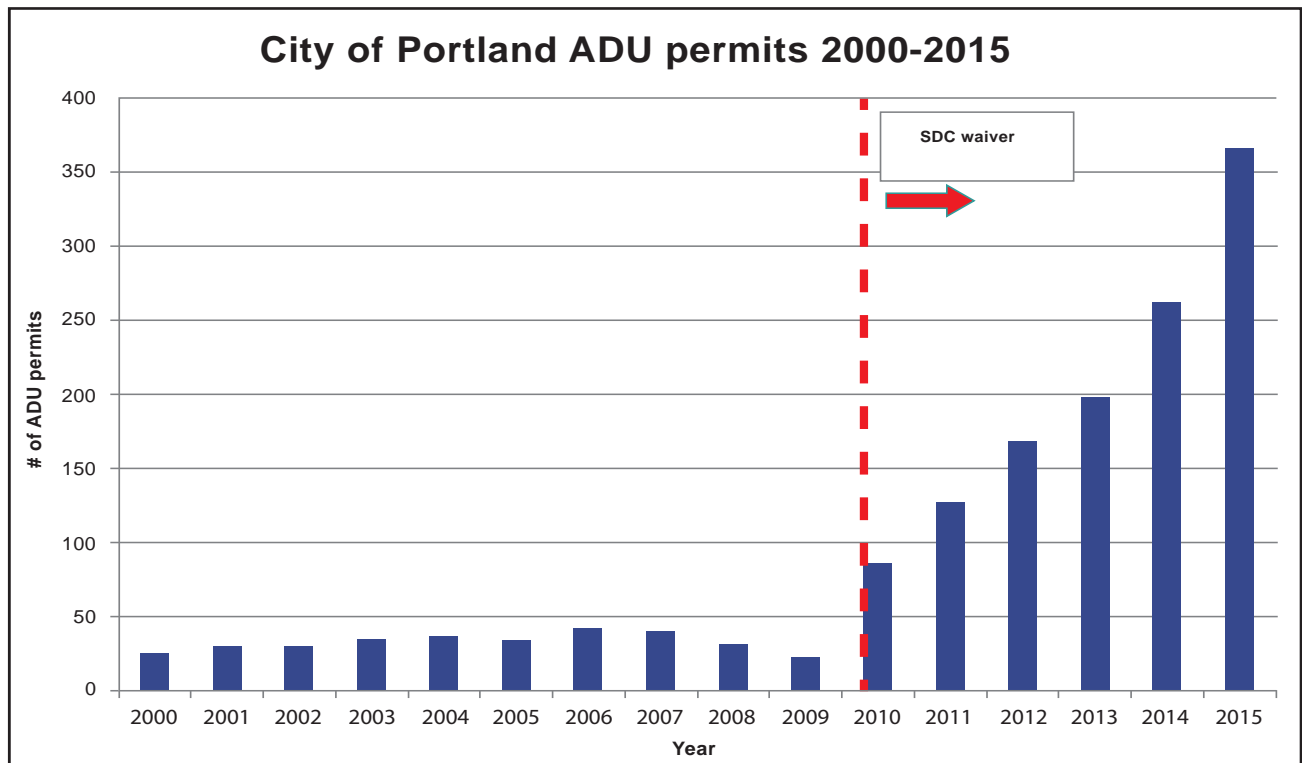
Recommendations

(1) Avoid Owner-Occupancy Requirements

Per DEQ's research, 70% of Portland properties with ADUs and 80% of Ashland properties with ADUs were owner occupied, even without an owner occupancy requirement.³⁹ Furthermore, such requirements limit financing options for ADUs. If rental of both the primary home and ADU is allowed, lenders can treat it as a duplex for financing purposes. This allows an appraiser to use an income-based valuation, which often comes in higher than a sales comparison approach.⁴⁰ A higher appraised value supports a larger loan, which can be the determining factor in whether or not it is possible to finance the purchase of a house with an ADU or the addition of an ADU to an existing house.

(2) Consider Waiving or Reducing Impact Fees or System Development Charges (SDCs)

Bend and Portland, the Oregon cities seeing the most ADU development, have both waived or significantly reduced development fees for ADUs. In Portland, this saved ADU builders an average of \$8,000 to \$11,000 per project,⁴¹ which turned out to be a significant stimulus for this housing type; six years later, the number of ADUs being built in Portland has grown by ten times from what it was in 2010 when the waiver was first put in place.



Martin Brown, 2014.

³⁹ Martin Brown, "Accessory Dwelling Units in Portland, OR: Evaluation and interpretation of a survey of ADU owners" (Oregon Department of Environmental Quality, June 2014).

⁴⁰ Martin Brown and Taylor Watkins, "Understanding and Appraising Properties with Accessory Dwelling Units," *The Appraisal Journal* (Fall 2012).

⁴¹ <http://accessorydwellings.org/2014/03/12/city-of-portland-adu-permit-trends/>

(3) Adopt-and-Revise

Jurisdictions interested in allowing ADUs can create a legal path for them based on existing model codes, and then be prepared to make periodic adjustments based on the results of built projects. As interest in ADUs has grown, there's been an accompanying increase in both public excitement about the prospect of building them and concerns about impacts they may have on existing neighborhoods. Communities can (and do) customize design regulations based on local priorities. Nationally, many cities have adjusted their ADU standards over the past couple years to try and strike a balance between regulatory restrictions and desired ADU production levels,⁴² and many more are in that process right now.⁴³ Since each jurisdiction has its own character, priorities, and concerns, there's a strong case for taking an adopt-and-revise approach to regulating ADUs.

Benefits and Limitations of the Accessory Dwelling Unit Housing Type	
Benefits	Limitations
<p><i>Versatility</i> ADUs support a wide range of resident configurations and often get used in different ways over time. Examples include:</p> <ul style="list-style-type: none"> • ADU as a home for elderly parents or young-adult children • Renting out the ADU to help cover a mortgage • Empty nesters moving into an ADU and renting out the main house or making it available for family or friends • Home office or short term rental, often as a bridge between other uses <p><i>Meeting Market Demand</i> ADUs provide a way to discreetly increase residential densities within existing and new neighborhoods. Their small size matches well with demographic trends towards smaller households, and they typically house more people per square foot of living area, on average, than single-family homes.⁴⁴</p> <p><i>Comparably Low Vehicle Ownership Rates</i> (Where data exist to quantify the trend) Portland ADUs have at least 50% fewer vehicles than typical Portland households.⁴⁵ This partially assuages arguments that ADUs will overwhelm street parking availability in neighborhoods.</p>	<p><i>Neighbor Concerns</i> Most limitations on the ADU model relate to some combination of anticipated, perceived, and actual negative impacts ADUs have on immediate neighbors. Neighbor concerns about ADUs tend to fall into four categories:</p> <p><i>How they can be used (i.e., student housing, short term rentals, home businesses in residential zones, owner vs. rental occupancy)</i> These uses can occur in other forms of housing as well. Except for student housing (age is a protected class), ADU uses can be regulated by the local jurisdiction.</p> <p><i>Design, Placement, and Privacy</i> Immediate neighbors sometimes express concern about visual incompatibility with other homes in the neighborhood, loss of privacy in back yard areas, and/or solar shading. Cities can and often do adopt regulations to address these concerns.</p>

⁴² Austin, TX; Bend, OR; Honolulu, HI; Berkeley, CA among others

⁴³ Ann Arbor, MI; Greenfield, MA; Minneapolis and St. Paul, MN; Seattle and Bellingham, WA; Santa Cruz, CA among others

⁴⁴ Martin Brown, "Accessory Dwelling Units in Portland, OR: Evaluation and interpretation of a survey of ADU owners" (Oregon Department of Environmental Quality, June 2014, <http://accessorydwellings.org/2014/07/09/are-adus-green-housing/>).

⁴⁵ Ibid. (see <http://accessorydwellings.org/2014/07/16/do-adus-cause-neighborhood-parking-problems/>)

Benefits and Limitations of the Accessory Dwelling Unit Housing Type	
Benefits	Limitations
<p><i>Meeting Housing Needs At Any Age</i> Housing needs change over time, and ADUs are flexible for different stages of life. They offer young individuals and couples an entry level housing choice, families a way to expand beyond their primary dwelling, and empty nesters and seniors the chance to age in place without having to leave their neighborhood.</p> <p><i>Housing Affordability</i> ADUs also have a role in addressing the challenge of housing affordability. About 20% of ADUs are lived in for free or rented for far below market value⁴⁶ Although market rent for an ADU tends to be slightly higher than a similar sized apartment, they often represent the <i>only</i> affordable rental choice in single-dwelling zones, which may have no apartments at all. Finally, ADUs can generate rental income to help homeowners cover mortgage payments, allowing them to stay in their homes.</p>	<p><i>Off-Site Impacts</i> Potential impact on street parking availability is sometimes cited as a concern, and may escalate as an issue if the number of ADUs grows significantly, especially in relatively dense urban areas where street parking is already limited. At present, however, this concern is probably more a matter of public perception than reality. DEQ research shows that “because ADUs are extremely rare (Portland, the nation’s ADU ‘leader,’ has them on less than 1% of eligible lots), and because ADU households have fewer cars than other households, ADUs should have virtually no effect on parking conditions on a citywide basis⁴⁷.”</p> <p><i>Opposition to illegal ADUs.</i> Many homes contain detached and interior spaces that have been converted to independent dwelling units without complying with ADU requirements. In some cases, such unpermitted ADUs also fail to meet life/safety codes. From a neighbor’s perspective, though, it is hard to know whether a second dwelling unit on a property was permitted properly as an ADU or not. Extreme examples include 2+ story “detached accessory structures” that couldn’t legally qualify as ADUs – but which end up being used as self-contained residences after an (unpermitted) kitchen gets added post-completion. Hence the potential for illegal ADUs to give legitimate ADUs a bad name in the public eye</p>

Conclusions

Of the housing types covered in this report, ADUs are the most broadly supported in zoning codes across the state. All larger cities in Oregon allow ADUs except Salem (which is in the process of developing an ADU code), and the Metro regional government requires every jurisdiction within its boundaries to allow ADUs.

However, the rate at which ADUs are created varies widely and seems to track inversely with the strictness of local ADU codes and the size of impact fees.

There is a balance between the strictness of ADU regulations and how often they get built. Portland’s relatively liberal ADU regulations, coupled with the waiver of system development charges, is undoubtedly largely responsible for the growth in the ADU market there from about 30 ADUs/year between 2000 and 2009⁴⁸ to about one ADU per day in 2015.⁴⁹ Meanwhile, in some other jurisdictions ADUs are rarely, if ever, built.

⁴⁶ Ibid. (See <http://accessorydwellings.org/2014/08/07/do-adus-provide-affordable-housing/>)

⁴⁷ Ibid. (See <http://accessorydwellings.org/2014/07/16/do-adus-cause-neighborhood-parking-problems/>)

⁴⁸ Brian Libby, “A Different Kind of Density: Portland’s ADU Explosion,” *Portland Architecture Blog* (<http://chatterbox.typepad.com/portlandarchitecture/2014/05/a-different-kind-of-density-portlands-adu-explosion.html>).

⁴⁹ Steve Law, “County may backpedal on its new property tax policy for granny flats,” *Portland Tribune*, November 18, 2015.

According to Alan Durning of the Sightline Institute, the seven most common barriers to ADU development are:

1. Capping the number of ADUs allowed on a lot to one rather than two;
2. Requiring off-street parking spaces;
3. Owner-occupancy requirements;
4. Occupancy limits;
5. Overly-restrictive size limits;
6. Limited locations within the city where they can be legally built; and
7. Requirements to match the design of the primary home.⁵⁰

Individually, these rules don't necessarily inhibit ADU development. But collectively, they significantly hamper ADU development - especially for a housing type with low efficiency of scale and most commonly built by mom and pop builders rather than development professionals.

The development potential for ADUs exceeds that of other infill housing types profiled in this report because of their:

- *Familiarity.* ADUs have been around in various forms throughout our nation's history, show up often in popular culture (e.g., the Fonz lived in an ADU), and many people have direct personal experience visiting or living in small dwellings tucked within or appended to existing homes. The inclusion of ADUs on green home tours has further increased their exposure.
- *Flexibility.* The combination of a primary house and ADU on the same lot can work well for various types of households, income levels, and stages of life. Furthermore, the uses of ADUs can evolve over time in response to the changing needs of the owner.
- *Impact.* The number of ADUs that can be slipped into single-dwelling neighborhoods exceeds that of other housing types studied in this report. If even a small percentage of eligible properties end up being developed with ADUs, the raw number of developed ADUs could still be significant.
- *Acceptance.* Although there have certainly been concerns expressed about ADUs, more cities seem to be writing or updating (typically liberalizing) their ADU regulations than are pursuing the other neighborhood infill options studied in this report.
- *Adaptability.* When local communities are worried about potential undesirable effects from ADUs, they can (and do) craft regulations to screen out particular types, locations, and/or uses. One city might be especially concerned about student rental housing – and insist on an ADU owner occupancy requirement. Another might worry about the imposition of detached ADUs on neighbors' privacy and decide to only allow internal ones. Each city has different priorities and concerns, and there is a wide enough range of possible regulatory controls on ADUs that two communities with very different circumstances could write appropriately different ADU codes. This regulatory flexibility allows ADUs to pass political muster and get adopted in a particularly wide range of jurisdictions.

⁵⁰ Alan Durning, "ADUs and Don'ts," (Sightline Institute, May 2013, <http://daily.sightline.org/2013/03/15/adus-and-donts/>).

The primary lesson learned from studying ADUs is the value of experimentation with regulations over time to tune this model to a community's particular needs. Each jurisdiction will have unique priorities for how many ADUs are desired in the housing mix, what forms they should be allowed to take, where they should be allowed to be built, and what they can be used for. Since an ADU regulation may not work exactly as desired on the first try, the best strategy is to periodically evaluate how existing regulations are being used in practice and to update them as necessary.

ACCESSORY DWELLING UNIT CASE STUDIES

Das Chapin & Amanda Punton – Portland, OR

Converted basement ADU with owners living in main house

Location: Buckman Neighborhood, Portland, OR (population 609,456)

Owner: Amanda Punton and Das Chapin

Designer & Builder: Das Chapin and Amanda Punton

Type: Conversion of existing walk-out basement

Square Footage: 700 sf

Year Built: 1899, basement converted to ADU in 2013

About the Project: Owners Amanda Punton and Das Chapin took an 1899 single-unit home and converted the basement into a for-rent ADU. Punton and Chapin had prior experience with ADUs and valued efficient use of resources. In fact, the couple limited their home search to properties with ADU or duplex potential, knowing that a second unit would be another key factor in helping them afford their desired neighborhood. Energy efficiency was another decision-making factor in building out their ADU: small size, physical attachment to the primary residence, energy-saving lighting, and new insulation brought their tenants' electricity bill (for space heat, hot water, and range) to between \$30-\$50 per month.



Owners Das Chapin and Amanda Punton live on the main and second floors of their house, while they rent out their converted basement ADU on a long-term basis.

(Exterior photo courtesy of Das Chapin. Interior photo courtesy of Lina Menard.)

At the time of purchase, the home's basement was already half-finished. It lacked a kitchen, but had a separate entrance, two bedrooms with egress, and a bathroom. To transform the basement into a functional ADU, Punton and Chapin removed a staircase connecting the basement and first floor and added a kitchen. They renovated their home in phases, first staying with a friend while converting the basement to an ADU, then moving into the basement ADU unit while renovating the rest of the house. Punton noted the difficulty in estimating how much value has been added to the house, and that their ability to perform much of the work themselves helped make the project financially feasible: Punton estimates that Chapin likely put in \$25,000 worth of time. The use of owner/builder sweat equity to reduce out-of-pocket costs for ADUs is not uncommon.

Although Punton and Chapin enjoyed the option of utilizing their ADU as a short-term rental, they prefer the stability of renting it out on a longer-term basis. They also appreciate the flexibility of being able to live in either the primary unit or the ADU, as their plans and circumstances may change over time. Currently, income from the ADU covers their mortgage, but not taxes and insurance.

Supporting Code Provisions

Portland's code allows for attached ADUs, and for internal conversion of homes (including attics, basements, or other living areas) and conversion of detached accessory structures (garages) into ADUs.

Limiting Code Provisions

The builders noted no specific development code barriers. However, a building code requirement to de-couple the heating system between the primary house and ADU became a significant project expense.

Lessons Learned

Internal ADU conversions are often the least expensive to create, and hence a tool likely to help increase the availability of affordable housing.

Current Status

Owners live in the upstairs (main and second) floors of their house and rent the ADU out on a long-term basis.

Additional information is available at: www.accessorydwellings.org

Bob & Jenny Harris – Eugene, OR

Mother-in-law wing addition

Location: Hawkins View Neighborhood, Eugene, OR (population 159,190)

Owner: Bob & Jenny Harris

Designer & Builder: Rainbow Valley Design & Construction

Type: Addition to primary dwelling

Square Footage: 785 sf

Year Built: 2007

Bob and Jenny learned about Secondary Dwelling Units, or SDUs as they are known in Eugene, when they were attempting to help Jenny's mother find a new home. Their own lot wasn't large enough to allow the addition of an SDU, so they searched for a larger lot where one could be legally added.

The SDU was designed as a wing (addition) on the existing home that was designed to appear as part of the main house. Its entry door is around the corner, invisible from the street. The design is flexible; the SDU can function as a fully self-contained residence or converted into a family room. Accessibility for Jenny's 80-year-old mother was a major consideration and is reflected in a floor plan, bedroom, and bathroom designed for ease of mobility.

Bob and Jenny's attached SDU was located within a Planned Unit Development and in a tree preservation area, so their design had to be reviewed and approved by their homeowner association's architectural control committee and new trees were planted to mitigate for one they removed for the SDU (and others that had been removed previously). Review and permitting went easily, partly because the SDU was designed to appear as a natural extension of the main house. Landscaping costs proved higher than expected, however, in part due to design and planting requirements.



Bob and Jenny Harris's attached, mother-in-law wing ADU was constructed to look like part of the main house. (Photo courtesy of Lina Menard.)

Supportive Code Provisions

Eugene development code gives flexibility in parking placement (parking spaces for the SDU and main house are both accommodated in the main garage).

Limiting Code Provisions

Eugene requires one off-street parking space per dwelling unit, including SDUs. Although it didn't impact Bob & Jenny's project, Eugene has a relatively high minimum lot size, for attached and detached SDUs, of 6,100 square feet (12,500 for flag lots). Lastly, SDUs are allowed in no other zones.

Lessons Learned

Allowing SDUs or ADUs in the form of additions to existing homes can work particularly well for accessible living spaces, multi-generational housing arrangements, and in situations where keeping with existing neighborhood character is paramount. Lot size thresholds for ADUs can also be a significant determinant of the number that will be developed in a particular jurisdiction.

Current Status

Jenny's mother lives in the ADU, conducts most of her day-to-day activities independently, and socializes with family when paths naturally cross.

Additional information is available at: www.accessorydwellings.org

Susan Moray - Portland, OR

Detached garage conversion

Location: Ladd's Addition, Portland OR (population 609,456)

Owner: Susan Moray

Designer: Jack Barnes

Builder: Stephen Smith of Design Build Portland

Type: Detached garage conversion

Square Footage: 550 sf

Susan Moray became interested in converting her detached garage into an ADU when her realtor friend shared what she had learned in an ADU class for homeowners. Susan wanted flexibility as she anticipated changes in her housing needs. She valued the option of having family nearby, and the ability to generate additional income. With the help of her architect, Susan converted her garage into a flexible space that could be rented out. At 550 square feet, Susan's ADU is at the smaller end of Portland ADUs, which City of Portland regulations allow to be up to 800 square feet or 75% of the main dwelling size, whichever is less.

Susan lives in Ladd's Addition, a designated historic neighborhood where special design requirements and restrictions apply. The City of Portland classified most original garages in Ladd's



*Susan Moray's detached garage-conversion ADU.
Southeast Portland, OR.
(Photo courtesy of Lina Menard.)*

Addition as "contributing structures" to the historic designation. Thus, Susan was prohibited from demolishing her garage and building from scratch. Because of code flexibility for conversions of existing structures, however, Susan was allowed to

convert her garage as long as she maintained the structure's height and two existing walls. So although Susan would have built a two-story, mid-century modern ADU given the chance, she limited mid-century influence to the interior finishes while maintaining a traditional exterior, to match her house.

Supportive Code Provisions

Portland development code allows for the conversion of detached accessory structures into ADUs, even when located within rear or side setbacks. Since Susan's ADU project was

completed, accessory structure regulations have been updated to allow all one-story structures measuring up to 24'x24' within side and rear yard setbacks (previously allowed only for garage conversions).

Limiting Code Provisions

Portland's development code was only limiting to this project via the property's location within a historic district: First, demolishing the existing garage and building from scratch was not allowed. Second, the builder felt constrained by exterior design requirements.

Lessons Learned

Design compatibility requirements can challenge a builder's original vision for an ADU project. However, design and other provisions may increase the likelihood that a project will be well received by neighbors. According to Susan, "My neighbors have been nothing but supportive, which has been lovely."

Current Status

Susan utilizes her ADU as a furnished rental for friends, family, and others. In the future, Susan may live in her ADU and rent out the main house, or allow her daughter and grandchildren to live there.

Woodstock Gardens – Portland, OR

Three for-sale ADUs and new homes with condominium ownership

Location: Brenton-Darlington Neighborhood, Portland, OR (population 609,456)

Owner/Developer: Kristy Lakin, Woodstock Commons LLC

Type: Cluster of three primary homes & three detached ADUs on three adjoining lots totaling 20,000 square feet (167'x120'), all new construction, sold separately as six condominiums under one home owner association.

Square Footage: Homes are 2,055–2,512 sf; ADUs are 650–763 sf

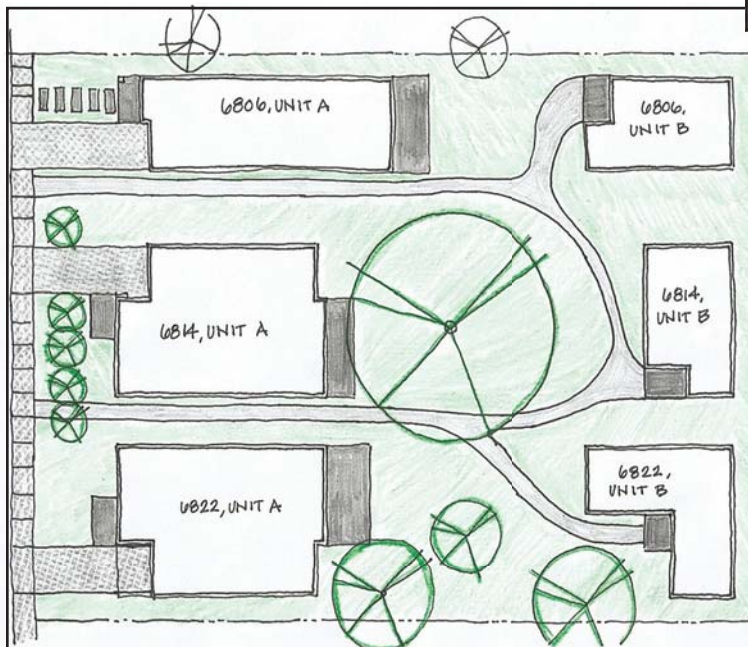
Year Built: 2012–2015

Woodstock Gardens is situated on a high frequency bus line in one of Portland's close-in, single-family residential neighborhoods, across from Woodstock Elementary School. The project consists of three primary dwellings, three detached ADUs, and 6,000 square feet of shared common outdoor space on three adjoining lots where there previously had been a single house on a single lot. Both primary homes and ADUs were sold and financed independently as detached condominiums.

Parking for the primary dwellings is provided in driveways and front garages, although this is not technically required because Portland waives parking minimums for sites within 500 feet of high frequency public transit. Off-street parking is not provided for the three ADUs.



*Aerial view, Woodstock Gardens, Portland, OR
(Photo courtesy of Woodstock Commons, LLC)*



*Site plan, Woodstock Gardens, Portland, OR
(Image courtesy of Woodstock Commons, LLC)*

By submitting ADUs to condominium ownership, Kristy Lakin created small and more affordable home ownership opportunities, averaging \$222,000 each, in a neighborhood typified by larger, expensive homes. Even with a somewhat discounted price for being owned as condominiums, the average sales price of the full sized homes in this development was \$508,000. Woodstock Gardens was inspired by another Portland project, Sabin Green (by Orange



*Rear detached ADU, Woodstock Gardens, Portland, OR
(Photo courtesy of Eli Spevak.)*

density on the site and provided for an eight-home community (four primary dwellings and four ADUs). However, it was not possible to simultaneously meet this allowed density and Portland’s 36-foot minimum lot width. So the developer sought an adjustment to the minimum lot width through a discretionary planned development process. Initial neighborhood association support for the project shifted to opposition, and a City planner indicated that it would be unlikely for this adjustment to be approved. So the developer reduced the project to three lots to avoid discretionary review and increased the sizes of the primary homes to maintain financial feasibility.

Supportive Code Provisions

Portland code does not require ADUs to have their own off-street parking space, which created more room for shared, outdoor space. Portland also waives off-street parking minimums for properties near transit (not ultimately used for this project). Lastly, Woodstock Gardens benefited from Portland’s temporary waiver of system development charges on ADUs .

Limiting Code Provisions

Portland’s minimum lot width standards made it impossible to subdivide deep lots to achieve allowed density. Time, expense, and subjectivity of the adjustment process ultimately rendered a vision for a greater number of smaller homes (still within density allowances) financially impossible.

Spot LLC), which consisted of two ADUs behind two houses that were also sold separately as condominiums. Portland’s proposed Comprehensive Plan Update includes policies to encourage similar developments.⁵¹

The developer’s original proposal was to subdivide the property into four 30-foot-wide, 5,000-square-foot lots. This would have achieved the maximum allowed



*Street-facing main dwelling, Woodstock Gardens, Portland, OR
(Photo courtesy of Eli Spevak.)*

⁵¹ See Portland Comprehensive Plan Update Proposed Draft, “Policy 5.4: Housing types. Encourage new and innovative housing types that meet the evolving needs of Portland households and expand housing choices in all neighborhoods. These housing types include single dwelling units; multi- dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing and clustered housing/clustered services.” Also “Policy 5.36: Variety of homeownership opportunities” references support for the creation of condominiums.

Lessons Learned

The developer stated that this development would likely have been easier and more profitable had she simply sought an adjustment to create four narrow lots without raising the specter of proposing a house and ADU on each of them. However, this would have provided less density, eliminated the shared outdoor space, increased building footprints, and resulted in one of the housing types (long, skinny homes) often most opposed by Portland residents.

Current Status

All three Woodstock Garden ADUs sold quickly, purchased by single people aged 30-50 and one empty nester. The primary dwellings sold later.

Project website: www.woodstockgardens.com.

Additional information can be found at: <http://accessorydwellings.org/>

7. SUMMARY AND CONCLUSIONS

Each of the four housing types documented in this report represents a way to discreetly place small, affordable, low energy use homes into the fabric of existing neighborhoods. This is accomplished by allowing more units than would typically be allowed in a single-dwelling zone and/or allowing them to be attached in exchange for restrictions on size, number, placement, use, and design. Following are typical incentive/constraint pairings for each housing type:

Housing Type	Incentive and Constraint pairing
Cottage Cluster	Density bonus up to 2x number of units in exchange for home size limitations and site design/layout standards.
Internal home division	One or more additional units of density in exchange for a requirement to preserve the look of a single home.
Corner Duplex	Up to one additional unit of density on corner lots in exchange for requirements that the structure have the appearance of a single house from either street frontage.
Accessory Dwelling Unit	One or two additional units per lot in exchange for meeting size, location, design compatibility, and use requirements to ensure that the ADU is discreet relative to the main house and supports the look and feel of the surrounding neighborhood.

Lessons Learned

The key lesson from this report is *the importance of balancing regulatory restrictions on these housing types with desired production levels*. Regulations should be restrictive enough to prevent undesirable development trends, but flexible enough that they actually get used. Of the codes studied in this report, some have been used only once (cottage clusters in White Salmon, WA and Bend, OR; internal conversions of historic homes in Portland, OR), some have never been used (cottage cluster codes in Sisters and Wood Village, OR), and some only started getting market traction after several code and fee adjustments stretching over nearly two decades (ADUs in Portland, OR).

Adopt-and-Revise. Although they all have deep historic precedents, these housing types remain quite rare compared with the development of detached single-family homes. If a city would like to see them become more widespread and available, they should accompany new codes with utilization rate targets (as a number of percentage of market share), then plan to adjust regulations periodically based on actual production levels, while also taking into account desired site and building design outcomes, as well as community feedback (positive and negative) from completed projects. Since each jurisdiction has its own character, priorities, and concerns, there’s a strong case for taking an adopt-and-revise approach to regulating these housing types.

Each of these types has the potential to boost population density in residential areas while maintaining neighborhood character and increasing housing choices. This supports multiple policy goals, including:

- Affordable housing;
- Compact development (reducing pressure on urban growth boundaries);
- Smaller homes for smaller average households; and
- More low energy use homes (by virtue of being smaller and/or attached).

The housing type from this report with the most promise for broad application is the accessory dwelling unit. However, they all can play an important role in expanding housing choices within Oregon neighborhoods.

8. RESOURCES

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Lehigh Valley Planning Commission, *"Cottage Housing Development Guide/Model Regulations,"* July 31, 2008.

Meck, Stuart, AICP, *"Model Planning and Zoning Enabling Legislation: A Short History,"* in *"Modernizing State Planning Statutes: The Growing Smart Working Papers Volume One,"* American Planning Association, Chicago, IL, March, 1996.

The Housing Partnership, *"Cottage Housing in Your Community: a guide to drafting a cottage housing ordinance,"* Seattle, Washington, June, 2001.

Chapin, Ross, *"Pocket Neighborhoods: Creating Small-Scale Community in a Large-Scale World,"* Taunton Press, Newton, CT, 2011.

9. Appendix

Code Resources

- a. Cottage Clusters (Links, Regulations)
- b. Internal Home Divisions (Links, Regulations)
- c. Corner Duplexes (Links, Regulations)
- d. ADUs (Links, Regulations)

Code Resources

The table below summarizes code references made throughout the report that are included in this appendix or for which a link is provided.

A – Cottage Clusters

B – Internal Home Divisions

C – Corner Duplexes

D – Accessory Dwelling Units

<i>Jurisdiction</i>	<i>Section Reference</i>	<i>Page</i>
A - Cottage Clusters		
Langley, WA	Excerpts from the City of Langley Municipal Code, prepared by The Cottage Company	67
Bend, OR	NorthWest Crossing Overlay Zone (2.7.300) and NorthWest Crossing Residential Cluster Housing Overlay District (2.7.320.E)	70
	Master Planning and Development Alternatives, "Cottage Housing Development" (4.5.600)	90
White Salmon, WA	Ordinance 2006-08-783 "Amending the White Salmon Zoning Ordinance (Title 17 of the White Salmon Municipal Code) to add Chapter 17.74 providing for Mixed Use Planned Unit Developments with provisions for Cottage and Accessory Dwellings"	95
	White Salmon, WA Code of Ordinances, "Cottage Infill Projects" (17.73)	113
Grants Pass, OR	City of Grants Pass Development Code, Planned Unit Development & Alternative Development Options, "Cottage Developments" (18.300)	121
Sisters, OR	City of Sisters Development Code, Cluster Developments, "Cottage Developments" (4.6.100)	139
Eugene, OR	Eugene City Code, "Cluster Subdivision" (9.8040-55)	147
Manzanita, OR	Ordinance No. 12-01 "An Ordinance Amending Ordinance 95-3 and 95-4 by Adopting a Planned Development Overlay Zone for a Residential Planned Development (Classic Street Cottages)"	150
Portland, OR	City of Portland Zoning Code, "Planned Development" (33.638)	162
B - Internal Home Divisions		
Salem, OR	City of Salem Revised Zoning Code, Zoning, Historic Preservation, "Historic Resource Adaptive Reuse" (230.085)	166
Portland, OR	City of Portland Zoning Code, Historic Resource Overlay Zone, "Historic Preservation Incentives" (33.445.610.C.2)	169

C - Corner Duplexes

Sublimity, OR	City of Sublimity Development Code, Low Density Residential District (R-1) "Permitted Uses" (2.101.02)	171
Salem, OR	City of Salem Revised Code, Zoning, "Single-Family Residential" (Tables 511-1 "Uses" and 511-2 "Lot Standards")	173
Portland, OR	City of Portland Zoning Code, Single-Dwelling Zones, "Duplexes and Attached Houses on Corners" (33.110.240.E)	176

D - Accessory Dwelling Units

Washington County, OR	Washington County Comprehensive Plan Volume IV, Community Development Code, Special Use Standards, "Single Family Accessory Dwelling Unit" (430.117)	179
Hood River, OR	Hood River Municipal Code, "Accessory Dwelling Units" (17.23)	184
Springfield, OR	Springfield Development Code, "Accessory Dwelling Units" (5.5-100)	186
Bend, OR	Bend Development Code, Special Standards and Regulations for Certain Uses, "Residential Uses, Accessory Dwelling Unit (ADU)" (3.6.200.B)	190
Sisters, OR	City of Sisters Development Code, Special Provisions, "Accessory Dwelling Unit" (2.15.300)	193
Ashland, OR	City of Ashland Land Use Ordinance, Special Use Standards, "Accessory Residential Unit" (18.2.3.040)	196
Eugene, OR	City of Eugene Development Code, Residential Zone Development Standards, "Secondary Dwellings in R-1" (9.2751(17))	198
Portland, OR	City of Portland Zoning Code, Additional Use and Development Regulations "Accessory Dwelling Units" (33.205)	205

Additional Code Resource

AARP – American Planning Association
Accessory Dwelling Units: Model State Act and Local Ordinance
http://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf

Code Appendix A
Cottage Clusters

Langley, WA & The Cottage Company
**Excerpts from the City of Langley Municipal Code, prepared by the
Cottage Company**

Excerpts from the City of Langley Municipal Code

Prepared by The Cottage Company. For further information contact the City of Langley:
PO Box 366, Langley, WA 98260 (360) 221-4246. Some words abbreviated.

RS5000 Zone, Residential Single Family (minimum lot size 5,000 SF), and

RS7200 Zone, Residential Single-Family (minimum lot size 7,200SF)

Conditional Uses includes "Cottage Housing".

All development required to connect to city water and sewer system.

Cottage Housing

The following regulations apply to Cottage Housing Developments (CHDs):

A . Density and minimum lot area.

1. In CHDs the permitted density shall be one dwelling unit per 2,904 SF of lot area (15/acre).
2. The minimum lot area for a CHD shall be 11,616 square feet.
3. On a lot to be used for a CHD, an existing detached single-family residential or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

B. Height limit and roof pitch.

1. The height limit permitted for structures in CHDs shall be 18 feet.
2. The ridge of pitched roofs with a minimum slope of six to twelve may extend up to 25 feet. All parts of the roof above eighteen feet shall be pitched.

C. Lot coverage and floor area.

1. The maximum lot coverage permitted for all structures in CHD shall not exceed 40%.
2. The maximum first floor or main floor area for an individual principal structure in a CHD shall be as follows:
 - a. For at least 50 percent of the units, the floor area may not exceed 650 SF.
 - b. For no more than 50 percent of the units, the floor area may be up to 800 SF.
3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or 975 square feet, whichever is less.

D. Yards.

1. Front Yards. Shall be an average of 10 feet and at no point shall be less than 5 feet.
2. Rear yards. The minimum rear yard shall be 10 feet.

E. Required open space.

1. A minimum of 400 SF per unit of common open space is required.
2. At least 50% of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

F. Parking

1. One and one quarter (1.25) spaces per dwelling unit shall be required.
2. Location. Parking shall be on the CHD property. Parking may be in or under a structure or outside a structure, provided that: Parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping; not be located in the front yard; between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway; may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.

G. Design Review.

Cottage housing developments are subject to design review per the requirements set forth in Chapter 18.34 of this code.

Code Appendix A
Cottage Clusters

Bend, OR
**Northwest Crossing Overlay Zone (2.7.300) and NorthWest
Residential Cluster Housing Overlay District (2.7.320.E)**

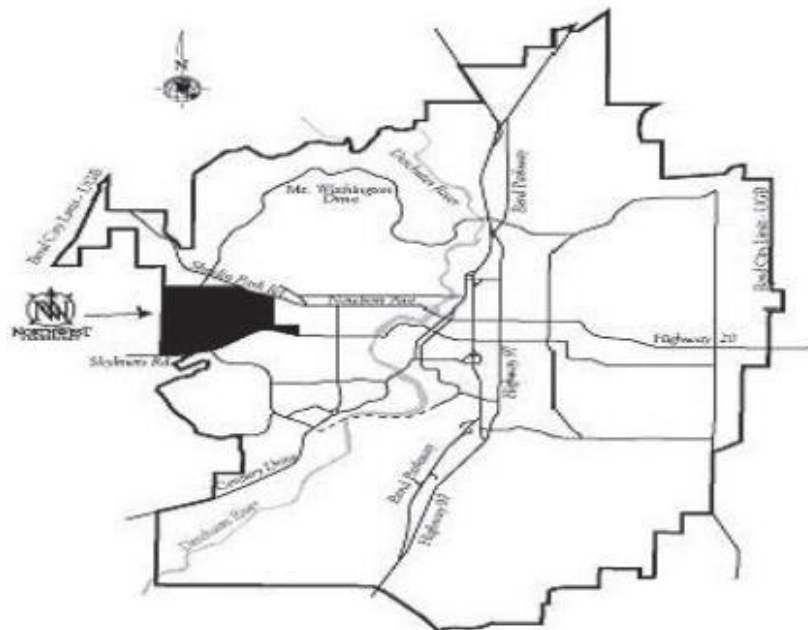
2.7.300 NorthWest Crossing Overlay Zone.

The purpose of the NorthWest Crossing Overlay Zone is to implement the NorthWest Crossing Master Development Plan and the Bend Area General Plan policies regarding the NorthWest Crossing property, and to create overlay zoning standards for the Residential, Commercial and Industrial Districts within the NorthWest Crossing Master Development Plan boundaries. The overlay zone standards will:

- Provide a variety of employment opportunities and housing types.
- Locate higher density housing adjacent to collector and arterial streets or public parks.
- Create opportunities for community commercial and small-scale businesses in selected locations to foster a mixed-use residential neighborhood.
- Promote pedestrian and other multi-modal transportation options.
- Ensure compatibility of uses within the development and with the surrounding area.
- Create an interconnected system of streets with standards appropriate to the intensity and type of adjacent use.
- Create safe and attractive streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access.

Figure 2.7.300

NorthWest Crossing Overlay Zone



[Ord. NS-2198, 2013; Ord. NS-2016, 2006; Ord. NS-1968, 2005; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

2.7.320 Districts. Revised 10/15

- A. Applicability. The special standards of the NorthWest Crossing overlay districts shall supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone shall apply.
- B. Standard Density Residential District.
1. Purpose. The purpose of the Standard Density Residential District is to implement the Standard Density Residential Zone with flexibility to allow greater lot coverage to accommodate single-family houses on small lots. The Standard Density Residential District in NorthWest Crossing also is the base zone for the Residential Overlay Districts described in this subsection and subsections (C) through (F) of this section.
 2. Application of Residential Overlay Districts. The standards of the Standard Density Residential Zone, as provided for in this section, shall apply to the land zoned as Standard Density Residential. Where a Residential Overlay District is shown, the special standards of the Overlay District shall apply to uses permitted by the Overlay District.
 3. Uses Permitted.
 - a. All uses permitted in the Standard Density Residential Zone, except neighborhood commercial uses.
 - b. Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.
 - c. Notwithstanding subsection (B)(3)(a) of this section, preschool use and child care facility use shall not be permitted on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit C of Ordinance NS-2131).
 - d. Notwithstanding subsection (B)(3)(a) of this section, the use of the approximately 100-foot-wide set aside area on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit D of Ordinance NS-2131) shall be restricted to the following uses: neighborhood park, single-family detached housing, accessory dwellings, Type 1 home occupation, accessory uses and structures.
 4. Conditional Uses.
 - a. Except for duplexes, which are allowed on identified duplex lots on approved subdivision plats, conditional uses permitted in the underlying Standard Density Residential Zone are subject to a Conditional Use Permit and the provisions of

BDC Chapter 4.4.

5. Height Standards.
 - a. No building shall be erected, enlarged or structurally altered to exceed 30 feet in height without a variance.
 6. Lot Requirements.
 - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses, with the following exceptions applicable only to new lots platted after December 31, 2012, that also front on Mt. Washington Drive:
 - i. Minimum lot depth of 70 feet when the lot width is at least 50 feet;
 - ii. Minimum lot width of 35 feet when the lot depth is at least 100 feet.
 - b. Setbacks. The setback requirements of the RS Zone shall apply to all permitted and conditional uses.
 - c. Lot Coverage.
 - i. On lots 6,000 square feet or greater, the maximum lot coverage for buildings shall be 35 percent.
 - ii. On lots that are less than 6,000 square feet, the maximum lot coverage for buildings shall be 50 percent.
 7. Site Plan Review. A duplex located on a lot approved as a duplex lot on an approved subdivision plat is not subject to a site plan review under the provisions of BDC Chapter 4.1, Development Review and Procedures.
- C. Residential Townhome Overlay District.
1. Purpose. The purpose of the Townhome Overlay District is to permit townhomes along collector streets, adjacent to public parks or a Multiple-Family District. The Townhome District will allow a diversity of housing types and a mix of residential density within NorthWest Crossing.
 2. Uses Permitted.
 - a. All uses permitted in the Standard Density Residential Zone.
 - b. Townhomes.
 - c. Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.

3. Conditional Uses.

a. Except for duplexes, which are allowed only on identified duplex lots on approved subdivision plats, all conditional uses permitted in the underlying Standard Density Residential Zone, subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.

4. Height Standards.

a. No building shall be erected, enlarged or structurally altered to exceed 35 feet in height without a variance.

5. Lot Requirements.

a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except townhomes.

b. Except as specified in this section, the lot requirements of the RM Zone shall apply to townhomes.

c. Setbacks. For townhomes the front yard setback is a minimum of five feet and the side yard setback may be zero feet.

d. Lot Coverage. There is no maximum lot coverage standard for townhomes and accessory structures on a townhome lot.

6. Maximum Density. The maximum density in the Townhome District is 12 units per net acre.

7. Site Plan Review. Townhomes and duplexes on a lot approved as a duplex lot on a subdivision plat are not subject to site plan review under BDC Chapter 4.2, Site Plan Review and Design Review.

D. Residential Multiple-Family Overlay District.

1. Purpose. The Residential Multiple-Family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Standard Density Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and/or open space.

2. Uses Permitted.

a. All uses permitted in the Standard Density Residential Zone.

b. Multifamily housing.

- c. Cluster housing.
 3. Conditional Uses.
 - a. Conditional uses permitted in the underlying Standard Density Residential Zone subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
 4. Height Standards.
 - a. No building, except multifamily housing, shall be erected, enlarged or structurally altered to exceed 30 feet in height without a variance.
 - b. The maximum height for multifamily housing is 45 feet unless a greater height is approved through a variance in conformance with the provisions of BDC Chapter 5.1, Variances.
 5. Lot Requirements.
 - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multifamily housing.
 - b. Except as specified in this section, the lot requirements of the RH Zone shall apply to multifamily housing.
 - c. Lot Coverage. There is no maximum lot coverage standard for multifamily housing.
 6. Maximum Density. The maximum density in the Multifamily District is 21.7 units per net acre.
 7. Site Plan Review. Multifamily housing shall be subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.
- E. Residential Cluster Overlay District.
1. The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached dwelling units within the NorthWest Crossing neighborhood. The Residential Cluster Overlay Zone supports the following principles:
 - Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
 - Supports the growth management goal of more efficient use of urban residential land;

- Provides development standards to ensure compatibility with surrounding land uses; and
 - Creates a small area of higher density residential development within the RS Zone with detached dwellings and private and shared open space.
2. Uses Permitted.
 - a. All uses permitted in the Standard Density Residential Zone.
 - b. Cluster housing developments subject to the development standards in subsection (E)(4) of this section.
 - c. Buildings accessory to a cluster housing development subject to the development standards in subsection (E)(4) of this section.
 - d. Community buildings in a cluster housing development. Community buildings shall be incidental in use and size to the cottage housing and shall be commonly owned by the residents.
 3. Conditional Uses. Conditional uses permitted in the underlying Standard Density Residential Zone are subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4, Conditional Use Permits.
 4. Development Standards and Site Requirements for Cluster Housing Developments.
 - a. Site Requirements.
 - i. The permitted density within the NorthWest Crossing Cluster Housing Overlay District is 12 units per acre.
 - ii. Minimum lot size within the NorthWest Crossing Cluster Housing Overlay District is 2,000 square feet.
 - iii. New lots created as a part of a cluster housing development within the NorthWest Crossing Overlay District are not required to have frontage on either a public or private street.
 - iv. Cottages adjacent to property lines fronting a public street shall be set back a minimum of 10 feet and a maximum of 20 feet.
 - v. Accessory structures, garages or carports shall be set back a minimum of 20 feet from property lines fronting a public street.
 - vi. Rear yard setbacks shall be a minimum of 10 feet.

- vii. Interior Separation. There shall be a minimum separation of 10 feet between all buildings.
 - viii. Maximum height for structures within the NorthWest Crossing Cluster Housing Overlay District is 25 feet.
- b. Cottage Development Standards. The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed density of the cluster housing development.
- i. The total floor area of each cottage shall not exceed 1,200 square feet. Attached garages shall not be included in the calculation of total floor area.
 - ii. Cottage areas that do not count toward the total floor area calculation are:
 - (A) Unheated storage space located under the main floor of the cottage;
 - (B) Architectural projections, such as bay windows or fireplaces;
 - (C) Attached roofed porches;
 - (D) Detached garages or carports;
 - (E) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
 - iii. The maximum main floor area for cottages is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
 - iv. Cottages shall have a roofed porch at least 80 square feet in size.
 - v. The total square foot area of a cottage may not be increased. A deed restriction shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of NorthWest Crossing Cluster Housing Overlay District regulations.
 - vi. All proposed cottages and accessory buildings are subject to review and approval by the NorthWest Crossing Architectural Review Committee.
- c. Required Open Space.

- i. Shared Open Space.
 - (A) Shall provide a centrally located, focal area for the cluster housing development.
 - (B) Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
 - (C) Shall abut at least 50 percent of the cottages.
 - (D) Shall have 75 percent of the open space area abut structures on at least two sides.
 - (E) Shall be within 75 feet walking distance of each cottage.
 - (F) Common parking areas are not counted in the shared open space area requirements.
 - ii. Private Open Space.
 - (A) Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.
 - (B) Shall be located on slopes of less than 10 percent.
- d. Parking Location and Screening. The parking location and screening standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the NorthWest Crossing Cluster Housing Overlay District and adjacent properties, and to maintain a single-family character along public streets.
- i. A minimum of one parking space and a maximum of two parking spaces are required for each cottage.
 - ii. A parking area is a location for two or more contiguous vehicle spaces, which are required to meet the minimum parking requirements, and are not within a garage or carport. Parking areas:
 - (A) May be on lots created for shared parking for the cluster housing development.
 - (B) Shall be located in the cluster housing development.
 - (C) Shall be screened from public streets and cottages by landscaping, fencing or buildings.

(D) Shall be prohibited within 20 feet of a public street.

(E) Shall have access via an alley.

F. Residential High Density Multiple-Family Overlay District.

1. Purpose. The Residential High Density Multiple-Family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Standard Density Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and open space.

2. Uses Permitted.

- a. All uses permitted in the Standard Density Residential Zone.
- b. Multiple-family housing.

3. Conditional Uses.

- a. Conditional uses permitted in the underlying Standard Density Residential Zone subject to a Conditional Use Permit.

4. Height Standards.

- a. No building, except multiple-family housing, shall be erected, enlarged or structurally altered to exceed 45 feet in height without a variance.

5. Lot Requirements.

- a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multiple-family housing.
- b. Except as specified in this section, the lot requirements of the RH Zone shall apply to multiple-family housing.
- c. Lot Coverage. There is no maximum lot coverage standard for multiple-family housing.

6. Maximum Density. The maximum density shall be that established by the RH Zone.

7. Minimum motor vehicle parking for housing that is limited to residents of age 55 and older is one parking space per dwelling unit.

8. Site Plan Review. Multiple-family housing is not subject to the provisions of BDC Chapter 4.2. It shall be subject to design review through the NorthWest Crossing

Architectural Review Committee.

G. Residential Mixed-Use Overlay District.

1. Purpose. The Residential Mixed-Use Overlay District is applied in locations adjacent to collector streets, Commercial/Mixed Employment Districts, or public parks to allow higher density residential uses, live/work housing and community commercial uses in the Standard Density Residential Zone. The purpose is to create small areas of mixed-use at specific locations within the neighborhood.

2. Uses Permitted.

- a. All uses permitted in the Standard Density Residential Zone.
- b. Multifamily housing.
- c. Townhome.
- d. Live/work single-family house subject to the provisions of this district.
- e. Live/work townhome subject to the provisions of this district.
- f. Live/work apartment subject to the provisions of this district.
- g. Community commercial subject to the provisions of this district.
- h. Cluster housing.
- i. Off-street parking area when abutting or across a street from land within the Commercial/Mixed Employment District.

3. Conditional Uses. Conditional uses permitted in the underlying Standard Density Residential Zone subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.

4. Site Plan Review.

- a. Townhomes, live/work houses and live/work townhomes are not subject to the site plan review provisions of this code.
- b. Live/work apartments and community commercial uses are subject to site plan approval according to BDC Chapter 4.2, Site Plan Review and Design Review, except that where special standards of the Residential Mixed-Use District conflict with standards within the code, the standards of the Residential Mixed-Use District shall apply.

5. Height Standards.

- a. No building except multifamily or live/work apartment housing shall be erected, enlarged or structurally altered to exceed 30 feet in height without a variance.
 - b. The maximum height for multifamily housing or live/work apartment is 45 feet unless a greater height is approved through a variance.
 - c. The maximum height for a townhome or live/work townhome is 35 feet unless a greater height is approved through a variance.
6. Lot Requirements.
- a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multifamily housing, townhomes, live/work townhomes, live/work apartments and community commercial.
 - b. The lot requirements of the RH Zone shall apply to multifamily housing and live/work apartments except that the minimum front yard setback is five feet and the minimum side yard setback is zero feet.
 - c. The lot requirements of the RM Zone shall apply to townhomes and live/work townhomes, except that the minimum front yard setback is five feet, the minimum side yard setback is zero feet, and the minimum lot width is 24 feet.
 - d. The lot requirements for neighborhood commercial uses in BDC 3.6.300(J) shall apply to community commercial except that the minimum front yard setback is five feet.
 - e. There is no maximum lot coverage standard for townhomes, live/work townhomes, live/work apartments or multiple-family housing.
7. Density. The density in the Residential Mixed-Use District is a maximum of 19 units per net acre.
8. Primary Street Frontage. Live/work housing and community commercial uses may only be located along primary street frontage identified in Figure 2.7.330.C. The amount of live/work housing and community commercial is further limited to the maximum lot frontage identified in Table 2.7.320.

Table 2.7.320 – Residential Mixed-Use District

Maximum Allowable Live/Work Housing and Community Commercial by Area

Area	Linear Feet of Primary Frontage in District	Maximum Primary Street Frontage for Live/Work Housing Lots	Maximum Primary Street Frontage for Community Commercial Lots
Discovery Park	650	325 linear feet	200 linear feet
Lewis and Clark Park	200	200 linear feet	50 linear feet
Compass Park	1,000	800 linear feet	100 linear feet
Lemhi Pass/NW Crossing	500	500 linear feet	Not permitted

9. Platting Lots for Live/Work Housing and Community Commercial Uses.
 - a. The final plat for a subdivision in the Residential Mixed-Use Overlay District shall specify the lots where live/work housing or community commercial uses will be permitted.
 - b. A deed restriction shall be recorded with each lot identified on the final plat as a live/work housing or community commercial.
 - c. The number of lots in the Residential Mixed-Use Overlay District shall be limited to a maximum amount of linear primary street frontage.

10. Sign Standards.
 - a. Each live/work house or live/work townhome may have nonilluminated sign(s) not exceeding a combined maximum area of 16 square feet. Signs shall be attached to the building.
 - b. Each live/work apartment or community commercial building may have one nonilluminated monument sign and/or one building-mounted sign not exceeding a combined maximum area of 32 square feet.
 - c. Individual businesses in live/work apartment buildings may have additional nonilluminated sign(s) mounted on the building not exceeding a combined maximum of eight square feet in size.

11. Off-Street Parking Standards.
 - a. Each live/work house or live/work townhome may have no more than two off-street spaces in addition to the two spaces required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

b. The off-street parking standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, shall apply to a work use in a live/work apartment building.

c. Community commercial uses shall have a minimum of one off-street vehicle parking space for each 500 square feet of floor area and a minimum of four covered bicycle parking spaces. The maximum number of off-street parking spaces for a community commercial building is five, including one disabled accessible space, if required.

12. Special Standards for Live/Work Townhomes and Live/Work Houses.

a. The area dedicated to the work use in the live/work unit shall not exceed the size requirement in the applicable definition of live/work house or live/work townhome in BDC 2.7.310(E).

b. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work house or live/work townhome.

c. No outside storage of materials or goods related to the work occupation or business shall be permitted.

d. No dust or noxious odor shall be evident off the premises.

e. Employees of the work occupation or business may not occupy more than two on-street parking spaces at any time.

f. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 7:00 p.m.

H. Commercial/Mixed Employment Overlay District.

1. Purpose and Applicability. This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District. The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow minimum parking needs to be met in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.

2. Uses Permitted.

a. The permitted uses allowed in the underlying Commercial Limited and Mixed

Employment Zones shall be allowed unless otherwise specified in Table 2.7.320A, which shall control where conflicts exist.

3. Conditional Uses.

a. Conditional uses permitted in the underlying Commercial Limited and Mixed Employment Zones subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4. In addition to the conditional uses identified in Chapter 2.3 for the Mixed Employment Zone, there are certain uses that require a Conditional Use Permit if sited on site-specific properties. These uses and properties are identified in Table 2.7.320A.

Table 2.7.320A

The Special Land Use Limitations shown in the following table apply in the Commercial/Mixed Employment Overlay District on the following specific lots fronting on Mt. Washington Drive, south of NW Clearwater Drive: District 1, Lot 17; and District 2, Lots 2 and 3.

Land Use	ME
Residential	
Temporary Housing* as a secondary use	C
Commercial	
Retail Sales and Service (auto dependent*)	C
Retail Sales and Service (auto oriented*)	C
Restaurants/Food and Beverage Services	
• with drive-through*	C
• without drive-through	P
Commercial Storage	
• enclosed in building and on an upper story	P
• not enclosed in building	N
• enclosed in building on ground floor (i.e., mini-storage)	N
Entertainment and Recreation	
• enclosed in building (e.g., theater)	P
• not enclosed (e.g., amusement)	C
Industrial	
Warehouse	C
Industrial Service (e.g., cleaning, repair)	C

Key to Districts

ME = Mixed Employment

Key to Permitted Uses

P = Permitted; subject to BDC Chapter 4.1

N = Not Permitted

C = Conditional Use, subject to BDC Chapter 4.4

* Special Standards for Certain Uses subject to BDC Chapter 3.6 and BDC 2.1.900

4. Height Standards.

a. The height standards of the underlying Commercial Limited or Mixed Employment Zone shall apply.

5. Lot Requirements. None.

6. Lot Coverage. There is no maximum lot coverage standard.

7. Front Yard Setback.

a. No front yard setback is required when an entrance to the building is located at the front lot line and the building is adjacent to a sidewalk 10 feet or wider in a public or private street right-of-way.

8. Site Plan Review. The provisions of BDC Chapter 4.2, Site Plan Review and Design Review, shall apply in the Commercial/Mixed Employment District. The provisions of BDC Chapter 4.2 pertaining to Commercial Design Review and BDC 2.2.600, Commercial Design Review Standards, shall not apply in the Commercial/Mixed Employment District; provided, that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Commercial Rules and Design Guidelines.

9. Parking District Standards.

a. Each Commercial/Mixed Employment District will have areas designated for common off-street parking lots and streets designed to serve the minimum parking needs for permitted and conditional uses in the Commercial Limited and Mixed Employment Zones.

b. Buildings shall be located on and oriented to the streets and the parking lots will be located in the interior of the site or at the sides of buildings. The designated common parking areas will allow all buildings to be close to the street to create a pedestrian-scale street environment.

c. When uses are approved under this code in the Commercial Limited and Mixed Employment Zones, the minimum off-street parking requirements may be met in off-site, common parking lots or facilities, or in on-street parking on designated streets conveniently located to serve the commercial, office and industrial uses.

- d. City approval of a use in the Commercial/Mixed Employment District shall be conditioned on evidence that the City minimum parking requirements for a proposed use are met by:
 - i. A deed, easement or irrevocable lease, contract or other irrevocable legal agreement assuring reservation of the required minimum number of spaces in a common Parking District parking lot or facility, or in on-street parking on private streets for the term the parking is needed; or
 - ii. City approval of a shared or joint use agreement evidenced by an irrevocable deed, lease, contract or other legal agreement for the term that the required parking is needed.
 - e. Any parking desired over the minimum city standard shall be met with on-street or shared parking within the Commercial/Mixed Employment Districts.
 - f. Designated pedestrian access from the common district parking areas to the street and entrances to the commercial uses shall be provided.
 - g. All buildings must have at least one primary entrance directly fronting a public or private street.
 - h. The Parking District facilities shall be managed and maintained by an association of building owners in the Commercial/Mixed Employment Districts.
 - i. Parking for any secondary, second-story residential use shall be provided in assigned and reserved parking spaces, or through City approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement. Reserved residential parking spaces shall not exceed the minimum city standard.
 - j. Parking lot landscaping will meet or exceed minimum City standards.
- I. Industrial Employment Overlay District.
- 1. Purpose and Applicability. The Industrial Employment Overlay District applies to all land zoned Light Industrial (IL) within the NorthWest Crossing Overlay District. The purpose of the Industrial Employment Overlay District is to provide for research or development of materials, methods, or products, and compatible light manufacturing, in a park-like setting.
 - 2. Uses Permitted. The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.

- a. Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
- b. Administrative, educational and other related activities and facilities in conjunction with a permitted use.
- c. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials.
- d. Manufacture, assembly, and testing of electronic equipment, medical instruments and apparatus, optics, photographic equipment and supplies, musical instruments, related equipment and similar uses.
- e. Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish or meat products, or fermented foods, such as sauerkraut, vinegar, or the like, or the rendering of fats and oils.
- f. Master Planned Development subject to the requirements of BDC Chapter 4.5.
- g. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.
- h. Enclosed storage facilities including mini-warehouse operations, which may include outdoor storage of vehicles, boats, and recreational vehicles screened from adjacent roadways.
- i. Printing, publishing and book binding.
- j. Automobile and truck repair, service and sales, provided wholly within an enclosed building.
- k. Bakery for wholesale and retail distribution.
- l. Creamery, soft drink or alcoholic beverage bottling plant and similar uses.
- m. Dwelling unit for a caretaker or watchman working on the property.
- n. Commercial laundry, dry cleaning and fabric dyeing.
- o. Motion picture and video production sound stages and studios, television or radio broadcasting studios.
- p. Warehouse and distribution or shipping center for prepared goods or packaged items.
- q. Park, open space, and recreational facilities.

3. Conditional Uses. Uses subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
 - a. Public buildings and public utility structures and yards.
 - b. Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.
4. Height Standards.
 - a. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet.
5. Lot Requirements. The following lot requirements shall be observed:
 - a. Lot Area. Each lot shall have a minimum area of one-half acre.
 - b. Lot Width. No requirements.
 - c. Lot Depth. Each lot shall have a minimum depth of 100 feet.
 - d. Front Yard. The front yard setback shall be a minimum of 20 feet.
 - e. Side Yard. Side yard setback shall be a minimum of 10 feet except when abutting a lot in an "R" Zone and then the required side yard shall be 30 feet.
 - f. Rear Yard. A rear yard setback shall be a minimum of 15 feet except when abutting a lot in an "R" Zone and then the rear yard shall be 30 feet.
 - g. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.
 - h. Site Plan Review and Design Review. The provisions of BDC Chapter 4.2 shall apply in the Industrial Employment Overlay District. The provisions of BDC 4.2.300 shall not apply in the Industrial Employment Overlay District; provided, that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Rules and Design Guidelines.
 - i. Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.
6. Other Required Conditions.

- a. In an Industrial Employment Overlay District directly across the street from an "R" Zone an off-street parking and loading area shall be set back at least 20 feet from the right-of-way, and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- b. Other yards and unused property on a developed site shall be landscaped and maintained.
- c. Any use or portion thereof causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
- d. Any use or portion thereof causing vibration shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
- e. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
- f. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
- g. All off-street parking or loading areas and access drives shall be surfaces with dust-free surface and shall be maintained.

J. Final Determination of Overlay District Boundaries.

1. When an Overlay District boundary abuts a right-of-way, the final determination of the District boundary shall be established at the time the abutting right-of-way is dedicated. [Ord. NS-2251, 2015; Ord. NS-2198, 2013; Ord. NS-2131, 2009; Ord. NS-2100, 2008; Ord. NS-2016, 2006; Ord. NS-2003, 2006; Ord. NS-1968, 2005; Ord. NS-1902, 2003; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

Code Appendix A
Cottage Clusters

Bend, OR
**Bend Development Code, Master Planning & Development
Alternatives, "Cottage Housing Development" (4.5.600)**

4.5.600 Cottage Housing Development. Revised 5/15**A. Purpose.** The purpose of this section is to:

1. Provide a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability;
2. Provide opportunities for small, single-family dwellings in several residential zoning districts by creating special land division and on-site development regulations that allow this type of use;
3. Encourage creation of usable open space for residents of the development through flexibility in density and development standards;
4. Support growth management through efficient use of urban residential land; and
5. Provide regulations to ensure compatibility with surrounding uses.

B. Applicability. Cottage housing developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10). Where the regulations of this section are not specific, the standards of the relevant zoning district prevail.

The procedures and criteria of BDC Chapter 4.3 shall apply to cottage housing subdivisions. If a cottage housing development is proposed with multiple units on an individual lot, site plan and design review shall apply in accordance with the procedures of BDC Chapter 4.2. All cottage housing developments shall be reviewed through a Type II process.

C. Density. For the purpose of this section, density is calculated as gross units per acre.

1. **Minimum Density.** The minimum density for CHDs is as follows:
 - a. RS and RM-10 Districts: four units per acre.
 - b. RM District: 12 units per acre.
2. **Maximum Density.** The maximum density shall not exceed that of the relevant zoning district.
3. **Exception to Density Maximums.** When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.

D. Development Area. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages arranged in a cluster. A cottage housing development may contain more than one cluster.

E. Existing Uses. On a site to be used for a CHD, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent

of the nonconformity may not be increased. The nonconforming dwelling units shall be included in the maximum permitted cottage density.

F. Lot Coverage and Floor Area.

1. There is no maximum lot coverage for cottage housing developments.
2. There is no minimum lot size for cottage housing developments.
3. The maximum floor area per dwelling unit without an attached garage is 1,100 square feet. A dwelling unit with an attached garage shall have a maximum floor area of 1,200 square feet including the garage. The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.

G. Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings are measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).

1. Exterior Setbacks. All buildings within a CHD shall be set back 10 feet from the exterior boundary of the CHD.
2. Interior Building Separation. There shall be a minimum separation of six feet between the eaves of the cottages. On cottage sides with a main entrance, the minimum separation shall be 10 feet. Structures other than cottages shall meet minimum building code setback requirements.

H. Required Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development.

1. Provide a centrally located open space area for the cottage housing development and have cottages abutting at least two sides.
2. Contain a minimum of 400 square feet per cottage.
3. At least 50 percent of the cottages shall abut a common open space.
4. Each cottage shall be connected to the common by a pedestrian pathway.
5. Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
6. Common open space may contain an ASI or drainage swale area, provided the area is usable open

space.

7. Required common open space shall be provided at ground level in a contiguous commonly owned tract with an easement indicating that it benefits all lots in the CHD.

8. Common open space shall have a minimum average width of 20 feet.

9. The common open space areas shall be constructed and landscaped prior to filing a final plat or, in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.

10. The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.

I. Required Private Open Space. Private open space adjacent to each cottage is intended for the exclusive use by the cottage resident.

1. Provide a total of 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. Front porches are not included in the private open space calculation.

2. No more than 50 percent of the private open space can be within an unenclosed covered patio.

J. Development Standards.

1. At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.

2. Each cottage shall have a covered entry of at least 80 square feet with a minimum dimension of six feet on any side.

3. Pedestrian pathways in compliance with BDC 3.1.300(B) must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.

4. Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.

5. Accessory dwelling units shall not be permitted in cottage housing developments (CHDs).

6. Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.

K. Parking. Parking for CHDs shall be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking shall meet the following standards:

1. Parking may be located within an enclosed garage, carport or unenclosed parking space.
2. Parking may be located in common tracts if intended to be shared by the entire CHD in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by the entire CHD shall not exceed 1,200 square feet in size.
3. Parking shall not be located in the exterior setback and must be screened from public streets and adjacent residential uses by a 10-foot landscape buffer containing landscaping and/or architectural screening.
4. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
5. Off-street parking requirements shall be calculated based on the number of bedrooms per cottage unit:

One bedroom: Minimum one space.

Two bedrooms: Minimum 1.5 spaces.

Three or more bedrooms: Minimum two spaces.
6. All parking shall provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.

L. Frontage Requirements. Individual cottage lots created as part of a CHD subdivision are not required to have frontage on a public or private street. However, the development parcel shall have the minimum frontage on a public or private street as required by the underlying zone.

M. Public Utilities. All lots shall be served by individual services from a private or public distribution main. Any deviations from City standards need to be approved by the City Engineer. All individual service lines that cross property shall be placed in an easement.

N. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development, set of conditions, covenants and restrictions (CC&Rs) for the cottage housing development shall be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the cottage housing development. [Ord. NS-2241, 2015]

Code Appendix A
Cottage Clusters

White Salmon, WA
Ordinance 2006-08-783 “Amending the White Salmon Zoning Ordinance (Title 17 of the White Salmon Municipal Code) to add Chapter 17.74 providing for Mixed Use Planned Unit Developments with provisions for Cottage and Accessory Dwellings”

ORDINANCE No. 2006-08-783

(An Ordinance Amending the White Salmon Zoning Ordinance (Title 17 of the White Salmon Municipal Code) to add Chapter 17.74 providing for Mixed Use Planned Unit Developments with provisions for Cottage and Accessory Dwellings.)

WHEREAS, the City of White Salmon set and held a duly noticed hearing before the Planning Commission following the steps and procedures listed in the "*Orientation and Background*" section of the staff report.

WHEREAS, the Planning Commission hearing was held, July 12, 2006, in accordance with state law and local ordinances;

WHEREAS, at the July 12, 2006 public hearing, the Planning Commission received testimony on the proposed revision to the Zoning Ordinance;

WHEREAS, the Planning Commission considered the staff's draft proposal in full along with all of the evidence and testimony presented during the hearing;

WHEREAS, the Planning Commission approved a resolution recommending legislative text amendments to the Zoning Ordinance;

WHEREAS, the Planning Commission recommendation was based upon the Findings of Fact and Conclusions of Law prepared by city staff, also presented at the July 12, 2006 public hearing;

WHEREAS, staff provided a publicly noticed work session for the City Council on July 26, 2006;

WHEREAS, the City Council held an additional Town Hall meeting to accept public comment and respond to public inquiry on Monday August 14, 2006;

WHEREAS, the City Council set and held a duly noticed public hearing, on Wednesday August 16, 2006, in accordance with state law and local ordinances;

WHEREAS, the City Council considered the Planning Commission's recommendations, entire record, staff responses to inquiries, information presented in both the work session and town hall meeting, along with all evidence and testimony presented at the hearing; and

WHEREAS, the City Council voted to adopt the proposed legislative text amendments to the Zoning Ordinance amended to read as set forth below.

NOW THEREFORE, City Council of the City of White Salmon, Washington, do **ORDAIN** as follows:

Section 1. Chapter 17.74 is hereby added to the White Salmon Municipal Code to read as follows:

Mixed Use Planned Unit Development (PUD)

Sections:

- | | |
|-----------|--|
| 17.74.010 | Purpose |
| 17.74.020 | Permitted Uses in a PUD |
| 17.74.030 | Permitted Modifications and Conditions of Approval |
| 17.74.040 | PUD Development Standards |
| | A. Size and Permitted Location of a PUD |

- B. Permitted Density
- C. Dimensions and Improvement Requirements
- D. Common Areas, Open Space, and Community Facilities
- 17.74.050 PUD Approval Criteria
- 17.74.060 PUD Submittal Requirements and Review Process
- 17.74.070 PUD Application Costs/Compliance Required Before Building Permits
- 17.74.080 Special Use – Cottage Development in a Mixed Use PUD
- 17.74.090 Special Use – Accessory Dwellings in a Mixed Use PUD
- 17.74.100 Special Use – Structural Design Standards
- 17.74.110 Special Use – Alternate Cottage & Accessory Dwelling Design Standards
- 17.74.120 Special Use – Neighborhood Meeting Requirements

17.74.010 Purpose:

The purpose of this chapter is to provide regulations and procedures to guide planned unit development in order to:

- A. Provide flexibility for development (including infill development) in mixed use areas.
- B. Support implementation of innovative plans that address transitions between residential and commercial uses.
- C. Allow for varied, compatible housing and commercial uses to coexist.
- D. Ensure efficient and adequate provision/extension of services in areas where both commercial and residential uses are permitted while addressing anticipated increased demands for services.
- E. Provide opportunities for households of various sizes, ages, and incomes to live in a neighborhood by promoting diversity in the size, type and price of new development in the City.
- F. Provide for live/work opportunities in mixed commercial/residential areas to create or maintain neighborhood character; particularly in neighborhoods having a predominance of small to moderately sized dwelling units, located close to shopping and other community services.
- G. Provide appealing streetscapes that reduce vehicle use and promote foot traffic to strengthen communities and support businesses by enhancing the local customer base.
- H. Facilitate efficient use of land through the application of flexible standards and maximize opportunities for innovative and diversified living environments through creative placement of structures, open space and access ways.
- I. Preserve existing landscape features including established trees through the use of a planning procedure that considers particular site characteristics.
- J. Encourage provision of affordability options.

17.74.020 Permitted Uses in a PUD:

Uses listed in each underlying zone within the project area may be permitted in the PUD. Different uses must interface in a compatible manner. Special uses are permitted subject to specific development criteria.

Permitted uses include:

- A. Mixed commercial and residential uses including attached residential uses above and below commercial in commercial areas,
- B. Varied single and multi family residential in residential areas,

Special uses include:

- A. Cottage development on smaller lots, and
- B. Accessory dwellings.

17.74.030 Permitted Modifications and Conditions of Approval:

A. Planned Unit Developments allowing for master planned mixed uses may be permitted to modify the zoning and subdivision requirements of Title 16 and the balance of Title 17 if consistent with the purposes expressed in section 17.74.010 and the other applicable requirements of this chapter, except:

- 1. Exterior setbacks from public streets along the perimeter of the PUD unless set back averaging is requested and approved as shown on a preliminary plat and implemented in accordance with the binding site plan,
- 2. Surveying standards, and
- 3. Engineering design and construction standards of public improvements (not including street right of way width and street development standards).
- 4. Stormwater and erosion control standards.

B. Modifications of set backs and other standards in the underlying zones must be shown clearly on a binding site plan.

17.74.040 PUD Development Standards:

A. Size and Permitted Location of PUD:

A mixed use planned unit development (PUD) may only be permitted if:

- 1. The subject lot or tract of land \geq two (2) contiguous acres.
- 2. The subject lot or tract includes two or more zoning districts allowing for both residential and commercial uses.

B. Permitted Density:

1. The number of single family dwelling units permitted in a PUD may be increased above the number permitted in the applicable zone as follows:
 - a) R-1 detached Single- Family Residential District density may be increased to 125% of the single family density permitted in the underlying zone.
 - b) R-2 Two- Family Residential District may be increased to 150% of the detached single family density permitted in the underlying zone.
 - c) MHR – Mobile Home Residential zones may be increased to 150% of the detached single family density permitted in the R-2 zone.
 - d) R-3 Multi- Family Residential District may be increased to 200% of the detached single family density permitted in the underlying zone.

2. The permitted density shall be computed as follows:
 - a) Determine the *gross development area* - Subtract from the *total site area* all land unsuitable for development e.g. wetland, flood hazard areas, steep or unstable slopes, publicly owned land, and industrial area.
 - b) Determine the *net development area* - Subtract from the gross development area the actual percentage of area devoted to the street system to a maximum of twenty percent of the gross development area.
 - c) Determine the *permitted density* - Divide the net development area by the minimum single family lot size of the zone district.
 - d) Determine *maximum increased density* - Multiply the resulting number of units by 1.25 in R-1, 1.50 in R-2 or MHR, or 2.0 in R-3 zones rounded to the next lowest full integer.

3. The average lot size of single family dwellings and townhouses in the PUD shall not be less than:
 - a) 65% of the minimum single family lot size for the district in the R-1 Single-Family Residential District.
 - b) 50% of the minimum single family lot size for the district in the R-2 Two-Family Residential District.
 - c) 50% of the minimum single family lot size for the R-2 Two- Family Residential District in the MHR zone.
 - d) 40% of the minimum single family lot size for the district in the R-3 Multi-Family Residential District.

4. Density bonus of up to 20% over enhanced PUD density permitted by Section 17.74.040B. may be allowed for provision of affordable housing for low and moderate income families (those who have family income of not more than 60% of Klickitat County median household income), with appropriate recorded CC&Rs which define such affordable housing as follows and require that the housing remain affordable. For the purpose of this Chapter, such affordable housing is defined as residential housing for home ownership where the occupants pay no more than 30 percent of said gross family

income for total housing costs, including utilities other than telephone and cable/satellite television.

5. Protection of trees. Master Planning a larger site provides the opportunity to maintain some valuable native vegetation. A tree inventory shall be completed and submitted with the preliminary master plan. Native trees measuring 8 inch caliper or greater measured 4 feet from ground level (dbh) shall be shown on the inventory and clearly identified for preservation or removal. Large native trees should be preserved wherever practicable in the common areas. Where the decision maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees.

If the developer determines it is necessary to remove more than half the large native trees shown on the site inventory, the developer can be permitted to do so as long as the trees removed are replaced by new native trees in accordance with an approved landscape plan that includes new plantings at least 2 inches to 2½ inches in caliper.

Where this requirement would cause an undue hardship, the requirement may be modified in a manner which reasonably satisfies the purpose and intent of this section. Conditions may be imposed to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Dimensional and Improvement Requirements:

1. Building setbacks and heights may be modified in accordance with approval of a binding site plan with the following exceptions:

- a) Single and multi family dwellings must meet setbacks and height limits required in the zone in which they are located with respect to the outside perimeter of the PUD.
- b) Setback averaging will be allowed from internal lot lines and may be allowed from external lot lines where adjoining parcels are zoned commercial or where setback averaging is determined to improve the traffic safety and flow, streetscape and/or be compatible with surrounding uses.
- c) Standard building setbacks from lot lines through the interior of the PUD shall be:

Setback	Dimension
Front & Rear	10 feet*
Side	5 feet (except town house common walls)
Side (corner)	10 feet

** A minimum 18 foot driveway length shall be maintained inside of curb and sidewalk where a drive way curb cut is provided. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks.*

2. Street width, street alignment, ROW width, and other street design standards shall comply with the subdivision ordinance unless access routes through the PUD are to serve primarily low volume local traffic. Low volume would be less than 400 average daily trips. Local road means a road primarily serving a destination in or adjacent to the proposed development and not collecting traffic from other local roads or transporting through traffic. (*American Association of State Highway and Transportation Officials, Guidelines for Geometric Design of Very Low Volume Roads, 2005 as hereafter amended*)

If streets within the PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the Public Works Director. The possibility of flexibility in street design standards shall be considered initially in a pre application conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic, not to include street parking.

3. Engineering design and construction standards for all other public improvements, such as water, sewer, on site storm water retention, etc., will not be modified for PUDs.

4. Off street parking shall be provided in accordance with the requirements of the zone in which the development is located. Additional off street parking may be required in lieu of on street parking if street widths are decreased to preclude on street parking. Shared parking with commercial establishments may be accepted to meet additional residential parking requirements or to decrease off street parking requirements if commercial parking can be demonstrated to adequately serve residential development and vice versa.

D. Homeowners Association, Common Facilities, Open Space, Roads, Easements :

1. In any PUD 20% of the net development area shall be established, maintained and preserved as open space and community facilities by the landowner until such obligations are vested in the PUD homeowners' association pursuant to RCW Chapter 64.38 and this chapter. The landowner shall establish a Washington nonprofit corporation for the PUD homeowners' association. Within three (3) years of PUD approval, ownership and maintenance of all open space, common areas and common facilities shall be vested in the homeowners' association. Common area or amenities established by easement over private lots, may be considered part of the open space and community facility calculation if such easements provide continuing irrevocable community benefits. Articles and bylaws of the homeowners' association and CC&Rs in a form acceptable to the city attorney shall be recorded with the county auditor and shall be binding on all heirs, successors and transferees of landowner, guaranteeing the following:

- a) The continued use of such land consistent with the PUD approval;
- b) Continuity of maintenance of roads, landscaping, irrigation, public facilities and open space;
- c) Availability of funds required for such maintenance;
- d) Adequate insurance protection of community facilities; and

c) That all conditions of PUD approval continue to be met and maintained.

2. Open space provided in the PUD shall be planned to provide for connectivity with and enhancement of other public improvements, park lands, natural areas or community amenities. Open space means an area intended for common use and shall be designed for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, gazebos and patios, open landscaped areas and community gardens, and green belts with pedestrian and bicycle trails. Open space does not include off street parking or loading areas.

3. Direction to plant natives. Planting plans for common areas shall be developed with a predominance of drought tolerant and native vegetation. Owners of independently owned parcels are encouraged to plant natives. Planting of native and drought tolerant species in the common areas is required as a means to decrease water demands for irrigation and increase the survivability of selected plant materials.

4. Landowner shall be required to grant appropriate easements to the City for repair, replacement and maintenance of City utilities and services installed within the PUD.

5. At the option of the City or applicant, conditions of approval and other standards can be addressed through a development agreement pursuant to RCW Chapter 36.70B in lieu of or in conjunction with CC&Rs.

17.74.050 PUD Approval Criteria:

An applicant for a PUD has the burden of proving, by a preponderance of the evidence that:

- A. All applicable standards have been met, modified or can be adequately addressed by conditions of approval;
- B. The master plan uses an innovative approach to meet the purposes stated in Section 17.74.010, e.g. it integrates mixed commercial and residential uses, provides community and public benefits, protects existing natural resources, and provides adequate and efficient public services and utilities.
- C. The streets, buildings, open space, public facilities and landscaping are designed and located to preserve existing trees, topography and natural drainage;
- D. Structures located on the site are located on ground that is not subject to instability;
- E. Public Services will not be over burdened by the proposed development;
 - 1. The PUD plan shall provide direct access to collector or through streets or demonstrate that minor or local streets have the capacity to carry increased traffic to collector or through streets.
 - 2. The applicant shall work with the director of public works and/or city engineer to confirm adequacy of water, sanitary sewer, on site surface/storm water, and all other utilities. If improvements are determined necessary to accommodate increased demand, improvements will be made at the developer's expense or the City and developer may enter into a development agreement pursuant to RCW 36.70B.170(4) and other relevant provisions of RCW Chapter 36.70B. All utilities shall be

constructed to City approved standards of design, consistent with accepted engineering practices. All utilities shall be underground only.

3. An applicant shall submit proof of adequacy of services including but not limited to: fire and police protection, schools, health care.

F. Incorporation of Existing Dwelling(s) can be accommodated in a PUD;

An existing detached or attached single-family dwelling that is incorporated into a Mixed Use PUD as a residence and is nonconforming, with respect to the standards of the general PUD or special use sections, shall be permitted to remain on a PUD site. Noncompliance of the structure may not be increased unless the proposed change is determined by the City to be consistent in character, scale and design with the PUD as controlled by the binding site plan. If an existing dwelling is retained it is counted as a standard single family dwelling for density calculations unless it complies with the size requirements to be counted as a special use cottage or accessory dwelling.

17.74.060 Submittal Requirements & Review Procedures:

A. A PUD application shall be reviewed as a subdivision application subject to Title 16 and Site Plan review pursuant to Section 17.80.120-180. A pre-submission conference pursuant to Section 16.72.030 will help identify application requirements.

B. Applicant shall comply with Section 16.72.040 and include the following additional tabular data and mapped items :

1. existing zoning;
2. total site area;
3. gross project area;
4. net project area;
5. total number of dwelling units proposed;
6. total sq.ft. of commercial area proposed;
7. residential density calculation;
8. open space, common area, and facilities calculation;
9. general description of natural setting and/or aerial and other photos of the site;
10. proposed development schedule and any plans to phase development;
11. resulting type of ownership, plans to rent sell and type of ownership planned for common areas;
12. site maps with graphic scale and north arrow, and topography shown at 5 foot intervals, water bodies, critical areas, and important natural features including rock outcroppings, steep slopes, and flood hazard areas;
13. location and function of all buildings, including heights, nearest setbacks and closest distance between structures;
14. location and measurement, where applicable, of other proposed improvements;
15. preliminary landscape diagram identifying use areas, general types of landscape treatment, and areas of irrigated vs. drought tolerant vegetation;

16. tree survey indicating location of all native trees measuring 8 inch caliper or greater measured four feet from ground and identifying inventoried trees to be removed and to be protected.

17. preliminary grading plan showing areas of substantial grading or recontouring; and

18. any additional information required by staff and planning commission as necessary to evaluate the character and impact of the proposed PUD development;

19. initial lighting diagram indicating areas of the site to be lighted at night and a qualitative discussion of the type of lighting planned for those areas;

20. record of neighborhood meeting, if required;

21. standards which applicant requests be modified and reasons for the modification;

22. applicant's proposed conditions of approval.

C. If the proposed site is within shoreline management jurisdiction an application for shoreline substantial development permit along with any other permits required, such as a flood plain permit or other local, state, or federal permits shall be filed.

D. An environmental checklist shall be completed.

E. A completed application shall be evaluated by staff, including emergency personnel, and it shall be reviewed at a public hearing held by the planning commission. If an environmental impact statement is required the final EIS shall be available for at least 10 days before the hearing on the proposal.

F. Site grading and clearing. Grading and site clearing in preparation for planned development shall not commence prior to approval of a preliminary master plan. This requirement is necessary to ensure that all necessary erosion control measures are in place prior to disturbance and is intended to limit disturbance to that necessary to accommodate the approved planned development.

G. Planning Commission recommendation shall be forwarded to the city council for review on the record. City staff and the applicant shall be available. Staff may provide supplemental information and to respond to questions from the city council. The city council may approve the preliminary plat with some or all of the planning commission's recommended conditions, and may impose additional conditions. The city council may remand the application to the planning commission to address specific articulated concerns of the city council and/or the council's proposed changes to the preliminary plat and/or conditions. The council may deny the application upon findings of noncompliance with applicable standards. The city council may direct staff or the city attorney to draft proposed form of findings and decision for review and consideration as specified at regularly scheduled council meeting not more than six (6) weeks hence.

H. If the preliminary plat is approved, the applicant shall have three years to submit the binding site plan in accordance with Sections 16.72.020-.090. If a binding site plan cannot be recorded within three years, the applicant shall make written request for extension prior to the close of the three year recording period, and may be granted an additional year upon demonstration of good faith effort to file the site plan. Evaluation of requested extensions will include consideration of whether land use regulations affecting the application have changed since the decision was originally made.

I. If the development is phased the final binding site plans and plat for each phase may be reviewed independently in accordance with the approved time frame.

J. A binding site plan of a PUD and all accompanying documents, together with CC&Rs approved by the city attorney, binding the site to development in accordance with all the terms and conditions of approval shall be recorded by the county auditor, at the applicant's expense.

17.74.070 PUD Application Costs/Compliance Required Before Building Permits:

A PUD applicant shall pay for all costs incurred by the city in processing the PUD application including legal, engineering and planning costs. In addition, the City may require engineering or transportation studies or plans which shall be provided at applicant's expense. No building permits shall be issued until all such fees have been paid and all approval requirements and conditions have been satisfied. An initial deposit to cover estimated costs shall be paid by applicant prior to the city's processing of the PUD application.

17.74.080 Special Use – Cottage Dwellings within Mixed Use PUD:

Smaller housing units on smaller lots (Cottage Development) within a mixed use Planned Unit Development are a special use, subject to the following site and structural requirements.

A. Purpose:

The purpose of this section is to:

1. Provide opportunities for ownership of small, detached dwelling units within a mixed use planned unit development close to or in a commercial area;
2. Encourage creation of more usable open space for residents and businesses in the development through flexibility in density and lot standards;
3. Further the goal of efficient use of urban residential land and public facilities; and
4. Provide guidelines to ensure compatibility with surrounding land uses.

B. Special Site Requirements for Cottage Dwellings:

The site requirements applicable to cottage development within a PUD are intended to define design parameters of cottages to achieve compatibility with existing and permitted adjacent uses. Density increases and design standards applicable to cottage development are only applicable in that portion of the PUD that accommodates cottages.

1. Floor Area allowances –

To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	Total Floor Area (square feet)	Ground Floor Area (square feet)	Upper Floor Area (square feet)	Garage Floor Area
Small	≤ 900	400-800	60% of ground floor	<i>Included in ground floor if attached</i>
Large	> 900 ≤ 1,200	600-900	60% of ground floor	<i>Included in ground floor if attached</i>

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

Some units may be allowed to exceed the upper floor area ratio if the average of the upper floor areas for all cottages in a cluster does not exceed 60% of the ground floor areas in the cluster. Approval of this variation in the standard is not subject to variance criteria and does require a finding that the variation of the standard provides for design flexibility that improves the appearance of and spatial relationships between structures in the cottage cluster.

2. Lot Coverage and on Site Stormwater Development Techniques

Lot coverage is limited to no more than 40% impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability. e.g. If a graveled path is demonstrated to be 15% permeable then 85% of the graveled path area would be counted in the impervious surface calculation. The purpose of this requirement is to help insure that surface and storm water are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

An on-site stormwater analysis shall be performed by a qualified, Washington licensed professional engineer, considering at a minimum a 25 year storm event of 15 minutes duration. The stormwater control plan shall be approved by the Director of Public

Works and shall provide for the on site collection, containment and release of stormwater such that it will not have a deleterious impact to other properties, public or private. All improvements shall be inspected by the Public Works Director prior to completion. The applicant's licensed engineer shall provide a minimum of two sets of infrastructure 'as built' drawings and confirm that all stormwater infrastructure was constructed as per approved design.

3. Cluster Sizes

A minimum of four and a maximum of ten cottage units clustered and focused on a shared common area must be developed to use cottage development density and standards.

More than a single ten unit cluster may be permitted under cottage development standards but separate points of focus (e.g. common areas, parking facilities, meeting rooms or recreational elements) must be provided for each cluster. Special setbacks or buffer areas may be required between clusters if deemed necessary to insure compatibility with surrounding development or adequate separation of cluster communities.

4. Heights

To insure heights are in scale with smaller lots and smaller structures allowed in a cottage development the following height limits shall be employed. Standard height limit for cottage dwellings and accessory structures shall be 18 feet. Cottage dwellings having a minimum roof pitch of 6:12 may be permitted a maximum height of 25 feet to allow second story living area partially under roofline and dormers.

Cottage heights shall be measured from the average grade along each side of the structure to the top of roof. A small portion of a cottage may be allowed to exceed cottage height limits up to the height limit allowed in the underlying zone or 35 feet whichever is less. This allowance may be allowed for an area of the structure not to exceed 15% of the building foot print.

5. Common Areas, Open Space, and Facilities

Common Area shall be provided in accordance with the general PUD requirements (17.74.080). Densities allowed through cottage development require that common areas provide some of the amenities and open area that would be provided for on individual lots in standard single family developments. In addition to the requirements for a general PUD; Common Areas, Open Space, and Facilities, in cottage developments shall be located to provide shared focal points and amenities for each cottage development cluster.

6. Max Densities in Cottage Clusters

The number of dwelling units permitted in a cottage development cluster within a PUD may be increased above the permitted single family density as follows:

- a) R-2 Two- Family Residential Zone may be increased to 200% of the single family density permitted in the underlying zone.
- b) RMH – Residential Mobile Home Zone may be increased to 200% of the single family density in the R-2 Zone.
- c) R-3 Multi- Family Residential Zone may be increased to 225% of the single family density permitted in the underlying zone.

NOTE: Minimum lot sizes for cottage development will be minimized. The minimum lot sizes will be the product of compliance with all other standards and criteria applicable to the cottage development as a special use within a PUD.

7. Setbacks

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason peripheral set backs (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.

- a) Cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located with respect to the outside perimeter of the PUD.
- b) Setback averaging may be used to meet the front or rear yard setback from the outer perimeter of the PUD but front and rear yard setbacks shall not be less than 10' from the outer perimeter of the PUD.
- c) Cottage Dwellings and their accessory structures must meet the following set backs from lot lines through the interior of the PUD:

Setback / Yard Area	Dimension
Primary Yard (typically front, back, or corner side)	10 feet*
Peripheral Yards (the three sides not included in the primary yard)	5 feet*
<p><i>* Set backs assume parking takes place in a separate parking area. A minimum 18 foot driveway length shall be maintained inside of curb and sidewalk if a drive way curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.</i></p>	

- d) Extensions of small storage or accessory structures into a peripheral setback may be approved as long as the extension does not exceed 120 square feet and the resulting building configuration is acceptable to the fire chief and is designed and constructed in accordance with all applicable fire codes.

8. Parking & Covered Storage

Parking requirements are dependent on size of cottage dwelling units and whether or not street designs accommodate on street parking within the Cottage Development.

	Dedicated	Total
Small (≤900 s.f.)	1	1.5
Large (≤1,200s.f.)	1	2

a) The use of primarily commercial parking spaces within the Cottage Development to meet both commercial and residential parking requirements will be considered. If reasonable shared parking is available it may be allowed to substitute for un-dedicated parking requirements. The proximity of commercial parking within the Cottage Development to the locations served and likely timing of demand for shared parking spaces and availability of other on street parking within the Cottage Development will be considered.

b) Parking location and screening shall be designed to accomplish the following:

- (i) Ensure minimal visual impact to residents surrounding and within the PUD. Screening may be accomplished by covering parking with a structure compatible with residential use (e.g. parking under pitched roof structure or under carriage house or studio/workshop area) or by relying on grading and landscaping.
- (ii) Occupy the PUD development site.
- (iii) Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
- (iv) Avoid locating around the perimeter of the PUD where parking areas are visible and out of character with surrounding residential development.
- (v) Covered storage must be provided for cottage development when covered parking is not provided.

17.74.090 Special Use – Accessory Dwelling Units in a Mixed Use PUD:

Accessory Dwelling Units (ADUs) include habitable living units provided in conjunction with a primary dwelling and meeting the basic requirements of shelter, heating, cooking and sanitation.

A. Purpose:

- 1. Provide homeowners with a means of obtaining through tenants in either the ADU or principal unit, rental income, companionship, security, and services.
- 2. Add affordability options to the existing housing base.
- 3. Allow for development of housing units in mixed use PUDs that are appropriate for people at a variety of life stages.
- 4. Protect neighborhood stability, property values, and the single-family residential appearance of the community by ensuring ADUs are installed under conditions of this ordinance.

B. Approval Criteria for ADUs:

- 1. The design and size of an ADU shall conform to all applicable building code standards and is subject to all structural permit requirements for a dwelling. Any modification of structural codes necessary to accomplish construction of an ADU must be granted by the building official responsible for structural review in the City.
- 2. The ADU shall not exceed 40% of the primary dwelling's floor area, nor more than 800 SF.
- 3. A maximum of two bedrooms may be provided in an ADU.

4. An ADU may be developed in either an existing or new residence.
5. A maximum of one ADU per regularly permitted detached single family dwelling may be permitted. Lots reserving the right to add accessory dwelling units must be identified when the PUD preliminary plan is submitted. For example: if the base zoning would allow five detached single family dwellings at the development site, but the PUD would allow for ten, only five ADUs may be developed. The lots reserving the five rights to develop an ADU must reserve that right through site plan review as recorded on the binding site plan. Construction of the ADU may be deferred until a later date after the PUD has been completed and lots sold.
6. Cottage Development lots are not eligible for ADUs based on the minimal size of the individually owned parcels.
7. Applicant must be able to demonstrate adequate public facilities to accommodate the projected number of residents.
8. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into existing setbacks.
9. The ADU may be attached to or detached from the primary dwelling and must be designed to retain the appearance of a single residence to the greatest degree possible.
10. The property owner must occupy either the primary dwelling or the ADU as their permanent residence for at least 6 months of any calendar year. The CC&Rs will specify that rent may be received only for the unit not occupied by the owner and must be verified by the City Clerk/Treasurer with a one-year lease signed by the owner and renter.
11. One off street parking space, or the potential to create a parking space when the ADU is developed, must be provided for on the binding site plan. This parking space is in addition to spaces required for primary resident(s).
12. To encourage development of housing for people with disabilities, the City may allow reasonable deviation from the stated requirements to accommodate features required to achieve accessibility in an ADU. Such accommodations shall be provided in accordance with the International Building Code (IBC).

C. Review Process for ADUs in a PUD:

1. The right to construct an ADU shall be requested with submittal of the preliminary plan and recorded on the final binding site plan.
2. Building permits are required for ADUs. If the ADU is not constructed during the development of the PUD, the building permit applicant will be required to demonstrate compliance with the above standards prior to receiving land use approval on a building permit.
3. A letter of application must be received from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, not to exceed 6 months of any calendar year.
4. A notarized acknowledgement signed by the owners, acknowledging the requirements for creating and maintaining an ADU in conjunction with the primary dwelling on the owner's parcel, shall be recorded with the County so that it is a matter of public record and will come to the attention of any future owners.

5. An ADU may be cancelled by the owner filing a notarized certificate with the City for recording with the County making the termination of the ADU a matter of public record. Cancellation of an ADU may also result from enforcement action if land use approval for the ADU is withdrawn.

17.74.100 Special Use – Cottage and Accessory Dwelling Structural Design Standards:

To provide for further compatibility with surrounding development, Special Uses allowed in a PUD are subject to the following additional structural and design standards:

- A. Window and door trim with a minimum of 3 ½ inches shall be provided on all special use dwelling units.
- B. Minimum roof eave depths of at least 18 inches are also required for all special use dwelling units. Eaves are required along all sides of each special use structure unless a variation of this structural standard is accepted by the City through the PUD process.
- C. Front porches having a minimum area of 60 square feet shall be provided for all cottage dwellings.
- D. Exterior lighting shall be minimized and may be allowed if shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be included on the required exterior lighting plan required with to complete a submittal.
- E. Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site.

17.74.110 Alternative Special Use – Cottage and Accessory Dwelling Unit Designs:

The PUD ordinance and special use sections are created to support design innovation. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The City recognizes that cottages and ADUs, in particular, could be designed in alternate ways and still achieve the overall objectives of the special use standards. An applicant may request a variation to specific standards during special use PUD review. A specific request for variation within a special use area is not subject to variance criteria. Approval of a specific variation can only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

17.74.120 Special Use – Cottage and Accessory Dwelling Neighborhood Meeting Requirements:

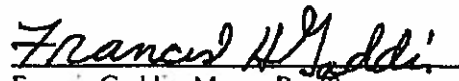
- A. Any Planned Unit Development application utilizing Special Uses which allow smaller housing on smaller lots must hold and document a specially noticed neighborhood meeting prior to completing the development application and before any public hearing is scheduled.
- B. The neighborhood meeting must meet the following requirements:
 - 1. Pre notice identifying the time and place for discussion and providing sufficient description of intended project to allow neighborhood comment shall be mailed to property owners within 300 feet a minimum of 10 days prior to the meeting.
 - 2. The applicant is responsible for setting, noticing and documenting the presentation to and input received from the neighborhood meeting.

3. The applicant must keep a record of all who attend the neighborhood meeting including their stated names and addresses.
4. The applicant must notify the City a minimum of 10 days prior to the meeting and allow for attendance of City staff or other representatives at the meeting.
5. Post notice of the meeting shall be provided to participants by mail documenting the presentation and input received within 30 days following the neighborhood meeting.
6. A record of the meeting shall be included with the applicants completed application. The applicant shall include responses to input with the application or to identify where a proposal is modified to address neighborhood comments

C. A PUD involving a special use dwelling type will follow the Mixed Use PUD review process once a neighborhood meeting is held and a land use application completed.

Section 2. This ordinance shall be effective five days after the date of first publication, as provided by law.

Approved by the White Salmon City Council on the 16th day of August, 2006.


Francis Gaddis, Mayor Pro Tempore

Attest:



Judi Culp, Acting Clerk Treasurer

Approved as to form:



Deborah M. Phillips, City Attorney

Code Appendix A
Cottage Clusters

White Salmon, WA
White Salmon Code of Ordinances, “Cottage Infill Projects” (17.73)

Chapter 17.73 - COTTAGE INFILL PROJECTS

Sections:

17.73.010 - Location and purpose.

The cottage housing overlay shall be applicable in R-2 and R-3 zoning districts only. The general purposes of the cottage housing development design standards are as follows:

- A. A cottage housing development is provided for as an alternative type of detached housing comprised of small residences suited to accommodate a typical household of one or two individuals. Cottage housing is provided as part of the city's overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.
- B. The cottage housing development design standards contained in this section are intended to create a permit path for small communities of cottage infill development where it can be oriented around open space in a manner that minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. These same standards are intended to provide for traditional cottage amenities and to regulate proportions in order to ensure that cottage housing developments contribute to the overall community character.
- C. Cottage housing may allow higher residential density than is normally allowed in the underlying zone district. This increased density is possible through the use of smaller than average home sizes, clustered parking, and the application of overall site design standards applied via approval of a binding site plan that governs the long term use of master planned lots and structures as ownership may shift over time.
- D. Cottage housing developments are subject to special site plan review and conditional use permit approval criteria in addition to the special standards contained in this section.
- E. All cottage housing developments are subject to current city stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.020 - Density and lot area.

Zoning District	R-2	R-3
Maximum Cottage Density	1 cottage dwelling unit per 3,500 sf	1 cottage dwelling unit per 3,000 s.f.
Minimum number of cottages per cottage	4	4

housing development		
Maximum number of cottages per cottage housing development	10	12
Minimum size cottage infill site	21,000 sf (approx ½ acre)	14,000 sf (approx 1/3 acre)
<p>NOTE: All density calculations shall follow procedure for computing net density from <u>Section 17.74.040</u> MU-PUD permitted density computation. Every unit must be allotted a minimum of eight hundred square feet to accommodate the residential unit (private open space, storage).</p>		

(Ord. No. 2012-11-905, 11-26-2012)

17.73.025 - Existing nonconforming structures and accessory dwelling units.

- A. On a lot to be used for a cottage housing development, an existing detached single-family residential structure, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

Nonconforming dwelling units may be modified to be more consistent with this chapter. For example, roof pitches may be increased consistent with the provisions of this chapter, but the building ground floor or total floor area may not be increased greater than permitted by WSMC 17.73.030.

- B. Accessory dwelling units (ADUs) must be permitted and approved as a part of the binding site plan covering the entire development in order to be allowed in a cottage housing developments. All residential units in a cottage housing development, including accessory dwelling units, count toward the maximum permitted density. An attached or detached ADU located on the same lot as a primary single-family structure may be counted as a cottage unit if the property is developed subject to the provisions of this chapter.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.030 - Unit size.

- A. Floor Area Allowances. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments remain smaller and create less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations shall apply to cottage housing. Two types of housing development are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	Total Floor Area (square feet)	Ground Floor Area (square	Upper Floor Area (square	Garage Floor Area
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		feet)	feet)	
Small	<900	400—800	60% of ground floor	Included in ground floor if attached
Large	>900 <1,400	600—900	60% of ground floor	Included in ground floor if attached

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

Some units may be allowed to exceed the upper floor area ratio if the average of the upper floor areas for all cottages in a cluster does not exceed sixty percent of the ground floor areas in the cluster. Approval of this variation in the standard is not subject to variance criteria and does require a finding that the variation of the standard provides for design flexibility that improves the appearance of and spatial relationships between structures in the cottage cluster.

- B. A notice to the title of each unit shall prohibit any increase in the total floor area of any cottage or addition of accessory structures within the development unless the entire binding site plan is amended. Such notice shall be recorded with the Klickitat County Assessor's Office.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.040 - Lot coverage.

Lot coverage is limited to no more than forty-five percent impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability. e.g., If a graveled path is demonstrated to be fifteen percent permeable then eighty-five percent of the graveled path area would be counted in the impervious surface calculation. The purpose of this requirement is to help insure that surface and storm water are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the

community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

An on-site stormwater analysis shall be performed by a qualified, Washington licensed professional engineer, considering at a minimum a twenty-five year storm event of fifteen minutes duration. The stormwater control plan shall be approved by the director of public works and shall provide for the onsite collection, containment and release of stormwater such that it will not have a deleterious impact to other properties, public or private. All improvements shall be inspected by the public works director prior to completion. the applicant's licensed engineer shall provide a minimum of two sets of infrastructure 'as built' drawings and confirm that all stormwater infrastructure was constructed as per approved design.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.050 - Open space.

- A. Common open space. Common open space is intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:
1. There shall be a minimum of four hundred square feet of common open space provided for each unit.
 2. Common open space shall abut at least fifty percent of the cottages in a cottage housing development.
 3. Common open space shall have cottages abutting on at least two sides, and be easily accessible to all dwellings within the development.
 4. Common open space shall not include portions of private yards, and shall be jointly owned by all residents.
 5. The common open space shall be outside of wetlands, streams and sensitive area buffers, and shall be on slopes of twelve percent or less.
 6. Landscaping located in common open space shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible; existing mature trees should be retained.
- B. Private open space. Private open space is intended to provide private areas around the individual cottages and to enable diversity in landscape design. Private open space shall be subject to the following requirements:
1. There shall be a minimum of three hundred square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident.
 2. The main entry of the cottages shall be oriented toward the common open space as much as possible.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.060 - Building separation.

All units shall maintain ten feet of separation between vertical exterior walls, except that eaves and architectural projections such as balconies may encroach up to a maximum of eighteen inches.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.070 - Setbacks.

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason peripheral set backs (generally the side and rear yard areas) may be minimized to allow for a more useful yard area (generally the front yard) oriented to benefit from common area, open space and facilities.

- A. Cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located with respect to the outside perimeter of the planned cottage development.
- B. Setback averaging may be used to meet the front or rear yard setback from the outer perimeter of the planned cottage development but front and rear yard setbacks shall not be less than ten feet from the outer perimeter of the cottage development.
- C. Cottage dwellings and their accessory structures must meet the following set backs from lot lines through the interior of the cottage development:

Setback/Yard Area	Dimension
Primary Yard (typically front, back, or corner side)	10 feet*
Peripheral Yards (the three sides not included in the primary yard)	5 feet*

* Set backs assume parking takes place in a separate parking area. A minimum eighteen-foot driveway length shall be maintained inside of curb and sidewalk if a drive way curb cut is provided for parking immediately adjacent to a cottage dwelling. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks and may require deeper yard areas than the minimums provided.

- D. Extensions of small storage or accessory structures into a peripheral setback may be approved as long as the extension does not exceed one hundred twenty square feet and the resulting building configuration is acceptable to the fire chief and is designed and constructed in accordance with all applicable fire codes.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.080 - Building height.

Standard height limit for cottage dwellings and accessory structures shall be twenty feet. Cottage dwellings having a minimum roof pitch of 6:12 may be permitted a maximum height of twenty-eight feet at a minimum of ten feet from any property line. The twenty-eight-foot allowance will accommodate a second story living area partially under roofline and dormers. Cottage heights shall be measured from the average grade along each side of the structure to the top of roof.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.090 - Parking and covered storage.

A. Parking requirements are dependent on size of cottage dwelling units and whether or not street designs accommodate on street parking within the cottage development.

	Dedicated	Total
Small (<900 s.f.)	1	1.5
Large (<1,400 s.f.)	1	2

B. Parking location and screening shall be designed to accomplish the following:

1. Ensure minimal visual impact to residents surrounding the cottage development. Screening may be accomplished by covering parking with a structure compatible with residential use (e.g., parking under pitched roof structure or under carriage house or studio/workshop area) or by relying on grading and landscaping.
2. Occupy the cottage development site.
3. Be grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
4. Locate to the side or rear of the site where parking areas are less visible and clustered to limit curb cuts and need for impervious surface.
5. Covered storage must be provided for cottage development when covered parking is not provided.
6. On street parking shall be provided for around the perimeter of the cottage development where feasible unless the city agrees to increase off street parking requirements in lieu of provision for on street parking.

C. Shared detached garage structures:

1. Shared carports or garages shall be limited to a maximum of four stalls per structure and shall be detached from the dwelling units.
2. The design of carports, garages and community buildings must include roof lines similar and compatible to that of the dwelling units within the development.
3. Shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.100 - Design guidelines.

A. Site Design.

1. The common open space shall be centrally located within a cottage housing development.
2. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented toward common open space.
3. Pedestrian connections should link all buildings to the public right-of-ways, common open space and parking areas.

- [4.] Exterior lighting shall be minimized and may be allowed if shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be included on the site plan required with to complete a submittal.
- [5.] Exterior heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site.
- [6.] If streets within the PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in internal street design standards shall be considered initially in a preapplication conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic for a two way street and fourteen feet for a one way street, not to include street parking.

B. Building Design.

- 1. Roofs of cottages shall be pitched and eave depths shall be a minimum of eighteen inches.
- 2. Covered porches measuring at least sixty square feet shall be incorporated into building design of the cottages.
- 3. Window and door trim with a minimum of three and one-half inches shall be provided on all cottage units.

C. Community Buildings.

- 1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.
- 2. Building height for community buildings shall be no more than one story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.
- 3. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.110 - Alternative cottage housing development designs.

The cottage housing infill chapter is created to support design innovation and in-fill development. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The city recognizes that cottage infill can be designed in alternate ways and still achieve the overall objectives of this chapter. An applicant may request a variation to specific standards during development review. A specific request for variation within a cottage is not subject to variance criteria. Approval of a specific variation can only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.

(Ord. No. 2012-11-905, 11-26-2012)

17.73.120 - Neighborhood meeting required.

Any Cottage Infill Development application requires a specially noticed neighborhood meeting to be held and documented prior to completion of the development application and before any public hearing is scheduled. Such meeting shall comply with Section 17.74.120 - Special use - neighborhood meeting requirements.

Code Appendix A
Cottage Clusters

Grants Pass, OR
**City of Grants Pass Development Code, Planned Unit Development
& Alternative Development Options, “Cottage Developments”
(18.300)**

Notwithstanding any approved deviations from other code requirements, at the termination of any PUD, or any section of a PUD, all standard requirements of the Development Code shall apply. This shall include, but not be limited to, Articles 12, 27, and 28.

⁹18.300 Alternative Development Option: Cottage Developments

⁹18.310 Purpose, Concept and Guiding Principles

⁹18.311 Purpose

This section establishes standards for cottage housing development as an alternative housing choice in order to encourage creation of usable common open space in residential communities; promote neighborhood interaction and safety through design; ensure compatibility with surrounding neighborhoods; and provide opportunities for creative infill development.

Cottage Development is a grouping of four to twelve small, single family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single family neighborhoods possible while minimizing impacts on adjacent residential areas.

⁹18.312 Concept

- (1) The standards of this chapter provide a voluntary option to allow compatible infill development with an automatic density bonus together with standards designed to limit the intensity of development and provide for high-quality construction. Density standards address the number of dwellings per acre. Intensity standards address how spacious a development feels. Intensity standards address elements such as amount and arrangement of dwellings, lot coverage, and open space.
- (2) By reviewing cottage development (and the associated land division together, if applicable) with a set of cohesive standards, it is possible to ensure higher density development occurs in a way that is compatible with the surrounding area.

⁹18.313 Guiding Principles

The following elements are intended to guide cottage developments to foster community and ensure a balance between privacy, security and neighborhood interactions. The guiding elements are encouraged. The city may require proposed cottage development to be consistent with the guiding elements.

- (1) Shared Open Space. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space

share in its management, care and oversight, thereby enhancing a sense of security and identity.

- (2) Active Commons. Development can be arranged to encourage community interaction in the commons. This can be achieved by arrangement of mailboxes, parking areas and common buildings, and by orienting front doors toward the commons. Rather than having homes turn their backs to their neighbors, active interior rooms can be oriented so they look onto the active commons.
- (3) Common Buildings. An advantage of living in a cottage development is being able to have shared buildings. These can be simple and inexpensive shared amenities such a tool shed, outdoor barbeque, or picnic shelter. A multipurpose room with a kitchenette, bathroom and storage room can be used to host community events such as potlucks, meetings, exercise groups, and movie nights.

⁹**Example: Common buildings**

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company.



- (4) Adequate Parking that does not Dominate. Parking areas should be located so they are shielded or screened from the surrounding neighborhood, adjoining public street, and the central commons. Parking areas can also be located and arranged to encourage interaction of residents and guests. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.
- (5) Connection and Contribution to the Neighborhood. A cottage development should make the neighborhood a better place. The site should be designed to connect and contribute to the fabric of the surrounding houses and streetscape. The development should be designed to make improvements that serve both personal needs and the larger community at the same time.

9 Example: Connection and Contribution to Neighborhood

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



- (6) Eyes on the Commons. When the active spaces of the houses look onto the shared common areas, safety for all residents is enhanced.
- (7) Layers of Personal Space. When living closer together, the design and relationship of public and private space is important. It is desirable to help define and provide for transitions from public to semi-private to private space. Creating multiple ‘layers of personal space’ will help achieve the right balance between privacy and community.

This can be achieved between the cottage development and its surrounding neighborhood, as well as between the commons and homes within the cottage development. At the transition between the public street and the semi-public commons, this can be achieved by creating a passage of some sort: a gateway, arbor, or narrowed enclosure of plantings, for example.

Between the commons and the front door of the homes, this can be achieved by creating a series of layers such as a private yard with a low fence and/or border of shrubs and flowers at the edge of the sidewalk, a covered porch with a low railing and flowerboxes, and then the front door. With this layering, residents will feel comfortable being on the porch with enough enclosure to be private, with enough openness to acknowledge passersby.

⁹**Example: Layers of Personal Space**

Project: Greenwood Avenue Cottages in Shoreline, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



- (8) Private Space and a Place for Planting. Include private ground space for each dwelling, such as a small yard or a planting bed. Locating at least some of the private garden in view of the shared common area provides a personal touch that contributes to the character of the commons, as well as a way of fostering connections with neighbors, and transitioning between public and private space.
- (9) Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space, and height of railings are important to creating strong community connections.
- (10) Nested Houses. Residences should be designed with open and closed sides so that neighboring homes ‘nest’ together. This means the open side has large windows facing its side yard, while the closed side has high windows and skylights to bring in ample light while preserving privacy. The result is that neighbors do not peer into one another’s living space.
- (11) Smaller, High-Quality, Well-Designed Dwellings. Slightly smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. Together, the common areas and individual home elements, such as the porch, gardens and shared common buildings serve as additional living area. There are opportunities for privacy while fostering connection among neighbors with a spacious feeling and without a sense of overcrowding.

9 Additional Illustrations of Key Guiding Principles and Cottage Development Elements



Shared open space

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



Connection to the neighborhood

Photo provided by SERA Architects



Eyes on the common

Photo provided by SERA Architects



Project: Greenwood Avenue Cottages Architect: Ross Chapin Architects Developer: The Cottage Company Location: Shoreline, WA

Porches

Project: Greenwood Avenue Cottages in Shoreline, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company



Project: Conover Commons in Redmond, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company

⁹18.320. Applicability and Review.

- (1) Review Procedure. Cottage development is permitted in all residential zones and shall be processed in accordance with the procedure specified in Schedule 12-2.
- (2) If a cottage development includes creation of individual lots, subsequent development of those individual lots shall be in accordance with the approved cottage development plan and the provisions of this Chapter, rather than the standards of the applicable zoning district. Special use and development standards apply to lots within a cottage development that don't apply to other lots. Those use and development provisions are specified in this Section.
- (3) Cottage development is not considered "needed housing" per the definition in Oregon Revised Statutes, and as such is not limited to clear and objective review standards. Cottage development provides a voluntary alternative to standard land division and development methods to provide creative housing solutions. However, the standards of this Section are intended to provide a "template" that clearly identifies the necessary elements to successfully obtain

approval of a cottage development.

- (4) Whether or not lots are created as part of the cottage development, all provisions of the Development Code pertaining to frontage improvements along any public street frontage shall apply to the parent parcel. Improvements within the cottage development shall be as specified in this Section.

⁹18.321 Definitions. See Article 30.

⁹18.322 Submittal Requirements and Review Procedures

- (1) The applicant shall submit all items required for Major Site Plan review specified in Section 19.051 of the Development Code. The application shall include site plans and elevations for the structures.
- (2) If the application includes creation of individual lots, the applicant shall also submit all items required for a Preliminary Subdivision Plat specified in Section 17.411 of the Development Code.
- (3) If the application includes creation of individual lots, the applicant shall submit an application for final plat for approval upon completion of the required construction items.

⁹18.325 Approval Criteria

- (1) The application complies with all criteria for Major Site Plan review specified in Section 19.050.
- (2) If the application includes creation of individual lots, the application complies with all of the criteria for tentative plan approval in Section 17.410. However, the base lot standards in Articles 12 and 17 may be modified as specified in this Section.
- (3) The application complies with all provisions for public street frontage improvements.
- (4) The application complies with the standards of this Section for all development and lots.
- (5) The application is consistent with the purpose and guiding principles of this Section.

⁹18.330 Permitted Uses and Structures within a cottage development

- (1) Cottage. Permitted in all zones where cottage development is permitted.
- (2) Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use. May include

guest quarters.

- (3) Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking, storage buildings. Shall not be permitted within central common area and must be screened from view from central common areas.
- (4) Individual Accessory Structures. Individual attached garages may be permitted for a cottage. Garages shall not face a central common area.
- (5) Two Cottage Unit (Attached). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. Limited to one-third of units.
- (6) Carriage House (1 unit above a common parking structure). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. One carriage unit is permitted for every four cottages.

⁹18.332. Limitations on Use and Accessory Uses

- (1) Accessory Dwelling Units are not permitted as part of cottage development.
- (2) Home Occupation Limits. Home occupations are limited to exempt home occupations that don't have outside employees or on-site clients and which are only be conducted within the dwelling unit or attached garage. If the home occupation is located within an attached garage, it shall not preclude parking in the garage.

⁹18.340. Density

- (1) An automatic density bonus is allowed with cottage developments that meet the requirements in this section. Cottage developments may reach a density of up to 125% of the maximum density established by the base zone.
- (2) In any zone that has a minimum density requirement, cottage development shall only be permitted if it meets those requirements, independently, or together with other development included in the overall proposal.

⁹18.350. General site requirements

- (1) Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.

(2) Overall site requirements

- (a) The parent parcel shall be at least 8,000 square feet. The lot may be further subdivided to facilitate individual lot ownership combined with shared ownership of common spaces.
- (b) Cottage developments shall contain a minimum of four cottages, and no more than a total of 12 cottage units (single or attached).
- (c) Lot Coverage. Principal and accessory structures in the cottage development shall account for no more than 35 percent of the gross lot area in the overall development.
- (d) If individual lots are created, the lots shall not be subject to the minimum lot size provisions of the zone. They may be smaller subject to compliance with the density requirements for the overall cottage development, and in accordance with the provisions of this Section, including requirements for provision of common areas and private open space. There is no minimum lot size for the individual cottage lots, provided they include the footprint and private yards areas for the individual cottages.

(3) Lot/cottage arrangement

- (a) Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.
- (b) Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.
- (c) All other units shall be arranged around the common open space and have their primary entry and porch facing that common open space.
- (d) Lots fronting common area and public right-of-way should generally be arranged at a corner to avoid a need for “two fronts” that would preclude full-height fencing, if desired, of both the front and back sides of the unit.
- (e) A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, consistent with the standards in subsection (17) below.

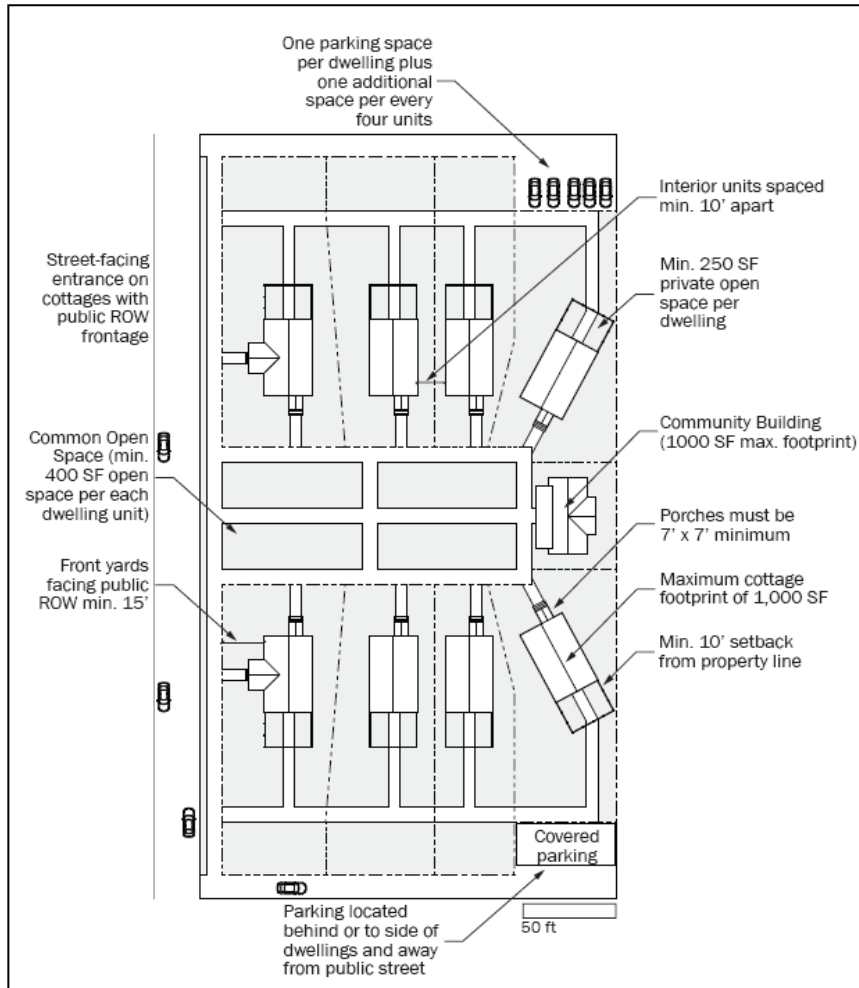
(4) Setbacks

- (a) Front yards (yards facing a public right-of-way) shall meet the front yard setback of the zoning district.
- (b) Exterior side and rear yards (facing public right-of-way) shall be a minimum of 10 feet.

- (c) Interior units on a common lot or separate lots shall be spaced at least 10 feet apart.
 - (d) If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. [*May need language requiring an easement*]
 - (e) Setbacks from central common area – private area between sidewalk and unit. Minimum of 5 feet to porch.
- (5) Private and common open space
- (a) Central Common Open Space
 - (i) Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of central common open space per unit shall be provided.
 - (ii) Up to 50 percent of the central common open space requirement may be provided in an area constrained from development such as a wetlands, steep slope, or forested area.
 - (iii) Cottages shall be present on at least two sides of common open space to provide a sense of enclosure.
 - (iv) Common space should be in one contiguous area, or no more than three separate areas. Each contiguous common area shall have a minimum of four cottages arranged around at least 2 sides of the common area.
 - (v) Each common open space area should have minimum width and depth dimensions of 20 feet.
 - (vi) The central common shall include a sidewalk (width) around the open space, connecting to each cottage front entrance facing the common area.
 - (vii) No vehicular areas shall be located between dwellings and central common areas. Vehicular areas shall be screened as specified in Subsection [*City will provide correct reference here*].
 - (b) Private Open Space
 - (i) A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.
 - (ii) Required exterior side yards shall not apply to the calculation of required private open space.

- (6) Frontage, access, parking, and vehicular circulation
- (a) Frontage. The parent parcel shall have frontage on a public street.
 - (b) If individual lots are created within the cottage development, each lot shall abut a common area, but is not required to have public street frontage.
 - (c) Access. Access, parking and circulation will be provided through a shared private lane. A lane is similar to a private driveway and parking area serving multiple units. There shall be pedestrian connectivity to the common area, but a lane is not a public street and is not subject to street standards. A lane will not fulfill block length and connectivity standards and is not intended for through-connectivity to other properties, although shared access may be required or desirable in some cases. If a public street connection is required to meet connectivity requirements or other street connectivity standards or plans, a public street connection shall be required where applicable.
 - (d) Parking. A minimum of one parking space per unit shall be provided, plus one additional parking space for every four cottages to provide for visitors and extra vehicles.
 - (e) Parking and/or garage structures shall be located behind or to the side of the residential area and open space. They shall be accessed from the back of the cottages.
 - (f) Parking areas, shared parking structures, and garages shall be screened from common space and public streets by landscaping or architectural screening, not chain link.
 - (g) Shared covered or uncovered parking is permitted. Parking should be limited to groups not to exceed 4 spaces, with each group separated by at least 20 feet.
 - (h) If the property has frontage on a public alley, access and parking may be provided from the alley.
 - (i) If individual lots are created, parking and access shall be provided in a common area with access easement.
 - (j) Fire Access. Fire access shall be provided consistent with the fire code, and fire hydrants shall be provided consistent with the fire code.
 - (k) On-Street parking may be counted toward meeting the guest parking requirements for the development.

9 Cottage Development Layout



(7) Landscaping and vegetation

- (a) Where feasible, cottage developments should be designed to retain existing mature trees (at least 6 inches in diameter) that do not pose a safety hazard.
- (b) Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.

(8) Fences

- (a) No fence taller than 36 inches in height shall be located between the front wall of a cottage or community building and the common open space.
- (b) Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.
- (c) If private yards between buildings are fenced, they shall not exceed 6 feet in height.

(9) Utilities

- (a) Cottage development is subject to any applicable code provisions regarding public street frontages.
- (b) Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.
- (c) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots.
- (d) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots. *[City is considering language to limit the location and number of utility pedestals]*
- (e) Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation.
- (f) Mailboxes. Mailboxes may be individual or grouped and are encouraged to be placed within or near a common area. Mailboxes are subject to all post office requirements.

- (10) Addressing. Cottages should be addressed from a public street, not a private lane.

⁹18.360. Building Requirements

(1) Cottages

- (a) Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.
- (b) Cottages may have a second partial or full story, provided that the floor area of the second story is no more than 0.6 of the square footage of the main floor (e.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet).

- (c) The maximum total floor area of cottages shall be 1,600 square feet (e.g., a cottage with a 1,000-square-foot building footprint (main floor) could have a second floor of 600 square feet, for a total floor area of 1,600 square feet).. An additional 200 square feet is permitted for an attached garage.
- (d) A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.
- (e) Building Height. The maximum building height shall be 24 feet.
- (f) Porches. Attached, covered porches are required and shall have minimum width and depth dimensions of seven feet. (for cottages, two-unit cottages). Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck).
- (g) Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. (Some repetition is acceptable.)

(2) Two-Unit Structures

- (a) Where permitted, two-unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).
- (b) The number of attached units in a cottage development may not exceed one-third of the total number of units.
- (c) Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
- (d) Attached two-unit structures shall have one primary shared entry facing the common open space.

(3) Carriage Units

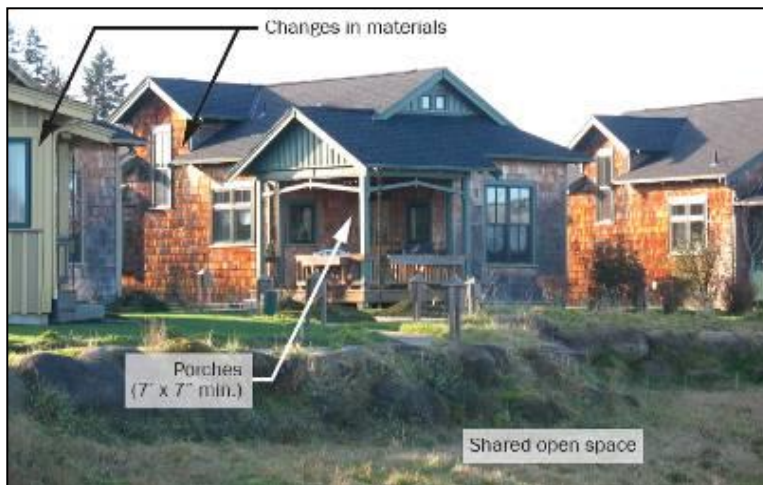
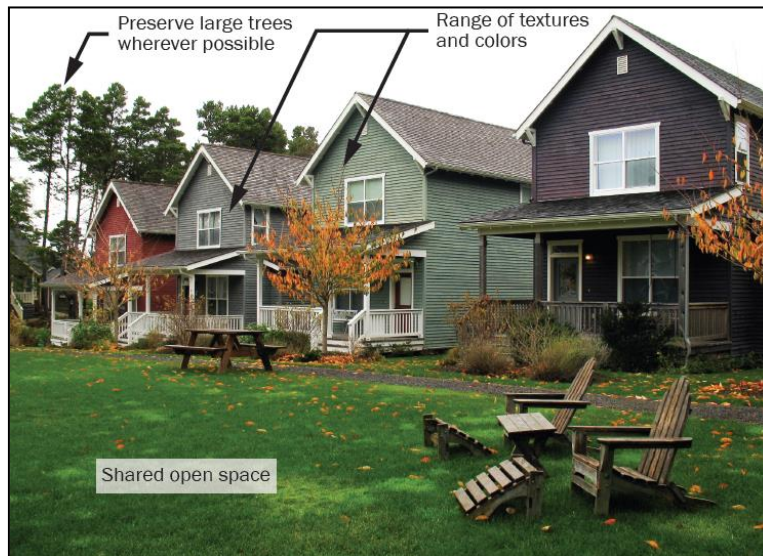
- (a) One carriage unit may be provided for every four cottages.

(4) Community Buildings

- (a) Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities. Guest quarters, storage space, or a carriage unit could be included as part of a community building.

- (b) A community building shall be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.
 - (c) Commercial uses are prohibited in the community building.
- (5) Accessory Structures
- (a) Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per accessory structure that is shared by five or more dwelling units. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.
 - (b) The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development.
- (6) Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.
- (7) Renovation and Expansion
- (a) Renovations shall be in keeping with the size and architectural character of the new development.
 - (b) A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property.

⁹Cottage development design standards



¹ Revised 3/6/9

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- ² Revised 5/31/97
 - ³ Revised 5/31/97
 - ⁴ Revised 1/3/96
 - ⁵ Revised 9/4/02
 - ⁶ Revised 4/20/05 – Ordinance 5285
 - ⁷ Revised 1/16/13 – Ordinance 5537
 - ⁸ Revised 3/5/14 – Ordinance 5598
 - ⁹ Revised 11/12/14 – Ordinance 5630

Code Appendix A
Cottage Clusters

Sisters, OR
**City of Sisters Development Code, Cluster Developments, “Cottage
Developments” (4.6.100)**

Chapter 4.6, Cluster Developments**4.6.100 Cottage Developments**

A. **Purpose.** The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households) and provides opportunities for ownership of small, detached single-family dwelling units within the Cottage Development. The Cottage Development supports the following principles:

1. Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
2. Supports the growth management goal of more efficient use of urban residential land;
3. Provides development standards to ensure compatibility with surrounding land uses; and,
4. Allows diversity of land uses within certain commercial zones as well as establishes smaller lot sizes and creative residential development within residential zones.

B. Applicability and Permitted Uses.

1. Cottage Developments are permitted in the R-Residential, R-MFD Multi-Family Residential District, Sun Ranch Residential District, and in the portion of the Downtown Commercial (DC) District that allows new single family dwellings.
2. Cottage Developments are reviewed under Cottage Development and Subdivision review processes in addition to the standards and criteria found herein. In the event of conflicts between this chapter and the underlying zoning, these standards and criteria supersede the standards and criteria found in the underlying zone.
3. Buildings accessory to a Cottage Development are subject to the development standards in this section.
4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
5. Accessory dwelling units are not permitted within Cottage Developments.
6. Mixed-use developments (residential and commercial uses) are allowed in Cottage Developments located in the Downtown Commercial (DC) District.
7. Prior to recording a subdivision plat for any new or modified cottage development, all cottage developments shall provide Covenants, Codes and Restrictions (CC&RS) or similar enforceable document that provides assurance of the ongoing maintenance of all common areas within the Cottage Development. All agreements are subject to review and acceptance by the City of Sisters prior to enacting the agreement.

C. General Requirements.

1. Cottage development sites in residential districts shall be a minimum of one acre in gross area. Cottage developments are also allowed within approved Master Planned

Developments of at least 5 acres in size within any residential district. There is no minimum size for cottage development sites in the eligible lots located within the Downtown Commercial District provided that all minimum standards for cottage developments are met.

2. Each cottage development shall contain a minimum of four cottages and a maximum of 14 cottages per development.
3. A development site may contain more than one cottage development.
4. The permitted density within the Cottage Development shall be consistent with the underlying zoning.
5. Community buildings and all common areas within a cottage development shall be mutually owned by the Home Owner's Association and shall be for the use of the development's inhabitants.
6. Alley access is required where an alley is available.
7. New lots created as a part of a Cottage Development are not required to have frontage on either a public or private street.

D. **Development Standards.** The design standards and floor area requirements ensure that the overall size and scale including bulk and mass of cottage structures remain smaller and incur less visual impact than standard sized single-family dwellings.

1. **Cottages.**

- a. Minimum lot size within the Cottage Development is 2,000 square feet.
- b. The minimum size of any cottage is 650 square feet.
- c. The total floor area of each cottage shall not exceed 1,200 square feet.
- d. The loft shall not exceed 50% of the ground floor.
- e. The maximum main floor area of a cottage is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
- f. Cottages shall have a roofed porch at least 80 square feet in size with a railing and railing supports.
- g. The porch shall be attached to a common area such as a living room, kitchen, family room or dining room inside of the house and shall not be adjacent to a bedroom or bathroom.
- h. The total square foot area of a cottage may be increased, however at no time shall the size of the cottage exceed the maximum size for a cottage allowed by this code. A deed restriction shall be placed on the title to the property for the purpose of notifying future property owners that increases in the total square footage of a cottage beyond what is allowed by this code is prohibited for the life of the cottage or duration of the applicable Cottage Development regulations.
- i. The maximum height of any cottage shall not exceed 25 feet.
- j. Cottage areas that do not count toward the total floor area calculation include:
 - i. Unheated storage space located under the main floor of the cottage;

- ii. Architectural projections, such as bay windows or fireplaces;
 - iii. Attached roofed porches;
 - iv. Attached and/or detached garages;
 - v. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
- k. Window placement within the cottages. One side wall of each cottage shall emphasize windows; the other side wall shall de-emphasize windows to allow privacy for the adjacent neighboring cottage. All cottages shall have windows and/or glass doors that face the commons.
- l. Cottage setbacks:
- i. Front – 4 feet minimum to common open space.
 - ii. Side – 5 feet minimum or 10 feet between habitable buildings.
 - iii. Rear – 10 feet minimum.
 - iv. Interior separation – 10 feet minimum.
 - v. 10' minimum to all streets.
- 2. Community Building.**
- a. Required when 6 or more cottages are developed in a cottage development located within a residential district.
 - b. Minimum size is 650 square feet.
 - c. Setbacks:
 - i. 20' from any cottage.
 - ii. 10' from any property line.
 - iii. 10' from any garage or accessory structure.
 - iv. 5' from any driveway, access aisle or parking area.
- 3. Garages.**
- a. One car garage is required per cottage.
 - b. Garages shall not have direct access to the street.
 - c. Garages may be attached, detached, or clustered together.
 - d. Garages when accessed from a private alley shall be setback a minimum of 4 feet.
 - e. Garages when accessed from a public alley shall be setback a minimum of 20 feet or 3 feet if side loaded.
 - f. Garages may count towards meeting the parking requirements.
- 4. Private Alleys and Access Aisles.**
- a. A private alley shall be a minimum of 20 feet in width.
 - b. A private alley and access aisle shall be setback 5-feet from perimeter property lines.
 - c. Access aisles to parking areas shall be a minimum of 24-feet in width

5. **Parking Requirements.** The parking requirements are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Cottage Development and adjacent properties, and to maintain a single-family character along public streets.

- a. Two 10' x 20' parking stalls shall be required per cottage.
- b. All required parking shall be provided on-site.
- c. Parking, including garages, shall not be located in between a cottage and the front property line.
- d. Parking may be either provided on individual lots or in a combined parking area or areas. Parking areas shall be set back at least 20' from a street.
- e. Garage driveways that are at least 20' long by 10' wide may count as parking.

6. **Building Orientation and Architectural Treatments.**

- a. Community buildings, accessory buildings and garages shall match the architectural theme of the cottage development by incorporating similar design treatments on the community buildings, accessory buildings and garages.
- b. Front and side elevations only shall front a street
- c. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevations per cottage development. No two adjacent structures shall be built with the same orientation (reverse elevations do not count as different building elevations), facade, materials, and colors.
- d. Variety in Building Design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural features.

7. **Screening Requirements.**

- a. Parking areas shall be screened from public and private streets and cottages by landscaping, fencing or buildings where practicable.
- b. Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
- c. Common waste and other storage receptacles shall not be placed in the front yard setback area.
- d. Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

8. **Open Space.**

- a. Shared Open Space.

- i. Cottages shall be arranged in a manner that at least two sides of a common open space abut each cottage unless otherwise approved by the review authority.
 - ii. Shall provide a centrally located, focal area for the Cottage Development.
 - iii. Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
 - iv. Shall abut at least 50 percent of the cottages.
 - v. Shall be within 75 feet walking distance of each cottage.
 - vi. Common parking areas are not counted in the shared open space area requirements.
- b. Private Open Space.
 - i. Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.

9. Landscaping.

- a. Layered space between porch and common area. Landscaping is an important feature to the transition between public and private spaces within Cottage Developments. The area between the commons and the covered porch shall be landscaped with vertically layered plant material. The width of the planted area shall be no less than 4' between any pedestrian pathway / common area and the start of the covered porch. The height of the planted area may vary, but shall be no less than 1 foot lower than the top of the porch railing at its tallest point.

10. Pathways.

- a. A minimum five-foot-wide paved pedestrian pathway (sidewalks) must be included to provide for movement of residents and guests from parking areas to each cottage, community building, interior courtyard and other amenities.

11. Public Improvements. Every cottage development shall improve the public right of way immediately adjacent to the cottage development.

E. Cottage Development Submittal Requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Chapter 4.1. In addition, the applicant shall submit the following:

1. A detailed project description by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

2. Burden of Proof documenting compliance with all applicable approval criteria;
3. Complete application form with fee;
4. Electronic copies of all materials submitted (acceptable file types to be determined by the Community Development Director or designee); and,
5. Preliminary title report or equivalent printed within 90 days of the date of the application submittal.
6. Existing Conditions Site Plan.
7. Topographic Map at appropriate contour intervals to be determined by the Community Development Director.
8. Access and Circulation Map.
9. Site Plan – proposed.
10. Landscape/Open Space Plan.
11. Utility Plan.
12. Conceptual Drainage Plan (to include benchmarks and elevations at staffs discretion).
13. Elevations and floor plans of all proposed buildings.
14. Tentative Plat.
15. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
16. Special studies prepared by qualified professionals may be required by the Community Development Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

F. **Cottage Development Approval Criteria.** The City shall make findings that all of the following criteria are satisfied when approving, or approving with conditions, the Cottage Development. The City shall make findings that at least one of the criteria is not satisfied when denying an application:

1. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);
2. Chapter 2 Land Use and Chapter 3 Design Standards. Land use and design standards contained in Chapter 2 and 3 are met, except as modified by Section 4.6.100.
3. Property Development Standards. Land use and design standards contained in Section 4.6.100 are met.
4. Architectural Features. The Cottage Development includes architectural features that complement and enhance positive characteristics of the site and surrounding area. Setbacks from streets shall be staggered or buildings otherwise provided with architectural features that assure variety and interest along the street. Cottage Developments in the Commercial District shall comply with the 1880's Western Frontier Design Theme.

5. Compliance with Purpose of Cottage Development Chapter. The Cottage Development substantially meets the purpose of Section 4.6.100; and,
6. Conformance with applicable Public Works, Building and Fire code standards.

G. Approval Durations, Extensions and Amendments

1. Cottage Development Approval Duration. The Cottage Development approved by the Planning Commission shall expire three (3) years from the date on which the decision is final, if no construction or significant infrastructure improvements of the planned unit development has been initiated.
2. Extension. The City may, upon written request by the applicant and payment of the required fee, grant up to two (2) one-year extensions of the approval period. The first extension may be approved administratively. The second extension, if needed, shall be considered and may be granted by the original decision body at their discretion. Extensions may be considered if:
 - a. No changes, unless modified as permitted in Chapter 4.1.700, have been made on the original Cottage Development as approved;
 - b. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
 - c. The extension is requested before expiration of the original approval.

H. Modification to an Approved Cottage Development. All proposed cottages and accessory buildings that are not reviewed under the initial land use review during the establishment of the Cottage Development through a land use review process are subject to the following;

1. The following minor modification examples may be approved administratively by the Community Development Director;
 - a. An increase to the amount of open space or landscaping;
 - b. Changes to dimensional standards identified in Section 4.6 as long as the minimum requirements are satisfied. Changes to dimensional standards approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions.
 - c. The location of buildings, proposed streets, parking and landscaping or other site improvements shall be as proposed, or as modified through conditions of approval. Changes in the location or alignment of these features by 25 feet or less or other changes of similar magnitude may be approved administratively. Changes to locations approved as part of a land division shall be reviewed using Chapter 4.3 Land Divisions
2. Other modifications are major modifications. See Chapter 4.1
3. The Community Development Director or the applicant shall have the right to refer a proposed amendment directly to the Planning Commission for their determination of whether or not the amendment creates a substantial adverse impact to the approved Cottage Development.

Code Appendix A
Cottage Clusters

Eugene, OR
Eugene City Code, “Cluster Subdivision” (9.8040-55)

Cluster Subdivision

9.8040 **Purpose of Cluster Subdivisions.** The cluster subdivision provisions are designed to provide for flexibility in achieving the allowed density while protecting natural resources or creating open space on development sites in residential zones.

(Section 9.8040, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8045 **Applicability of Cluster Subdivisions.** Cluster subdivision provisions shall be applied when requested by the property owner and when the proposed subdivision meets the definition of cluster subdivision in section 9.0500 of this land use code. A subdivision application proposing needed housing, as defined in state statutes, shall be processed pursuant to EC 9.8520 Subdivision, Tentative Plan Approval Criteria - Needed Housing. No development permit shall be issued by the city prior to approval of the cluster subdivision.

(Section 9.8045, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8050 **Cluster Subdivision Application Requirements.** In addition to the provisions in EC 9.7010 Application Filing, the following specific requirements shall apply to tentative cluster subdivision plan applications:

- (1) All cluster subdivision applications shall include the standard subdivision requirements set forth in EC 9.8510 Subdivision, Tentative Plan Application Requirements except for 9.8510(4).
- (2) The cluster subdivision application shall identify a project coordinator that is either licensed in the state of Oregon to practice architecture or landscape architecture. For applications that include 4 acres or more, the application shall also include a professional design team consisting of at least the following professionals:
 1. Architect.
 2. Civil Engineer or Land Surveyor.
 3. Landscape Architect or Planner.

(Section 9.8050, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02.)

9.8055 **Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

- (1) The proposed subdivision complies with:
 - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards; and
 - (b) EC 9.2750 Residential Zone Development Standards;
 - (c) Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
 1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
 2. The /WQ Management Area;
 - (d) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements,

Eugene Code

and operation and maintenance.

With the exception of density requirements, the residential development standards of EC 9.2750 Residential Zone Development Standards and EC 9.2751 Special Development Standards for Table 9.2750 may be relaxed based on compliance with the remainder of the cluster subdivision criteria. An exception or an adjustment to a development standard constitutes compliance with the standard.

- (2) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision includes at least 25% of the development site in common open space that either is suitable area for natural resource protection or for use by residents. Areas used for motor vehicle parking and maneuvering shall not be considered as open space.
- (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens.
- (4) The cluster subdivision will provide an appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
- (5) The proposed residential density, accounting for any duplex, tri-plex and fourplex lots, shall comply with Table 9.2750 Residential Zone Development Standards.
- (6) The proposed development provides adequate degree of light, air circulation, and privacy for residents within the development.
- (7) For areas included on the city's acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

(Section 9.8055, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; and administratively corrected June 5, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; administratively corrected August 28, 2006 and February 5, 2007; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)

Code Appendix A
Cottage Clusters

Manzanita, OR

Ordinance 12-01 “An Ordinance Amending Ordinance 95-3 and 95-4 by Adopting a Planned Development Overlay Zone for a Residential Development (Classic Street Cottages)”

ORDINANCE NO. 12-01

AN ORDINANCE AMENDING ORDINANCE 95-3 AND ORDINANCE 95-4 BY ADOPTING A PLANNED DEVELOPMENT OVERLAY ZONE FOR A RESIDENTIAL PLANNED DEVELOPMENT (CLASSIC STREET COTTAGES)

WHEREAS, the City Council received a recommendation from the City of Manzanita Planning Commission to approve a planned development overlay zone for the parcels described as Map 3N 10 29DA, Tax Lots 200 through 1700 for a 24 unit clustered residential development; and,

WHEREAS, the City Council conducted a public hearing on December 7, 2011 and received public testimony on the proposed planned development overlay; and,

WHEREAS, the City Council modified the Planning Commission recommendation after further discussion; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. The following applies only to those parcels described as Map 3N-10-29DA, Tax Lots 200 through 1700 (Pacific Dunes Unit No. 6 Subdivision):

- a. The City of Manzanita Comprehensive Plan Land Use Map adopted by Ordinance 95-3 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as Special Residential/Recreational-Planned Development on the Comprehensive Plan Land Use Map.
- b. The City of Manzanita Zoning Map adopted by Ordinance 95-4 is hereby amended by adding a Planned Development overlay zone to the aforementioned property, which shall be designated as SR/R-PD(Special Residential/Recreational-Planned Development) on the Zoning Map.
- c. The Architectural Site Plan for Classic Street Cottages Planned Development described in Exhibit A (3 sheets) attached hereto and by this reference incorporated herein is hereby adopted as the Planned Development for the aforementioned property:

SECTION 2. The Findings of Fact and Conclusions described in Exhibit B attached hereto and by this reference incorporated herein are hereby adopted relative to the Classic Street Cottages Planned Development described in Section 1 above.

PASSED FIRST READING by the Council this 7th day of December, 2011.

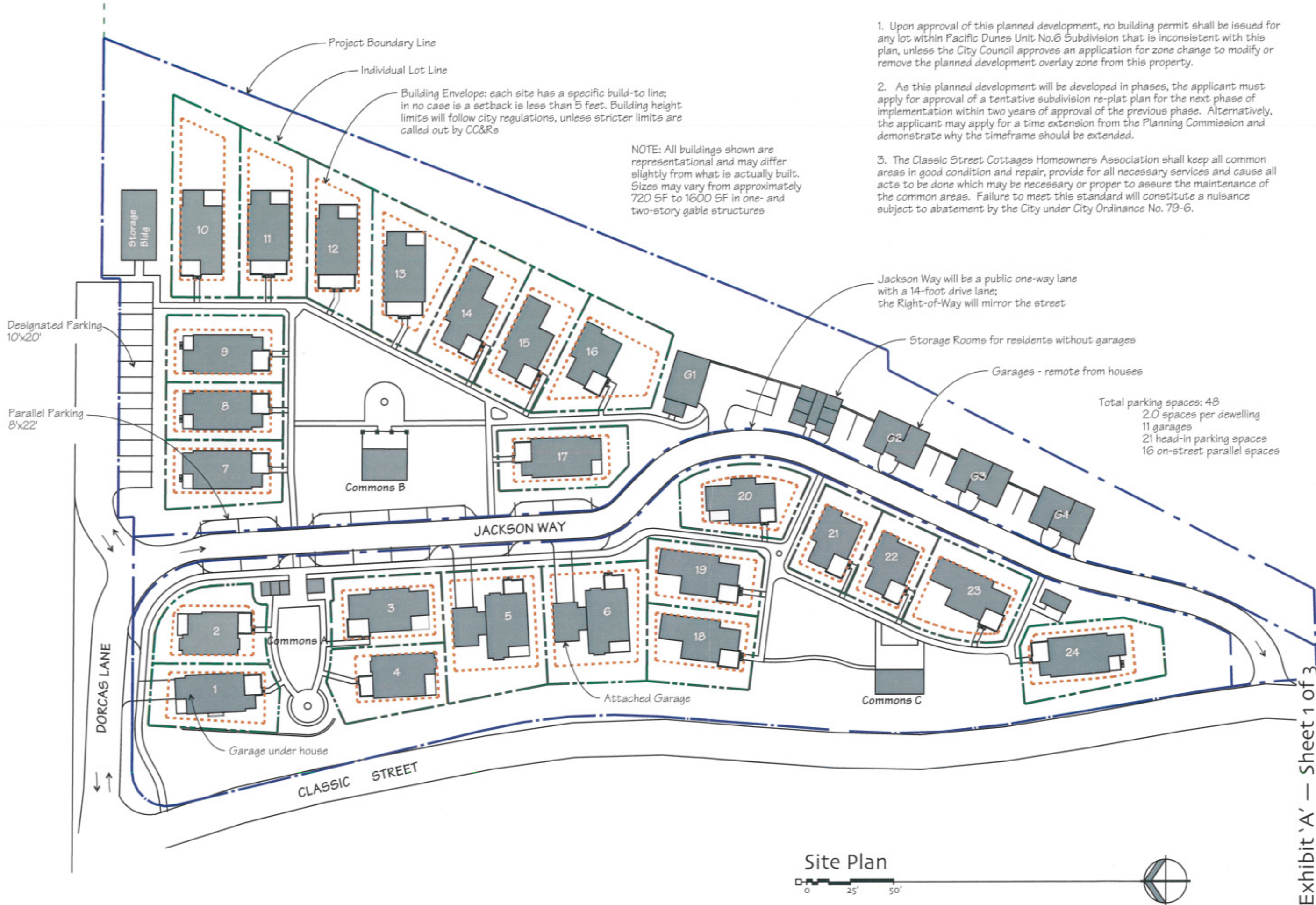
PASSED SECOND READING by the Council this 4th day of January, 2012.

APPROVED by the Mayor this 4th day of January, 2012.

Leila N. Salmon, City Council President

ATTEST:

Jerald P. Taylor, City Manager/Recorder



Project Boundary Line
Individual Lot Line

Building Envelope: each site has a specific build-to line; in no case is a setback is less than 5 feet. Building height limits will follow city regulations, unless stricter limits are called out by CC&Rs

NOTE: All buildings shown are representational and may differ slightly from what is actually built. Sizes may vary from approximately 720 SF to 1600 SF in one- and two-story gable structures

1. Upon approval of this planned development, no building permit shall be issued for any lot within Pacific Dunes Unit No.6 Subdivision that is inconsistent with this plan, unless the City Council approves an application for zone change to modify or remove the planned development overlay zone from this property.

2. As this planned development will be developed in phases, the applicant must apply for approval of a tentative subdivision re-plat plan for the next phase of implementation within two years of approval of the previous phase. Alternatively, the applicant may apply for a time extension from the Planning Commission and demonstrate why the timeframe should be extended.

3. The Classic Street Cottages Homeowners Association shall keep all common areas in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the common areas. Failure to meet this standard will constitute a nuisance subject to abatement by the City under City Ordinance No. 79-6.

Jackson Way will be a public one-way lane with a 14-foot drive lane; the Right-of-Way will mirror the street

Storage Rooms for residents without garages

Garages - remote from houses

Total parking spaces: 48
2.0 spaces per dwelling
11 garages
21 head-in parking spaces
16 on-street parallel spaces

Designated Parking 10x20'

Parallel Parking 8x22'

DORCAS LANE

CLASSIC STREET

JACKSON WAY

Storage Bldg

10

11

12

13

14

15

16

G1

G2

G3

G4

Commons B

Commons A

Commons C

Garage under house

Attached Garage

2

3

5

6

18

19

21

22

23

24

Site Plan



Exhibit 'A' - Sheet 1 of 3
12/21/11

V2.2
SITE PLAN

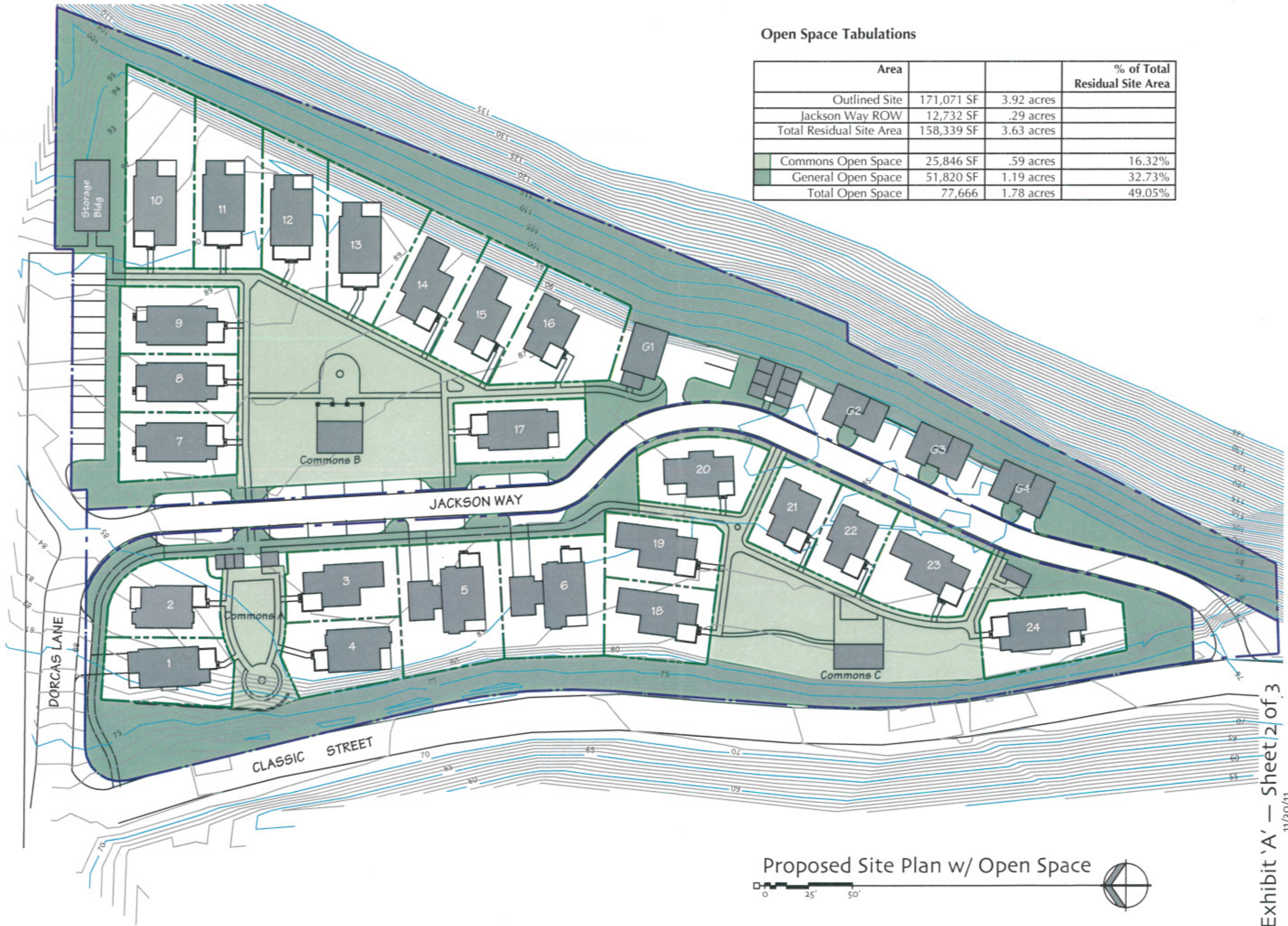
Classic Street Cottages
Manzanita, Oregon



ROSS CHAPIN ARCHITECTS
Post Office Box 230 • 195 Second Street • Langley, Washington 98260
Ph: (360) 221-2373 • Em: inquiry@rosschapin.com • Web: rosschapin.com

Open Space Tabulations

Area			% of Total Residual Site Area
Outlined Site	171,071 SF	3.92 acres	
Jackson Way ROW	12,732 SF	.29 acres	
Total Residual Site Area	158,339 SF	3.63 acres	
Commons Open Space	25,846 SF	.59 acres	16.32%
General Open Space	51,820 SF	1.19 acres	32.73%
Total Open Space	77,666 SF	1.78 acres	49.05%



Proposed Site Plan w/ Open Space



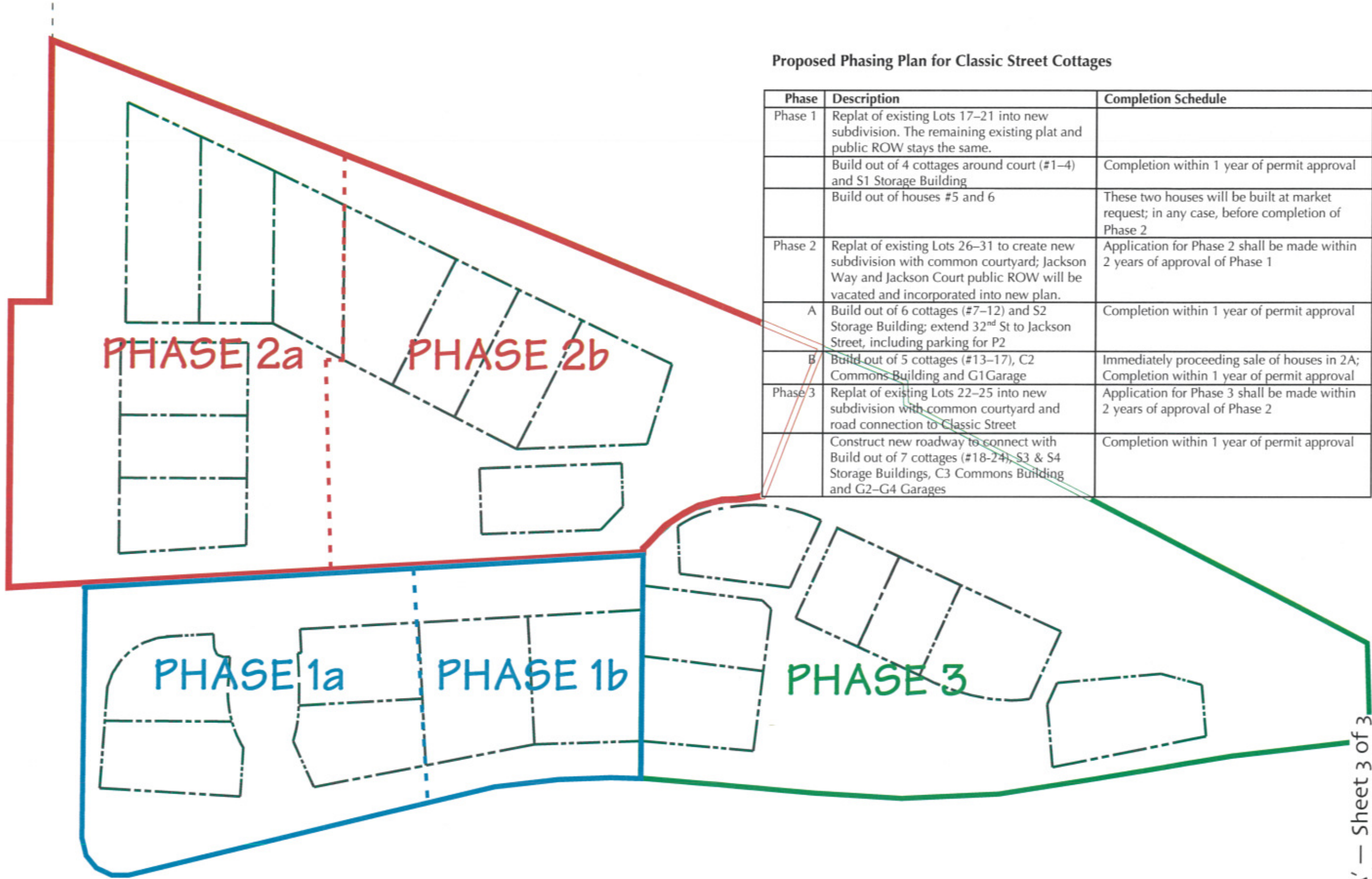
Exhibit 'A' — Sheet 2 of 3
11/30/11

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Classic Street Cottages
 Manzanita, Oregon

V2.2
 SITE PLAN



Proposed Phasing Plan for Classic Street Cottages

Phase	Description	Completion Schedule
Phase 1	Replat of existing Lots 17-21 into new subdivision. The remaining existing plat and public ROW stays the same.	
	Build out of 4 cottages around court (#1-4) and S1 Storage Building	Completion within 1 year of permit approval
	Build out of houses #5 and 6	These two houses will be built at market request; in any case, before completion of Phase 2
Phase 2	Replat of existing Lots 26-31 to create new subdivision with common courtyard; Jackson Way and Jackson Court public ROW will be vacated and incorporated into new plan.	Application for Phase 2 shall be made within 2 years of approval of Phase 1
A	Build out of 6 cottages (#7-12) and S2 Storage Building; extend 32 nd St to Jackson Street, including parking for P2	Completion within 1 year of permit approval
B	Build out of 5 cottages (#13-17), C2 Commons Building and G1 Garage	Immediately proceeding sale of houses in 2A; Completion within 1 year of permit approval
Phase 3	Replat of existing Lots 22-25 into new subdivision with common courtyard and road connection to Classic Street	Application for Phase 3 shall be made within 2 years of approval of Phase 2
	Construct new roadway to connect with Build out of 7 cottages (#18-24), S3 & S4 Storage Buildings, C3 Commons Building and G2-G4 Garages	Completion within 1 year of permit approval

Proposed Phasing



Exhibit 'A' — Sheet 3 of 3
12/27/11

V2.2
SITE PLAN

Classic Street Cottages
Manzanita, Oregon



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**CITY OF MANZANITA CITY COUNCIL
FINDINGS OF FACT AND CONCLUSIONS**

Zoning map amendment from Special Residential/Recreational (SR/R) to Special Residential/Recreational – Planned Development (SR/R-PD) for a planned development of 24 clustered residential units

Location: Southeast corner of Dorcas Lane and Classic Street
Assessor's Map: Map 3N 10 29DA, Tax Lots 200 through 1700
Applicant: Manzanita Investment Properties, LLC (Jim Pentz)
Zoning: SR/R – Special Residential/Recreational
Criteria: This application will be evaluated against the criteria for zoning map amendments listed on page 3 of the Manzanita Comprehensive Plan and Article 9 of Ordinance 95-4 (Manzanita Zoning Ordinance), the criteria for planned developments listed in Section 4.136 of Ordinance 95-4 (Manzanita Zoning Ordinance) and Sections 3.030 of Ordinance 95-4 (Manzanita Zoning Ordinance).

Date of Hearing: December 7, 2011

FINDINGS OF FACT

BACKGROUND

1. Applicant Manzanita Investment Properties, LLC (Jim Pentz) submitted an application on September 12, 2011 and paid the required fee for the abovementioned application for zone change for a planned development. The application also included a tentative plan for replatting a portion of the existing subdivision for Phase 1 of the project. The application was determined to be complete on September 16, 2011. A copy of this application (60 pages) is included as Exhibit A of this report. The applicant included a written statement addressing the criteria in the application materials.

2. Notice of Public Hearing on the application was published in the (Tillamook) Headlight-Herald on September 21, 2011. Written notice of the public hearing on this application was also mailed to property owners of record within 250 feet of the subject property as required by Article 10 of Ordinance 95-4. Copies of the newspaper advertisement and notice to property owners were included in the file for this application. A public hearing was conducted at the regular Planning Commission meeting of October 17, 2011. The public hearing was closed at the October 17, 2011 meeting, and the Planning Commission recommended approval of the zone change to the City Council.

3. Notice of Public Hearing before the City Council on the Planning Commission recommendation to approve the application was published in the (Tillamook) Headlight-Herald on November 16, 2011. A copy of the newspaper advertisement was included in the file for this application. A public hearing was conducted at the regular City Council meeting of December 7, 2011.

Findings Report - Application for planned development zone change (Pentz)

4. Applicant is proposing a planned development of 24 single family homes clustered around one of three shared community green spaces or parks. The development would include replatting most of Pacific Dunes Unit No. 6 subdivision into smaller lots, common areas and open space. A portion of the adjoining parcel owned by Pine Grove Properties is also included with its approval in the requested overlay. The new building lots would range from 1,856 square feet to 4,177 square feet. The property is located entirely in the Special Residential-Recreational (SR-R) zone. The adjacent property to the east, south and west is in the SR-R zone; the property to the west is a golf course and the other property is undeveloped. The adjacent property to the north is within the High Density Residential/Limited Commercial (R-4) zone and the Commercial (C-1) zone. In the C-1 zone is a ministorage business and an auto repair shop.

5. Comprehensive Plan adoption and amendment are addressed on page 3 of the Manzanita Comprehensive Plan as follows:

PLAN ADOPTION AND AMENDMENT

The Comprehensive Plan is to be adopted by an ordinance of the City Council, based upon the recommendation of the Planning Commission.

Changes to the plan shall be made only after study and adequate public discussion. Private individuals or groups requesting a plan change are required to show that circumstances related to the general welfare of the city require such a change, and that the public interest will be better served by the proposed revision.

Findings of fact shall be presented for a change request, which, as a minimum:

- 1. explain what plan goals, objectives or policies are being furthered by the change.*
- 2. present the facts used in making the decision to change.*
- 3. explain how the change will serve the public need.*

Adequate findings of fact shall be made a part of the record in plan change hearings, and shall be made available for public review.

Procedural requirements for public hearings shall be established in the City's Zoning Ordinance. Zone changes must be consistent with the Comprehensive Plan.

On page 8 of the Manzanita Comprehensive Plan, the following statement is included:

LAND USE CATEGORIES

In order to prevent confusion and future conflicts between the comprehensive plan and the zoning ordinance, the following land use categories are the same in both documents. In the future, changes to either land use categories or zoning designations will necessitate a change in both the plan and the ordinance.(emphasis added)

Article 9 of the Zoning Ordinance 95-4 states as follows:

Findings Report - Application for planned development zone change (Pentz)

ARTICLE 9. AMENDMENTS

Section 9.010 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to the zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Manager.

Section 9.020 Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment, and approve, disapprove or modify the proposed amendment.

Findings: The applicant has followed the procedure for obtaining a Comprehensive Plan amendment and a zoning change by applying for the planned development overlay zone for the subject property.

6. The following are general residential land use policies in the City of Manzanita Comprehensive Plan on page 8:

RESIDENTIAL LAND USES, GENERAL POLICIES:

3. *Permit a variety of dwellings and flexibility in densities and site design for large planned developments. Density standard established in the vicinity will generally serve as the basis for the overall density of such planned developments. Special review and approval by the Planning Commission will be required. Projects will be expected to provide usable open space, community facilities and other special amenities. The clustering of dwelling units in order to leave a greater amount of land for open space is encouraged.*

page 9

SPECIAL RESIDENTIAL/RECREATIONAL AREA (SR-R Zone)

Intended for major unplatted land areas where dwellings are appropriate, but where the character and density of the residential development has yet to be established. This land use category will allow greater freedom and flexibility in site design, setbacks and the use of open space than in medium and high density areas where standard platting has taken place. Uses may include single-family, or multi-family dwellings and commercial uses developed to serve the development.

Overall residential densities shall not exceed 6.5 dwelling units per acre. In determining dwelling densities, considerations will be given to the amount of designated open space areas, the quality of site and building design and other improvements and amenities.

Findings: Although this parcel is platted as a subdivision, there have been no building permits issued for any of the existing lots. Except for the streets, the area is vacant. The application is consistent with the policy permitting planned developments to provide flexibility in densities and site design. Clustered development allows the east side of the property to remain in a natural state and provides open space in addition to the other planned common areas with community amenities.

Findings Report - Application for planned development zone change (Pentz)

The overall site is 171,071 square feet. This amounts to 6.12 dwellings per gross acre as proposed for 24 units. The proposed development is within the density standard of the SR-R zone. Consideration has been given to the amount of designated open space areas, the quality of site and building design and other proposed amenities. The standard is met.

7. Section 3.030(4) of the Manzanita Zoning Ordinance 95-4 states as follows:

Section 3.030(4)

(4) Standards. In the SR-R zone the following standards shall apply:

- (a) Overall density for the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site within the SR-R zone and achieve a maximum density of 13 dwellings per acre where at least 40% of the total lot or parcel area is reserved or dedicated as permanent open space as a public or private park area or golf course. The open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.
- (b) Standards other than density in the SR-R zone shall conform to those established in the R-3 zone (Section 3.020) except that the Planning Commission may authorize relaxation of these standards to permit flexibility in design such as cluster development, with respect to lot size, setbacks and lot coverage, but not use.
- (c) The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area.
- (d) The maximum lot coverage in the SR-R zone shall not exceed 40%. Less lot coverage may be required in steeply sloping areas or areas with drainage problems. In all cases the property owner must provide the City with a storm drainage plan which conducts storm runoff into adequately sized storm drains or approved natural drainage as approved by the Public Works Director. [Amended by Ord. 01-03, passed 8/27/01]
- (e) In areas without a high water table, a dry well capable of absorbing the storm runoff shall be provided in accordance with City standards.

Findings: The gross size of the site is 171,071 square feet. Open space of 77,666 square feet is shown, which is greater than 40% of the total site. The three main clusters do not exceed 13 dwellings per acre. The area on the open space calculations sheet that is designated for open space should be designated on the final plan as dedicated permanent open space, and deed restrictions should be filed with the City and on the subdivision final plat.

8. Section 4.136(3)(a) of Ordinance 95-4 specifies as follows the information to be presented on which the Planning Commission will evaluate a planned development:

Section 4.136 Planned Unit Development (PD). *In a planned development the following regulations shall apply:*

3. *Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:*

Findings Report - Application for planned development zone change (Pentz)

- (a) *An applicant shall submit 10 copies of a preliminary development plan to the Planning Commission for study at least 10 days prior to the public hearing at which it will be discussed. In addition to publicizing the public hearing, the City Manager shall notify all property owners within 250 feet of the proposed development by mail. The preliminary plan shall include the following information:*
- (1) *A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands.*
 - (2) *Proposed land uses, lot overages, building locations and housing unit densities.*
 - (3) *Proposed circulation pattern indicating the status of street ownership.*
 - (4) *Proposed open space uses.*
 - (5) *Proposed grading and drainage pattern.*
 - (6) *Geologic hazards study where required.*
 - (7) *Proposed method of water supply and sewage disposal.*
 - (8) *Relation of the proposed development to the surrounding area and the Comprehensive Plan.*

Findings: The applicant submitted the information described in items 1, 2, 3, 4, 7, and 8. A proposed grading and drainage plan (5) was not submitted, but the base parcel is a completed subdivision that is already graded to the desired levels. A geologic hazards study (6) is not necessary for this property as it is not within any identified geologic hazard area.

9. Section 4.136(3)(b) of Ordinance 95-4 specifies that prior to discussion of the plan at a public hearing, the City Manager shall distribute copies of the proposal to appropriate City agencies or staff for study and comment.

Findings: A copy of the proposed planned development and tentative plan for replat was distributed to City of Manzanita Public Works Department, Nehalem Bay Wastewater Agency, Nehalem Bay Fire and Rescue, RTI – Nehalem Telecom, Tillamook PUD, Charter Communications Cable TV, and Western Oregon Waste for their review and comments on the proposal. Some of their concerns have been incorporated into the findings listed in this report. The applicant is responsible for working directly with these agencies to address any additional requirements imposed by them.

10. Section 4.136(3)(c) of Ordinance 95-4 specifies the standards by which a planned development shall be evaluated. Addressing these issues also addresses the requirement in the Comprehensive Plan to provide findings of fact for Comprehensive Plan amendments and zone changes.

In considering the plan, the Planning Commission shall seek to determine that:

- (1) *There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.*

Findings: This subdivision is a good location for this type of development in that it is physically separated by the golf course from other more traditional neighborhoods. The proposal provides an ownership option of a small house with a large amount of surrounding green space which is consistent with the rural village atmosphere the community finds desirable.

Given the detailed planning and design as to how the cottages interface with each other and with the common areas, it is appropriate that the lot size, setback and lot coverage standards be relaxed.

- (2) *Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.*

Findings: Cluster development is specifically described in the Comprehensive Plan and Zoning Ordinance as being appropriate in the SR-R zone. There are no issues regarding dune stabilization, geologic hazards or storm drainage for the areas proposed to have houses or other buildings on them. The steeply sloped areas are mostly in open space. This proposal is consistent with the Comprehensive Plan provisions and zoning objectives of the area.

- (3) *The area around the development can be planned to be in substantial harmony with the proposed plan.*

Findings: The proposed plan development is separated from land uses in surrounding areas by streets, the golf course and a steep bank. Development on surrounding properties can easily be designed to harmonize with this planned development.

- (4) *The plan can be completed within a reasonable period of time.*

Findings: The applicant proposes to develop the planned development in three major phases. Approval has been given by the Planning Commission for the replatting necessary for the first phase. The phasing plan appears to be reasonable. A condition should be placed which requires application for replatting the portion of the existing subdivision for subsequent phases within two years of the previous phase unless extended by the Planning Commission. Once the planned development is approved, building permits will not be issued for lots within the current subdivision (Pacific Dunes Unit No. 6) unless an application is approved by the Planning Commission and City Council to remove or modify the Planned Development zone overlay.

- (5) *The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.*

Findings: The applicant is proposing a development that contains fewer residential dwelling units than if the current subdivision was developed to its full allowable potential. Therefore, the streets surrounding the development are adequate to handle anticipated traffic. However, Dorcas Lane (32nd Street) east of Jackson Way will need to be improved in order to accommodate the parking area proposed on the northeast corner during Phase 2 of the planned development.

Findings Report - Application for planned development zone change (Pentz)

- (6) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Findings: The utility and drainage facilities for the existing subdivision have been constructed and are adequate for residential development. Conditions placed on the current subdivision anticipated that post lights would be installed upon construction of individual homes. A condition of the final plat is that street and security lighting will need to be addressed for the planned development.

11. Sections 4.090 of Ordinance 95-4 specify requirements for residential off-street parking as follows:

Section 4.090 Off-Street Parking Requirements.

	<i>USE</i>	<i>REQUIREMENTS</i>
(a)	<i>Dwelling</i>	<i>Two spaces for each dwelling unit.</i>

Findings: The number of uncovered and garage parking spaces shown on the plan is 48. The 24 dwelling units require 2 spaces each or a total of 48 spaces. Some of the parking spaces are in whole or in part on the current public right-of-way. The proposal is that the right-of-way be reduced in width to allow parallel parking on private property. However, until the planned development is fully implemented, the road right-of-way width should be maintained as well as the current fire truck turnaround. Consideration of reducing the right-of-way should be deferred to Phase 3. The applicant will need to provide a more conclusive case that it is in the best interest of the public to allow a 14 foot right-of-way instead of the current 30 foot right-of-way. The proposed parking spaces are acceptable given the overall design of the planned development.

CONCLUSIONS AND DETERMINATION

The application for a planned development meets the standards of the Comprehensive Plan and the Zoning Ordinance for amending the zone to place a planned development overlay on the subject property. The applicant has adequately explained what plan goals, objectives and policies would be furthered by the change, and has explained how the change will serve the public need.

The application for zone change from SR/R to SR/R-PD should be APPROVED with the conditions outlined in this findings report, and the City Council should adopt an implementing ordinance.

Code Appendix A
Cottage Clusters

Portland, OR
City of Portland Zoning Code, “Planned Development” (33.638)

**CHAPTER 33.638
PLANNED DEVELOPMENT**

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10)

Sections:

- 33.638.010 Purpose
- 33.638.020 Relationship to Other Regulations
- 33.638.100 Additional Allowed Uses and Development
- 33.638.110 Limitations on Residential Uses and Development

33.638.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development, while assuring that the development will complement existing neighborhood character. These regulations allow flexibility beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood.

33.638.020 Relationship to Other Regulations

- A. Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for residential development. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.
- B. Density.** Minimum density requirements must be met in a Planned Development. Adjustments to minimum density are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

33.638.100 Additional Allowed Uses and Development

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;

- E. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- F. Modification of site-related development standards.** Modification of site-related development standards may be requested through a Planned Development.
- G. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RH through R3 zones.
- H. Commercial uses.** Commercial uses that are allowed in the CN1 zone may be requested in the RF through R1 zones;
- I. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
1. RF through R1 zones. If the site is located in more than one zone, and all the zones are RF through R1, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.
 2. RH and RX zones. If the site is located in more than one zone, and the zones are RH and RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
 3. C, E, and I zones. If the site is located in more than one zone, and all the zones are C, E, and I zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
 4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R1, and at least one of the zones is RH, RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
 - a. The number of units allowed on the RF through R1 portion of the site is calculated in terms of dwelling units;
 - b. The number of units allowed on the other portion of the site is calculated in terms of floor area;
 - c. The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
 - d. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.
- J. Transfer of development between sites.** Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers occur, both the sending and receiving sites must be part of a Planned Development.

33.638.110 Limitations on Residential Uses and Development

The following limitations apply to Planned Developments proposed in EG or I Zones:

- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** If a residential use is allowed in an EG1 or EG2 zone through a Conditional Use Review, then residential uses proposed for an EG1 or EG2 zone as a Planned Development must also go through a Conditional Use Review. Using floor area transferred from EG1 and EG2 zones for residential uses is prohibited in all zones.

Code Appendix B
Internal Home Divisions

Salem, OR
**City of Salem Revised Code, Zoning, Historic Preservation, “Historic
Resource Adaptive Reuse” (230.085)**

On-site materials include, but are not limited to, informational kiosks or panels containing historical photos, architectural information and maps relating to the historic resource and site that are installed on the site of the historic resource.

(C) Level Three: Major Adverse Effect.

Work results in demolition of a historic resource. Mitigation shall include photo documentation of historic resource prior to commencement of demolition. ILS level documentation of the historic resource, and the development of both on-site and stand-alone educational materials which will meaningfully educate the public about the historic resource, and donation to the City's Historic Preservation Trust Fund, as provided in this paragraph. Examples of stand-alone educational materials include, but are not limited to, informational websites and pamphlets. A digital version of any educational materials shall be provided along, and adequate hard copies printed for distribution by the City. On-site materials include, but are not limited to, informational kiosks or panels containing historical photos, architectural information and maps relating to the historic resource and site that are installed on the site of the historic resource. The public agency shall donate 0.1% of the estimated market value of the historic resource to the City's Historic Preservation Trust Fund.

(3) Completion of Mitigation. Mitigation shall be complete at the time of completion of project giving rise to the required mitigation. (Ord No. 25-13)

230.085. Historic Resource Adaptive Reuse.

(a) Applicability. This section allows adaptive reuse of historic-contributing buildings and individually listed resources in all residential zones, in all public zones, and in the Commercial Office zone, in order to preserve these buildings or structures, where other uses would not be economically practical, and where a zone change would be inappropriate.

(b) Procedure Type. Historical resource adaptive reuse is a Type III procedure under SRC Chapter 300.

(c) Additional Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for historic resource adaptive reuse shall include:

- (1) Cost/benefit analysis.
- (2) Documentation of good faith efforts by the property owner to put the property to economically beneficial use including but not limited to leasing the building or resource;
- (3) Any capital expenditures associated with the building or structure during the two years immediately preceding the application for adaptive reuse.
- (4) Site plan identifying the following:
 - (A) All streets that abut the site and their designation (i.e., arterial, collector etc); and
 - (B) Proposed parking, if applicable.

(d) Criteria. An application for historic resource adaptive reuse shall be granted if the following criteria are met:

- (1) The building is a historic contributing building or an individually listed resource.
- (2) Use of the building or structure for any other use allowed in the zone is not economically practical, and the property does not meet the criteria for a zone change.
- (3) Allowing the proposed use will encourage preservation of the resource.
- (4) The building or structure will not be structurally expanded, or if historic non-contributing, will be restored.
- (5) The building or structure is located on an arterial or collector street.
- (6) Parking that meets the requirements of SRC Chapter 806 will be provided.
- (7) The proposed use will be compatible with and have minimal impact on the livability or appropriate development of surrounding property.

(e) **Conditions.** The review authority shall impose such conditions on the historic resource adaptive reuse permit as are necessary to establish compliance with the approval criteria.

(f) **Approval to Run with the Land.** Unless otherwise provided in the decision granting, historic adaptive reuse permits shall run with the land.

(g) **Historic Design Review.** Historic design review is required for any exterior alterations to a building or structure that has received historic resource adaptive reuse approval.

(h) **Uses Permitted.** The uses permitted for adaptive reuse pursuant to this section, either singularly or in combination, are:

(1) **Additional dwelling units:**

(A) RS - maximum of four units;

(B) RD - maximum of four units;

(2) **Telephone answering service;**

(3) **Professional offices:**

(A) Accounting services;

(B) Artists;

(C) Engineering, architectural, and surveying services;

(D) Legal services;

(E) Offices of physicians, dentists, osteopathic physicians, and other health practitioners.

(4) **Retail:**

(A) Used merchandise store;

(B) Men's and boys' clothing and accessory stores;

(C) Women's ready-to-wear stores;

(D) Women's accessory and specialty stores;

(E) Children's and infants' wear stores;

(F) Art gallery and framing shop.

(5) **Services:**

(A) Interior decorating studio;

(B) Child day care services;

(C) Residential care.

(6) **Other:** Other office, service, and retail uses not otherwise enumerated in this subsection that are substantially similar in traffic generation, noise generation, parking demand, hours of operation, and other similar characteristics relating to compatibility with surrounding uses. (Ord No. 34-10; Ord No. 25-13; Ord No. 31-13)

230.090. Demolition.

(a) **Applicability.** Prior to the issuance of a permit for the demolition of one-half or more of the ground floor square footage of a historic contributing building or individually listed resource, the owner must first obtain a historic resource demolition permit pursuant to this section. Historic resource demolition permit approval is a two stage process. "Stage 1" requires review by the Building Official to determine whether the building or resource can be reasonably moved. If the building or structure can be moved, "Stage 1" requires review to certify the relocation of the building or resource. If the building or resource cannot be moved, or no suitable location can be found, "Stage 2" requires review by the Historic Landmarks Commission to determine whether the building or resource should be demolished.

(b) **Procedure Type.**

(1) Historic Resource Demolition approval is a Type III procedure under SRC Chapter 300

(c) **Historic Resource Demolition Permit Stage 1.**

(1) **Submittal Requirements.** An application for Historic Resource Demolition Permit

Code Appendix B
Internal Home Divisions

Portland, OR
**City of Portland Zoning Code, Historic Resource Overlay Zone,
“Historic Preservation Incentives” (33.445.610.C.2)**

33.445.610 Historic Preservation Incentives

- A. Purpose.** Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.
- B. Eligibility for historic preservation incentives.** Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing to the historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.8 if the requirements of Subsection D are met.
- C. Incentives.** The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:
1. Transfer of density and floor area ratio (FAR). Transfer of density from a landmark to another location is allowed in Multi-Dwelling, Commercial, and Employment zones. In Multi-Dwelling zones, the transfer is regulated by Subsection 33.120.205.E, Transfer of Density. In Commercial and Employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.
 2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new net building area used for additional dwelling units only if the expansion is approved through historic resource review.
 3. Additional density in Multi-Dwelling zones. Structures located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The building may be expanded and the new net building area used for additional dwelling units only if the expansion is approved through historic resource review.
 4. Daycare in residential zones. Daycare is an allowed use in residential zones.
 5. Conditional uses in R, C, and E zones. In R, C, and E zones, applications for conditional uses are processed through a Type II procedure.
 6. Exemption from minimum density. Minimum housing density regulations do not apply.
 7. Nonresidential uses in the RX zone. In the RX zone, except on sites which front on the Park Blocks frontages shown on Map 510-12, up to 100 percent of the net building area of a structure may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production through Historic Preservation Incentive Review.

Code Appendix C
Corner Duplexes

Sublimity, OR
**City of Sublimity Development Code, Low Density Residential
District (R-1), “Permitted Uses” (2.101.02)**

2.101 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

2.101.01 Purpose

The Low Density Residential District is intended to preserve existing single family residential areas and provide for future single family residential housing opportunities at a density no greater than 4 units per acre. The R-1 district is consistent with the Single Family Residential Comprehensive Plan designation.

2.101.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Development Code, the following uses are permitted in the R-1 district:

- A. Single-family dwelling unit per lot or parcel, including single family manufactured home subject to Section 2.303 of this Development Code except that a manufactured home shall not be placed within an acknowledged historical district nor adjacent to a historic landmark.
- B. Duplex (only on a corner lot) or on lots or parcels as approved by the Planning Commission as part of an application for subdivision or planned unit development.
- C. Residential accessory structures or uses
- D. Parks and open space uses
- E. Home occupation, subject to the provisions of Section 2.306.
- F. Family child care (Serving fewer than 13 children)
- G. Residential care home (Serving five or fewer individuals)#.

2.101.03 Conditional Uses

The following uses may be permitted in the R-1 District when authorized by the Planning Commission pursuant to Section 3.103:

- A. Public and institutional land uses, government structure, communications towers for emergency services, or communications antennas on existing structures.#
- B. Bed and breakfast establishment
- C. Cemetery
- D. Golf Course
- E. Church

Uses marked with a pound sign (#) are subject to the standards in Section 2.101.07, "Special Standards for Certain Uses."

Code Appendix C
Corner Duplexes

Salem, OR
**City of Salem Revised Code, Zoning, “Single Family Residential”
(Tables 511-1 “Uses” and 511-2 “Lot Standards”)**

CHAPTER 511
RS – SINGLE- FAMILY RESIDENTIAL

- 511.001. Purpose
- 511.005. Uses
- 511.010. Development Standards
- 511.015. Other Provisions

511.001. Purpose. The purpose of the Single Family Residential (RS) zone is to implement the Single Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area. (Ord No. 31-13)

511.005. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

TABLE 511-1
USES

Table 511-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: <ul style="list-style-type: none"> ▪ Manufactured home, subject to SRC 700.025. ▪ Townhouse, subject to SRC 700.080. ▪ Zero side yard dwelling, subject to SRC 700.090.
	N	All other Single Family.
Two Family	P	The following Two Family activities: <ul style="list-style-type: none"> ▪ Duplex, when located on a corner lot. ▪ Duplex, when located on a lot whose side abuts property other than a street or alley in a Commercial (C) or Industrial (I) zone, and the entire lot is located within 165 feet of the C or I zone.
	S	Two family shared dwelling, subject to SRC 700.085.
	N	All other Two Family
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	C	Residential Facility, as defined under ORS 197.660, when located on a lot with frontage on an arterial or collector street.
	N	All other Residential Care.

Table 511-1: Uses		
Use	Status	Limitations & Qualifications
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Borders or Leasing of Rooms by Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

(b) Continued Uses. Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made non-conforming by this Chapter, is hereby deemed a continued use.

- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(f).
- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use. (Ord No. 31-13)

511.010. Development Standards. Development within the RS zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.

**TABLE 511-2
LOT STANDARDS**

Table 511-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 4,000 sq. ft.	Applicable to two family shared housing.
	Min. 7,000 sq. ft.	Applicable to all other Two Family.
All Other Uses	Min. 6,000 sq. ft.	
Infill Lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
LOT WIDTH		
All Uses	Min. 40 ft.	

Code Appendix C
Corner Duplexes

Portland, OR
**City of Portland Zoning Code, Single-Dwelling Zones, “Duplexes
and Attached Houses on Corners,” (33.110.240.E)**

- D. Duplex in R2.5 zone.** Duplexes are allowed in the R2.5 zone if the following are met:
1. Density. A maximum density of 1 unit per 2,500 square feet of site area is allowed. Density for this standard is calculated before public right-of-way dedications are made;
 2. Development standards. Duplexes must comply with the height, building setback, building coverage, and required outdoor area requirements of the base zone, overlay zone, or plan district; and
 3. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building.
- E. Duplexes and attached houses on corners.** This provision allows new duplexes and attached houses in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street.
1. Qualifying situations. This provision applies to corner lots in the R20 through R2.5 zones.
 2. Density. One extra dwelling unit is allowed up to a maximum of two units.
 3. Lot dimension regulations. Lots in the R20 through R2.5 zones must meet the lot dimension regulations of this section. Adjustments are prohibited.
 - a. In the R20 through R7 zones:
 - (1) Duplexes. Lots for duplexes must meet the minimum lot dimension standards for new lots in the base zone.
 - (2) Attached houses. Where attached houses are proposed, the original lot, before division for the attached house proposal, must meet the minimum lot dimension standards for new lots in the base zone. The new lots created for the attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone.
 - (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.
 - b. In the R5 zone:
 - (1) Duplexes. Lots for duplexes must be at least 4,500 square feet in area.
 - (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 4,500 square feet. The new lots created for the attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone.
 - (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

- c. In the R2.5 zone:
 - (1) Duplexes. Lots for duplexes must be at least 3,000 square feet in area.
 - (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 3,000 square feet. There are no minimum lot dimension standards for the new lots.
 - (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.
- 4. Development standards. Both units of the duplex or attached houses must meet the following standards to ensure that the two units have compatible elements. Adjustments to this paragraph are prohibited, but modifications may be requested through Design Review. The standards are:
 - a. Entrances. Each of the units must have its address and main entrance oriented towards a separate street frontage. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed;
 - b. Height. If attached housing is proposed, the height of the two units must be within four feet of each other; and
 - c. On both units:
 - (1) Exterior finish materials. The exterior finish material must be the same, or visually match in type, size and placement.
 - (2) Roof pitch. The predominant roof pitch must be the same.
 - (3) Eaves. Roof eaves must project the same distance from the building wall.
 - (4) Trim. Trim must be the same in type, size and location.
 - (5) Windows. Windows must match in proportion and orientation.

F. Flag lot development standards. The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots:

- 1. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RF, R20, R10	15 feet
R7, R5, R2.5	10 feet

- 2. Landscaped buffer area. In the R7 through R2.5 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot lines that are internal to the original land division site, or adjacent to an alley, are exempt from this requirement. The landscaped area must be at least 5 feet deep and be landscaped to

Code Appendix D
Accessory Dwelling Units

Washington County, OR
**Washington County Comprehensive Plan Volume IV Community
Development Code, Special Use Standards, “Single Family Accessory
Dwelling Unit” (430.117)**

- D. All collection areas are to be provided instructional signing indicating how materials are to be separated and stating any limitations on the types of materials accepted for recycling.

430-115.5 Access to the recycling center shall be from a collector or arterial street.

430-115.6 Four off-street parking places shall be provided adjacent to the collection area.

430-116 Religious Institution

A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to monasteries, offices, schools and living quarters for caretakers.

430-116.1 There shall be a minimum lot area of twenty thousand (20,000) square feet. Additional area may be required based on the extent of the proposal;

430-116.2 Inside the Urban Growth Boundary, when access is proposed to a local street the access shall be located within three hundred (300) feet of an intersection with a collector or an arterial.

430-116.3 The minimum front yard for buildings under forty-five (45) feet in height shall be thirty (30) feet;

430-116.4 The minimum front yard for buildings over forty-five (45) feet in height shall be forty-five (45) feet;

430-116.5 The minimum side or rear yards for buildings shall be as follows:

Under 15 feet in height	20 feet
15-24 feet in height	25 feet
25-34 feet in height	30 feet
35-44 feet in height	35 feet
45-54 feet in height	40 feet
55+ feet in height	50 feet

430-116.6 Signage shall be subject to the standards outlined under Section 414-2 (Institutional Districts); except as provided otherwise in the Institutional District (Section 330-9).

430-116.7 Building heights shall be subject to the standards outlined under Section 330 (Institutional District).

430-117 Single Family Accessory Dwelling Unit

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be

created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. See Figures 1.1 through 1.3 for examples of Accessory Dwelling Units;
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:
 - (1) The floor area of an interior accessory dwelling unit may be as large as fifty (50) percent of the primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area). See Figure 1.2 for example.
 - (2) In all other situations the total floor area of an accessory dwelling shall not exceed eight hundred (800) square feet. See Figures 1.1 and 1.3 for examples. However, when the accessory dwelling unit is designed to comply with the Americans with Disabilities Act (ADA) building code standards, the square footage maximum can be increased by up to 15 percent, to a maximum of nine hundred twenty (920) square feet. Prior to building permit issuance, plans shall show compliance with the accessibility standards of the current Oregon Residential Specialty Code.
- C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;
- D. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;
- E. An accessory dwelling unit shall meet the following setback standards:
 - (1) A detached accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front façade foundation of the primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;
 - (2) The minimum side yard setback for an accessory dwelling unit shall be five (5) feet; and,
 - (3) The minimum rear yard setback for an accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;

- F. The entrance to the accessory dwelling unit shall not face the front property line;
- G. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);
- H. At least one (1) off-street parking space shall be provided for the accessory dwelling unit;
- I. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;
- J. A home occupation shall not be conducted from either the primary or the accessory dwelling unit, except as provided for by Section 201-2.18;
- K. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied except when the property is owned and in use by an organization organized and operated exclusively for religious, charitable, or educational purposes under Section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, whose primary purpose is serving and assisting persons with developmental disabilities;
- L. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and
- M. A minimum contiguous rear or side yard outdoor area of four hundred and fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.

Examples of Accessory Dwellings Units

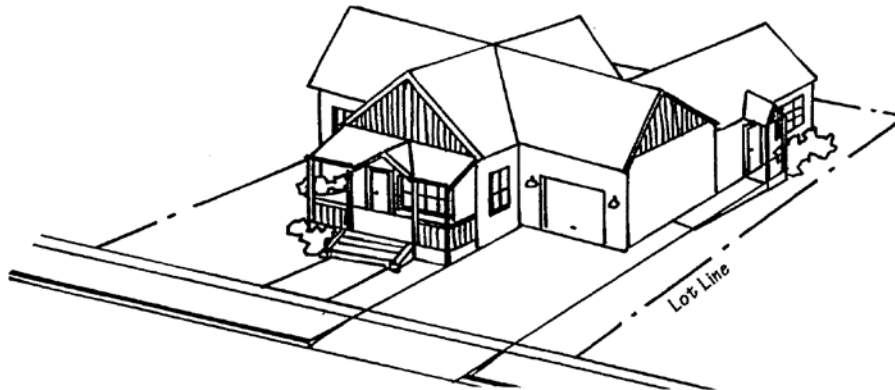


Figure 1.1

Attached Accessory Dwelling Unit - Single Story



Figure 1.2

Interior Accessory Dwelling Unit



Figure 1.3

Detached Accessory Dwelling Unit - Over a Detached Garage

Code Appendix D
Accessory Dwelling Units

Hood River, OR
Hood River Municipal Code, “Accessory Dwelling Units” (17.23)

Hood River Municipal Code
CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

17.23.010 General Requirements

- A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.
- B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).
- C. An application for an ADU shall be processed as a ministerial decision.
- D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12 month lease for the ADU occupant.
- E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.
- F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking.
- G. ADU's shall contain 800 square feet or less.
- H. All other applicable standards including, but not limited to, setbacks must be met.
- I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.
- J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.
- K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.
- L. The owner of the property shall accept full responsibility for sewer and water bills.
- M. An ADU may not be used as a short-term, vacation rental.
- N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.
- O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.

Code Appendix D
Accessory Dwelling Units

Springfield, OR
**Springfield Development Code, Development Review Process &
Applications, “Accessory Dwelling Units” (5.5-100)**

Springfield Development Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS](#)**Section 5.5-100 Accessory Dwelling Units**

5.5-105 Purpose

- A.** A single-family accessory dwelling unit:
- 1.** Is a secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-family dwelling;
 - 2.** Is subordinate in size, location, and appearance to the primary detached single-family dwelling;
 - 3.** Generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area; and
 - 4.** May be located within, attached to or detached from the primary single-family dwelling.
- B.** An accessory dwelling unit is intended to:
- 1.** Add affordable units to existing housing stock;
 - 2.** Provide flexibility for changes in household size over the course of time;
 - 3.** Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that Accessory Dwelling Units are constructed under the provisions of this Section.
- C.** An accessory dwelling may be established by:
- 1.** Conversion of an attic, basement or garage or any other portion of the primary dwelling;
 - 2.** Adding floor area to the primary dwelling, including a second story; or
 - 3.** Construction of a detached accessory dwelling unit on a lot/parcel with a primary single-family dwelling.

5.5-110 Applicability

Accessory dwelling units are permitted on LDR properties with an existing primary dwelling, within the city limits.

EXCEPTION: Accessory dwelling Units are prohibited on lots/parcels within the Washburne Historic District.

5.5-115 Review

An accessory dwelling unit is reviewed under Type I procedure.

5.5-120 Submittal Requirements

A plan drawn to scale showing the proposed accessory dwelling unit and its relation to the primary dwelling; existing and proposed trees and landscaping, lot/parcel area and dimensions, percent of lot/parcel coverage, building height, entrance locations, location of utilities and meters, off-street parking area; a detailed floor plan of the accessory dwelling unit, drawn to scale with labels on rooms indicating uses or proposed uses; and a separate written response demonstrating how the required development standards listed in Section 5.5-125 can be met.

5.5-125 Development Standards

Accessory dwelling units shall meet the following standards:

- A.** The accessory dwelling unit shall meet all applicable standards in this Code including, but not limited to; setbacks, height, lot/parcel coverage, solar access and building codes in effect at the time of construction.
- B.** The minimum lot/parcel size to construct an accessory dwelling unit is as specified in Section 3.2-215.
- C.** The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- D.** The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary dwelling exclusive of the garage. Within this standard, the minimum area shall not be less than 300 square feet. The maximum area shall not exceed 750 square feet.
EXCEPTION: The 40 percent requirement will not apply when the primary structure is less than 750 square feet in size, in order to ensure a 300 square foot minimum accessory dwelling unit. The minimum and maximum square footage shall be 300 square feet when the existing primary structure is less than 750 square feet in size.
- E.** When separate entrances to the accessory dwelling unit are proposed:
 - 1.** Only 1 entrance may be located on the front or street side of each residence.
 - 2.** A hard surface walkway, a minimum of 3 feet wide, shall be required from the primary entrance of the accessory dwelling unit to the street or walkway serving the primary dwelling.
- F.** Each dwelling shall have its own address.
- G.** One paved, off-street parking space 9 feet by 18 feet in size, in addition to that which is required by Section 4.6-100 is required.
- H.** The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling.
- I.** Before final occupancy of the accessory dwelling unit, the property owner shall record a deed restriction that states the property owner shall reside on the property and the accessory dwelling unit shall

not be sold separately from the primary dwelling, unless lawfully partitioned.

5.5-130 Design Standards

An accessory dwelling unit shall comply with the following standards, where practicable the:

- A.** Exterior finish materials shall be the same or essentially the same in terms of type, size, placement and finish as the primary dwelling.
- B.** Roof pitch shall match the roof pitch of the primary dwelling.
- C.** Trim shall be the same in type, location and finish as the primary dwelling.
- D.** Windows shall match those of the primary dwelling in terms of proportion (height and width ratio) and orientation (vertical vs. horizontal).
- E.** Eaves shall project from the accessory dwelling unit addition the same distance as the eaves on the primary dwelling.

5.5-135 Prior Uses

The Director shall approve any accessory dwelling unit existing at the time of the adoption of this amendment if the following conditions can be met:

- A.** The accessory dwelling unit complies with the provisions of Sections 5.5-105 through 5.5-130; and
- B.** A building permit was issued when the accessory dwelling unit was constructed or remodeled. The burden of proof is the responsibility on the property owner to show proof of building permits.

5.5-140 Non-conforming Lot/Parcel Sizes

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the minimum lot/parcel size stated in Section 3.2-215.

5.5-145 Prohibited Use

Mobile homes, manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

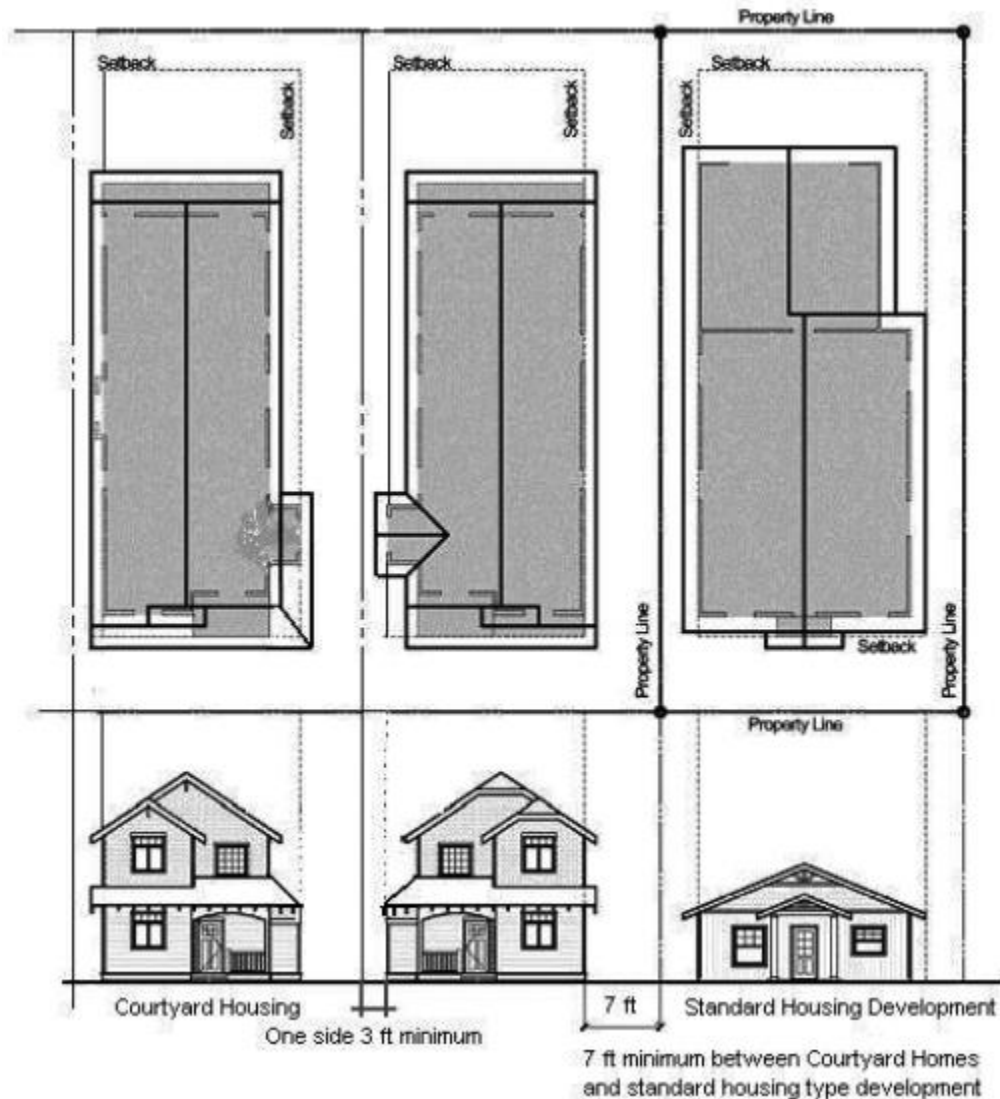
View the [mobile version](#).

Code Appendix D
Accessory Dwelling Units

Bend, OR
**Bend Development Code, Special Standards and Regulations for
Certain Uses, "Residential Uses, Accessory Dwelling Unit
(ADU)" (3.6.200.B)**

3. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting “zero lot line” lots. For example, this standard is met by placing ground-floor windows (along the zero setback) where views are directed into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to adjoining non-zero lot line lots.

Figure 3.6.200.A – Courtyard Housing



B. Accessory Dwelling (Attached, Detached or Above Detached Garage). An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached unit, a unit attached to a garage, or within a portion of an existing house. The housing density standard does not apply to accessory dwellings, due to the small size and low occupancy level of the

use. The following standards are intended to control the size, scale and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards in addition to the standards of underlying zone:

1. Accessory dwellings located in the SR 2 1/2, RL and RS Zones on lots created prior to December 1998 shall require approval through a Conditional Use Permit.
2. International Residential Code (IRC). The structure complies with the International Residential Code.
3. Number of Units. A maximum of one accessory dwelling unit is allowed per lot.
4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 600 square feet. All structures on the lot including the main house, garage, etc., must comply with BDC 2.1.400 regarding floor area ratio.
5. Building Height. The building height of detached accessory dwellings and dwellings over detached garages shall not exceed 25 feet, and in no instance shall the accessory unit be taller than the primary structure.
6. Buffering. Where an accessory dwelling unit faces the living space of a dwelling on an adjoining lot, a visual buffer shall be provided using window design, a sight-obscuring fence and/or vegetation.
7. Parking. One parking space shall be provided on site for the accessory dwelling in addition to the parking required for the main dwelling.
8. Design Review. An accessory dwelling is subject to the standards in BDC 2.1.900, Architectural Design Standards, to provide compatibility and protect the architectural character of older neighborhoods.

C. 1. Affordable Housing Strategies. Through the adoption of two resolutions by the City Council (Resolutions 2423 and 2428), the City of Bend provides an incentive program to developers to assist in the development of affordable housing. The City defines affordable housing as housing with a sales price or rental amount that is within the means of a household that may occupy moderate- and low-income housing, meeting one of the thresholds defined in subsections (C)(1)(a) and (b) of this section.

- a. In the case of dwelling units for sale, "affordable" means housing in which the mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a family at 80 percent of the area median

Code Appendix D
Accessory Dwelling Units

Sisters, OR
**City of Sisters Development Code, Special Provisions, “Accessory
Dwelling Unit” (2.15.300)**

Chapter 2.15 – Special Provisions

Sections:

2.15.100	Purpose of Special Provisions
2.15.200	Applicability
2.15.300	Accessory Dwelling
2.15.400	Accessory Structures
2.15.500	Bed and Breakfast Inn
2.15.600	Zero Lot Line Dwelling
2.15.700	Home Occupations
2.15.800	Affordable Housing
2.15.900	Manufactured Dwellings on Individual Lot
2.15.1000	Manufactured Dwelling Parks
2.15.1100	Residential Care Homes and Facilities
2.15.1200	Residential Uses in Commercial Districts
2.15.1300	Attached Dwelling (Townhome)
2.15.1400	Adult Business/Adult Entertainment
2.15.1500	Service Stations
2.15.1600	Drive-Through Facilities
2.15.1700	Recreational Vehicle (RV) Parks/campgrounds
2.15.1800	Communication Facilities
2.15.1900	Temporary Uses
2.15.2000	Major Retail Development Standards
2.15.2100	Portable Carports
2.15.2200	Public Art
2.15.2300	Vision Clearance
2.15.2400	Dark Skies Standards
2.15.2500	Solar Access Standards
2.15.2600	Western Frontier Architectural Design Theme
2.15.2700	Vacation Rental Housing Units

2.15.100 Purpose of Special Provisions

This Chapter supplements the standards contained in this ordinance. It also provides standards for certain land uses to ensure compatibility of those uses within all the zoning Districts.

2.15.200 Applicability

The regulations in this Section shall apply in all zoning districts. Where conflict between regulations occurs, the regulations in this Section shall apply.

2.15.300 Accessory Dwelling Unit (ADU)

Accessory dwellings are subject to a Type I review and are subject to the development standards of the underlying land use district. In addition accessory dwellings shall comply with all of the following:

- A. Oregon Structural Specialty Code. The ADU complies with the Oregon Structural Specialty Code.

- B. Owner-occupied. The primary residence or ADU shall be owner-occupied or by a member of the family.
- C. Number of units. A maximum of one (1) ADU is allowed per lot.
- D. Floor area. The maximum living area of the second residential unit shall not exceed fifty (50%) percent of the gross floor space of the primary unit, provided that in no case shall the gross floor area of the second unit exceed eight hundred (800) square feet.
- E. The ADU may be a detached unit, a unit attached to a garage, or a converted portion of the primary dwelling unit.
- F. Setbacks, Height and lot coverage. All ADUs shall meet the minimum setbacks, height requirements and lot coverage standards of the underlying land use district.
- G. Parking. One additional parking space for the ADU shall be provided on-site, and shall meet all applicable parking standards.
- H. Compatibility standards for ADUs. The exterior finish materials, roof pitch, trim, window proportion and orientation, and eaves for the accessory dwelling must be the same or visually match in type, size and placement, the exterior details of the primary dwelling on the lot.
- I. Lighted Entrance. The entrance of an ADU shall be constructed with an exterior light that complies with the Dark Skies standards.
- J. Addressing. Each ADU shall be identified with house numbers which shall be located in such a manner as to be visible from the street.
- K. Each property containing an ADU shall have at least one water and sewer lateral from the city main line to the property line which can be split to accommodate the additional meter and sewer service for the ADU if the existing service line size is adequate. If the size (diameter) of the existing water or sewer lateral line is determined by the developer's Engineer to not be adequate for the proposed use, then it shall be the property owner's responsibility to install an additional or larger service line from the city main line to the property line.

2.15.400 Accessory Structures

All accessory structures shall comply with the following special use standards.

- A. Primary use required. An accessory structure shall not be allowed without another primary structure on the lot.
- B. Floor area. The maximum gross floor area of an accessory structure in the Residential Districts shall not exceed 1200 square feet.

Code Appendix D
Accessory Dwelling Units

Ashland, OR
**City of Ashland Land Use Ordinance, Special Use Standards,
“Accessory Dwelling Unit” (18.2.3.040)**

required for some uses.

18.2.3.040 Accessory Residential Unit

Where accessory residential units are allowed, they are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

A. R-1 Zone. Accessory residential units in the R-1 zone shall meet the following requirements.

1. One accessory residential unit is allowed per lot, and the maximum number of dwelling units shall not exceed two per lot.
2. Accessory residential units are not subject to the density or minimum lot area requirements of the zone, except that accessory residential units shall be counted in the density of developments created under the Performance Standards Option in chapter 18.3.9.
3. The maximum gross habitable floor area (GHFA) of the accessory residential unit shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA.
4. The proposal shall conform to the overall maximum lot coverage and setback requirements of the underlying zone.
5. Additional parking shall be provided in conformance with the off-street parking provisions for single-family dwellings in section 18.4.3.040, except that parking spaces, turn-arounds, and driveways are exempt from the paving requirements in subsection 18.4.3.080.E.1.

B. RR Zone. In addition to the standards in subsection 18.2.3.040.A, accessory residential units in the RR zone shall meet the following requirements.

1. If the accessory residential unit is not part of the primary dwelling, all construction and land disturbance associated with the accessory residential unit shall occur on lands with less than 25 percent slope.
2. The lot on which the accessory residential unit is located shall have access to an improved city street, paved to a minimum of 20 feet in width, with curbs, gutters, and sidewalks.
3. No on-street parking credits shall be allowed for accessory residential units.
4. If located in the Wildfire zone, the accessory residential unit shall have a residential sprinkler system installed.

C. R-2 and R-3 Zones. Accessory residential units in the R-2 and R-3 zones shall meet the standards in subsection 18.2.3.040.A, except that the maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50 percent of the GHFA of the primary residence on the lot, and shall not exceed 500 square feet GHFA.

18.2.3.050 Automobile and Truck Repair Facility

Where automobile and truck repair facilities are allowed, they are subject to all of the following requirements.

A. All cars and trucks associated with an automobile or truck repair facility shall be screened from view

Code Appendix D
Accessory Dwelling Units

Eugene, OR
**City of Eugene Development Code, Residential Zone Development
Standards, “Secondary Dwellings in R-1” (9.2751(17))**

Eugene Code

height of 18 feet.

- b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2751(16)(b)3.)

4. An accessory building greater than 200 square feet in area shall have a minimum building roof pitch of 6 inches vertically for every 12 inches horizontally.
5. No accessory building shall be rented, advertised, represented or otherwise used as an independent dwelling.
6. The accessory building shall not include more than one plumbing fixture.
7. For an accessory building with one plumbing fixture, prior to the city's issuance of a building permit for the accessory building, the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include the following statements:
 - a. The accessory building shall not be rented, advertised, represented or otherwise used as an independent dwelling.
 - b. If the property owner is unable or unwilling to fulfill the requirements of the Eugene Code for use of the accessory building, then the property owner shall discontinue the use and remove the plumbing fixture from the building.
 - c. Lack of compliance with the above shall be cause for code enforcement under the provisions of the applicable Eugene Code.
 - d. The deed restriction shall lapse upon removal of the accessory building or removal of the plumbing fixture. The City must approve removal of deed restriction.
 - e. The deed restriction shall run with the land and be binding upon the property owner, heirs and assigns and is binding upon any successor in ownership of the property.

(17) Secondary Dwellings in R-1.

- (a) General Standards for Attached Secondary Dwellings. Except as provided in subsection (c) below, secondary dwellings that are within the same building as the primary dwelling shall comply with all of the following:
 1. Lot Area. To allow a secondary dwelling, flag lots shall contain at least 12,500 square feet, excluding the pole portion of the lot, and shall have a minimum pole width as required under EC 9.2775(5)(e). All other lots shall contain at least 6,100 square feet.
 2. Building Size. The total building square footage of a secondary dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

Eugene Code

3. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
 - a. For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750
 - b. For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. **(See Figure 9.2751(16)(b)3.)**
 - c. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in subsections a. and b. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
4. Minimum Attachment. The secondary dwelling and the primary dwelling must share a common wall or ceiling for a minimum length of 8 feet to be considered attached.
5. Maximum Bedrooms. The secondary dwelling shall contain no more than 2 bedrooms.
6. Dog Keeping. No more than 3 dogs shall be permitted on the lot, not including the temporary keeping of one additional dog for up to 6 months in any 12-month period.
7. Ownership/Occupancy Requirements. Either the primary dwelling or the secondary dwelling shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Any property owner of record holding an equal share in the property may be deemed the majority owner if no other owner owns a greater interest. The principal residence cannot be leased or rented when not occupied by the property owner. Prior to the city's issuance of the building permit for the secondary dwelling (or the primary dwelling if it is constructed later) the property owner must provide the city with a copy of the property deed to verify ownership and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and secondary dwelling are constructed at the same time, such documentation must be provided prior to final occupancy.
8. Temporary Leave. Notwithstanding subsection 7. above, a property owner may temporarily vacate the principal residence for up to one year due to a temporary leave of absence for an

Eugene Code

employment, educational, volunteer opportunity, or medical need. The property owner must provide the city proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted in accordance with EC 9.8030(34).

9. Deed Restriction. Prior to issuance of a building permit for the secondary dwelling (or the primary dwelling if it is constructed later), the owner shall provide the city with a copy of a deed restriction on a form approved by the city that has been recorded with the Lane County Clerk. The deed restriction must include a reference to the deed under which the property was acquired by the present owner and include the following provisions:
 - a. One of the dwellings must be the principal residence of a property owner who is the majority owner of the property. Requirements for occupancy shall be determined according to the applicable provisions of the Eugene Code.
 - b. The deed restriction runs with the land and binds the property owner(s), heirs, successors and assigns.
 - c. The deed restriction may be terminated, upon approval by the city, when one of the dwellings is removed, or at such time as the city code no longer requires principal occupancy of one of the dwellings by the owner.
 10. Verification. At least once every two years, the property owner shall provide to the city documentation of compliance with the ownership and occupancy requirements of subsection 7. above. The property owner must provide a copy of the current property deed to verify ownership and two forms of documentation to verify occupancy of the principal residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill.
 11. Additional Standards for Secondary Dwellings on Flag Lots. Secondary dwellings on flag lots are also subject to the standards at EC 9.2775(5)(e).
- (b) General Standards for Detached Secondary Dwellings. In addition to the standards in subsection (a) of this section, detached secondary dwellings shall comply with the following, except as provided in subsection (c) below:
1. Building Size. Up to 300 square feet of un-heated garage or storage space attached to the secondary dwelling unit is allowed and is not counted in the allowable total building square footage.
 2. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in

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- width.
3. Primary Entrance. The primary entry to a secondary dwelling shall be defined by a covered or roofed entrance with a minimum roof depth and width of no less than 3 feet.
 4. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.
 5. Building Height/Interior Setback. Except for secondary dwellings on flag lots (see EC 9.2775), the following standards apply:
 - a. Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet.
 - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. **(See Figure 9.2751(16)(b)3.)**
 - c. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).
 6. Maximum Wall Length. Along the vertical face of the dwelling, offsets shall occur at a minimum of every 25 feet by providing at least one of following: recesses or extensions, including entrances, a minimum depth of 2 feet and a minimum width of 5 feet for the full height of the wall. Full height is intended to mean from floor to ceiling (allowing for cantilever floor joists).
- (c) Area-Specific Secondary Dwelling Standards. The following standards apply to all new attached or detached secondary dwellings in the R-1 zone within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association:
1. Lot Area. To allow for a secondary dwelling, the lot shall contain at least 7,500 square feet.
 2. Lot Dimension. The boundaries of the lot must be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.
 3. Lot Coverage. The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 4. Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of the total lot area.
 5. Building Size. For lots at least 7,500 square feet and less than 9,000 square feet in area, the secondary dwelling shall not exceed 600 square feet of total building square footage. For lots at least 9,000 square feet in area, the secondary dwelling shall not exceed 800 square feet of total building square footage. Total building

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square footage is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

6. Minimum Attachment. The standards at EC 9.2751(17)(a)4. are applicable.
7. Maximum Bedrooms. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 1 bedroom.
8. Maximum Occupancy. For lots with a primary dwelling containing 3 or fewer bedrooms, the secondary dwelling shall be limited to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, the secondary dwelling shall be limited to 2 occupants.
9. Building Height/Interior Setback. For detached secondary dwellings:
 - a. The interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet.
 - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in 1. above, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.

(See Figure 9.2751(16)(b)3.)

10. Dog Keeping. The standards at EC 9.2751(17)(a)6. are applicable.
11. Ownership/Occupancy Requirements. The standards at EC 9.2751(17)(a)7. are applicable.
12. Temporary Leave. The standards at EC 9.2751(17)(a)8. are applicable.
13. Deed Restriction. The standards at EC 9.2751(17)(a)9. are applicable.
14. Verification. The standards at EC 9.2751(17)(a)10. are applicable.
15. Parking. For the primary dwelling, there shall be a minimum of one and a maximum of two parking spaces on the lot. There shall be one additional parking space on the lot for the exclusive use for the occupants and guests of the secondary dwelling.
16. Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached secondary dwellings where primary vehicle access for the required parking is from an alley.
17. Pedestrian Access. The standards at EC 9.2751(17)(b)2. are applicable to attached and detached secondary dwellings, except that if primary vehicle access for the required parking is from an alley, the path must be provided from the alley.
18. Primary Entrance. The standards at EC 9.2751(17)(b)3. are applicable to detached secondary dwellings only.

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19. Outdoor Storage/Trash. The standards at EC 9.2751(17)(b)4. are applicable to detached secondary dwellings only.
 20. Maximum Wall Length. The standards at EC 9.2751(17)(b)6. are applicable to detached secondary dwellings only.
 - (d) Adjustment Review. The standards at EC 9.2751(17)(a)8. regarding temporary leave and at EC 9.2751(17)(b)5. regarding building height (to allow for a secondary dwelling over an accessory building) may be adjusted in accordance with EC 9.8030(34). Additionally, an adjustment may be requested to convert an existing building into a secondary dwelling in accordance with EC 9.8030(34) if the existing building does not meet the standards under EC 9.2751(17)(a) or (b). For secondary dwellings, these are the only standards that may be adjusted. With the exception of EC 9.2751(17)(a)8. regarding temporary leave, these standards are not adjustable for secondary dwellings within the city-recognized boundaries of Amazon Neighbors, Fairmount Neighbors and South University Neighborhood Association.
 - (e) Enforcement. Failure to adhere to the standards required under this section shall constitute a violation subject to the enforcement provisions of section 9.0010 through 9.0280 General Administration.
- (18) Alley Access Lots in R-1.**
- (a) General Standards.
 1. Applicability. Except as provided in (b) below, the following standards apply to development on alley access lots in R-1.
 2. Use Regulations. Alley access lots have the same land use regulations as the base zone except that there is no allowance for a secondary dwelling.
 3. Building Size. The total building square footage of a dwelling shall not exceed 10 percent of the total lot area or 800 square feet, whichever is smaller. Total building square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.
 4. Lot Coverage. Alley access lots shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage.
 5. Building Height/Interior Setback.
 - a. Interior yard setbacks shall be at least 5 feet, including along the alley frontage. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line perpendicular to the alley until a point not to exceed a maximum building height of 18 feet.
 - b. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback described in a. above, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.
 - (b) **(See Figure 9.2751(16)(b)3.)**
 - c. These standards may be adjusted in accordance with EC 9.8030(35).
 6. Windows, Dormers and Balconies.

Code Appendix D
Accessory Dwelling Units

**City of Portland Zoning Code, Additional Use and Development
Regulations, “Accessory Dwelling Units” (33.205)**

CHAPTER 33.205
ACCESSORY DWELLING UNITS

(Amended by: Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. No. 183598, effective 4/24/10; Ord. No. , effective 8/29/14; Ord. No. 186736, effective 8/29/14.)

Sections:

- 33.205.010 Purpose
- 33.205.020 Where These Regulations Apply
- 33.205.030 Design Standards
- 33.205.040 Density

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards

- A. Purpose.** Standards for creating accessory dwelling units address the following purposes:
 - Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
 - Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
 - Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
 - Provide adequate flexibility to site buildings so that they fit the topography of sites.
- B. Generally.** The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
- C. Requirements for all accessory dwelling units.** All accessory dwelling units must meet the following:

1. Creation. An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.
2. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household.
3. Other uses.
 - a. Type B home occupation. An accessory dwelling unit is prohibited on a site with a Type B home occupation.
 - b. Type A accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type A accessory short-term rental.
 - c. Type B accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type B accessory short-term rental if the accessory dwelling unit meets the standards of Paragraph 33.815.040.B.1.
4. Location of entrances. Only one entrance may be located on the facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
5. Parking. No additional parking is required for the accessory dwelling unit. Existing required parking for the house, attached house, or manufactured home must be maintained or replaced on-site.
6. Maximum size. The size of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less. The measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created.
7. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.
8. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.
9. Trim. Trim must be the same in type, size, and location as the trim used on the house, attached house, or manufactured home.
10. Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and

orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations.

11. Eaves. Eaves must meet one of the following:
 - a. The eaves must project from the building walls the same distance as the eaves on the house, attached house, or manufactured home;
 - b. The eaves must project from the building walls at least 1 foot on all elevations; or
 - c. If the house, attached house, or manufactured home has no eaves, no eaves are required on the accessory dwelling unit.

D. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

1. Setbacks. The accessory dwelling unit must be at least:
 - a. 60 feet from the front lot line; or
 - b. 6 feet behind the house, attached house, or manufactured home.
2. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.
3. Bulk limitation. The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house, or manufactured home. The combined building coverage of all detached accessory structures may not exceed 15 percent of the total area of the site.
4. Conversion of existing detached accessory structures.
 - a. In RF through R2.5 zones, conversion of an existing detached accessory structure that is in a front building setback required by Table 110-3 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by Subsection 33.110.250.C, Setbacks.
 - b. In R3 through IR zones, conversion of an existing detached accessory structure that is in a front building setback required by Table 120-3 is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by Subsection 33.120.280.C, Setbacks
 - c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of Paragraphs C.7 through C.11 and Paragraphs D.2 and D.3, alterations that will move the structure out of conformance with the standards that are met are not allowed;
 - d. If the accessory dwelling unit is proposed for an existing detached accessory structure that does not meet one or more of the standards of Paragraphs C.7 through C.11, the structure is exempt from the standard it does not meet. If any floor area is added to the detached accessory structure, the entire structure must meet the standards of Paragraphs C.7 through C.11.

33.205.040 Density

In the single-dwelling zones, accessory dwelling units are not included in the minimum or maximum density calculations for a site. In all other zones, accessory dwelling units are included in the minimum density calculations, but are not included in the maximum density calculations.