WASHINGTON COUNTY
OREGON

PROPOSED LAND USE ORDINANCE NO. 885
Individual and General Notice 2022-02
Jan. 19, 2022

The Washington County Planning Commission and Board of Commissioners will soon consider proposed **Ordinance No. 885**. Listed below is a description of the ordinance, hearing dates and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519 or lutplan@co.washington.or.us.

ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 885 would amend the Community Development Code (CDC) to implement state law changes adopted in HB 2001, the Middle Housing bill. Proposed amendments would allow duplexes, triplexes, quadplexes, townhouses and cottage cluster developments in all residential districts that currently allow single detached homes. Amendments include siting and design requirements for middle housing, related updates for certain other housing types, and changes for clarity and consistency in affected CDC sections.

Who is Affected

Property owners of residential land in urban unincorporated Washington County.

What Land is Affected

Land that is designated R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO: R18-24 land use districts in urban unincorporated Washington County.

PUBLIC HEARING INFORMATION:

The *first* hearings for each hearing body are scheduled for the dates and times below. Additional hearings are expected. For information about the meetings and how to testify, please see the following webpages or call 503-846-3519.

Planning Commission: www.co.washington.or.us/plancomm

Board of Commissioners: https://washingtoncounty.civicweb.net/Portal

Planning Commission	Board of Commissioners
6:30 p.m.	**10 a.m.**
(Feb. 16, 2022)	(April 19, 2022)

Planning Commission and Board meetings may be conducted virtually on Zoom. Check one week prior to the meeting date for meeting location details.

At its April 19 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted on April 19, it would become effective May 19.

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KEY PROVISIONS:

- Defines middle housing terms, including the following middle housing types: cottage cluster, duplex, quadplex, townhouse, and triplex.
- Allows middle housing in all urban residential districts, and adds minimum lot areas, setbacks, heights, caps on unit numbers and/or density provisions.
- Allows middle housing through a Type I (the simplest) process in most cases and provides alternative Type II options.
- Adds a new Special Use section with general standards and design standards for middle housing.
- Adds middle housing duplex as an allowed use in a flood plain, drainage hazard area, riparian corridor, and significant water area or wetland, the same as a single detached home.
- Establishes off-street parking requirement of one space per middle housing unit and amends existing standards to require the same for all attached dwelling units.
- Adds public facilities and services requirements for single detached dwellings and middle housing, including sidewalk and right-of-way dedication requirements.
- Modifies design requirements for single detached dwellings and applies them to middle housing duplexes.
- Modifies applicability of transit-oriented design principles, standards and guidelines.
- Replaces existing North Bethany cluster housing/cottage housing regulations with cottage cluster regulations that apply to all districts where middle housing is allowed.
- Makes minor changes throughout CDC for clarity and consistency.

AFFECTED LAND USE PLANNING DOCUMENTS:

Community Development Code

- Section 106 – Definitions;
- Section 203 – Processing Type I, II and III Development Actions;
- Section 300 – Land Use Districts;
- Section 302 – R-5 District (Residential 5 Units Per Acre);
- Section 303 – R-6 District (Residential 6 Units Per Acre);
- Section 304 – R-9 District (Residential 9 Units Per Acre);
- Section 305 – R-15 District (Residential 15 Units Per Acre);
- Section 306 – R-24 District (Residential 24 Units Per Acre);
- Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
- Section 375 – Transit Oriented Districts;
- Section 390 – North Bethany Subarea Overlay District;
- Section 403 – Applicability;
- Section 406 – Building, Siting and Architectural Design;
- Section 407 – Landscape Design;
- Section 408 – Neighborhood Circulation;
- Section 409 – Private Streets;
- Section 410 – Grading and Drainage;
- Section 411 – Screening and Buffering;
- Section 413 – Parking and Loading;
- Section 415 – Lighting;
- Section 418 – Setbacks;
- Section 420 – Creation of Lots Below 20,000 Square Feet in the R-9, R-15, R-24 and R-25+ Districts;
- Section 421 – Flood Plain and Drainage Hazard Area Development;

- Section 422 – Significant Natural Resources;
- Section 427 – Solar Access Standards;
- Section 429 – Bicycle Parking;
- Section 430 – Special Use Standards;
- Section 431 – Transit Oriented Design Principles, Standards and Guidelines;
- Section 440 – Nonconforming Uses and Structures;
- Section 501 – Public Facility and Service Requirements; and
- Section 502 – Sidewalk Standards

HOW TO SUBMIT COMMENTS:

Washington County remains committed to broad community engagement and transparency of government during the COVID-19 pandemic. **For meetings that are conducted via Zoom, advance registration is required to provide testimony on agenda items or additional communication at designated times.**

For Planning Commission registration and contact information, please visit the Planning Commission webpage: **https://www.co.washington.or.us/PlanComm**

For Board registration instructions and contact information, please visit the How to Testify webpage: **https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm**

Staff Contact

Anne Kelly, Senior Planner, anne_kelly@co.washington.or.us, 503-846-3583

The ordinance is available for review on the Land Use Ordinances webpage:
www.co.washington.or.us/landuseordinances

The ordinance will be available for review at the following locations:
- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

FILED
JAN 12 2022
Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 885	An Ordinance Amending the Community Development Code to Implement HB 2001 Middle Housing Provisions

The Board of County Commissioners of Washington County, Oregon ("Board"), ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417 ,421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859, 864, 866, 867, and 877.

B. In 2019, the Oregon Legislature adopted HB 2001 to increase housing diversity and housing choices, especially housing choices that more people can afford. The provisions of the bill diversify the housing types which may be constructed on land where single detached dwellings are

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typical. The law requires certain cities and counties to amend their development codes to allow for housing types known as "middle housing," and defined as duplexes, triplexes, quadplexes, townhouses and cottage clusters. As is the case for all large cities, and counties within Metro, Washington County must adopt amendments to its development code by June 30, 2022. The Board recognizes that these changes are for the benefit, health, safety, and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including preparation of notices, and the County Planning Commission has conducted one or more public hearings on the proposed amendments and has submitted its recommendations to the Board. The Board finds that this Ordinance is based on those recommendations and any modifications made by the Board are a result of the public hearings process.

D. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and finds that this Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, the Washington County Community Development Code, and the Washington County Comprehensive Plan.

SECTION 2

The following exhibit, attached and incorporated herein by reference, is hereby adopted as amendments to the following document:

1. Exhibit 1 (172 pages) – Amends the following sections of the Community Development

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Code:

a. Section 106 – Definitions;

b. Section 203 – Processing Type I, II and III Development Actions;

c. Section 300 – Land Use Districts;

d. Section 302 – R-5 District (Residential 5 Units Per Acre);

e. Section 303 – R-6 District (Residential 6 Units Per Acre);

f. Section 304 – R-9 District (Residential 9 Units Per Acre);

g. Section 305 – R-15 District (Residential 15 Units Per Acre);

h. Section 306 – R-24 District (Residential 24 Units Per Acre);

i. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);

j. Section 375 – Transit Oriented Districts;

k. Section 390 – North Bethany Subarea Overlay District;

l. Section 403 – Applicability;

m. Section 406 – Building, Siting and Architectural Design;

n. Section 407 – Landscape Design;

o. Section 408 – Neighborhood Circulation;

p. Section 409 – Private Streets;

q. Section 410 – Grading and Drainage;

r. Section 411 – Screening and Buffering;

s. Section 413 – Parking and Loading;

t. Section 415 – Lighting;

u. Section 418 – Setbacks;

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v. Section 420 – Creation of Lots Below 20,000 Square Feet in the R-9, R-15, R-24 and R-25+ Districts;

w. Section 421 – Flood Plain and Drainage Hazard Area Development;

x. Section 422 – Significant Natural Resources;

y. Section 427 – Solar Access Standards;

z. Section 429 – Bicycle Parking;

aa. Section 430 – Special Use Standards;

bb. Section 431 – Transit Oriented Design Principles, Standards and Guidelines;

cc. Section 440 – Nonconforming Uses and Structures;

dd. Section 501 – Public Facility and Service Requirements; and

ee. Section 502 – Sidewalk Standards.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

/ / /

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SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, converting textual material into table format, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

ENACTED this _____ day of _____, 2022, being the _____ reading and _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

_____
CHAIR KATHRYN HARRINGTON

_____
RECORDING SECRETARY

READING	PUBLIC HEARING
First _____	First _____
Second _____	Second _____
Third _____	Third _____
Fourth _____	Fourth _____
Fifth _____	Fifth _____
VOTE: *Aye:* _____	*Nay:* _____
Recording Secretary: _____	Date: _____

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Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 – DEFINITIONS

106-1 The definitions contained in this Code are used as follows:

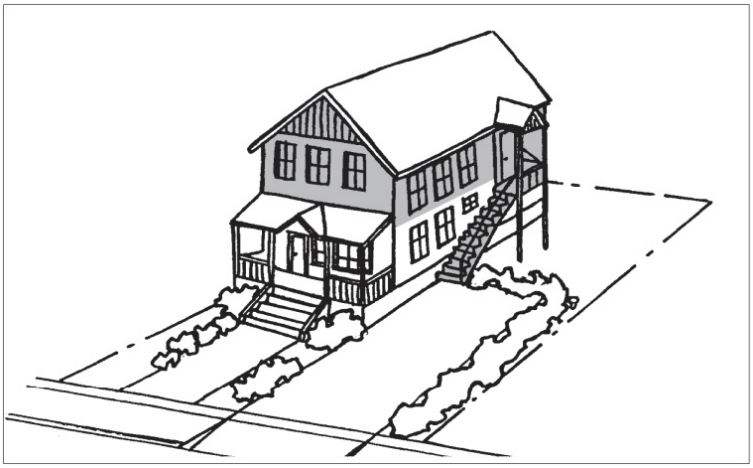
***

106-6 **Accessory Dwelling Unit**. (See Dwelling Unit, Accessory)~~A complete living unit allowed with a detached single-family dwelling. The accessory unit functions as a complete, independent living facility with its own kitchen, bathroom and sleeping area. ADUs are classified as either attached or detached based on the following characteristics:~~

~~A. Attached. An attached ADU shares a common wall with the primary dwelling and may utilize existing square footage within the primary dwelling, added square footage, or a combination thereof. See Figures 1 and 2 for examples.~~

~~B. Detached. A detached ADU shall not share a common wall, roof or foundation with the primary dwelling. See Figure 3 for example.~~

~~*Section 106-6 Figure 1 - Attached (addition)*~~



~~*Section 106-6 Figure 2 - Attached (conversion of existing space)*~~

~~*Section 106-6 Figure 3 - Detached (addition/conversion over detached garage)*~~

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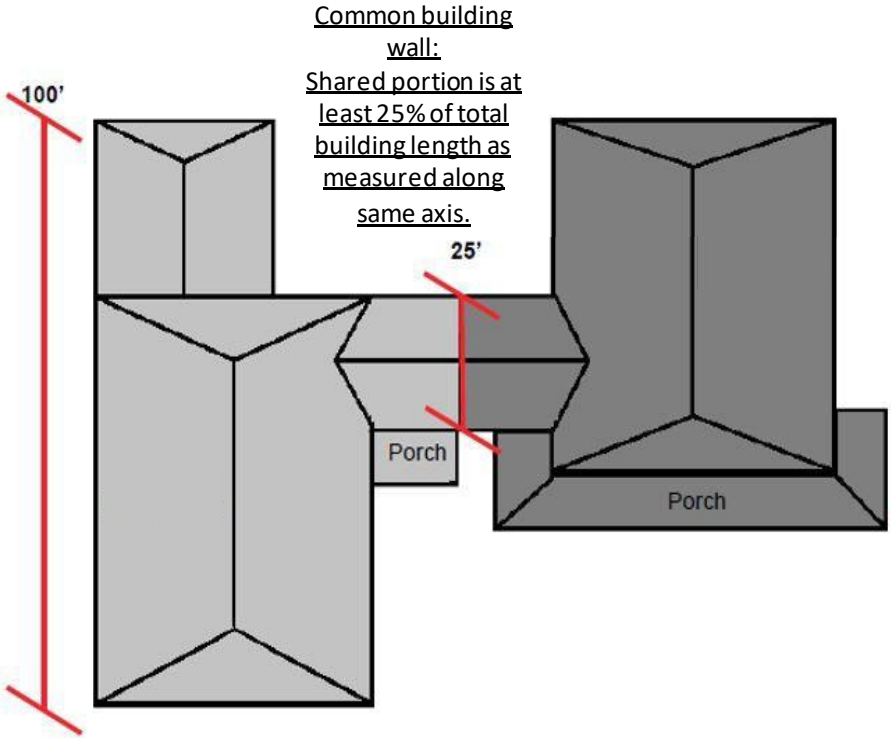
106-36 **Common Building Wall.** A wall or set of walls, shared by two or more attached dwelling units. The common building wall may be any wall of the building, including the walls of attached garages. The shared portion is at least 25% of the total length of the building as measured along the same axis. (See example below).



Common Building Wall

106-3~~6~~7 **Community Plans**. Plans which provide specific land use designations on property within the unincorporated urban area of the county and also provide detailed policy direction to guide

development based upon community needs and desires. Previous plans of development are not included in this definition.

106-~~37~~8 **Compatible**. Capable of existing together in harmony; capable of orderly, efficient integration and operation with other elements in a system considering building orientation, privacy, lot size, buffering, access, and circulation.

***

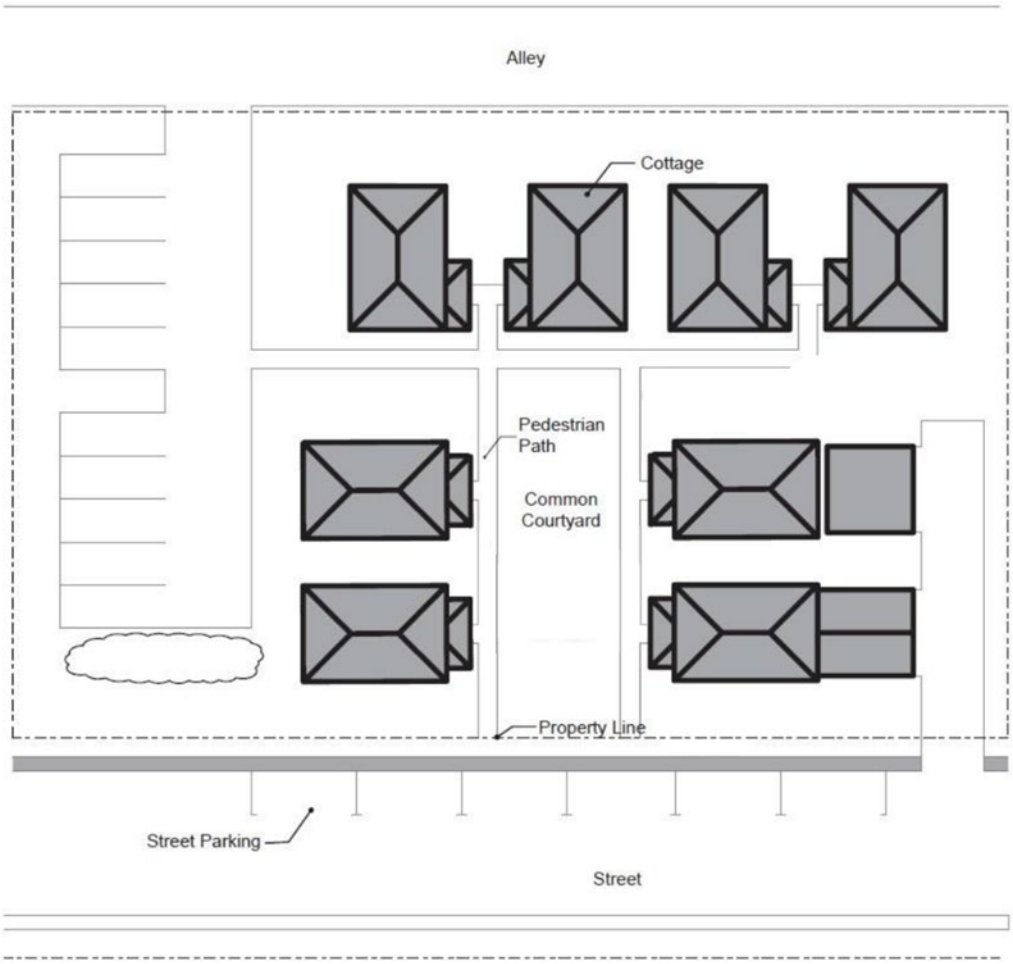
106-~~43~~2 **Comprehensive Plan**. A generalized coordinated land use map and policy statement of the county that inter-relates all functional and natural systems and activities relating to the use of the land, including, but not limited to, the Comprehensive Framework Plan which includes the following components: the individual Community Plans, the Rural Natural Resource Plan, the Community Development Code, and the Transportation Plan.

106-43 **Cottage**. Individual dwelling unit with a maximum footprint of 900 square feet (not counting up to 200 square feet of an attached garage or carport) that is part of a cottage cluster.

106-43.1 **Cottage Cluster**. A grouping of up to 12 cottages that share a common courtyard. Individual cottages may be on a single shared lot or parcel, or on separate lots or parcels.

106-43.2 **Cottage Cluster Development**. One or more cottage cluster.

Cottage Cluster Example



abcdef Proposed additions
~~abcdef~~ Proposed deletions

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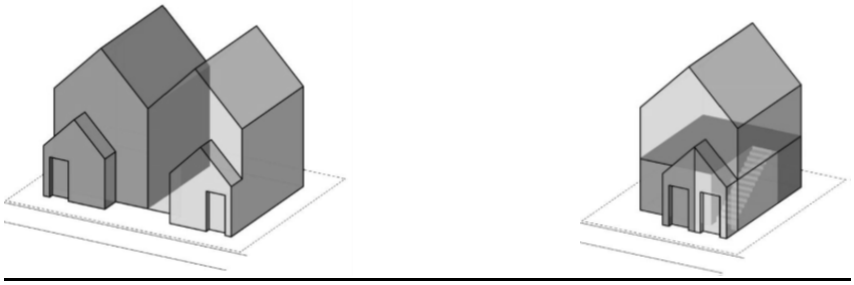
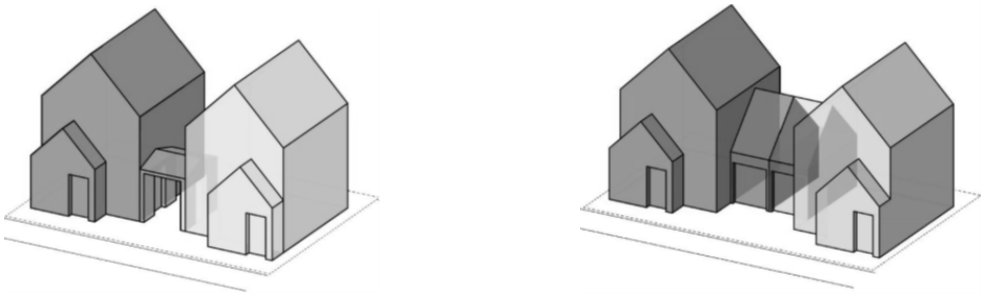
106-69 **Duplex.** Two attached primary dwelling units that share either a common building wall (as defined in Section 106-36) or a common floor/ceiling. Individual units may be on a single shared lot or parcel, or on separate lots or parcels.

Duplex Examples



Attached Side-by-Side *Attached Stacked*



Attached by Breezeway *Attached by Garage Wall*

106-~~69~~70 **Dwelling**. A building (not including a tent or teepee) or portion thereof intended for residential occupancy, but not including hotels, motels or boarding houses.

106-~~69~~70.1 Dwelling Unit. An individual ~~single~~ unit providing ~~complete, independent~~ living facilities for one or more persons, ~~which generally~~ including~~es~~ permanent provisions for living, sleeping, eating, cooking and sanitation.

~~106-69.2~~ A. **Dwelling Unit, Accessory (ADU)**. An auxiliary dwelling allowed with a single detached dwelling unit, which meets size restrictions and other requirements of Section 430-2. The accessory unit functions as a complete living unit with its own kitchen, bathroom and sleeping area. ADUs are classified as either attached or detached based on the following characteristics:

(1) Attached. An attached ADU shares a common wall with the primary dwelling and may be created from existing square footage within the primary dwelling, added square footage, or a combination thereof. It may have access only from within the primary dwelling unit, or it may have a separate entry door from the outside. See Figures 1 and 2 for examples.

(2) Detached. A detached ADU does not share a common wall, roof or foundation with the primary dwelling. See Figure 3 for example.

abcdef Proposed additions
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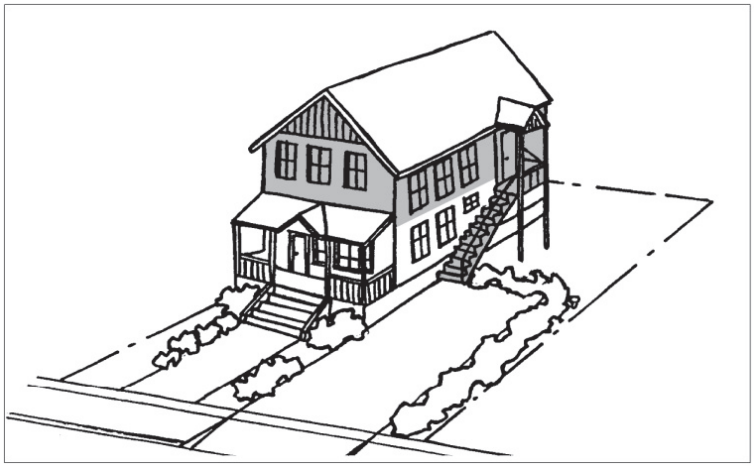
Section 106-70.1A Figure 1 - Attached ADU (addition)



Section 106-70.1A Figure 2 - Attached ADU (conversion of existing space)

Section 106-70.1A Figure 3 - Detached ADU (addition/conversion over detached garage)

B. **Dwelling Unit, ~~(Attached)~~**. Two or more primary dwelling units with a common building wall (as defined in Section 106-36) and/or ceiling, on individual lots or on a single shared lot, including "Residential Facility" as defined in ORS 197.660.

~~A. A duplex is a structure that contains two primary dwelling units. The units shall share either a common building wall or a common floor/ceiling. The land underneath the units may or may not be divided into individual lots. The common building wall shall be shared for at least 50% of the length of the side or rear of the unit. When the two units are attached by a common building wall between attached garages, the common garage building wall shall be shared the entire length of the garages.~~

~~B. A single-family attached dwelling unit is an attached unit that shares one or more common building walls with two or more dwelling units and has access from the ground floor. A single-family attached unit does not share a common floor/ceiling with another dwelling unit. The common building wall must be shared for at least 50% of the length of the side or rear of the unit. When single-family attached dwellings are attached by a common building wall between attached garages, the common building wall shall be shared the entire length of the garages. The land underneath the units may or may not be divided into individual lots. A single-family attached unit is also known as a rowhouse or townhouse; and~~

~~C. A multi-family dwelling structure contains three or more dwelling units that share a common floor/ceiling with one or more units. The units may also share common building walls. The land underneath the structure is not divided into separate lots. Multi-dwelling structures include structures commonly known as garden apartments, apartments, and condominiums.~~

~~106-69.3~~ C. **Dwelling Unit, ~~(Detached)~~.** ~~A. Inside the UGB, aa~~One ~~single~~ primary dwelling unit~~, excluding a manufactured dwelling, which~~ that is not attached to any other primary dwelling unit~~, on a lot or parcel~~.

D. **Dwelling Unit, Single Detached**. A detached dwelling unit as described above, when on its own separate lot or parcel.

~~B. Outside the UGB, a single dwelling unit, including a manufactured dwelling, which is not attached to any other dwelling unit, on a lot or parcel.~~

E. **Dwelling Unit, Primary.** Main dwelling on a lot, not subject to accessory dwelling unit provisions of this code. When more than one middle housing unit is sited on a single lot or parcel, each is considered a primary dwelling unit.

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106-112 Lot(s), Child. Lot(s) or parcel(s) resulting from division of a parent lot.

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106-115 Lot of Record (Rural - in the AF-10, AF-5, RR-5, R-COM, R-IND and MAE Districts. This definition does not apply in the EFU, EFC, or AF-20 Districts.). Any lot or parcel lawfully created by a subdivision plat of record in the Recording Division of the Washington County Department of Assessment & Taxation, or by deed or sales contract and of record in the Recording Division, which is eligible to receive a building permit for any use permitted, if such permit would have issued but for the minimum lot size provisions of the district, regardless of whether or not contiguous tax lots are in the same ownership. Each tax lot lawfully created by a deed or sales contract prior to the effective date that the District is applicable to the subject

property, shall be deemed a lot of record. When a tax lot consists of two or more noncontiguous lots or parcels created as a result of a lawful partition by deed or sales contract prior to the effective date that the district is applicable to the subject property, each noncontiguous lot or parcel shall be considered a lot of record. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by Section 106-150~~1~~.

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106-124 **Middle Housing.** Residential development in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district, that meets provisions for middle housing as adopted into district standards and CDC Section 430-84, limited to:

A. Duplexes, including those created through conversion of existing single detached dwellings;

B. Triplexes, quadplexes, cottage clusters, and townhouses, including those created through conversion of existing single detached dwellings or duplexes, on lots or parcels where Sufficient Infrastructure (as defined in 106-210) exists or is provided by the applicant consistent with requirements of this Code.

106-125 **Middle Housing Conversion.** Additions to, or conversions of, an existing single detached dwelling unit into middle housing, provided the addition or conversion does not increase nonconformance with applicable clear and objective standards.

106-126 **Middle Housing Land Division.** Expedited division of a lot or parcel into separate lots or parcels for individual middle housing units (Article VI).

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106-13~~7~~6 **Manufactured Dwelling Space**. A plot of land within a manufactured dwelling park designed to accommodate one manufactured dwelling.

106-137 **Mixed-Use.** A development site that includes more than one land use (e.g., residential, office, and/or retail commercial) allowed in the underlying land use district and is comprised of either a stand-alone building (vertical mixed-use), individual buildings (horizontal mixed-use) or a combination of both.

***

106-143 **Multi-Dwelling Structure** (or multi-dwelling attached units, not on individual lots). Five or more attached primary dwelling units that share a common floor/ceiling with one or more units. The units may also share common building walls. The land underneath the structure is not divided into separate lots. Examples include apartments and condominiums.

106-144 **Office**. A room or building in which a person transacts business, a profession or similar activities. Such activities normally include administration, bookkeeping, record keeping, sales meetings and preparation for or follow-up after a sale, correspondence or other similar activities. Products or merchandise are not to be stored or manufactured in an office, although mail, telephone and incidental walk-in sales may be made in an office.

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106-15~~1~~0 **Parcel**. As defined by Oregon Revised Statutes 215.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

106-151 **Parent Lot.** Original tract of land prior to its division through a partition, subdivision, or middle housing land division.

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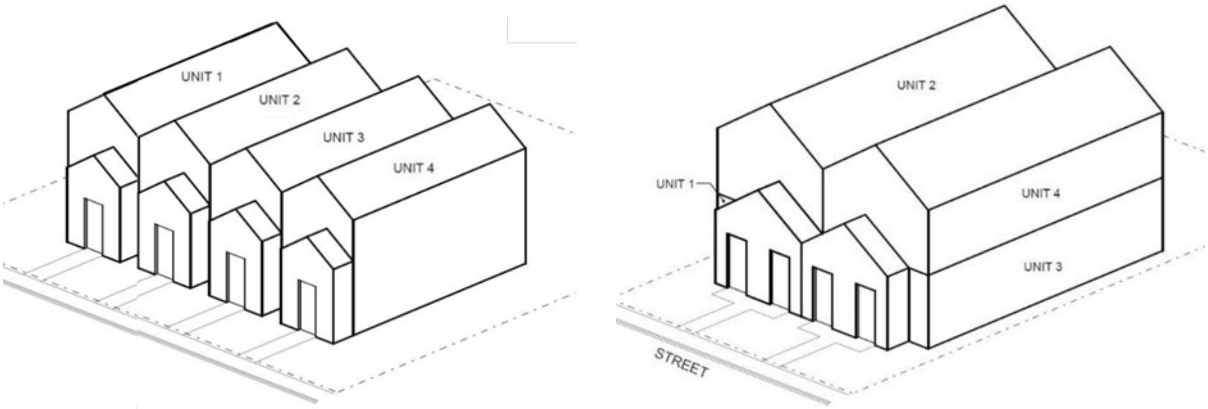
106-173 **Quadplex.** Four attached primary dwelling units, each of which shares at least one common building wall (as defined in Section 106-36) or a common floor/ceiling with another dwelling unit. Individual units may be on a single shared lot or parcel, or on separate lots or parcels.

Quadplex Examples



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106-173~~4~~ **Quorum.** The minimum number of members of a body who must be present for the valid transaction of business. In all cases a quorum shall consist of a majority of the active members. For purposes of opening a meeting or hearing and continuing the matter to a time and date certain, a majority of those members in attendance shall constitute a quorum.

~~**106-174** Reserved~~

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106-210 **Sufficient Infrastructure.** The following minimum level of public services required to serve middle housing triplex, quadplex, townhouse or cottage cluster development:

A. Connection to a public sewer system capable of meeting established service levels.

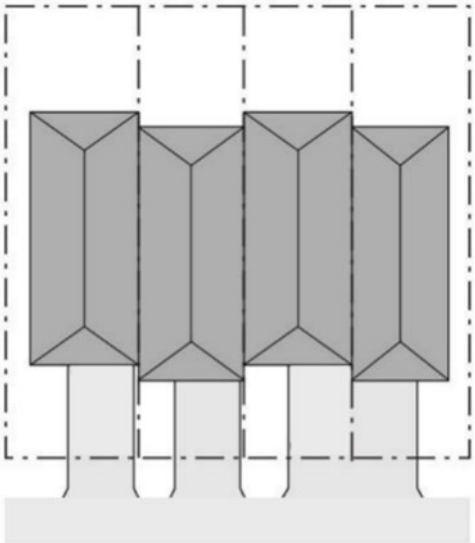
B. Connection to a public water system capable of meeting established service levels.

C. Access via public or private streets meeting adopted emergency vehicle access standards to a public street system.

D. Storm drainage facilities capable of meeting established service levels for storm drainage.

106-211 **Townhouses (or attached dwelling units on separate lots)**. Dwelling units that are part of a row of two or more attached primary dwelling units, where each unit shares at least one common building wall with an adjacent unit. A townhouse unit does not share a common floor/ceiling with another dwelling unit.

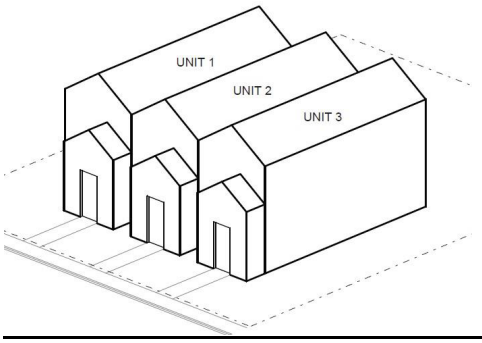
Townhouses Example (with required separate lots)



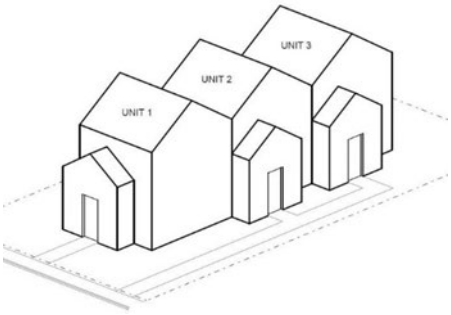
~~**Urban Unincorporated Area.** The land area located in Washington County which is within the acknowledged Urban Growth Boundaries and outside of city limits.~~

106-212 **Triplex.** Three attached primary dwelling units, each of which shares at least one common building wall (as defined in Section 106-36) or a common floor/ceiling with another dwelling unit. Individual units may be on a single shared lot or parcel, or on separate lots or parcels.

Triplex Examples



Attached Side-by-Side



Attached Front to Back

abcdef Proposed additions
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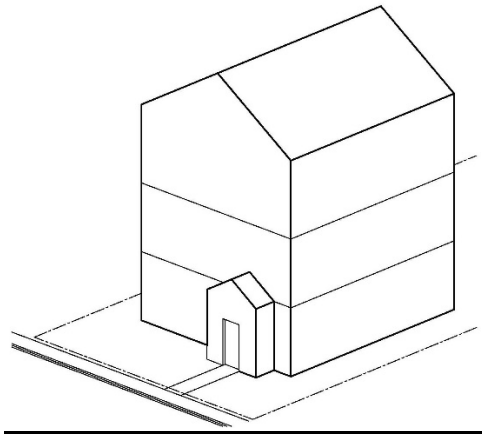

Attached Stacked

~~**Urban Growth Boundaries (UGB)**. The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.~~

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106-223 **Urban Unincorporated Area**. The land area located in Washington County that is within the acknowledged Urban Growth Boundaries and outside of city limits.

~~**Mixed-Use.** A development site that includes more than one land use (e.g., residential, office, and/or retail commercial) allowed in the underlying land use district and is comprised of either a stand-alone building (vertical mixed-use), individual buildings (horizontal mixed-use) or a combination of both.~~

106-224 **Urban Growth Boundaries (UGB)**. The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, that identify and separate urbanized land from rural and natural resource land.

2. SECTION 203 – PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-3 Neighborhood Meeting

***

203-3.2 The following application types shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

- Partitions, except middle housing land divisions;
- Subdivisions, except middle housing land divisions;

***

- Residential Planned Developments;
- Type II or III Development Review ~~-~~ Residential, except middle housing; and

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the parcel subject to the application is within 125 feet of a Residential District).

***

3. SECTION 300 – LAND USE DISTRICTS

300-2 Residential Density Calculation

***

300-2.2 Allowable density shall be as designated on the Community Plan Map or Rural Plan, except as otherwise indicated within district standards of this code for Middle Housing.

***

4. SECTION 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302 R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE*)

* This limit not applicable to Middle Housing

302-1 Intent and Purpose

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five units per acre and no less than four units per acre, except as specified otherwise for middle housing, or by Sections 300-2, ~~Section~~ 300-5, or ~~Section~~ 302-6. ~~The primary purpose is to protect existing neighborhoods developed at five units per acre or less.~~ Infill development (not including middle housing) on all parcels 2 acres or less is ~~may occur only through application of~~subject to ~~the~~ review under ~~infill~~ Infill ~~policy~~ provisions of ~~(~~Section 430-72~~)~~.

302-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

***

302-2.4 Single Detached Dwelling Unit

A. Single ~~N~~new detached dwelling unit on an existing lot or parcel that meets the following:

(1) ~~d~~Does not exceed 16,500 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A; and:

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit - (Section 430-37.1 A) when:~~.~~

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

302-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that:

A. Does not exceed 16,500 square feet in buildable area; or

B. Exceeds 16,500 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (4 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

302-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for

the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

302-3.11 Single Detached Dwelling Unit on an existing lot or parcel when the following apply:

A. ~~with a b~~Buildable area is greater than 16,500 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B~~.~~; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 302-2.4 A(1) and/or (2), and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

302-3.14 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where any of the following apply:

A. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 302-2.4 B(3) and/or (4); and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

302-3.15 Middle housing (Section 430-84) on an existing lot or parcel when any of the following apply:

A. Buildable area exceeds 16,500 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (4 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B); and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 302-2.14 C(1) and (2), and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

302-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-4.1 Attached Dwelling Units (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84) - Section 430-13.

***

abcdef Proposed additions
~~abcdef~~ Proposed deletions

302-6 Density/Number of Units

302-6.1 Middle housing in the R-5 District:

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards)

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 20 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

302-6.2 Other housing ~~.~~in the R-5 District (residential development that does not meet the definition of middle housing in CDC Section 106):

A. The permitted residential density shall be no more than five units per acre and no less than four units per acre, except as permitted by Section 300-2 or by 302-6.2 C, below; and

~~B. A lot shall be at least 14,000 square feet in area in order to be divided~~.

~~302-6.2~~ B. The Review Authority may exclude slopes between 15% and 20% from the acreage used to calculate ~~the minimum~~ density when the following standards are met:

~~A.~~(1) The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquification hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and

~~B.~~(2) The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquification hazards, or other geologic hazards.

~~302-6.3~~ C. Development to the required minimum density may be phased over time through future land divisions when the following standards are met:

~~A.~~(1) A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:

(~~1~~a) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;

(~~2~~b) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;

(~~3~~c) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm-water and water quality facilities and any necessary buffers; and

(~~4~~d) The location of unbuildable categories of land listed in Section 300-3.1;

~~B.~~(2) The size, configuration and location of proposed lots or parcels to be created through an application, and the location of dwellings and structures on the proposed lots or parcels, shall not preclude:

(~~1~~a) Future development of the subject property to the minimum density as shown in the future development plan; and

(~~2~~b) Future development or redevelopment of adjacent properties to the permitted density;

~~C.~~(3) No future street, easement, or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and

~~D.~~(4) For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

302-7 Dimensional Requirements

302-7.1 Middle housing in the R-5 District

A. Minimum Lot Area – for purposes of 302-7.1 A, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated

(1) Duplex: No minimum;

(2) Triplex: 5,500 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: average lot area shall be no less than 1,500 square feet.

B. Minimum yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front:

(a) Duplex, triplex, quadplex, townhouse: 15 feet to front building wall; 12 feet to porch or other covered or enclosed entryway;

(b) Cottage cluster: 10 feet; 7 feet to porch or other covered or enclosed entryway.

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 10 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above:

(a) Duplex, triplex, quadplex, townhouse: 15 feet;

(b) Cottage cluster: 10 feet.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum.

302-7.2 Other housing in the R-5 District (residential development that does not meet the definition of middle housing in CDC Section 106)

A. Minimum Lot Area:

~~A.~~(1) The average lot area of lots within a proposed development (land divisions and property line adjustments) shall be no less than 6,000 square feet (does not include tracts); and

~~B.~~(2) The minimum lot area of a lot shall be 5,500 square feet.

~~302-7.2~~ B. Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

~~A.~~(1) Fifteen-foot front yard to the front building wall and 12 feet to a porch or other covered or enclosed entryway;

~~B.~~(2) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance;

~~C.~~(3) Ten-foot street side yard;

~~D.~~(4) Five-foot side yard;

~~E.~~(5) Fifteen-foot rear yard, except as provided in ~~B.~~(2)~~.~~ above;

~~F.~~(6) Required yards shall be horizontally unobstructed except as provided in Section 418; and

~~G.~~(7) Additional setbacks may be required as specified in Sections 411 and 418.

~~302-7.3~~ C. Height:

~~A.~~(1) The maximum height for structures shall be 35 feet except as modified by other Sections of this Code.

~~B.~~(2) The maximum height for accessory structures shall be 15 feet except as modified by other Sections of this Code.

~~C.~~(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

~~D.~~(4) The height of telecommunication facilities ~~are~~ is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

~~E.~~(5) For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

~~302-7.4~~ D. Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

~~A.~~(1) Lot width - 40 feet;

~~B.~~(2) Lot depth - 60 feet;

~~C.~~(3) Lot width at the street or access point - 40 feet except as allowed through Section 430-4~~5~~6 (flag lots); and

~~D.~~(4) Lot width at street on a cul-de-sac, eyebrow corner, hammerhead terminus, or other street terminus - 20 feet.

5. SECTION 303 – R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303 R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE*)

* This limit not applicable to Middle Housing

303-1 Intent and Purpose

The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six units per acre and no less than five units per acre, except as specified otherwise for middle housing, or by Sections 300-2, ~~Section~~ 300-5~~,~~ or ~~Section~~ 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

303-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

***

303-2.4 Single Detached Dwelling Unit

A. Single ~~N~~new dwelling on an existing lot or parcel that:

(1) ~~d~~Does not exceed 13,100 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A; and

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit - (Section 430-37.1 A) when:~~.~~

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

303-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that:

A. Does not exceed 13,100 square feet in buildable area~~.~~; or

B. Exceeds 13,100 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (5 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

303-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

303-3.2 Attached Dwelling Units - Section 430-13 (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84).

***

303-3.16 Single Detached Dwelling Unit on an existing lot or parcel where any of the following apply:

A. ~~with a b~~Buildable area is greater than 13,100 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B~~.~~; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 303-2.4 A, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

303-3.19 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where any of the following apply:

A The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 303-2.4 B, and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

303-3.20 Middle housing (Section 430-84) on an existing lot or parcel when any of the following apply:

A. Buildable area exceeds 13,100 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (5 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B);

B. The proposal does not meet sidewalk and/or right-of-way requirements of Section 303-2.14 C, above, and where site frontage is on a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

303-6 Density/Number of Units

303-6.1 Middle housing in the R-6 District

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards)

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 24 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

303-6.2 Other housing in the R-6 District (residential development that does not meet the definition of middle housing in CDC Section 106):

A. The permitted residential density shall be no more than six units per acre and no less than five units per acre, except as permitted by Section 300-2 or by 303-6.2 B, below.

B. The Review Authority may exclude slopes between 15% and 20% from the acreage used to calculate the minimum density when the following standards are met:

~~A.~~(1). The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquification hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer

prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and

~~B.~~(2). The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquification hazards, or other geologic hazards.

~~303-6.3~~ C. Development to the required minimum density may be phased over time through future land divisions when the following standards are met:

~~A.~~(1) A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:

(~~1~~a) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;

(~~2~~b) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;

(~~3~~c) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and

(~~4~~d) The location of unbuildable categories of land listed in Section 300-3.1;

~~B.~~(2) The size, configuration and location of proposed lots or parcels to be created through an application, and the location of new dwellings and structures on the proposed lots or parcels, shall not preclude:

(~~1~~a) Future development of the subject property to the minimum density as shown on the future development plan; and

(~~2~~b) Future development or redevelopment of adjacent properties to the permitted density;

~~C.~~(3) No future street, easement or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and

~~D.~~(4) For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

303-7 Dimensional Requirements

303-7.1 Middle housing in the R-6 District (residential development that meets the definition of middle housing in Section 106)

A. Minimum Lot Area – for purposes of this subsection, "lot" means the lot to accommodate the overall development (not individual units) – except as otherwise indicated.

(1) Duplex: No minimum;

(2) Triplex: 5,000 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: must average 1,500 square feet.

B. Minimum yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front:

(a) Duplex, triplex, quadplex, townhouse: 15 feet to front building wall; 12 feet to porch or other covered or enclosed entryway;

(b) Cottage cluster: 10 feet; 7 feet to porch or other covered or enclosed entryway.

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 10 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above:

(a) Duplex, triplex, quadplex, townhouse: 15 feet;

(b) Cottage cluster: 10 feet.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum.

303-7.2 Other housing in the R-6 District (residential development that does not meet the definition of middle housing in CDC Section 106)

A. Minimum Lot Area:

~~A.~~(1) For single~~-family~~ detached dwellings:

(~~1~~a) The average lot area within a proposed development (including property line adjustments) shall be no less than 4,500 square feet (does not include tracts); and

(~~2~~b) The minimum lot area shall be 4,000 square feet.

~~B.~~(2) ~~The minimum lot area f~~For ~~single-family~~ attached dwelling units on individual lots: ~~shall be~~ 3,500 square feet.

~~303-7.2~~ B. Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

~~A.~~(1) Fifteen-foot front yard to the front building wall and 12 feet to a porch or other covered or enclosed entryway;

~~B.~~(2) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

~~C.~~(3) Ten-foot street side yard;

~~D.~~(4) Five-foot side yard;

~~E.~~(5) Fifteen-foot rear yard, except as provided in B. above;

~~F.~~(6) Required yards shall be horizontally unobstructed except as provided in Section 418; and

~~G.~~(7) Additional setbacks may be required as specified in Sections 411 and 418.

~~303-7.3~~ C. Height:

~~A.~~(1) The maximum height for structures shall be 35 feet, except as modified by other Sections of this Code.

~~B.~~(2) The maximum height for accessory structures shall be 15 feet except as modified by other Sections of this Code.

~~C.~~(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35 feet building height limit to a maximum height of 60 feet.

~~D.~~(4) The height of telecommunication facilities ~~are~~ is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

~~E.~~(5) For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

~~303-7.4~~ D. Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

~~A.~~(1) Lot width for detached units - 35 feet;

~~B.~~(2) Lot width for attached units - 30 feet;

~~C.~~(3) Lot depth - 60 feet;

~~D.~~(4) Lot width at the street or access point for detached units - 35 feet except as may be allowed through Section 430-4~~5~~6 (flag lots);

~~E.~~(5) Lot width at the street or access point for attached units - 30 feet except as may be allowed through Section 430-4~~5~~6 (flag lots); and

~~F.~~(6) Lot width at the street on a cul-de-sac, eyebrow corner, hammerhead or other street terminus - 20 feet.

6. SECTION 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE*)

304 R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE*)

* This limit not applicable to Middle Housing

304-1 Intent and Purpose

The R-9 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than nine units per acre and no less than seven units per acre, except as otherwise specified for middle housing, or by Sections 300-2, ~~or Section~~ 300-5 or 304-6. The purpose of the R-9 District is to provide areas for detached and attached houses on small lots, middle housing, ~~as well as areas for~~ manufactured homes on individual lots and manufactured dwelling subdivisions and parks.

304-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

304-2.4 Single ~~D~~detached ~~D~~dwelling ~~Unit~~

A. Single new dwelling on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, ~~provided~~ when the lot or parcel meets the following:

(1) ~~d~~Does not exceed 10,000 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A~~.~~; and

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) when:

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

304-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

A. Does not exceed 10,000 square feet in buildable area; or

B. Exceeds 10,000 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (7 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

304-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

304-3.2 Attached Dwelling Units (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84).

***

abcdef Proposed additions
~~abcdef~~ Proposed deletions

304-3.3 Single Detached Dwelling Unit, not otherwise permitted by Section 304-2.4 and/or when any of the following apply:

A. ~~with a b~~Buildable area is greater than 10,000 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 304-2.4 A, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

304-3.19 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, when the following apply:

A. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 304-2.4 B, above; and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

304-3.20 Middle housing (Section 430-84) not otherwise permitted by Section 304-2.14 and/or when any of the following apply:

A. Buildable area exceeds 10,000 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (7 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B); and/or

B. The proposal does not meet sidewalk and/or right-of-way requirements of Section 304-2.14 C, above, and where site frontage is on a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

304-6 Density/Number of Units

304-6.1 Middle housing in the R-9 District

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 25 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

304-6.2 Other housing ~~.~~in the R-9 District (residential development that does not meet the definition of middle housing in CDC Section 106):

A. ~~the~~ The permitted residential density is no more than nine units per acre and no less than seven units per acre, except as otherwise specified by Section 300-2~~.~~; and

B. For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise 60 percent or more of the total density, building permits for the final 15% of the proposed number of detached dwelling units shall not be issued until at least 50% of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

304-7 Dimensional Requirements

304-7.1 Middle housing in the R-9 District (residential development that meets the definition of middle housing in Section 106)

A. Minimum Lot Area. For purposes of this subsection, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated.

(1) Duplex: No minimum;

(2) Triplex: 5,000 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: must average 1,500 square feet.

B. Minimum yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front:

(a) Duplex, triplex, quadplex, townhouse: 12 feet to front building wall; nine feet to porch or other covered or enclosed entryway;

(b) Cottage cluster: 10 feet; 7 feet to porch or other covered or enclosed entryway.

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 10 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above:

(a) Duplex, triplex, quadplex, townhouse: 15 feet;

(b) Cottage cluster: 10 feet; 7 feet to porch or other covered or enclosed entryway.

(c) For all middle housing types, a 5-foot rear yard may be provided to a detached garage that is accessed from the front street, provided the standards of (6) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setback standards of (6) below and Section 430-2.1 C.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum.

304-7.~~1~~2 Other housing in the R-9 District (residential development that does not meet the definition of middle housing in CDC Section 106)

A. Minimum Lot Area:

~~A.~~(1) ~~The minimum lot area f~~For detached units: ~~shall be~~ 2,800 square feet per unit except as permitted through a Planned Development. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 304-7.~~4~~ 2 D and 420 are met.

~~B.~~ (2) ~~The minimum lot area f~~For attached dwelling units on individual lots: ~~shall be~~ 2,400 square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 304-7.2.D.4 and 420 are met.

~~304-7.2~~ B. Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

~~A.~~(1) Twelve-foot front yard to the front building wall and a 9-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6), below;

~~B.~~(2) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance;

~~C.~~(3) Ten-foot street side yard;

~~D.~~(4) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance

between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

~~E.~~(5) Fifteen-foot rear yard, except as provided in ~~B.~~(2) above. A 5-foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of ~~F.~~(6) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setback standards of ~~F.~~(6) below and Section 430-2.1 C.

~~F.~~(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

~~G.~~(7) Required yards shall be horizontally unobstructed except as provided in Section 418; and

~~H.~~(8) Additional setbacks may be required as specified in Sections 411 and 418.

~~304-7.3~~ C. Height:

~~A.~~(1) The maximum height for detached dwelling units and ~~single-family~~ attached dwelling units on individual lots shall be 35 feet, except as modified by other Sections of this Code.

~~B.~~(2) The maximum height for accessory structures shall be 15 feet except as modified by other Sections of this Code.

~~C.~~(3) The maximum height for all other structures shall be 40 feet, except as modified by other Sections of this Code.

~~D.~~(4) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35- and 40-foot building height limits to a maximum height of 60 feet.

~~E.~~(5) The height of telecommunication facilities ~~are~~ is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

~~F.~~(6) For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

~~304-7.4~~ D. Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

~~A.~~(1) For attached units:

(~~1~~a) Lot width - 24 feet;

(~~2~~b) Lot depth - 60 feet;

(~~3~~c) Lot width at the street - 24 feet, except as may be allowed through Section 430-4~~5~~6 (flag lot); and

(~~4~~d) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

~~B.~~(2) For detached units:

(~~1~~a) Lot width - 30 feet;

(~~2~~b) Lot depth - 60 feet;

(~~3~~c) Lot width at the street - 30 feet except as may be allowed through Section 430-4~~5~~6 (flag lot); and

(~~4~~d) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

~~304-7.5~~ E. Required Outdoor Area

~~A.~~(1) For detached dwellings, a minimum contiguous outdoor area of 450 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

~~B.~~(2) For ~~single-family~~ attached dwelling~~s~~ units on individual lots, a minimum contiguous outdoor area of 400 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

~~C.~~(3) The required outdoor area required by ~~A.~~(1) and ~~B.~~(2) above may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(~~1~~a) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least 8 feet wide and 5 feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(~~2~~b) Other porches, decks or patios when provided in addition to decks required under ~~Section 304-7.5 C.~~ (~~1~~3)(a) must have clear dimensions of at least 5 feet wide and 4 feet deep.

(~~3~~c) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

304-8 Building Façade Requirements

The following standards shall apply to detached dwelling units, and ~~single-family~~ attached dwelling units on individual lots with individual vehicular access to a street, that are located within 1,320 feet of an existing or planned Regular Bus Service route, Frequent Bus Service

route or an Existing High Capacity Transit station as designated on the Transportation System Plan. Middle housing is not subject to these Building Façade Standards.

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7. SECTION 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305 R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE*)

* This limit not applicable to Middle Housing

305-1 Intent and Purpose

The intent and purpose of the R-15 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than 15 units per acre and no less than 12 units per acre, except as otherwise specified for middle housing, or by Sections 300-2, ~~or Section~~ 300-5 or 305-6.

305-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

305-2.10 Single ~~D~~detached ~~d~~Dwelling ~~u~~Unit

A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

(1) ~~d~~Does not exceed 10,000 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A~~.~~; and

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) when:

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

305-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

A. Does not exceed 10,000 square feet in buildable area; or

B. Exceeds 10,000 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (12 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or;

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

305-3 Uses Permitted Through a Type II Procedure

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305-3.2 Attached Dwelling Units (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84).

***

305-3.4 Single Detached Dwelling Unit, not otherwise permitted by Section 305-2.10 and/or where any of the following apply: ~~- 430-37.1 B~~

A. Buildable area is greater than 10,000 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B~~.~~; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 305-2.10 A, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

305-3.18 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where the following apply:

A. The proposal does not meet sidewalk and/or right-of-/private street requirements of Section 305-2.10 B, above; and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

305-3.19 Middle housing not otherwise permitted by Section 305-2.14 and/or when any of the following apply:

A. Buildable area exceeds 10,000 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (12 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B); and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 305-2.14 C, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way

***

305-6 Density/Number of Units

305-6.1 Middle housing In the R-15 District

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards)

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 25 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

305-6.2 Other housing ~~l~~in the R-15 District (residential development that does not meet the definition of middle housing in CDC Section 106):

A. ~~t~~The permitted residential density is no more than 15 units per acre and no less than 12 units per acre, except as otherwise specified by Section 300-2~~.~~; and

B. For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise 60% or more of the total density, building permits for the final 15% of the proposed number of detached dwelling units shall not be issued until at least 50% of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

305-7 Dimensional Requirements

305-7.1 Middle housing in the R-15 District (residential development that meets the definition of middle housing in Section 106)

A. Minimum lot area. For purposes of this subsection, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated.

(1) Duplex: No minimum;

(2) Triplex: 5,000 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: must average 1,500 square feet.

B. Minimum yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front:

(a) Duplex, triplex, quadplex, townhouse: 10 feet to front building wall; six feet to porch or other covered or enclosed entryway;

(b) Cottage cluster: 10 feet; six feet to porch or other covered or enclosed entryway.

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 10 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above:

(a) Duplex, triplex, quadplex, townhouse: 12 feet;

(b) Cottage cluster: 10 feet;

(c) For all middle housing types, a 5-foot rear yard may be provided to a detached garage that is accessed from the front street, provided the standards of (6) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setback standards of (6) below and Section 430-2.1 C.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or

extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum.

305-7.~~1~~2 Other housing in the R-15 District (residential development that does not meet the definition of middle housing in Section 106)

A. Minimum Lot Area:

~~A.~~(1) ~~The minimum lot area f~~For detached units: ~~shall be~~ 2,100 square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 305-7.4~~2~~ ~~B~~D(2) and 420 are met.

~~B.~~(2) ~~The minimum lot area f~~For attached dwelling units on individual lots: ~~shall be~~ 1,600 square feet, except as permitted through a Planned Development. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 305-7.~~4~~2 ~~B~~D(2) and 420 are met.

~~305-7.2~~ B. Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

~~A.~~(1) The minimum yard requirements for detached dwelling units shall be:

(~~1~~a) Ten-foot front yard to the front building wall and 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (~~6~~f) below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard;

(~~4~~d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above. A 5-foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (~~6~~f) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setbacks standards of (~~6~~f) below and Section 430-2.1 C.

(~~6~~f) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 ~~C~~B(3), plus any screening and buffering setback now required by Section 411.

~~B.~~(2) The minimum yard requirements ~~for single-family~~ attached dwelling units on individual lots, ~~not to exceed a maximum height of~~when 35 feet in height or less, shall be:

(~~1~~a) Ten-foot front yard to the front building wall and 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (~~6~~f) below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard, except as necessary to comply with (~~6~~f) below;

(~~4~~d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above or as necessary to comply with (~~7~~f) or (g) below;

(~~6~~f) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwelling units under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 ~~C~~B(3), plus any screening and buffering setback now required by Section 411.

(~~7~~g) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a 10-foot minimum shall be used.

~~C.~~(3) The minimum yard requirements for all other uses (~~e.g., single-family~~such as attached dwelling units on individual lots which exceed 35 feet in height, apartments, institutional uses) shall be:

(~~1~~a) Twenty-foot front yard;

(~~2~~b) Twenty-foot front yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;

(~~3~~c) Twenty-foot rear yard;

(~~4~~d) Side yards:

(~~a~~i) Five-foot - one story.

(~~b~~ii) Seven-foot - two stories.

(~~c~~iii) Ten-foot - three stories.

(~~d~~iv) Fifteen-foot - four stories.

(~~e~~v) Twenty-foot - five stories.

(~~f~~vi) Ten-foot street side yard except as specified in (~~d~~iv) or (~~e~~v) above.

(~~g~~vii) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a 10-foot minimum shall be used.

~~D.~~(4) Additional setbacks may be required as specified in Sections 411 and 418.

~~E.~~(5) Required yards shall be horizontally unobstructed except as provided in Section 418.

~~305-7.3~~ C. Height:

~~A.~~(1) The maximum height for single~~-family~~ detached dwellings shall be 35 feet, except as modified by other Sections of this Code;

~~B.~~(2) The maximum height of accessory structures shall be 15 feet, except as modified by other Sections of this Code.

~~C.~~(3) The maximum height for all other structures shall be 50 feet, except as modified by other Sections of this Code.

~~D.~~(4) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed 35 or the 50-foot building height limits to a maximum height of 60 feet;

~~E.~~(5) The height of telecommunication facilities ~~are~~ is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

~~F.~~(6) For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

~~305-7.4~~ D. Lot Dimensions:

~~A.~~(1) The minimum dimensions for new lots 20,000 square feet or greater shall be:

(~~1~~a) Lot width - 100 feet;

(~~2~~b) Lot depth - 100 feet; and

(~~3~~c) Lot width at the street - 40 feet, except as may be allowed through Section 430-4~~5~~6 (flag lot).

~~B.~~(2) The minimum dimensions for new lots of less than 20,000 square feet shall be:

(~~1~~a) For attached units:

(~~a~~i) Lot width - 20 feet;

(~~b~~ii) Lot depth - 60 feet;

(~~c~~iii) Lot width at the street - 20 feet, except as allowed through Section 430-4~~5~~6 (flag lot); and

(~~d~~iv) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

(~~2~~b) For detached units:

(~~a~~i) Lot width - 23 feet;

(~~b~~ii) Lot depth - 60 feet;

(~~c~~iii) Lot width at the street - 23 feet, except as may be allowed through Section 430-4~~5~~6 (Flag Lots); and

(~~d~~iv) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

~~305-7.5~~ E. Required Outdoor Area

~~A.~~(1) For detached dwellings, a minimum contiguous yard outdoor area of 400 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

~~B.~~(2) For ~~single-family~~ attached dwelling units on individual lots, a minimum contiguous outdoor area of 300 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

~~C.~~(3) The required outdoor area required by ~~A.~~(1) and ~~B.~~(2) above may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(~~1~~a) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least 8 feet wide and 5 feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(~~2~~b) Other porches, decks or patios when provided in addition to decks required under Section ~~305-7.5 C.~~(3)(~~1~~a) must have clear dimensions of at least 8 feet wide and 4 feet deep.

(~~3~~c) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

305-8 Building Façade Requirements

The following standards shall apply to single detached dwelling units, and ~~single-family~~ attached dwelling units on individual lots with individual vehicular access to a street, that are located within 1,320 feet of an existing or planned Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station as designated on the Transportation System Plan. Middle housing is not subject to these Building Façade Standards.

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8. SECTION 306 – R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306 R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE*)

* This limit not applicable to Middle Housing

306-1 Intent and Purpose

The intent and purpose of the R-24 District is to implement the policies of the Comprehensive Plan for areas designated for residential development of no more than 24 units per acre and no less than 19 units per acre, except as otherwise specified for middle housing, or by Sections 300-2, ~~or~~ ~~Section~~ 300-5 or 306-6.

306-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

306-2.10 Single d~~D~~etached d~~D~~welling ~~U~~unit

A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

(1) ~~d~~Does not exceed 10,000 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A~~.~~; and

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) when:

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

306-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

A. Does not exceed 10,000 square feet in buildable area; or

B. Exceeds 10,000 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (19 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

306-3 Uses Permitted Through a Type II Procedure

***

306-3.2 Attached Dwelling Units (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84).

***

306-3.4 Single Detached Dwelling Unit, not otherwise permitted by Section 306-2.10 and/or where any of the following apply: ~~- Section 430-37.1.~~

A. Buildable area is greater than 10,000 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B~~.~~; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 306-2.10 A, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

306-3.16 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where the following apply:

A. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 306-2.10 B, above; and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

306-3.17 Middle housing not otherwise permitted by Section 306-2.14 and/or when any of the following apply:

A. Buildable area exceeds 10,000 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (19 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B); and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 306-2.14 C, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

306-6 Density/Number of Units

306-6.1 Middle housing in the R-24 District

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 25 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

306-6.2 Other housing i~~I~~n the R-24 District~~,~~ (residential development that does not meet the definition of middle housing in CDC Section 106):

A. T~~t~~he permitted residential density is no more than 24 units per acre and no less than 19 units per acre, except as otherwise specified by Section 300-2~~.~~; and

B. For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise 60% or more of the total density, building permits for the final 15% of the proposed number of detached dwelling units shall not be issued until at least 50% of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

***

306-7 Dimensional Requirements

306-7.1 Middle housing in the R-24 District (residential development that meets the definition of middle housing in Section 106)

abcdef Proposed additions
~~abcdef~~ Proposed deletions

A. Minimum Lot Area. For purposes of 306-7.1.A, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated

(1) Duplex: No minimum;

(2) Triplex: 5,000 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: must average 1,500 square feet.

B. Minimum yard (Setback) Requirement. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front – for all middle housing types: 10 feet to front building wall; six feet to porch or other covered or enclosed entryway;

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 10 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access t the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above;

(a) Duplex, triplex, quadplex, townhouse: 12 feet;

(b) Cottage cluster: 10 feet;

(c) For all middle housing types, a 5-foot rear yard may be provided to a detached garage that is accessed from the front street, provided the standards of (6) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setback standards of (6) below and Section 430-2.1 C.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum.

306-7.~~1~~2 Other housing in the R-24 District (residential development that does not meet the definition of middle housing in Section 106)

A. Minimum Lot Area:

~~A.~~(1) ~~The minimum lot area f~~For detached units; ~~shall be~~ 2,100 square feet per unit. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 306-7.2 D(2)(b)~~306-7.4~~ and 420 are met.

~~B.~~(2) ~~The minimum lot area~~ F~~f~~or attached dwelling units on individual lots: ~~shall be~~ 1,300 square feet. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 306-7.2 D(2)(a)~~306-7.4~~ and 420 are met.

~~306-7.2~~ B. Yard (Setback) Requirements.

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

~~A.~~(1) The minimum yard requirements for detached dwelling units shall be:

(~~1~~a) Ten-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (~~6~~f) below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard;

(~~4~~d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above. A 5-foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (~~6~~f) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setbacks standards of (~~6~~f) below and Section 430-2.1 C.

(~~6~~f) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 ~~D.~~B(4), plus any screening and buffering setback now required by Section 411.

~~B.~~(2) The minimum yard requirements for ~~single-family~~ attached dwelling units on individual lots, ~~that are~~when 35 feet in height or less, shall be:

(~~1~~a) Ten-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (f)~~(6)~~ below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard, except as necessary to comply with (f)~~(6)~~ below;

(~~4~~d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above or as necessary to comply with (~~7~~f) or (g) below;

(~~6~~f) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 ~~D~~B(4), plus any screening and buffering setback now required by Section 411.

(~~7~~g) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a 10-foot minimum shall be used.

~~C.~~(3) The minimum yard requirements for multi-dwelling~~family~~ attached ~~dwelling~~ units, not on individual lots, that are 35 feet in height or less shall be:

(~~1~~a) Front yard: 10-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (e)~~(5)~~ below;

(~~2~~b) Street side yard: 8-foot, except as necessary to comply with (e)~~(5)~~ and/or (f)~~(6)~~ below;

(~~3~~c) Side yards:

(~~a~~i) Five-foot - one story;

(~~b~~ii) Seven-foot - two stories, or 10-foot when adjacent to lower density district;

(~~c~~iii) Ten-foot - three stories;

(~~4~~d) Rear yard: 8-foot, except as necessary to comply with (e)~~(5)~~ and/or (f)~~(6)~~ below;

(~~5~~e) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 B(4)~~306-7.2 D.~~, plus any screening and buffering setback now required by Section 411.

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(~~6~~f) If the development site is adjacent to a different Primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.

~~D.~~(4) The minimum yard requirements for all other uses, including residential uses that exceed 35 feet in height, and all nonresidential uses shall be:

(~~1~~a) Front yard: 20-foot, except 10-foot front yard in North Bethany;

(~~2~~b) Twenty-foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;

(~~3~~c) Rear yard: 20-foot;

(~~4~~d) Side yards:

(~~a~~i) Five-foot - one story;

(~~b~~ii) Seven-foot - two stories, or 10-foot when adjacent to lower density district;

(~~c~~iii) Ten-foot - three stories;

(~~d~~iv) Fifteen-foot - four stories;

(~~e~~v) Twenty-foot - five stories;

(~~f~~vi) Ten-foot street side yard except as specified in (iv)~~(d)~~ or (v)~~(e)~~ above;

(~~g~~vii) If the development site is adjacent to a different primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.

~~E.~~(5) Additional setbacks may be required as specified in Sections 411 and 418.

~~F.~~(6) Required yards shall be horizontally unobstructed except as provided in Section 418.

~~306-7.3~~ C. Height:

~~A.~~(1) The maximum height for single~~-family~~ detached dwellings shall be 35 feet, except as modified by other Sections of this Code.

~~B.~~(2) The maximum height of accessory structures shall be 15 feet, except as modified by other Sections of the Code.

~~C.~~(3) The maximum height for all other structures shall be 50 feet, except as modified by other Sections of this Code.

~~D.~~(4) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet or the 50-foot building height limit to a maximum height of 65 feet.

~~E.~~(5) The height of telecommunication facilities ~~are~~ is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

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~~306-7.4~~ D. Lot Dimensions:

~~A.~~(1) The minimum dimensions for new lots 20,000 square feet or greater shall be:

(~~1~~a) Average lot width - 100 feet;

(~~2~~b) Average lot depth - 100 feet;

(~~3~~c) Lot width at the street - 40 feet, except as allowed through Section 430-4~~5~~6 (flag lot).

~~B.~~(2) The minimum dimensions for new lots of less than 20,000 square feet shall be:

(~~1~~a) For attached units:

(~~a~~i) Average lot width - 14 feet;

(~~b~~ii) Average lot depth - 60 feet;

(~~c~~iii) Lot width at the street - 14 feet.

(~~2~~b) For detached units:

(~~a~~i) Average lot width - 23 feet;

(~~b~~ii) Average lot depth - 60 feet;

(~~c~~iii) Lot width at the street - 23 feet, except as may be allowed through Section 430-4~~5~~6 (flag lot);

(~~d~~iv) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

~~306-7.5~~ E. Required Outdoor Area

A minimum contiguous outdoor area of 250 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under Section 306-7.~~5~~2 E(1) ~~A.~~ or ~~B~~(2) ~~.~~ are met:

~~A.~~(1) The required outdoor area may be reduced to 140 square feet when the following standards are met:

(~~1~~a) The outdoor area shall consist of 140 contiguous square feet of which no dimension shall be less than 10 feet;

(~~2~~b) The development site shall be located within 1,000 feet of an existing Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station as designated on the Transportation System Plan; and

(~~3~~c) Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2

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and 431-7.3. The common open space shall consist of at least 1 acre of contiguous land that is developed for recreational uses.

~~B.~~(2) The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(~~1~~a) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least 8 feet wide and 5 feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(~~2~~b) Other porches, decks or patios when provided in addition to decks required under Section 306-7.5 ~~B.~~E(~~1~~2)(a) must have clear dimensions of at least 8 feet wide and 4 feet deep.

(~~3~~c) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

306-8 Building Façade Requirements

The following standards shall apply to single detached dwelling~~s~~ units, and ~~single-family~~ attached dwelling~~s~~ units on individual lots with individual vehicular access to a street, that are located within 1,320 feet of an existing or planned Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station as designated on the Transportation System Plan. Middle housing is not subject to these Building Façade standards.

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9. SECTION 307 – R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307 R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE*)

*This limit not applicable to Middle Housing

307-1 Intent and Purpose

The intent of the R-25+ District is to implement the policies of the Comprehensive Plan for areas designated for residential development of 25 units or more per acre and no less than 20 units per acre, except as otherwise specified for middle housing, or by Sections 300-2, ~~Section~~ 300-5, or ~~Section~~ 307-6. The purpose of the district is to provide areas for high density attached housing.

307-2 Uses Permitted Through Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

307-2.9 Single Detached Dwelling Unit

A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

(1) ~~d~~Does not exceed 10,000 square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A~~.~~; and

(a) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage meets the following:

(a) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline.

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) when:

(1) Expansion or replacement will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) Street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

307-2.13 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

A. Does not exceed 10,000 square feet in buildable area; or

B. Exceeds 10,000 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (20 units per acre) (Section 430-37.1 B). Existing lawful dwellings to be retained may be counted in this calculation; and

C. The subject lot/application meets the following requirements:

(1) Sidewalks

(a) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(2) Street frontage:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

D. Buildable area referenced in A and B above is exclusive of unbuildable land categories listed in Section 300-3.1.

307-3 Uses Permitted Through a Type II Procedure

***

307-3.2 Attached Dwelling Units (when proposal is not consistent with the middle housing definition in Section 106, and provisions of 430-84).

***

307-3.4 Single Detached Dwelling Unit, not otherwise permitted by Section 307-2.9 and/or where any of the following apply ~~— Section 430-37.1.~~:

A. Buildable area is greater than 10,000 square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B~~.~~; and/or

B. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 307-2.9 A, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

307-3.16 Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where the following apply:

A. The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 307-2.9 B, above; and

B. Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

307-3.17 Middle housing not otherwise permitted by Section 307-2.13 and/or when any of the following apply:

A. Buildable area exceeds 10,000 square feet, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (20 units per acre). Existing lawful dwellings to be retained may be counted in this calculation (Section 430-37.1 B); and/or

B. The proposal does not meet sidewalk and/or right-of-way requirements of Section 307-2.13 C, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

307-6 Density/Number of Units

307-6.1 Middle housing in the R-25+ District

A. Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(1) Duplex – maximum of two units;

(2) Triplex – maximum four units per lot;

(3) Quadplex – maximum four units per lot.

B. Cottage Clusters:

(1) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(2) Minimum density of four units per acre;

(3) Maximum density does not apply.

C. Townhouses provided as middle housing:

(1) Minimum of two units per development (land must be divided to create individual lots for each);

(2) Minimum density does not apply;

(3) Maximum density 25 units per acre.

D. For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

307-6.2 Other housing ~~The permitted density~~ in the R-25+ District (residential development that does not meet the definition of middle housing in CDC Section 106)~~is as follows~~:

A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than 25 units per acre and no less than 20 units per acre, except as otherwise specified by Sections 300-2, 307-6.~~1~~2 B~~.~~, or 307-6.~~1~~2 C.

B. R-25+ property which meets the following criteria shall develop at no more than 40 units per acre and no less than 25 units per acre, except as otherwise specified by Section 300-2 or 307-6.2~~1~~ C.

(1) The subject property is within ¼ mile of a Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station and/or within a Pedestrian/Bicycle District as designated on the Transportation System Plan;

(2) The subject property is within ¼ mile of a developed Community Business District, Community Core Mixed-Use District, Neighborhood Mixed-Use District or Transit Oriented Retail Commercial District, or equivalent level in a city; and

(3) The subject property is within ½ mile of an existing, approved or planned facility with a current or projected minimum of 250 employees.

C. To develop over 40 units per acre, to a maximum of 100 units per acre, in addition to the criteria of Section 307-6.~~1~~2 B~~.~~, the following criteria must be met:

(1) An additional 5% of the site shall be devoted to open space;

(2) The maximum height shall be 100 feet except as provided in Section 419; and

(3) The maximum lot coverage for residential structures shall be 40%, not including accessory structures or parking.

~~307-6.2~~ D. For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise 60% or more of the total density, building permits for the final 15% of the proposed number of detached dwelling units shall not be issued until at least 50% of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

307-7 Dimensional Requirements

307-7.1 Middle housing in the R-25+ District (residential development that meets the definition of middle housing in CDC Section 106)

A. Minimum lot area. For purposes of this section, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated.

(1) Duplex: No minimum;

(2) Triplex: 5,000 square feet;

(3) Quadplex: 7,000 square feet;

(4) Cottage Cluster: 7,000 square feet.

(5) Townhouses:

(a) Site: 3,000 square feet;

(b) Separate townhouse lots for individual units: must average 1,500 square feet.

B. Minimum yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

(1) Front – for all middle housing types: 10 feet to front building wall; six feet to porch or other covered or enclosed entryway;

(2) To garage vehicle entrance, for all middle housing types:

(a) From front or street side yard: 20 feet;

(b) From alley: 4 feet (portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard and shall not be closer to the rear lot line than the garage vehicle entrance).

(3) Street side for all middle housing types: 8 feet;

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet, except where lots or parcels are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

(5) Rear yard, except as provided in (2)(b) above:

(a) Duplex, triplex, quadplex, townhouse: 12 feet;

(b) Cottage cluster: 10 feet;

(c) For all middle housing types, a 5-foot rear yard may be provided to a detached garage that is accessed from the front street, provided the standards of (6) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setback standards of (6) below and Section 430-2.1 C.

(6) Required yards for all middle housing types shall be horizontally unobstructed except as provided in Section 418; and

(7) Additional setbacks may be required as specified in Section 418.

C. Minimum separation between buildings on the same lot that comprise dwelling units: six feet.

D. Maximum height:

(1) Cottage clusters: 25 feet;

(2) Duplex, triplex, quadplex, townhouse: 35 feet.

(3) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet.

E. Minimum frontage on a public or private street:

(1) Townhouses – 20 feet for each separate lot that will accommodate an individual unit (not applicable to parent lot that constitutes the overall development site);

(2) All other middle housing – No minimum

307-7.2~~1~~ Other housing in the R-25+ District (residential development that does not meet the definition of middle housing in CDC Section 106)

A. Minimum Lot Area:

~~A.~~(1) ~~The minimum lot area f~~For detached units~~: shall be~~ 2,100 square feet per unit. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 307-7.4~~2~~ D.(2)(a) and 420 are met.

~~B.~~(2) ~~The minimum lot area f~~For attached units~~: shall be~~ 1,300 square feet. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 307-7.4~~2~~ D.(2)(b) and 420 are met.

~~307-7.2~~ B. Yard (Setback) Requirements.

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

~~A~~(1)~~.~~ The minimum yard requirements for detached dwelling units shall be:

(~~1~~a) Ten-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (~~6~~f) below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard;

(~~4~~d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot-wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above. A 5-foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (~~6~~f) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setbacks standards of (~~6~~f) below and Section 430-2.1 C.

(~~6~~f) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 ~~D.~~B(4), plus any screening and buffering setback now required by Section 411.

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~~B.~~(2) The minimum yard requirements for ~~single-family~~ attached dwelling units on individual lots, when ~~that are~~ 35 feet in height or less shall be:

(~~1~~a) Ten-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (~~6~~f) below;

(~~2~~b) Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(~~3~~c) Eight-foot street side yard, except as necessary to comply with (~~6~~f) below;

(4d) Five-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet). Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

(~~5~~e) Twelve-foot rear yard, except as provided in (~~2~~b) above or as necessary to comply with (~~7~~g) below;

(~~6~~f) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 ~~D~~B(4), plus any screening and buffering setback now required by Section 411.

(~~7~~g) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a 10-foot minimum shall be used.

~~C.~~(3) The minimum yard requirements for multi-dwelling~~family~~ attached ~~dwelling~~ units, not on individual lots, that are 35 feet in height or less shall be:

(~~1~~a) Front yard: 10-foot to the front building wall and 6-foot to a porch or other covered or enclosed entryway, except as necessary to comply with (~~5~~e) below;

(~~2~~b) Street side yard: 8-foot, except as necessary to comply with (~~5~~e) and/or (~~6~~f) below;

(~~3~~c) Side yards:

(~~a~~i) Five-foot - one story;

(~~b~~ii) Seven-foot - two stories, or 10-foot when adjacent to lower density district;

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(~~c~~iii) Ten-foot - three stories;

(4d) Rear yard: 8-foot, except as necessary to comply with (~~5~~e) and/or (~~6~~f) below;

(~~5~~e) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 ~~D~~B(4), plus any screening and buffering setback now required by Section 411.

(~~6~~f) If the development site is adjacent to a different Primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.

~~D.~~(4) The minimum yard requirements for all other uses (including residential uses that exceed 35 feet in height and all nonresidential uses) shall be:

(~~1~~a) Front yard: 20-foot;

(~~2~~b) Twenty-foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;

(~~3~~c) Rear yard: 20-foot;

(4d) Side yards:

(~~a~~i) Five-foot - one story;

(~~b~~ii) Seven-foot - two stories, or 10-foot when adjacent to lower density district;

(~~c~~iii) Ten-foot - three stories;

(~~d~~iv) Fifteen-foot - four stories;

(~~e~~v) Twenty-foot - five stories;

(~~f~~vi) Ten-foot street side yard except as specified in (~~d~~iv) or (~~e~~v) above;

(~~g~~vii) If the development site is adjacent to a different primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.

~~E.~~(5) Additional setbacks may be required as specified in Sections 411 and 418.

~~F.~~(6) Required yards shall be horizontally unobstructed except as provided in Section 418.

~~307-7.3~~ C. Height:

~~A.~~(1) The maximum height for single~~-family~~ detached dwellings shall be 35 feet, except as modified by other Sections of this Code.

~~B.~~(2) The maximum height of accessory structures shall be 15 feet, except as modified by other Sections of the Code.

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~~C.~~(3) The maximum height for all other structures shall be 65 feet, except as modified by other Sections of this Code.

~~D.~~(4) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the 35-foot building height limit to a maximum height of 60 feet or the 65-foot building height limit to a maximum height of 80 feet.

~~E.~~(5) The height of telecommunication facilities ~~are~~is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

~~307-7.4~~ D. Lot Dimensions:

~~A.~~(1) The minimum dimensions for new lots 20,000 square feet or greater shall be:

(~~1~~a) Average lot width - 100 feet;

(~~2~~b) Average lot depth - 100 feet; and

(~~3~~c) Lot width at the street - 40 feet except as allowed through Section 430-4~~5~~6 (flag lots).

~~B.~~(2) The minimum dimensions for new lots of less than 20,000 square feet shall be:

(~~1~~a) For attached units:

(~~a~~i) Average lot width - 14 feet;

(~~b~~ii) Average lot depth - 60 feet; and

(~~c~~iii) Lot width at the street - 14 feet.

(~~2~~b) For detached units:

(~~a~~i) Average lot width - 23 feet;

(~~b~~ii) Average lot depth - 60 feet;

(~~c~~iii) Lot width at the street - 23 feet, except as may be allowed through Section 430-4~~5~~6 (flag lot); and

(~~d~~iv) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

~~307-7.5~~ E. Required Outdoor Area

A minimum contiguous outdoor area of 250 square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under ~~Section 307-7.5 A. or B.~~ (1) or (2) are met:

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~~A.~~(1) The required outdoor area may be reduced to 140 square feet when the following standards are met:

(~~1~~a) The outdoor area shall consist of 140 contiguous square feet of which no dimension shall be less than 10 feet;

(~~2~~b) The development site shall be located within 1,000 feet of an existing transit stop that has 20 minute or more frequent service during the peak hour; and

(~~3~~c) Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least 1 acre of contiguous land that is developed for recreational uses.

~~B.~~(2) The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(~~1~~a) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least 8 feet wide and 5 feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(~~2~~b) Other porches, decks or patios when provided in addition to decks required under Section 307-7.5 ~~B~~E. ~~(1)~~(2)(a) must have clear dimensions of at least 8 feet wide and 4 feet deep.

(~~3~~c) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

307-8 Building Façade Requirements

The following standards shall apply to single detached dwelling units, and ~~single-family~~ attached dwelling units on individual lots with individual vehicular access to a street, that are located within 1,320 feet of a street designated as an existing or planned Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station as designated on the Transportation System Plan. Middle housing is not subject to these Building Façade Standards.

***

10. SECTION 375 – TRANSIT ORIENTED DISTRICTS

375-4 Permitted Uses and Review Procedures

Table A identifies uses permitted in each of the Transit Oriented Districts, and the land use procedure through which a use may be permitted.

375-4.1 Uses Which May be Permitted Through a Type I Procedure

Type I uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards, and Guidelines) and all other applicable standards of the Code. If a Type I use (except a single detached dwelling or duplex that is not part of a land division, middle housing or a middle housing land division – which are subject to other design requirements of this code) does not follow all of the applicable minimum

design standards in Section 431, the use shall be reviewed as a Type III use, shall demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1. Application of Section 431 to a single detached dwelling or duplex that is not part of a land division, middle housing or a middle housing land division is limited as described below and in Section 431.

***

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

***

29. Mid-rise apartments in the TO:R18-24 District shall not exceed the maximum building height standard for the district, and shall comply with density transition standards for the district described in Section 431-8.2 D. Middle housing proposals that comply with CDC standards applicable to middle housing are distinct from this use and are not subject to density transition standards.

30.a. One detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel meets the following:

(i) Does not exceed 10,000 square feet in buildable area. Buildable area is exclusive of unbuildable land categories listed in Section 300-3.1; and

- Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or
- The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or
- The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or
- When on a private street, sidewalks are not required by Section 409.

(ii) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(iii) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

(iv) A proposal that does not meet sidewalk and/or right-of-way/private street requirements above may seek related exemptions through a Type II review for

compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

30.b. Expansion or replacement of an existing single detached dwelling unit

Type I: An existing single detached dwelling may be expanded or replace through a Type I procedure when:

(i) Expansion or replacement will not create an additional primary dwelling unit; and

(ii) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(iii) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

- The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or
- The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or
- The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or
- When on a private street, sidewalks are not required by Section 409.

(iv) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(v) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

Type II: A proposal that does not meet sidewalk and/or right-of-way/private street requirements above may seek related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

30.c. Middle housing

Type I: Middle housing may be allowed, through a Type I procedure, on an existing lot or parcel that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel:

(i) Does not exceed 10,000 square feet in buildable area. Buildable area is exclusive of unbuildable land categories listed in Section 300-3.1; and

(ii) Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (or the application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or provides evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1); and

(iii) Abuts a street with a minimum right-of-way along the entire site frontage (or the applicant proposes to dedicate right-of-way prior to issuance of the first building permit) that meets the following:

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline.

Type II: A proposal that does not meet sidewalk and/or right-of-way requirements of (ii) or (iii) above, may seek related exemptions through a Type II review for compliance with exemption criteria of 501-14.2 or 501-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

32.a. A Retirement Housing Community, as defined in Section 430-53.~~7~~5, may be permitted through a Type II or III procedure pursuant to Table A: Permitted and Prohibited Uses in Transit Oriented Districts.

***

375-8 Dimensional Requirements for Transit Oriented Districts

Dimensional requirements for development in each of the Transit-Oriented Districts are specified in Tables B(1) and B(2).

375-9 Density Requirements for Transit Oriented Districts

Density requirements for development in each of the Transit-Oriented Districts are specified in Tables C(1) and C(2).

375-10 Development Standards for Transit Oriented Districts

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3.

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

	DISTRICT								
USE	**TO:RC**	**TO:BUS**	**TO:EMP**	**TO:R9-12**	**TO:R12-18**	**TO:R18-24**	**TO:R24-40**	**TO:R40-80**	**TO:R80-120**
Residential Uses:	(14)	(15)							
Detached Dwellings (30.a.)	N	N	N	II	II	II	N	N	N
Middle Housing - Section 430-84 (Use is distinct from others in this table) (30.c.)	N	N	N	I/II	I/II	I/II	N	N	N
Duplexes and Tri-~~P~~plexes that are not middle housing	N	N	N	II	II	II	N	N	N
Townhouses and Rowhouses that are not middle housing	N	II	N	II	II	II	II	II	II
Manufactured Homes	N	N	N	II	II	II	N	N	N
Low-Rise Apartments (1-2 stories) that are not middle housing	II	II	N	N	II	II	II	II	II
Mid-Rise Apartments	II	II	N	N	N	II (29)	II	II	II

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(3-5 stories) that are not middle housing									
High-Rise Apartments (6+ stories)	II	II	N	N	N	N	II	II	II
Group Care - Section 430-53.2	II	II	N	III	III	III	III	III	III
Group Care - Section 430-53.3	II	II	N	II	II	II	II	II	II
Group Care - Section 430-53.5(32.a.)	II	II	N	II	II	II	II or III (32.b.-d.)	II	II
Expansion of a Type I, II or III use (30.b. for detached dwelling expansion – may be Type I or II)	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Accessory Dwelling Units (Section 430-2)	N	N	N	I	I	I	N	N	N

I = Permitted through a Type I process. If a use – other than a single detached dwelling or duplex that is not part of a land division, middle housing or a middle housing land division – does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1. Middle housing is subject to design standards in Section 430-84, not Section 431.

II = Permitted through a Type II process. If a use – other than a single detached dwelling or duplex that is not part of a land division, middle housing or a middle housing land division – does not follow the

minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.

III = Permitted through a Type III process.

( ) = Use or design limitation(s) specified in Section 375-7.

N = Prohibited.

Table B(1). Dimensional Requirements for Middle Housing in Transit Oriented Districts

(Allowed only in TO:R9-12, TO:R12-18, TO:R18-24)

For purposes of this table, "lot" means the parent lot that will accommodate the overall development (not individual units) – except as otherwise indicated.

DEVELOPMENT DIMENSION	Duplex	Triplex	Quadplex	Townhouses	Cottage Cluster
Minimum Lot Area	No minimum (Lot must have been approved through a subdivision or partition and a maximum of 10,000 square feet)	5,000 sf	7,000 sf	Parent Lot: 3,000 square feet; Separate lots for individual units: average 1,500 square feet	7,000 sf
Minimum frontage on a public or private street	N/A			20 feet Applies to separate lots, not parent lot	N/A
Maximum Building Height (A)	40 feet (TO: R9-12, TO:R12-18), 50 feet (TO: R18-24) or 35 feet if abutting R-5 or R-6				25 feet
Front Yard - minimum	10 feet				
Front Yard – maximum	15 feet				
Minimum separation between buildings on the same lot that comprise dwelling units	6 feet				

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(A) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8.

Table B(2). Dimensional Requirements for all Other Development in Transit Oriented Districts

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Table C(1). Density Requirements for Middle Housing in Transit Oriented Districts

TO:R9-12, TO:R12-18 AND TO:R18-24 (allowed only in these districts)			
MIDDLE HOUSING TYPE	**DENSITY REQUIREMENT**	**NUMBER OF UNITS**	
		MINIMUM	**MAXIMUM** (including all housing units of any type on lot)
DUPLEX	N/A	2	2 per parent lot
TRIPLEX		3	4 per parent lot
QUADPLEX		4	
COTTAGE CLUSTERS	Minimum: 4 u/acre Maximum: N/A	N/A	12 per common courtyard, (no maximum number of courtyards)
TOWNHOUSES	Minimum = N/A Maximum = 25 u/acre	2 per parent lot (but must divide to create individual lot for each unit)	N/A
ALL, IF PARENT LOT IS DIVIDED			1 per resulting lot

***

Table C(2). Density Requirements for all Other Development in Transit Oriented Districts

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11. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-4 Conflicts Between other Code Provisions

Notwithstanding Section 401, in the event of a conflict between the standards of this district and the standards of any other provision of this Code, except those applicable to middle housing (Section 430-84), the standards of this district shall control.

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390-6 Prohibited Uses

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390-6.2 The following structures and uses are prohibited in all nonresidential districts in the North Bethany Subarea.

***

B. The use of a manufactured dwelling, except as provided in Section 430-135.1 A. - Temporary Use.

***

390-8 R-6 North Bethany District (R-6 NB)

390-8.1 Intent and Purpose

The R-6 North Bethany District (R-6 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than six units per acre and no less than five units per acre, except as otherwise specified for middle housing. A density bonus may be provided through a Planned Development.

The purpose of the R-6 NB District is to provide areas for detached houses as well as areas for manufactured homes on individual lots. ~~Cluster~~ Middle ~~Housing~~housing, ~~duplexes,~~ and ~~other types of~~ attached dwelling units are also allowed in this district.

390-8.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

D. Single Detached Dwelling Unit

(1) Single Detached Dwelling Unit on an existing lot or parcel with a buildable area that is less than 13,100 square feet ~~.~~ (Section 430-37.1 A)~~.~~ when:

(a) The lot or parcel is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or;

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(e) In addition, street frontage meets the following:

(i) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(ii) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

~~E.~~(2) Expansion or replacement of an existing single detached dwelling unit ~~-~~ (Section 430-37.1 A) when:~~.~~

(a) Expansion or replacement will not create an additional primary dwelling unit; and

(b) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(c) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(i) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(ii) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(iii) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(iv) When on a private street, sidewalks are not required by Section 409.

(v) In addition, street frontage meets the following:

(i) Along the entire site frontage, right-of way widths are as follows (or the applicant proposes to dedicate right-of-way prior to issuance of the building permit to meet the following):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(ii) If on a private street, applicable street requirements of Section 409.

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E. Middle Housing (Section 430-84) on an existing lot or parcel with a buildable area that:

(1) Is less than 13,100 square feet in buildable area; or

(2) Equals or exceeds 13,100 square feet in buildable area, and the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (5 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

(3) The subject lot/application meets the following requirements:

(a) Sidewalks:

(i) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(ii) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(iii) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(iv) When on a private street, sidewalks are not required by Section 409.

(b) Street Frontage:

(i) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(ii) If on a private street, applicable street requirements of Section 409.

***

390-8.3 Uses Permitted Through a Type II Procedure

***

A. Attached Dwelling Unit - Section 390-16.2. (when proposal is not consistent with 390-8.2 L, above, the middle housing definition in Section 106, and provisions of 430-84).

B. ~~Cluster Housing - Section 390-27.~~ Middle housing (Section 430-84) on an existing lot or parcel when any of the following apply:

(1) Buildable area is 13,100 square feet or greater, and the proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (5 units per acre). Existing lawful dwellings to be retained may be counted in this calculation. (Section 430-37.1 B); and/or

(2) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-8.2 E, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

J. Single Detached Dwelling Unit

(1) Single Detached Dwelling Unit on an existing lot or parcel when any of the following apply:

(a) ~~with a b~~Buildable area is~~greater than~~ 13,100 square feet or greater - Section 430-37.1 B~~.~~; and/or

(b) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-8.2 D(1), above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

(2) Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where the following apply:

(a) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-8.2 D(2), above; and

(b) Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

390-8.5 Density/Number of Units

In the R-6 NB District:

A. Middle housing

(1) Density is not a consideration for development of the three middle housing types listed below, however, the following limits apply to the parent lot counting all existing and proposed housing units:

(a) Duplex – maximum of two units;

(b) Triplex – maximum four units per lot;

(c) Quadplex – maximum four units per lot.

(2) Cottage Clusters:

(a) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(b) Minimum density of four units per acre;

(c) Maximum density does not apply.

(3) Townhouses provided as middle housing:

(a) Minimum of two units per development (land must be divided to create individual lots for each);

(b) Minimum density does not apply;

(c) Maximum density 24 units per acre.

(4) For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

B. Other housing (residential development that does not meet the definition of middle housing in CDC Section 106):

(1) The permitted residential density shall be no more than six units per acre and no less than five units per acre, except as otherwise specified by Section 300-2 or by Section 390-8.5 B(2) below.

(2)~~B.~~ A density bonus is permitted when the following standards are met:

(~~1~~a) The development shall be a Type III Planned Development subject to Section 390-17.7;

(~~2~~b) The density bonus does not exceed three units per acre, resulting in a maximum density of nine units per acre; and

(~~3~~c) The development site is designated by the North Bethany Subarea Area Plan as being eligible for a density bonus.

390-8.7 Dimensional Requirements

The Dimensional Requirements of Section 303-7 are the required standards for the R-6 NB District.

390-9 R-9 North Bethany District (R-9 NB)

390-9.1 Intent and Purpose

The R-9 North Bethany District (R-9 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than nine units per acre and no less than seven units per acre, except as otherwise specified for middle housing. A density bonus may be provided through a Planned Development.

The purpose of the R-9 NB District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured

dwelling subdivisions and parks. ~~Cluster~~ Middle Housing is also permitted in the R-9 District.

390-9.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

D. Single Detached Dwelling Unit

(1) Single Detached Dwelling Unit on a lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition in the R-9 NB District ~~-~~(Section 430-37.1 A) when:~~-~~

(a) The lot or parcel is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or;

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(e) In addition, street frontage meets the following:

Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

If on a private street, applicable street requirements of Section 409.

~~E.~~(2) Expansion or replacement of an existing single detached dwelling unit ~~-~~ (Section 430-37.1 A) when:~~-~~

(a) Expansion or replacement will not create an additional primary dwelling unit; and

(b) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

(c) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(i) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(ii) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(iii) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(iv) When on a private street, sidewalks are not required by Section 409.

(v) In addition, street frontage meets the following:

Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

If on a private street, applicable street requirements of Section 409.

***

E. Middle Housing – Section 430-84 on a lot or parcel:

(1) That was approved for the construction of a single detached dwelling unit through a subdivision or partition in the R-9 NB District; and

(2) Where the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (7 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

(3) The subject lot/application meets the following requirements:

(a) Sidewalks:

(i) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(ii) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection

approval for completed sidewalks prior to issuance of the occupancy permit; or

(iii) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1); or

(iv) When on a private street, sidewalks are not required by Section 409.

(b) Street Frontage:

(i) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

(ii) If on a private street, applicable street requirements of Section 409.

***

390-9.3 Uses Permitted Through a Type II Procedure

***

B. ~~Cluster Housing - Section 390-27.~~Middle housing (Section 430-84) on a lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when any of the following apply:

(1) The proposed number of middle housing units would not meet or exceed the minimum density required for other housing types in the district (7 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and/or

(2) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-9.2 E, above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

F. Single Detached Dwelling Unit

(1) Single Detached dwelling unit, not otherwise permitted by Section 390-9.2 D(1) - Section 430-37.1 B~~.~~, and/or when:

(a) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-9.2 D(1), above; and

(b) Where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

(2) Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where issues under (a) and (b), below, apply:

(a) The proposal does not meet sidewalk and/or right-of-way requirements of Section 390-9.2 D(2); and

(b) The applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

390-9.5 Density/Number of Units

In the R-9 NB District:

A. Middle housing

(1) Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(a) Duplex – maximum of two units;

(b) Triplex – maximum four units per lot;

(c) Quadplex – maximum four units per lot.

(2) Cottage Clusters:

(a) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(b) Minimum density of four units per acre;

(c) Maximum density does not apply.

(3) Townhouses provided as middle housing:

(a) Minimum of two units per development (land must be divided to create individual lots for each);

(b) Minimum density does not apply;

(c) Maximum density 25 units per acre.

(4) For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

B. Other housing (residential development that does not meet the definition of middle housing in CDC Section 106):

(1) The permitted residential density shall be no more than nine units per acre and no less than seven units per acre, except as otherwise specified by Section 300-2 or by Section 390-9.5 B~~.~~(2) below.

(2)~~B.~~ A density bonus is permitted when the following standards are met:

(~~1~~a) The development shall be a Type III Planned Development subject to Section 390-17.7; and

(~~2~~b) The density bonus does not exceed three units per acre, resulting in a maximum density of 12 units per acre.

(3)~~C.~~ For developments with detached dwelling units and attached dwelling units, where the detached dwelling units comprise 60% or more of the total density, building permits for the final 15% of the proposed number of detached dwelling units shall not be issued until at least 50% of the proposed number of attached dwelling units have been constructed or are under construction.

390-9.6 Dimensional Requirements

The Dimensional Requirements of Section 304-7 are the required standards for the R-9 NB District.

390-10 R-15 North Bethany District (R-15 NB)

390-10.1 Intent and Purpose

The R-15 North Bethany District (R-15 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than 15 units per acre, and no less than 12 units per acre, except as otherwise specified for middle housing. A density bonus may be provided through a Planned Development.

The purpose of the R-15 NB District is to provide areas for higher density ~~single-family~~ attached dwelling units (on individual lots), multi-dwelling attached units (not on individual lots), and family housing. ~~Cluster~~ Middle ~~Housing~~ housing is also permitted in the R-15 NB District. Detached dwelling units may be permitted in the R-15 NB District through a Type III Planned Development.

390-10.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

***

D. Expansion or replacement of an existing dwelling ~~.~~(Section 430-37.1 A)~~.~~ when:

(1) Expansion will not create an additional primary dwelling unit; and

(2) Expansion or replacement will result in a net habitable space increase of 2,000 square feet or less; or

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(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet:

(a) The subject lot or parcel Is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(b) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(c) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1; or

(d) When on a private street, sidewalks are not required by Section 409.

(4) In addition, street frontage meets the following:

(a) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

(b) If on a private street, applicable street requirements of Section 409 are met along the entire site frontage.

***

K. Middle Housing – Section 430-84 on a lot or parcel:

(1) Where the proposed number of middle housing units would meet or exceed the minimum density required for other housing types in the district (12 units per acre). Existing lawful dwellings to be retained may be counted in this calculation; and

(2) The subject lot/application meets the following requirements:

(a) Sidewalks:

(i) Site is improved with minimum five-foot-wide concrete sidewalks along its entire road frontage (public on a public street or private on a private street); or

(ii) The application includes the applicant's written commitment to construct sidewalk and provide evidence of County inspection approval for completed sidewalks prior to issuance of the occupancy permit; or

(iii) The application includes evidence of compliance with Type I sidewalk exemption criteria of Section 502-14.1); or

(iv) When on a private street, sidewalks are not required by Section 409.

(b) Street Frontage:

(i) Along the entire site frontage, right-of-way widths are, at minimum, as follows (or the applicant proposes to dedicate right-of-way as follows prior to issuance of the first building permit):

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline.

(ii) If on a private street, applicable street requirements of Section 409.

***

390-10.3 Uses Permitted Through a Type II Procedure

***

B. ~~Cluster Housing - Section 390-27.~~ Middle housing (Section 430-84) on an existing lot or parcel when any of the following apply:

(1) The proposed number of middle housing units will not meet or exceed the minimum density required for other housing types in the district (12 units per acre). Existing lawful dwellings to be retained may be counted in this calculation. (Section 430-37.1 B); and/or

(2) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-10.2 K(2), above, and where site frontage is a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

***

L. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a habitable space increase of more than 2,000 square feet, where the following apply:

(1) The proposal does not meet sidewalk and/or right-of-way/private street requirements of Section 390-10.2 D(3), above; and

(2) Where site frontage is on a public road, the applicant seeks related exemptions through a Type II review for compliance with exemption criteria of 502-14.2 or 502-14.3 (sidewalks) and/or 501-8.4 (right-of-way).

390-10.4 Uses Which May Be Permitted Through a Type III Procedure

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D. Detached dwelling units - Section 390-17.8.

***

390-10.5 Density/Number of Units

In the R-15 NB District:

A. Middle housing

(1) Density is not a consideration for development of the three middle housing types listed below, however the following limits apply to the parent lot counting all existing and proposed housing units:

(a) Duplex – maximum of two units;

(b) Triplex – maximum four units per lot;

(c) Quadplex – maximum four units per lot.

(2) Cottage Clusters:

(a) Up to twelve units allowed per common courtyard (no maximum number of courtyards);

(b) Minimum density of four units per acre;

(c) Maximum density does not apply.

(3) Townhouses provided as middle housing:

(a) Minimum of two units per development (land must be divided to create individual lots for each);

(b) Minimum density does not apply;

(c) Maximum density 25 units per acre.

(4) For all middle housing types, if the parent lot is divided, only one dwelling is permitted on each resulting lot.

B. Other housing (residential development that does not meet the definition of middle housing in CDC Section 106):

(1) The permitted residential density shall be no more than 15 units per acre and no less than 12 units per acre, except as otherwise specified by Section 300-2 or by Section 390-10.5 B-(2) below.

(2)~~B~~. A density bonus is permitted when the following standards are met:

(~~1~~a) The development shall be a Type III Planned Development subject to Section 390-17.7; and

(~~2~~b) The density bonus does not exceed five units per acre, resulting in no more than 20 units per acre.

390-10.6 Dimensional Requirements

The Dimensional Requirements of Section 305-7 are the required standards for the R-15 NB District.

***

390-17 (North Bethany Planned Development Standards).

390-17.3 Type II Planned Development

The following types of development shall be reviewed as a Type II Planned Development:

***

~~D. Providing cluster housing, that does not include a density bonus.~~

***

390-17.5 Planned Development Review Requirements

***

~~C. A Planned Development limited to cluster housing that does not include a density bonus is subject only to the standards in Sections 390-17.5 A and Section 390-17.6. When a density bonus is proposed, the Planned Development shall also meet the provisions of Section 390-17.11.~~

D. An applicant shall choose one or more of the following options to compensate for the adjustment of development standards, relocating land use districts or moving the centerline of a Primary Street. This Section is not applicable to ~~a Planned Development for cluster housing, or to~~ a Planned Development for detached dwelling units in the R-15 NB District.

***

~~390-17.6 Planned Development Standards for Cluster Housing (e.g., Cottage Housing)~~

~~Cluster Housing (e.g., Cottage Housing) is permitted in the North Bethany Subarea subject to compliance with the following standards:~~

~~A. Cottage Housing is permitted as a Type II Planned Development in the R-6 NB, R-9 NB and the R-15 NB Districts when the proposed development:~~

~~(1) Does not exceed the maximum density permitted by the Primary District; and~~

~~(2) Is consistent with standards of Code Section 390-27; and~~

~~(3) Is subject to the standards of Section 390-17.6, but is not subject to any other standards of Section 390-17.~~

~~B. Cottage Housing is permitted as a Type III Planned Development in the R-6 NB, R-9 NB and the R-15 NB Districts when the proposed development:~~

~~(1) Includes a density bonus permitted by the Primary District;~~

~~(2) Is consistent with standards of Code Section 390-27;~~

~~(3) Provides Work Force Housing consistent with the standards of Section 390-17.11; and~~

~~(4) Is subject to the standards of Sections 390-17.6 and 390-17.11, but is not subject to any other standards of Section 390-17.~~

390-17.9 Modification of Standards through the Planned Development~~, Excluding Planned Developments for Cluster Housing~~

***

~~390-27 Cluster Housing~~

~~Cluster Housing regulations provide for flexibility in standards in order to provide a variety of housing types and allow for the provision a density bonus in the R-6 NB, R- 9 NB, and R-15 NB Districts. Appropriate amounts of parking and common and private outdoor areas are provided to ensure livable neighborhoods. Cluster Housing allows higher residential densities through the use of smaller housing, clustered parking and specific site design standards. These characteristics also minimize impacts on adjacent residential land.~~

~~Dwellings are single-family detached or attached dwelling units clustered together around a common area and developed with a coordinated design for the entire site. The size of a cluster is limited to four to 12 dwellings around a common area, which helps to encourage a sense of community among residents. Dwellings in a Cluster Housing development are not separated by streets. Cluster Housing can be developed with individual lots for each dwelling (a subdivision) or with common ownership of all land in the site (a condominium).~~

~~Street frontage, lot size, setbacks, and other traditional subdivision regulations are redefined to allow more of the development site to be used as common open space. The clustered housing arrangement and common areas distinguish this housing type from small house/small lot development that generally front on public streets and/or alleys.~~

~~Although Cottage Housing, Courtyard Housing and Shared Court Housing can be allowed types of Cluster Housing, the Cluster Housing regulations for the North Bethany Subarea are limited to Cottage Housing. Standards can be developed and added for Courtyard Housing and Shared Court Housing in the future.~~

~~390-27.1 Cottage Housing~~

~~Cottage Housing is a grouping of no less than four and no more than 12 detached single-family dwellings and/or single-family attached dwelling units that are oriented around a common open space. Each group of cottages is called a cluster. Buildings with attached dwelling units shall have no more than two units in a building. Accessory Dwelling Units are permitted only when they are built as part of the initial development.~~

~~Cottage Housing may be provided when the following standards are met.~~

~~A. Applicability~~

~~(1) Cottage Housing is permitted in the R-6 NB, R-9 NB and R-15 NB Districts as a Planned Development as specified by the Primary District and Section 390-17.6.~~

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~~(2) Cottage Housing is permitted as a Type II Planned Development provided the proposed number of dwelling units does not exceed the maximum density permitted by the Primary District.~~

~~(3) A density bonus is permitted in the R-6 NB, R-9 NB and R-15 NB Districts through a Type III Planned Development. The proposed number of dwelling units shall not exceed the density bonus permitted by the Primary District.~~

~~B. Cottage Housing Development Size and Permitted Number of Dwellings~~

~~(1) A development with Cottage Housing shall consist of:~~

~~(a) One or more Cottage Housing cluster; or~~

~~(b) A variety of housing types, including one or more Cottage Housing cluster, with other housing types permitted by the Primary District.~~

~~(c) Cottages shall be clustered according to the requirements of this Section and the other housing types shall meet the applicable standards of the Primary District.~~

~~(2) A minimum of four and not more than 12 cottages shall be provided in a cluster of cottages that are oriented around a common open space. When a development site contains more than 12 cottages, they shall be grouped in two or more clusters.~~

~~(3) The Cottage Housing development shall be located on one or more blocks or a portion of a block that meets the standards of Section 408, including the block size standards of Sections 408-6.2 and 408-6.3.~~

~~C. Cottage Floor Area~~

~~(1) The maximum ground floor area of each dwelling unit shall not exceed 1,000 square feet. When provided, an attached garage shall be included in the calculation of total ground floor area. A variance or hardship relief request to increase this floor area standard is prohibited;~~

~~(2) The maximum floor area of each dwelling unit shall not exceed 1,500 square feet. A variance or hardship relief request to increase this floor area standard is prohibited; and~~

~~(3) Building areas that do not count towards the total floor area are:~~

~~(a) Unheated storage space located under the main floor of the unit;~~

~~(b) Architectural projections, such as bay windows, fireplaces or utility closets not greater than 18 inches in depth or 6 feet in width;~~

~~(c) Attached covered porches, patios or decks;~~

~~(d) Detached garages or carports; and~~

~~(e) Spaces with a ceiling height of 6 feet or less measured from the inside of the exterior wall, such as in a second floor area under the slope of the roof. A variance or hardship relief request to vary from this height standard is prohibited.~~

~~D. Dimensional Standards of a Cottage Housing Development Site~~

~~**Dimensional Standards**~~	~~**Standards**~~
~~Minimum Site Frontage on a Public Street (development site)~~	~~80 feet~~
~~Minimum Side Yard Setback from an Adjacent Property~~ [1] ~~(applicable to all structures)~~	~~10 feet~~
~~Minimum Rear Yard Setback~~ [1] ~~(applicable to all structures)~~	~~15 feet~~
~~Minimum Setback from a Public Street (applicable to all structures)~~	~~Primary District standard~~
~~Minimum Setback from Common Open Space (applicable to all structures)~~	~~3 feet~~
~~Minimum Distance Between Structures~~ [2] ~~(applicable to all structures)~~	~~10 feet~~
~~Maximum Lot Coverage for all Structures on the Development Site~~	~~50 percent~~
~~Minimum Lot Area Per Dwelling Unit (when lots for units are created)~~	~~Dwelling footprint plus a 3-foot perimeter setback around the building plus the unit's private open space~~
~~Maximum Impervious Surface Area of the Development Site~~ [3]	~~75 percent~~
~~Minimum Open Space~~	~~See Section 390-27.1 E., Required Open Space~~
~~Maximum Height~~ [4]	~~25 feet, or the width of the building's gable face multiplied by 1.25, whichever is less.~~

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~~Minimum Off-Street Parking Spaces per Cottage~~	~~■ Units with less than 700 square feet - 1 space per unit~~
	~~■ Units with more than 700 square feet and up to 1000 square feet - 1.5 space/unit~~
	~~■ Unit with more than 1000 square feet and up to 1500 square feet - 2 spaces/unit~~

~~[1] The side and rear setbacks may be reduced to the requirement of the Primary District for up to 60% of the length of the property line.~~

~~[2] Heat pumps and air conditioners shall not be located within the minimum 10 foot wide setback between buildings.~~

~~[3] Areas of the site that are pervious shall be landscaped.~~

~~[4] Chimneys, cupolas or other architectural features shall not extend more than 5 feet above the roof at their highest point.~~

~~E. Required Open Space~~

~~(1) Private Open Space~~

~~Private open space shall be provided adjacent to each individual dwelling unit to provide area for the exclusive use of the dwelling's occupants and to promote diversity in landscape design. Private open space shall be designed in accordance with the following standards:~~

~~(a) Be a minimum of 300 square feet of contiguous, usable open space for the exclusive use of the dwelling's residents. The private open space may be reduced to 100 square feet per unit when the requirements of Section E.(2)(a) below are met. The private open space shall have no dimension less than 10 feet.~~

~~(b) Dwelling units shall have direct access by a door from their interior to the private open space.~~

~~(c) Up to 50% of a portion of the private open space may include a porch or deck.~~

~~(2) Common Open Space~~

~~Common open space is intended to function as community open space and shall be designed to serve as a centrally located focal area for the development. The common open space area shall be designed in accordance with the following standards:~~

~~(a) Be a minimum of 300 square feet per unit. When 400 or more square feet of common open space for each unit is provided, the private open space of each unit may be reduced to 100 square feet per unit; and~~

~~(b) The common open space shall have no dimensions less than 20 feet except as described below and be able to encompass a square area at least 40 feet wide by 40 feet long. The common open space may be divided into more than one tract provided that each tract is connected by pedestrian accessways and each tract has a square area encompassing at least 40 feet wide and 40 feet long. Accessways connecting common open space tracts may count as part of the common open space when they are at least 10 feet wide.~~

~~(c) The common open space shall be developed and maintained so it is usable for active and passive recreation activities. It shall be located in a centrally located area and be easily accessible to all dwellings in the cluster of cottages.~~

~~(d) Common open space shall be landscaped consistent with the requirements of Section 407-2.1 and allow the area to be used for active and/or passive recreational activities. Amenities may include lawn, community garden space, a patio, a plaza, barbecue facilities, and/or recreational amenities, such as a children's play structure.~~

~~(e) Land located between dwelling units and an adjacent street shall not serve as required common open space.~~

~~(f) The common open space shall be located outside of storm water quality facilities, parking areas, Significant Natural Resource areas, wetlands, CWS vegetated buffers, and slopes greater than 10%.~~

~~F. Design of Individual Dwelling Units~~

~~(1) Orientation to the street adjacent to the Cottage Housing development site~~

~~In order to ensure compatibility with dwellings on nearby properties, the street facing façade of a dwelling adjacent to the street shall have an entry door and porch facing the street.~~

~~(2) Orientation to the common open space~~

~~(a) Dwelling units shall surround the common open space on a minimum of two sides of the area;~~

~~(b) At least 50% of the dwelling units in the development shall abut the common open space. A dwelling is considered to "abut" the common open space if there is no structure, road, or utility facility between the unit and the common open space.~~

~~(c) For dwellings that abut the common open space, the façade facing the common open space shall have an entry door.~~

~~(3) Roof pitches - All portions of the main roof of a structure shall be pitched a minimum of 4:12; and~~

~~(4) Porches, patios and decks~~

~~All dwelling units shall have a covered porch, covered patio or covered deck:~~

~~(a) That is at least 50 square feet in size with a minimum dimension of 6 feet on any side; and~~

~~(b) Is directly accessible from the interior of the dwelling.~~

~~G. Parking and Vehicular Access~~

~~(1) Off-street parking shall be located in shared surface parking areas or garages, including attached or detached garages. The design of off-street parking areas shall meet the standards of Code Section 413. Vehicular access to the site and parking area(s), including the internal access from the public street, shall meet the standards of Section 413.~~

~~(2) Shared parking areas shall be located to the side or the rear of the cottage development and shall not be located between dwelling units and the adjacent street.~~

~~(3) Shared surface parking areas shall be located in parking courts of not more than five adjoining (side by side) spaces and not more than ten total parking spaces in one parking area. Each parking court shall be separated from the common open space by landscaping and/or fencing.~~

~~(4) Common shared detached garage/carport structures shall be limited to no more than five single car garages/carports per structure and not more than ten total parking spaces in one parking area. Each parking area shall be separated from the common open space by landscaping and/or fencing.~~

~~(5) When more than one shared parking area is provided in a development site, they shall be separated from each other by at least 20 feet.~~

~~(6) All parking courts and structures shall be screened from public streets and adjacent residential uses by landscaping and/or fencing.~~

~~(7) The public street setback for parking courts and parking courts with carports shall be at least ten feet more than the distance between the adjacent street and the dwelling closest to the street.~~

~~(8) The side and rear yard setbacks for parking courts and parking courts with carports shall be at least ten feet. The setback for parking in a detached garage shall meet the setback standards in Section 390-27.1 D.~~

~~H. Screening Requirements~~

~~(1) Common waste and other storage receptacles shall not be placed in the front yard setback area or in the common area or private open space.~~

~~(2) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent properties, and the public right-of-way.~~

~~I. Community Buildings and Community Space~~

~~(1) A Cottage Housing development may contain a community building or space that is clearly incidental in use to the dwelling units. The ground floor building foot print of the building shall not exceed 1,000 square feet.~~

~~(2) A community building or space shall be located on the same site as the Cottage Housing development and be commonly owned and maintained by the owners of all of the dwellings.~~

~~(3) A community space may be located above another common structure, such as a detached building with garages or a storage building.~~

~~(4) The community building or space can have room(s) for meetings, parties, potlucks, personal projects, and bathrooms. The lot coverage and building area of a community building or space shall be excluded from the project total.~~

~~J. Accessory Dwelling Units~~

~~Accessory Dwelling Units (ADU) shall be permitted in a Cottage Housing development subject to the standards provided below. ADUs shall not be included in the density calculation to determine the permitted number of cottages and they shall not be included in the dwelling count for a cluster of cottages. Home occupations are not permitted in an ADU.~~

~~Accessory Dwelling Units shall:~~

~~(1) Be located above a detached garage or Community Building;~~

~~(2) Be limited to 600 total square feet (per ADU);~~

~~(3) Be allowed only when proposed at the time of initial development application for the Cottage Housing development;~~

~~(4) Provide one off-street parking space per ADU; and~~

~~(5) Contain a kitchen, bathroom and sleeping area.~~

~~K. Existing Dwellings~~

~~An existing single-family dwelling may be incorporated into a Cottage Housing development when it complies with the standards of this Section, with the exception of the following standards: cottage floor area and building height.~~

~~L. General Requirements~~

~~(1) The use of common areas and structures, including parking areas, common open space and common structures shall be maintained over time. Conversion of these common areas and structures to other uses is prohibited;~~

~~(2) Property owners/residents shall be responsible for the ongoing maintenance of common areas and structures; and~~

~~(3) A dwelling unit may not be enlarged once it has been constructed in accordance with the final approved master plan. Vaulted building space shall not be converted into habitable space. Porches, patios or decks shall not be enclosed. A variance to increase the size of a unit is prohibited; and~~

~~(4) An attached or detached garage that has been provided to meet minimum parking requirements for a cluster housing development cannot be converted to habitable space or another use without compensating for the parking space elsewhere on the development site or parcel. Conversion of a cottage's~~

~~detached garage to habitable space shall not be allowed unless the total floor area of the cottage will remain within the Cottage Floor Area requirements of CDC 390-27.1.C after the conversion; and~~

~~(5) Home Owners' Association and Covenants~~

~~Prior to granting final approval of the Planned Development, legal documents creating a home owners' association and necessary covenants and restrictions shall be recorded that address the requirements described below. The document(s) shall be recorded in the Washington County Department of Assessment & Taxation Recording Division and shall be binding upon all heirs, successors and assigns. The home owners' association and necessary covenants and restrictions shall remain in perpetuity.~~

~~(a) Establish common areas and structures, including parking areas, common open space and common structures; and preclude their conversion to another use;~~

~~(b) Require the on-going maintenance of private and common areas and all buildings and structures;~~

~~(c) Prohibit any increase to size of any unit after construction, including the conversion of vaulted space into habitable space; no variance or hardship relief shall be permitted to increase the size of a unit; and~~

~~(d) Reserve the use of parking areas, including garages, for the parking of vehicles.~~

12. SECTION 403 – APPLICABILITY

403-2 Master Plan - Minimum Requirements for all Development

At a minimum, all development, including land divisions and exemptions through Section 201-2, shall provide a Master Plan prepared in accordance with Sections 403-2.1 through 403-2.4, including necessary written findings. A Master Plan may be reviewed in conjunction with a specific development review project for all or a portion of the subject site, or it may be reviewed independently and implemented through a future development review application(s). Development review applications shall be consistent with the final approved Master Plan and shall, at a minimum, be processed through the Type I procedure. Final approval of a Master Plan shall be granted prior to the submission of a subsequent application that implements a Master Plan.

***

403-2.1 A Master Plan in a schematic form which contains the following when determined to be applicable by the Review Authority:

A. Proposed Uses and Densities where applicable;

B. Proposed and existing ~~S~~structure and ~~B~~building ~~L~~locations and ~~T~~types;

C. Landscape and Open Space, except for one detached dwelling on a lot of record inside the UGB and all single dwellings and agriculture or forest buildings outside the UGB;

D. Roads, Parking and Circulation; and

E. Phasing-Development Schedule if applicable.

A development application (Master Plan or Site Analysis application) for a development shall be for the entirety of the site, including all phases of a phased development. The development application shall demonstrate compliance, or demonstrate that it is feasible, for all portions of the site to comply with the standards of the Articles III (e.g., density if applicable, setbacks, height), IV (e.g., ~~parking landscaping,~~ grading and drainage, any parking and landscaping requirements,), V (e.g., access spacing), and VI. When a residential development will occur in phases, or the development site is divided into multiple residential lots or parcels, each phase or lot or parcel shall develop ~~to the density~~as ~~stated~~ proposed and approved in the development application unless the original development application is modified consistent with the applicable ~~density~~ requirements ~~and other applicable standards~~ of this Code.

403-2.2 A statement that:

A. The Development is permitted in the primary district; and

B. The siting maintains all minimum dimensional requirements for the District and use.

403-2.3 Additional Evaluation Criteria

Except for single detached dwelling units and their accessory structures, duplexes, and housing that meets the definition of middle housing in Section 106, home occupations and agricultural uses, Design standards of Sections 430-37.1 and 430-84 apply to above noted housing types instead of those standards in the remainder of Section 403-2.3.

***

403-2.4 Needed Housing

Discretionary permit procedures and standards shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

***

13. SECTION 406 – BUILDING, SITING AND ARCHITECTURAL DESIGN

406-1 Review Standards

The Review Authority shall evaluate all applications (whether Type I, II or III review) and associated building and site plans, including those for detached dwelling units and middle housing, to ensure that the proposed development~~for conformance to the following standards~~:

406-1.1 ~~i~~Is permitted within the primary district;

406-1.2 ~~The development i~~Is sited to ~~maintain all minimum~~comply with applicable setback and lot coverage requirements of the primary district; ~~and~~

406-1.3 ~~The development meets the~~Complies with maximum height ~~requirements~~ limits of the primary district.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

406-2 Additional Requirements for Type II and Type III Development

In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans (except those for a single detached dwelling, duplex or middle housing, which are subject to design standards of 430-37.1 and/or 430-84) shall:

~~406-2.1 When required by the UniformBuilding Code, provide facilities for the disabled pursuant to the Uniform Building Code, edition in effect at this time;~~

406-2.~~2~~1 Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;

406-2.~~3~~2 Renovate or revitalize existing structures identified within the Community Plan;

406-2.~~4~~3 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:

A. Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;

B. Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;

***

406-4 Privacy Guidelines

Type II and Type III Developments, except those for a single detached dwelling, duplex or middle housing, which are subject to design standards of 430-37.1 and/or 430-84, where possible shall:

406-4.1 Design entry areas in residential developments to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:

A. Changing the level, color, scale, texture or direction of a path; and

B. The use of gates, fences, doors and landscaping.

406-4.2 Design and cluster units to maximize privacy, using such techniques as:

A. Facing main housing areas toward garden areas, open space and exposure to sun; and

B. Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.

406-5 Storage

Provide for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and ~~easily~~ accessible to dwelling units.

406-6 Mixed Solid Waste and Recyclables Storage Facilities

Mixed solid waste and source-separated recyclables storage standards of this section shall apply to:

A. ~~new or remodeled multi-unit and single-family attached~~Type I, II or III development of attached residential buildings containing five or more units, including addition of any number of new unit(s) that causes an existing development to reach five units or more; and ~~to~~

B. ~~n~~New or remodeled commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

~~New or remodeled construction~~Developments as described in A or B, above, shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to removal by haulers by complying with the standards of this section.

To provide for flexibility in the design of functional storage areas, this section provides three different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving collection efficiency. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) a comprehensive recycling plan.

406-6.1 Minimum Standards Method

The Minimum Standards Method identifies dimensional standards for storage area facilities that are based upon the size and general use category of new or remodeled construction. This method is most appropriate when the specific use of a new or remodeled building is unknown.

The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this section. Compliance with the general and specific requirements set forth below is verified during the site plan review process.

A. General Requirements:

(1) The storage area is based on the predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20% or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20% of the floor area of the building, then the storage area requirement for the entire building shall be the sum of the requirement for the area of each use.

(2) Storage areas for multiple uses on a single site and for ~~single-family~~ attached ~~or multi-family~~dwelling units ~~buildings~~ may be combined and shared.

(3) The specific requirements are based on an assumed storage height of 4 feet for solid waste/recyclables. Vertical storage higher than 4 feet but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43% of specific requirements). Where vertical or

stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

B. Specific Requirements

(1) ~~Multi-unit and single- family a~~Attached residential buildings containing five to ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten units shall provide an additional five (5) square feet per unit for each unit above ten. Individual curbside collection for ~~single-family~~townhouses (attached ~~units~~ dwelling units on separate lots) may be permitted pursuant to Section 406-6.4 C.(4).

***

406-6.3 Comprehensive Recycling Plan Method

The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific individual facility or for ~~single-family~~ attached ~~or multi-family buildings~~dwelling units. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities.

***

406-6.4 ~~Location, Design and Access~~ Standards for Storage Areas, Containers and Associated Access

The following ~~location, design and access~~ standards ~~for storage areas~~ are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

(1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.

(2) Indoor and outdoor storage areas shall comply with ~~Uniform~~ Building Code requirements.

(3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

(5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.

(6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.

(7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. ~~Design~~ Additional Standards for Storage Areas and Containers:

(1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.

(2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.

(3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.

(4) Exterior storage areas shall ~~meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3).~~ be contained within opaque enclosures and gates, and screened from residential living spaces. Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 12 feet wide and shall be capable of being secured in a closed and open position.

(5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

(1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users ~~at convenient times of the day~~, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.

(2) Storage areas shall be paved and designed to be easily accessible to collection trucks and equipment, considering paving, grade of storage areas and vehicle access. A minimum of 12 feet horizontal clearance and 14 feet of vertical clearance is required if the storage area is covered.

(3) Storage areas shall be accessible to collection vehicles without requiring backing out onto a public or private street (includes alleys). If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

(4) Curbside collection of solid waste and recyclables from individual ~~dwelling~~ townhouse units ~~in~~(attached units dwelling units on separate lots) ~~single-family attached~~ in buildings containing five or more units on a public or private street (includes alleys) may be permitted by the solid waste coordinator.

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building façade, the following information must be submitted:

406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;

406-7.2 Building Floor Plans;

406-7.3 Building Elevations and Sections;

406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and

406-7.5 Building Shadow Plan.

406-7.6 For ~~new or remodeled~~ development described in 406-6 A or B ~~(as required by Section 406-6) to provide mixed solid waste and recyclables storage facilities~~, a written statement from the Washington County Health & Human Services Solid Waste and Recycling Program concerning the adequacy of the proposed method, design, location and accessibility of the mixed solid waste and recyclables storage facilities as required by Sections 406-6.1, 406-6.2, 406-6.3, 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C.

14. SECTION 407 – LANDSCAPE DESIGN

407-1 Minimum Landscape Standards

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407-1.3 Residential:

A minimum percentage of the buildable land area pursuant to Section 407-1.2 shall be used for landscaping in residential districts. Redevelopment or additions to buildings that include attached dwelling units shall meet the following minimum landscape area requirements:

Dwelling type	Minimum percent of the buildable land area required for landscaping
Single d~~D~~etached dwellings, ~~or~~ duplexes*	No minimum
Middle Housing	No minimum
~~Attached m~~Multi-dwelling attached units (not on individual lots and other than middle housing)~~family development~~ in R-15, R-24, and R-25+ land use districts	15%
All other residential development	25%

*On a lot of record located in an urban residential district or rural district

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407-7 Urban Street Tree Standards

Inside an urban growth boundary, ~~all~~ new structures or land divisions fronting on public or private roadways or access drives, ~~except the construction of a~~including a detached dwelling unit or duplex on an existing lot, or middle housing, shall be required to plant street trees in accordance with the following standards:

407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and ~~appropriately~~ spaced to ~~maximize canopy coverage and~~ provide canopy overlap for shade. Trees shall be installed at an average of one tree per 35 feet of lineal road frontage unless otherwise required by district standards, or the Director approves, through a Type I procedure, a greater average spacing based on submitted evidence ~~the~~ demonstrating the approved ~~selected~~ species ~~has a~~typically ~~wide canopy~~requires such spacing, and that~~. In those instances, the spacing of trees may be greater than 35 feet provided~~ the alternative spacing will result in canopy overlap.

407-7.2 Exemption from the requirement to plant street tree ~~requirements~~ may be granted by the Director ~~if~~ to the extent that existing trees ~~can be used as a substitute~~meet location and diameter requirements below. This exemption may be granted through a Type I procedure;

407-7.3 Street trees shall be installed on public or private property no more than 5 feet from the designated right-of-way; and

407-7.4 Street trees shall be a minimum of 1½ inches in diameter as measured at 4 feet above grade.

15. SECTION 408 – NEIGHBORHOOD CIRCULATION

408-1 Purpose and Intent

This Section is intended to implement the safe and convenient bike and pedestrian access and access to transit provisions of the administrative rule of the Oregon Department of Land Conservation and Development implementing Statewide Planning Goal 12 - Transportation, and to meet the street connectivity requirements of Title 6, Section 3 of Metro's Urban Growth Management Functional Plan. In recognition of the role that local street design plays in helping to preserve the effectiveness of the arterial and collector street system, this Section includes standards requiring a connected local street network in new development. This supports local travel needs so that local trips are not forced onto the arterial or collector street system. This Section is not necessarily intended to require a grid street system, but is intended to provide a development pattern which provides choices and convenient circulation for pedestrians, bicyclists and transit users as well as motorists.

This Section has been developed to provide a specific set of review standards which will result in a development pattern which is supportive of pedestrians, bicyclists and transit users. This section provides modification standards in recognition of the fact that any one or more of the specific review standards may not in all cases best meet the intent of the Transportation Planning Rule and/or Metro's Urban Growth Management Functional Plan.

408-2 Applicability

408-2.1 Notwithstanding the requirements of Section 408-10, within an urban growth boundary the requirements of 408-4 - 408-9 shall apply as follows:

A. To all land divisions which result in any lot or parcel less than ten acres, not including middle housing land divisions (Article VI).

B. To all Type II and Type III development except for the uses listed below:

(1) Single detached dwelling unit~~s~~ or duplex~~es~~ on a lot of record;

***

16. SECTION 409 – PRIVATE STREETS

A private street means any way that provides ingress to, or egress from, property by means of vehicles or other means, or that provides travel between places by means of vehicles, and over which the public has no right of use as a matter of public record.

409-2 Applicability

409-2.1 The requirements of Sections 409-3 and 409-4 shall apply to the development of private streets inside an urban growth boundary for the following:

A. Single detached homes, duplexes and townhouses when a private street: ~~family and duplex residential:~~

(1) ~~Private streets over~~Exceeds 100 feet in length;

(2) ~~Private streets which~~Serves or will serve three or more lots or units; or

(3) ~~Private streets~~serves ~~for~~ flag lot(s).

B. When a single detached dwelling or duplex fronts a private street:

(1) Sidewalks must be provided where required by 409-3.3 A, meeting requirements of 409-3.6 C. These may be located in an easement where necessary, consistent with 409-3.5 A; and

(2) Drainage shall be addressed as required by Section 410;

(3) Evidence of easement rights and provisions consistent with Section 409-4.1 and 409-4.2 must be provided.

C. When middle housing development other than a duplex fronts a private street, the following must be provided:

(1) Sidewalks where required by 409-3.3 A, meeting requirements of 409-3.6 C. These may be located in an easement where necessary, consistent with 409-3.5 A;

(2) Written confirmation from the Fire Marshal, consistent with requirements for "Sufficient Infrastructure" as defined in Section 106, that access from a public street system to the site via public or private streets meets emergency vehicle access standards;

(3) Drainage shall be addressed as required by Section 410; and

(4) Evidence of easement rights and provisions consistent with Section 409-4.1 and 409-4.2.

D. When separate lots are proposed for each individual middle housing unit:

(1) Evidence of compliance with requirements of 409-2.1 C is required; and

(2) All private street frontage along resulting lots shall meet street and sidewalk requirements of Section 409.

E. Commercial, industrial, institutional, and multi-family residential:

(1) Which provide access to more than one parcel, development, or multiple uses on a single parcel or development, and;

(2) Which is not a parking aisle or parking lot driveway.

***

409-2.3 In transit oriented districts, all private streets shall meet the requirements of Section 431. In the event there is a conflict between the requirements of Section 431 and this Section, the requirements of Section 431 shall control. (See Section 431 for use-specific exclusions).

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409-3.6 Structural Section Key:

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C. Sidewalks:

(1) Concrete sidewalks, minimum 5 feet width (see standard drawings of County Road Standards), and sidewalk ramps at street corners.

(2) In lieu of being constructed of concrete, as described in (1) above, sidewalks may be constructed of pervious paving materials when the applicant's engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in (1) above.

***

409-4 General Provisions For Urban Private Streets

409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.

409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.

***

17. SECTION 410 – GRADING AND DRAINAGE

410-1 General Provisions

410-1.1 All grading and drainage activities are to occur pursuant to the provisions of Chapter 14.12 of the Washington County Code and the applicable State of Oregon Plumbing Code or its successor and this Code. All grading and drainage activities on lands located within the Clean Water Services (CWS) boundary shall also occur pursuant to the provisions of the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and Chapter 14.12, the more restrictive standard shall prevail.

Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review.

No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.

For Type I development, preliminary grading plans may be submitted as a standalone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.

The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required at the preliminary review stage. However, preliminary grading plans shall be accurate enough to provide a basis for determining whether or not the proposed activity, as designed and to be implemented, will meet the applicable Code requirements for a grading permit.

For middle housing (other than a duplex):

(1) The applicant shall submit a written statement from Clean Water Services consistent with requirements for "Sufficient Infrastructure" as defined in Section 106, that existing storm drainage facilities are capable of meeting established service levels for storm drainage, or describing improvements needed to comply; and

(2) Improvements deemed necessary by above noted service providers, for "Sufficient Infrastructure" as defined in Section 106, must be shown on the applicant's plan;

(3) The applicant must include a written statement within the application agreeing to complete and obtain inspection approval for these improvements prior to issuance of the first occupancy permit.

(4) When separate lots are proposed for each individual middle housing unit:

(a) The applicant shall comply with requirements of (1) through (3) above; and

(b) All street frontage along resulting lots shall meet drainage requirements for required street improvements (see Sections 409 and 501).

All grading permit applications (the second step) shall include detailed plans, per Section 410-2, rather than preliminary grading plans.

18. SECTION 411 – SCREENING AND BUFFERING

411-1 Applicability

411-1.1 Screening and Buffering requirements are in addition to the setback requirements in residential and institutional districts and inclusive of the setback requirements in the commercial, mixed-use and industrial districts, as well as the setback requirements and design standards of the transit oriented districts, and shall be provided on the subject site at the time of development.

411-1.2 Screening and Buffering shall apply to all Development permits as determined in Section 411-3 or as determined by the Review Authority.

411-1.3 Screening and buffering provisions of Section 411 do not apply to:

A. One single detached dwelling unit on a lot of record (when the lot is not otherwise made subject to Section 411 through a partition or subdivision);

B. Middle housing.

***

19. SECTION 413 – PARKING AND LOADING

413-5 On-Street Parking Requirements for Urban Residential Districts

The following on-street parking standards shall apply to all urban residential districts, including Transit Oriented Districts:

413-5.1 For single~~-family~~ detached dwelling units and ~~single-family~~ attached dwelling units on individual lots, with individual on-site parking and individual vehicular access to a local or Neighborhood Route public or private street, the following on-street parking shall be provided:

***

D. The requirements for on-street parking are not applicable to:

(1) ~~f~~Flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead);~~.~~

(2) Middle housing.

***

413-6 Minimum and Maximum Off-Street Parking Requirements

413-6.1 Minimum Off-Street Parking Requirements

A.	**Residential:**		
	(1)	Attached and Detached (including manufactured dwelling)	One per each dwelling unit
	~~(2)~~	~~Attached including duplex~~	
		~~a. 1 Bedroom or Studio~~	~~One per each dwelling unit~~
		~~b. 2 or more Bedrooms~~	~~1.5 per each dwelling unit~~

abcdef Proposed additions
~~abcdef~~ Proposed deletions

	(~~3~~2)	Boarding House	One space for each sleeping room
	(~~4~~3)	Regulated Affordable Housing (see Section 413-6.2)	0.75 per each dwelling unit
	(~~5~~4)	Accessory Dwelling Unit (see Section 430-2.1)	None Required
	(5)	Middle Housing - (1), (2)and (4) above do not apply	
		a. Duplex	Two spaces per duplex
		b. Triplex	Three spaces per triplex
		c. Quadplex	Four spaces per quadplex
		d. Townhouses	One space per townhouse unit
		e. Cottage Clusters	One space per cottage unit

20. SECTION 415 – LIGHTING

415-1 Applicability

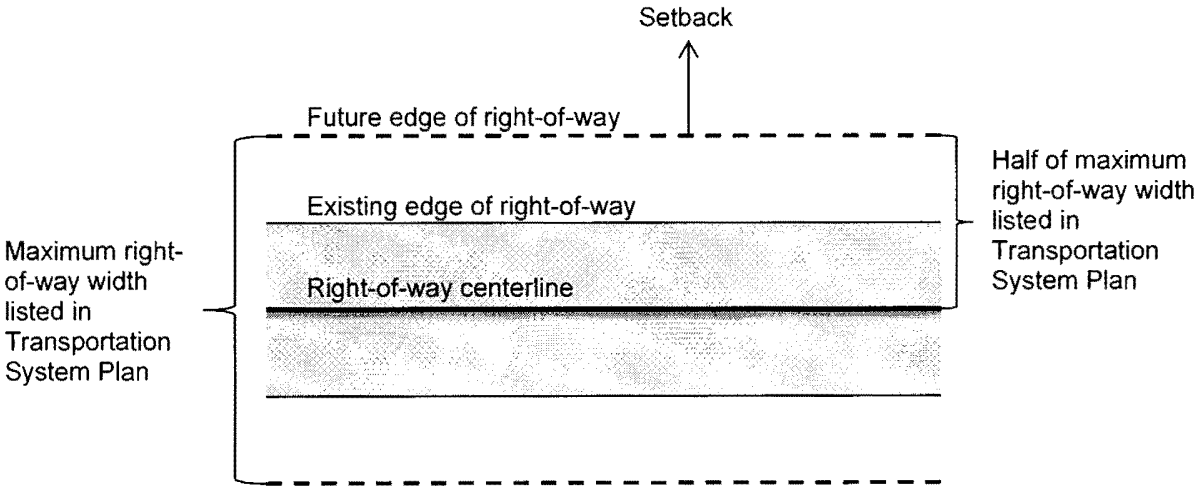
The roadways, access drives, parking lots and sidewalks of all new developments of attached units (except those proposed to meet the definition of middle housing in CDC Section 106), shall be lighted in conformance to the standards of this Section (415). This Section is not intended to apply to public street lighting.

21. SECTION 418 – SETBACKS

418-2 Additional Setbacks Required for Future Right-of-Way

418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased to accommodate the future right-of-way. The yard or setbacks shall be measured from the centerline of the existing right-of-way. The yard or setback shall be measured from the future edge of right-of-way and allow for half the maximum right-of-way as shown in the following diagram. Except for a single detached dwelling or middle housing, ~~The~~ the maximum right-of-way width shall be determined by the Transportation System Plan, including the Functional Classification Map, the Functional Classification Design Parameters Table and the Lane Numbers Map. The County Engineer may designate an alternative future right-of-way for streets where the area of the right-of-way

is not balanced with respect to the current right-of-way centerline. For a single detached dwelling, a duplex on a shared lot, or a middle housing triplex or quadplex located on a shared lot, the maximum setback required shall not exceed minimum right-of-way required for such uses by district standards. For cottages cluster(s) located on a shared lot, the setback shall not exceed 10 feet.



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418-3 Corner Vision

Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between 3 feet and 10 feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, and structures. The sight triangle shall be measured from the street corner (apex), a distance of 20 feet along each street side (see Figure 1). For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The county may require additional vision clearance based on a hazard identified by the county. Nothing in this Section shall supersede proper application of the sight distance standards in Section 501-8.5 F.

418-4 Fences and Retaining Walls

418-4.1 The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

~~418-4.1~~A. A fence, wall (includes retaining wall), screen or lattice work not more than 7 feet in height.

~~418-4.2~~B. A fence, wall (includes retaining wall), screen or lattice work not more than 8 feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.

~~418-4.3~~C. A combination fence (not more than 6 feet in height) and retaining wall structure (not more than 4 feet in height) located in a side or rear yard (for design standards see Section 419-4).

~~418-4.4~~D. Tiered retaining wall structures not exceeding 7 feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of 7 feet in height.

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~~418-4.5~~E. All retaining wall structures, exceeding 7 feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.

~~418-4.6~~F. A wall not more than 8 feet in height along a side or rear property line as required by Section 411.

418-4.~~7~~2 Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than 3 feet in height, measured from finished grade, within a 15 by 15-foot square along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 2 and Figure 3). Section 418-4.2 does not apply between driveways for middle housing duplexes, triplexes, quadplexes or townhouses on local streets.

FIGURE 1

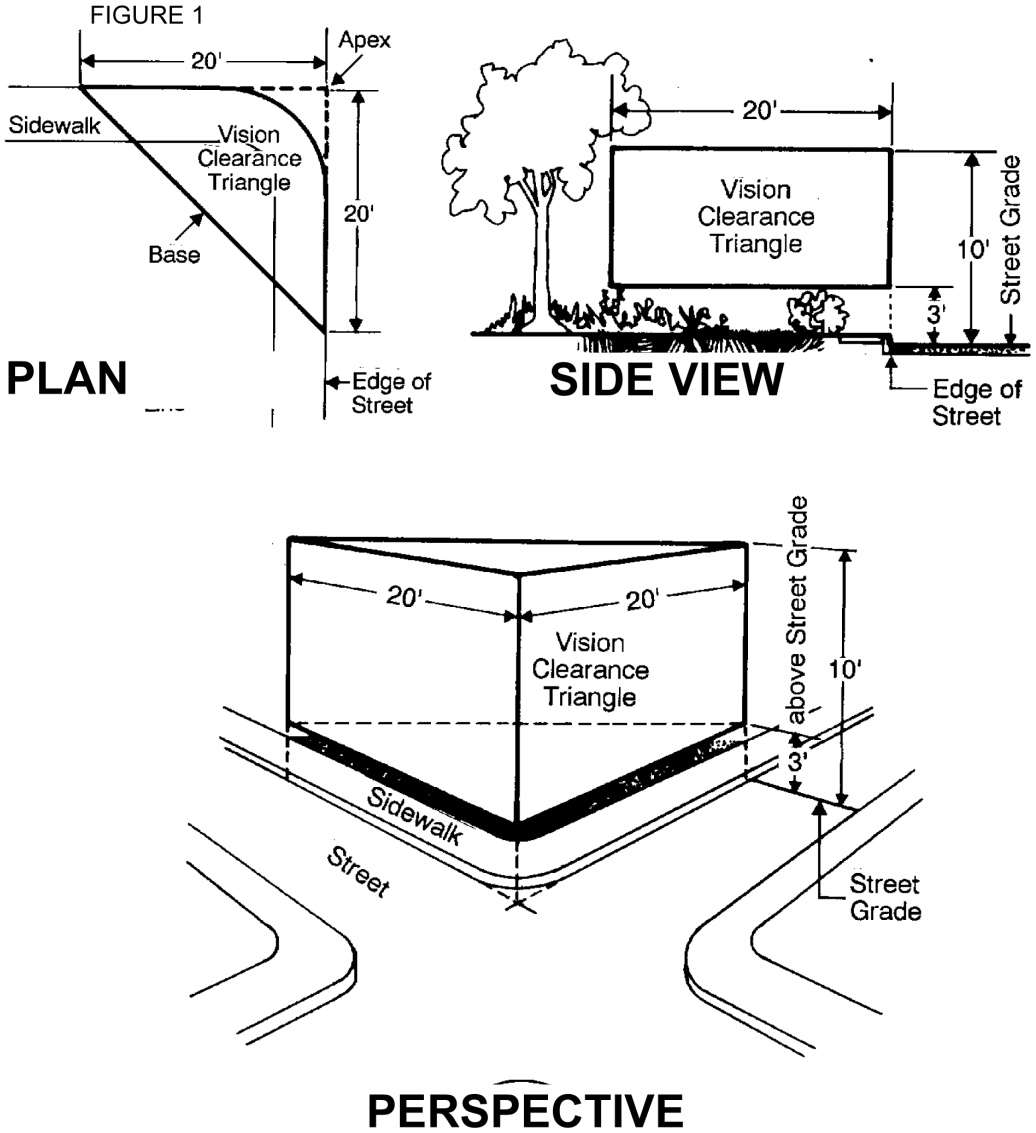

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Figure 2. Plan View

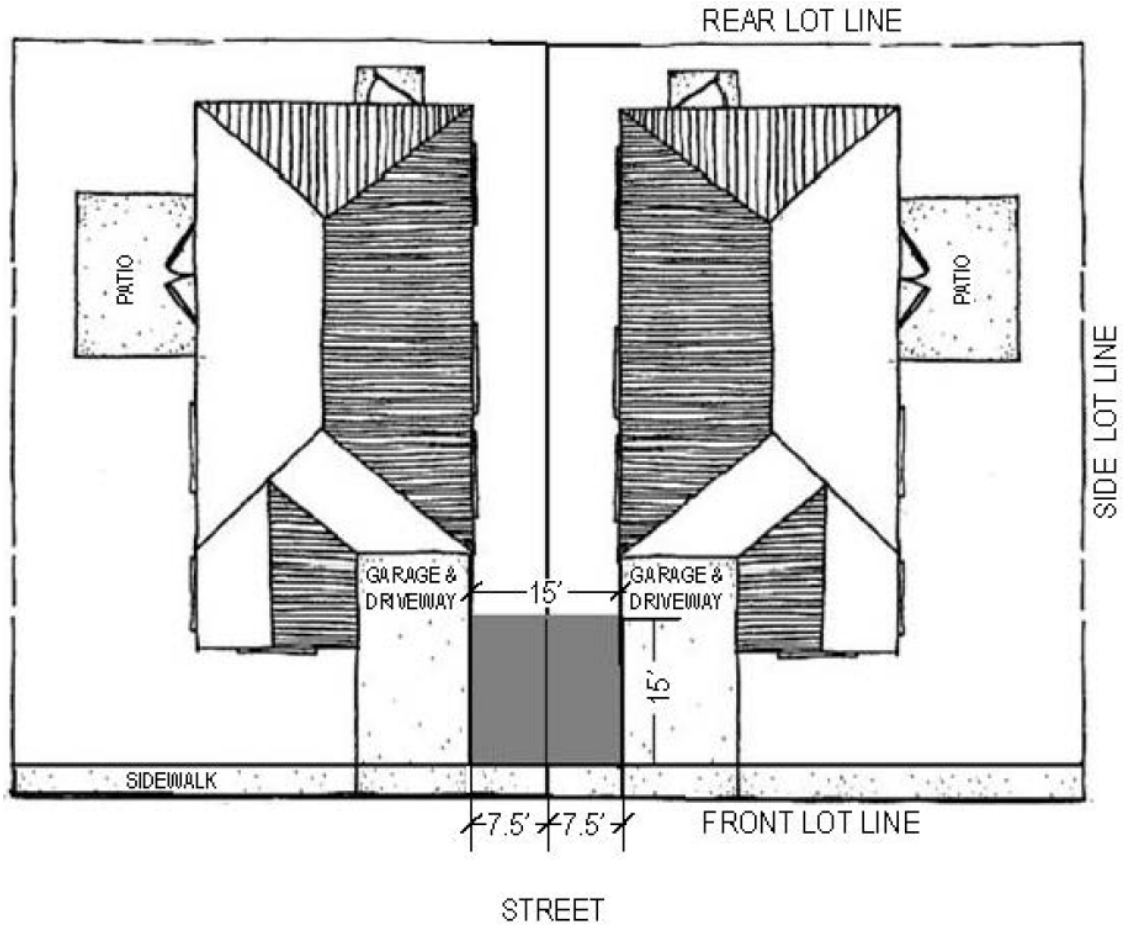
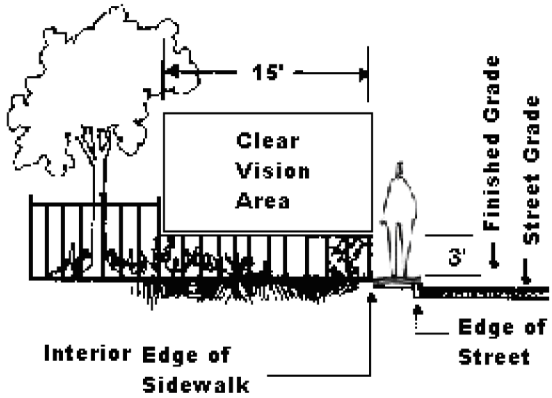


Figure 3. Side View



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22. SECTION 420 – CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-9, R-15, R-24 AND R-25+ DISTRICTS

~~To~~ Approval of a partition or subdivision~~de~~ in the R-9, R-15, R-24 or R-25+ District that will result in any lot less than~~below~~ 20,000 square feet~~ in the R-9, R-15, R-24 and R-25+ Districts, approval~~ shall be based on the following. This Section is not applicable to a middle housing land division reviewed under Article VI):

420-1 Placement of the dwelling units in a manner which will not preclude future development of the site unless the development plan indicates complete parcelization of the site;

420-2 A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads;

420-3 The location of urban services. If urban services are not available, the time table for their provision and the future location of the services;

420-4 Location of any natural features (flood plain or other hazards) which might inhibit full development;

420-5 Compliance to the requirements of Articles V and VI.

23. SECTION 421 – FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-5 Uses and Activities Allowed Through a Type II Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan, CDC Section 422, or Clean Water Services Design and Construction Standards for sanitary sewer and surface water management, a development permit may be approved in a flood area through a Type II procedure for the following:

421-5.1 One detached dwelling (including a manufactured dwelling) together with no more than two accessory structures and off-street parking on a parcel lawfully created prior to March 26, 1984, when the lot or parcel contains insufficient area outside of the flood area upon which to locate the dwelling, and/or accessory structures.

***

421-5.21 One middle housing duplex (Section 430-84), together with no more than two accessory structures (total, not per dwelling) and off-street parking on a parcel lawfully created prior to March 26, 1984, when the lot or parcel contains insufficient area outside of the flood area upon which to locate the dwelling units, and/or accessory structures.

24. SECTION 422 – SIGNIFICANT NATURAL RESOURCES

422-3 Criteria for Development

***

422-3.3 Development within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the

applicable Community Plan or the Rural/Natural Resource Plan) shall be allowed except for the following:

***

(6) Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor, ~~(~~as defined in Section 106,~~)~~ or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.

***

(12) One middle housing duplex (Section 430-84) and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor, as defined in Section 106, or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.

25. SECTION 427 – SOLAR ACCESS STANDARDS

427-1 Intent and Purpose

The purpose of this Section is to provide and protect property rights to solar access for urban single ~~-family~~detached dwellings ~~uses~~. Section 427 does not apply to middle housing.

26. SECTION 429 – BICYCLE PARKING

429-6 Number of Bicycle Parking Spaces Required

The minimum number of bicycle parking spaces required for long-term use is specified by land use category and shall be in accordance with Table A. The minimum number of bicycle parking spaces required for short-term use is specified by land use category and shall be in accordance with Table B.

TABLE A

MINIMUM REQUIRED LONG-TERM BICYCLE PARKING SPACES

		USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.1		Residential	
	A.	Single detached dwelling unit	Not applicable
	B.	Middle housing	Not applicable

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	~~A~~C.	Multi-~~family~~ dwelling attached units (not on individual lots and not including middle housing)~~residential~~ [4] without private garages	One space for each dwelling unit
	~~B~~D.	Retirement Center Apartments	Two spaces or one space for each 50 employees

***

TABLE B

MINIMUM REQUIRED SHORT-TERM BICYCLE PARKING SPACES

		USE	**MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)**
429-6.6		Residential	
	A.	Multi-~~family~~ dwelling attached units (not including middle housing) on a shared lot or parcel ~~residential of~~ when four units or more	Two spaces, or one space for each 40 dwelling units
	B.	All other residential	None

***

27. SECTION 430 – SPECIAL USE STANDARDS

430-2 Accessory Dwelling Unit

***

430-2.1 ADUs may be provided in conjunction with a single detached ~~single-family~~ dwelling unit, as allowed by the underlying district:

***

430-2.2. If a building (including all proposed new areas and any areas to be converted) complies with the definition and standards for a middle housing duplex, and also complies with standards for a primary dwelling unit with an accessory dwelling unit (ADU), the submitted application shall specify whether the development is to be considered a duplex, or a primary dwelling unit with an ADU.

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430-13 Attached Dwelling Units (except those that meet the definition of middle housing in Section 106)

***

430-37 Single Detached Dwelling Unit on Lot of Record, Middle Housing Duplex, and Type II Middle Housing

430-37.1 Urban:

~~A dwelling which is designed to be and is physically separated from any other dwelling unit:~~

A. Type I – Plans for a Type I single detached dwelling unit or duplex, including middle housing duplex, shall:

~~(1) The dwelling is constructed on a lot of record.~~

(~~2~~1) ~~The dwelling shall i~~include windows on each street-facing façade/wall, totaling at least 15% of the total area of the street-facing wall. Entrance doors and/or half of the window area in the door of an attached garage may count toward meeting this standard. Plans shall include dimensions and total area of these elements and of the affected wall.

On a corner lot the above standard applies to each street-facing wall (windows on 15% of each).

(2) Additionally, each single detached dwelling unit or duplex building shall utilize at least five of the following design features:

(a) The building front ~~of the dwelling~~ shall be parallel (within 30 degrees) to the front lot line (see Figure 1);

(b) A roof with a pitch that is 4/12 or greater;

(c) A hip roof;

(d) A tile or shake roof;

(e) An attached garage with a gable or hip roof, or with a second story above the garage;

(f) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);

(g) Three or more gables (see Figure 3);

(h) A ~~Building face or roof offsets (~~minimum 12-inch horizontal offset in the structural exterior wall and roofline. ~~offset)~~ ~~that are parallel (within 30 degrees) to the front lot line (see Figure 4)~~. On a corner lot, 430-37.1A.(2)(h) or (l) is required for the street side of the building;

~~(i) Two or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;~~

(~~j~~i) A b~~B~~ay or bowed window~~s~~ that ~~are~~ is parallel (within 30 degrees) to the front lot line;

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(~~k~~i) Window shutters on front and street~~, side and rear~~ facing windows;

(~~l~~k) Minimum 10-inch eaves (all ~~house~~ building eaves);

(l) A minimum of two types of siding materials and/or siding styles. On a corner lot, 430-37.1A.(2)(h) or (l) is required for the street side of the building;

~~(m) One or more of the following types of exterior siding:~~

~~(i) Horizontal lap siding, including simulated horizontal lap siding;~~

~~(ii) Vertical cedar siding;~~

~~(iii) Beveled siding; or~~

~~(iv) Stucco;~~

(~~n~~m) Use of brick or stucco on the building façade that is parallel (within 30 degrees) to the front lot line;

(~~o~~n) A recessed front entry (minimum 24 inches) which is parallel (within 30 degrees) to the front lot line;

(~~p~~o) A covered porch entry (minimum 5-foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);

(~~q~~p) Solid wood trim for exterior siding; or

(~~r~~q) A masonry or poured-in-place concrete perimeter foundation.

B. Type II – Plans for a Type II single detached dwelling unit or middle housing shall:

(1) Demonstrate that proposed development will not preclude feasible future development of the subject lot or parcel to the minimum density of the district.

For purposes of this Section, whether the current application proposes a single detached dwelling or middle housing:

(a) Minimum density shall be calculated based on that specified for residential development that does *not* meet the definition of middle housing in Section 106;

(b) The calculated minimum is meant to demonstrate feasible development only. It is not intended to require current development to minimum density, or to require that future development follow the plan used to demonstrate feasibility.

(2) ~~A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads and~~ S~~s~~howi~~ng~~:

(a) Proposed location of all currently proposed buildings~~Placement of the dwelling in a manner that will comply with the underlying district's setback standards as they relate to property lines shown on a future development~~

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~~plan and will not preclude development of the site to the density required by the district~~;

(b) Location and identification of any existing building with annotations noting its intended retention or removal, its existing and intended use, and its existing setbacks;

~~(a) Location of present urban services and location of those services proposed for the following 5 years;~~

(c) Existing road improvements (road, sidewalk, curb, driveways) and rights-of-way in and adjacent to the site, and those proposed in or along the site as part of the current application;

(d) Existing street stubs to property lines of the subject site from adjacent properties, and feasible extension into or through the site;

(e) Location of any flood plain and any drainage hazard area (see Section 421) based on current FEMA and County maps,

~~(b) Location of any natural features (flood plain, other hazards, etc.) which might inhibit full development;~~

(f) Location of any significant natural resource area as mapped within the applicable community plan, labeled as to type (see Section 422);

(g) New lots that could feasibly be created within portions of the parent lot not currently proposed for development, as follows:

(i) Meeting minimum lot areas and dimensions specified for residential development that does *not* meet the definition of middle housing in Section 106 (regardless of the housing type currently proposed);

(ii) Located at a distance that would accommodate minimum setbacks from currently proposed development (use setbacks that apply to the proposed housing type);

(h) Feasible future access to each of the lots described under (g), above, meeting pavement width and associated improvement requirements of Section 409, and accommodating required setbacks to currently proposed and potential future buildings.

(3) Prior to ~~the~~ issuance of the first building permit for the current proposal, the subject property owner shall ~~signing~~ sign and submit~~of~~ a waiver of the right to remonstrate against provision of urban services (as specified in Article V)~~; and~~.

(4) Once a site plan is approved through this Type II process, based on proof of feasibility for future development to minimum density:

(a) The site may be further divided, subject to approval of a Type II partition or subdivision application (Article VI) that results in new lots, provided the new lots meet minimum lot area and lot dimension requirements of the district for residential development other than middle housing;

(b) New lots that also meet criteria of the district applicable to middle housing will also be eligible for development of middle housing, through a new middle housing application.

(5) When a single detached dwelling or duplex is approved through the above-described Type II process, the following additional requirements apply:

(4a) ~~The~~ Each single detached dwelling unit or duplex building shall include windows on each street-facing façade/wall, totaling at least 15 percent of the total area of the street-facing wall. Entrance doors and/or half of the window area in the door of an attached garage may count toward meeting this standard. Plans shall include dimensions and total area of these elements and of the affected wall.

(b) On a corner lot:

(i) Windows required by (5)(a), above, shall be provided on 15 percent of each street-facing wall (front and side); and

(ii) On the street-side of the building, at least one of the features listed under 430-37.1 B (5) (c) (viii) or (xii) must be incorporated – this shall count as one of the five total features required below for a single detached dwelling unit or duplex building.

(c) Additionally, each single detached dwelling unit or duplex building shall utilize at least five of the following design features:

(~~a~~i) The building front ~~of the dwelling~~ shall be parallel (within 30 degrees) to the front lot line (see Figure 1);

(~~b~~ii) A roof with a pitch that is 4/12 or greater;

(~~c~~iii) A hip roof;

(~~d~~iv) A tile or shake roof;

(~~e~~v) An attached garage with a gable or hip roof, or with a second story above the garage;

(~~f~~vi) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);

(~~g~~vii) Three or more gables (see Figure 3);

(~~h~~viii) A ~~Building face or roof offsets (~~minimum 12-inch horizontal offset in the structural exterior wall and roofline~~) that are parallel (within 30 degrees) to the front lot line (see Figure 4~~);

~~(i) Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;~~

(~~j~~ix) A ~~B~~bay or bowed window~~s~~ that ~~are~~ is parallel (within 30 degrees) to the front lot line;

(~~k~~x) Window shutters on front and~~,~~ ~~side and rear~~street facing windows;

(~~l~~xi) Minimum 10-inch eaves (all ~~house~~ building eaves);

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(xii) A minimum of two types of siding materials and/or siding styles;

~~(m) One or more of the following types of exterior siding:~~

~~(i) Horizontal lap siding, including simulated horizontal lap siding;~~

~~(ii) Vertical cedar siding;~~

~~(iii) Beveled siding; or~~

~~(iv) Stucco;~~

(~~n~~xiii) Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;

(~~o~~xiv) A recessed front entry (minimum 24 inches) which is parallel (within 30 degrees) to the front lot line;

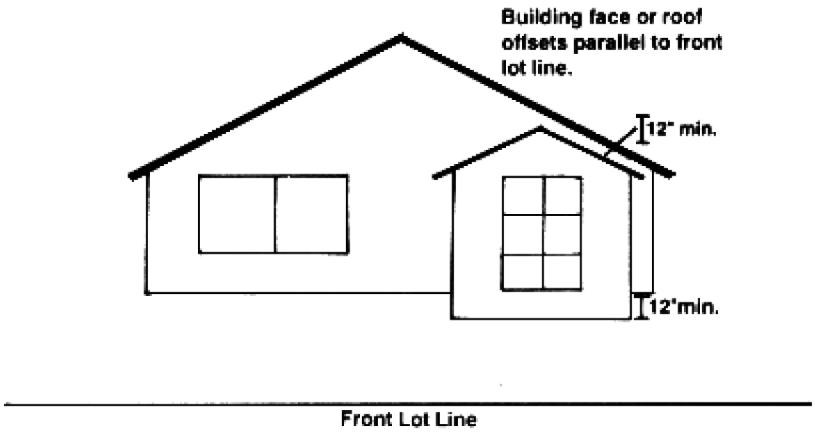
(~~p~~xv) A covered porch entry (minimum 5-foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);

(~~q~~xvi) Solid wood trim for exterior siding; or

(~~r~~xvii) A masonry or poured-in-place concrete perimeter foundation.

***

~~**Figure 4.**~~



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430-72 Infill

430-72.1 Intent and Purpose

The intent/purpose of this Section is to buffer existing residences, to the extent required by specific criteria below, ~~provide a means of~~from adjacent new residential development~~ing~~ (other than middle housing) on vacant or underdeveloped~~, bypassed~~ lands of two acres or less in ~~areas designated~~the R-5 and R-6 districts.~~by the applicable Community Plans of the Washington County Comprehensive Plan. This Section is intended to ensure, to the extent~~

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~~practicable, considering the allowed density of each district, that new development is compatible with existing developed areas through Development Review that emphasizes privacy and buffering. Application of t~~The requirements of this Section shall not apply to middle housing development or preclude development of other housing types to the density allowed by ~~each~~ the district.

430-72.2 Applicability

The requirements of this Section shall apply to subdivisions and~~,~~ partitions~~,~~ (excluding middle housing land divisions) and development review for attached units (excluding middle housing) on all properties designated by the applicable Community Plan as R-5 or R-6 ~~which~~ that contain two acres or less. ~~(~~excluding existing rights-of-way~~)~~.

***

430-84 Middle Housing

This Section provides standards for middle housing duplexes, triplexes, quadplexes, cottage clusters, and townhouses in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO: R18-24 land use districts, that meet the definition of middle housing in CDC Section 106 and comply with middle housing standards of this code. For purposes of this code, development of these housing types in other land use districts or that does not comply with the definition and requirements of this code for middle housing is not middle housing.

Additional standards of this code apply to all or some middle housing, to the degree specified herein or in the following:

Article III (Land Use Districts);

Section 403-2 (Master Plan – Minimum Requirements for all Development);

Section 406-6 (Mixed Solid Waste and Recyclables Storage Facilities)

Section 407-7 (Urban Street Tree Standards)

Section 409 (Private Streets)

Section 410 (Grading and Drainage);

Section 413 (Parking and Loading);

Section 418 (Setbacks)

Section 421 (Flood Plain and Drainage Hazard Areas);

Section 422 (Significant Natural Resources);

Section 430-37 (Detached Dwelling Unit (Single) on Lot of Record, Middle Housing Duplex, and Type II Middle Housing)

Section 431 (Transit Oriented Design Principles, Standards and Guidelines)

Article V (Public Facilities and Services);

Article VI (Land Divisions and Property Line Adjustments)

430-84.1 Middle Housing Types (see definitions and examples in Section 106):

A. Duplex;

B. Triplex;

C. Quadplex;

D. Townhouses;

E. Cottage Cluster;

F. Middle Housing Conversion.

430-84.2 Duplex Standards

A. General Standards

(1) Where allowed: In the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district on a lot where a single detached dwelling unit is allowable.

(2) Land Use District standards of Article III for middle housing shall be met.

(3) Both units in a duplex may be on a single lot, or when units are not attached by a common floor/ceiling, the land may be divided into separate lots for each unit through a middle housing land division meeting applicable provisions of Article VI.

(4) Any existing ADU that is retained on site shall count toward the maximum number of units allowed on the parent lot.

(5) Requirements specified as applicable under CDC Section 501 shall be met.

B. Design Standards: Duplexes shall comply with standards of CDC Section 430-37.1 A or B, except where created by addition to or conversion of an existing single detached dwelling unit.

430-84.3 Triplex and Quadplex Standards

A. General Standards

(1) Where allowed: In the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district on a lot that meets the minimum lot area required for the proposed middle housing type (triplex or quadplex) as specified in standards of the applicable district (See Article III).

(2) Land Use District standards of Article III for middle housing shall be met.

(3) Any existing ADU that is retained on a site shall count toward the maximum number of units allowed on the parent lot; and

(a) If conversion into three or four units is proposed for an existing single detached dwelling unit that includes an existing internal/attached accessory dwelling unit (ADU), the applicant shall specify whether the existing ADU is:

(i) To be considered one of the triplex/quadplex units; or

(ii) To remain an ADU, in which case the ADU shall be considered nonconforming (Section 440);

(b) A detached ADU that remains on a property but is no longer accessory to a single detached dwelling shall be considered nonconforming (Section 440).

(c) Where a unit is retained as an ADU, the site is not eligible for a middle housing land division (Article VI).

(4) All units in a triplex or quadplex may be on a single lot, or where units are not attached by a common floor/ceiling, the land may be divided into separate lots for each unit through a middle housing land division meeting applicable provisions of Article VI.

(5) Applications must include evidence that Sufficient Infrastructure (as defined in Section 106) is provided or will be completed prior to issuance of the first occupancy permit. (See requirements for service provider confirmation in Sections 409, 410 and 501).

(6) Requirements specified as applicable under CDC Section 501 shall be met.

B. Design Standards. This section applies to new triplexes and quadplexes created as middle housing. Triplexes and quadplexes created by addition to or conversion of an existing single detached dwelling are not subject to these requirements.

(1) Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below.

(a) The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and

(b) The entrance must either:

(i) Face the street (see Figure 1);

(ii) Be at an angle of up to 45 degrees from the street (see Figure 2);

(iii) Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 3); or

(iv) Open onto a porch (see Figure 4). The porch must:

- Be at least 25 square feet in area; and
- Have at least one entrance facing the street or have a roof.

Figure 1. Main Entrance Facing the Street

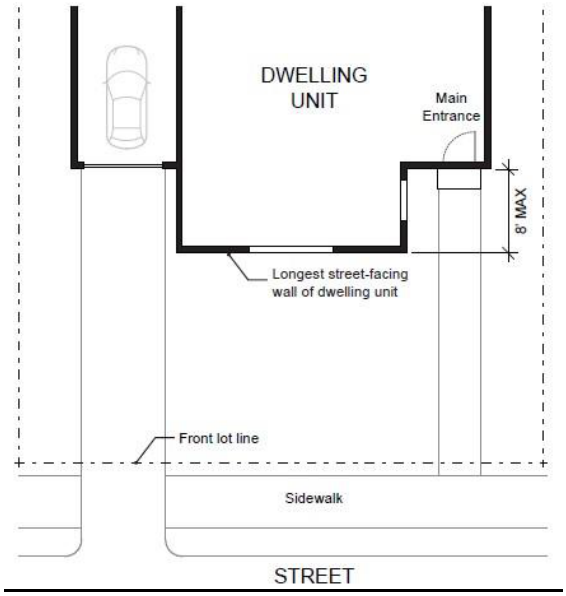

Figure 2. Main Entrance at 45° Angle from Street

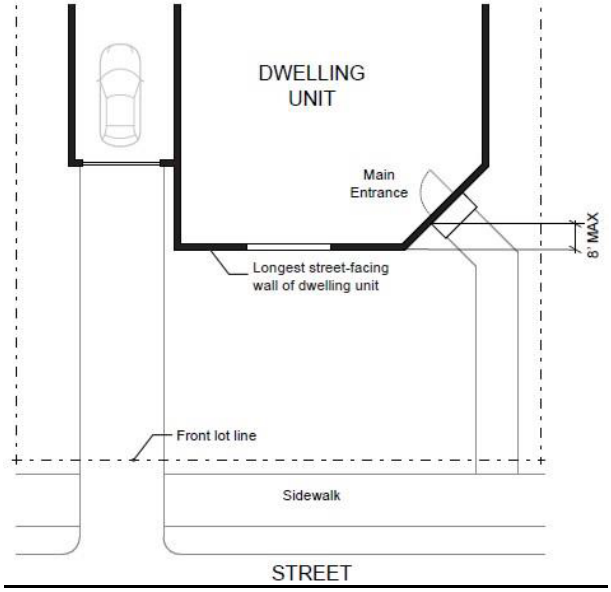

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Figure 3. Main Entrance Facing Common Open Space

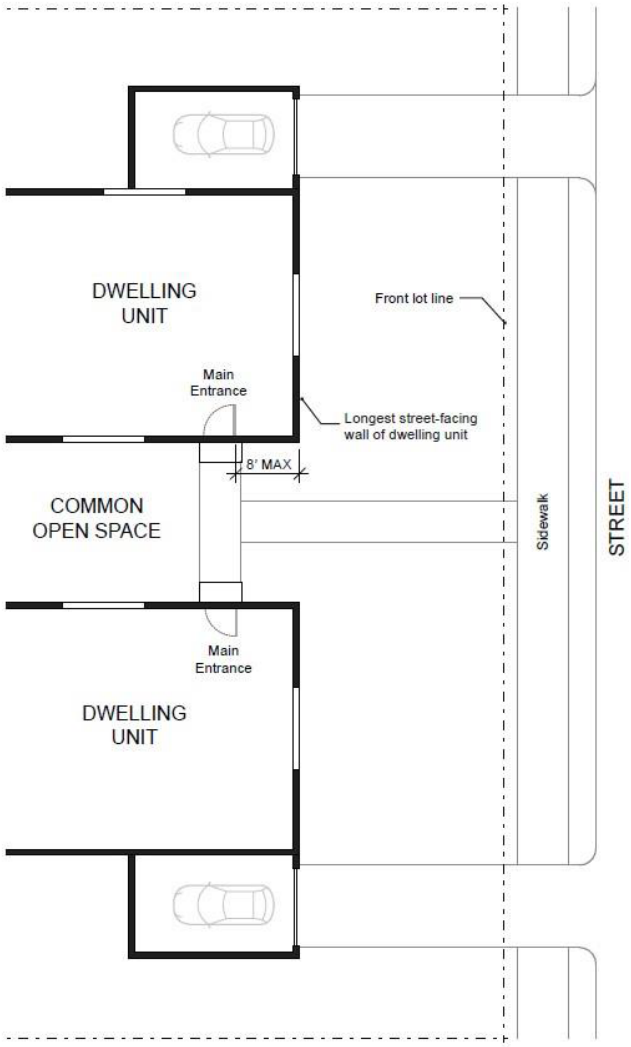

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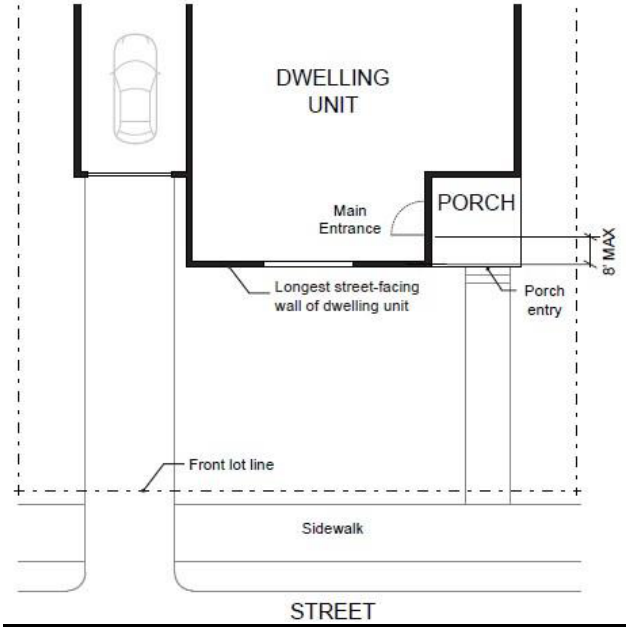
Figure 4. Main Entrance Opening onto a Porch



(2) Windows. Windows must be provided on each street-facing façade, totaling at least 15 percent of the total area of the street facing wall. Entrance doors and/or half of the window area in the door of an attached garage may count toward meeting this standard. Plans shall include dimensions and total area of these and of the affected wall. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5.

(3) On a corner lot:

(a) The above standard applies to each street-facing wall (windows on 15 percent of each); and

(b) Along the street-side yard, the building shall incorporate at least one of the following features :

(i) A minimum 12-inch horizontal offset in the structural exterior wall and roofline; and/or

(ii) A minimum of two types of siding materials and/or siding styles.

Figure 5. Window Coverage

(4) Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except when compliant with (a) and (b) below:

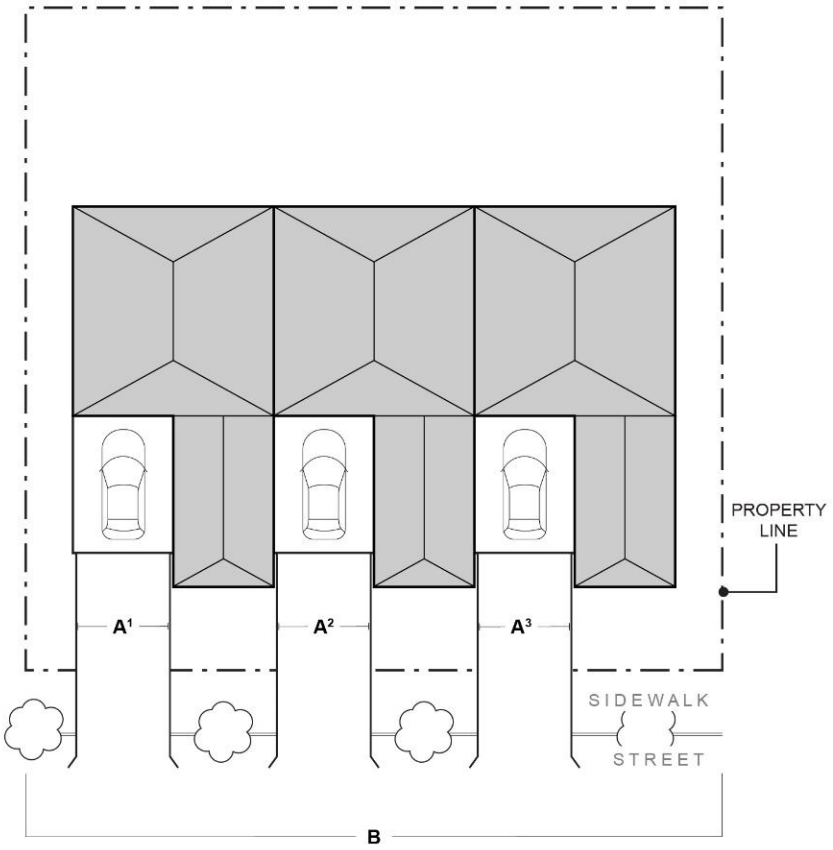
(a) The garage or off-street parking area is separated from the street property line by a dwelling; or

(b) The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed 50 percent of the parent lot's total street frontage (see Figure 6).

(c) Each 10-foot wide by 20-foot deep area within a driveway may be counted as one off-street parking space.

(d) In the event of conflicts between Section 413 and above provisions, this Section shall prevail.

Figure 6. Width of Garages and Parking Areas



(A) Garage and on-site parking and maneuvering areas

(B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

(5) Driveway Approach. Driveway approaches must comply with the following:

(a) The total width of all driveway approaches must not exceed 32 feet per total frontage of the parent lot, as measured at the property line (see Figure 7). For lots or parcels with more than one frontage, see Section (6)(c), below.

(b) Driveway approaches may be separated when located on a local street (see Figure 7). If approaches are separated, they must meet driveway spacing standards of Section 501-8.5 applicable to local streets.

(c) In addition, lots or parcels with more than one street frontage must comply with the following:

(i) Must access the street with the lowest transportation classification for vehicle traffic, except as otherwise approved where existing buildings, environmental constraints, or safety hazards do not allow. For lots or parcels abutting an improved alley (defined as meeting alley width and pavement standards under Section 409-3.3 A), access must be taken from the alley (see Figure 8).

(ii) A triplex or quadplex building on a lot or parcel with frontages only on collector and/or arterial roads must meet access standards of CDC Section 501-8.5 that apply to the road classification.

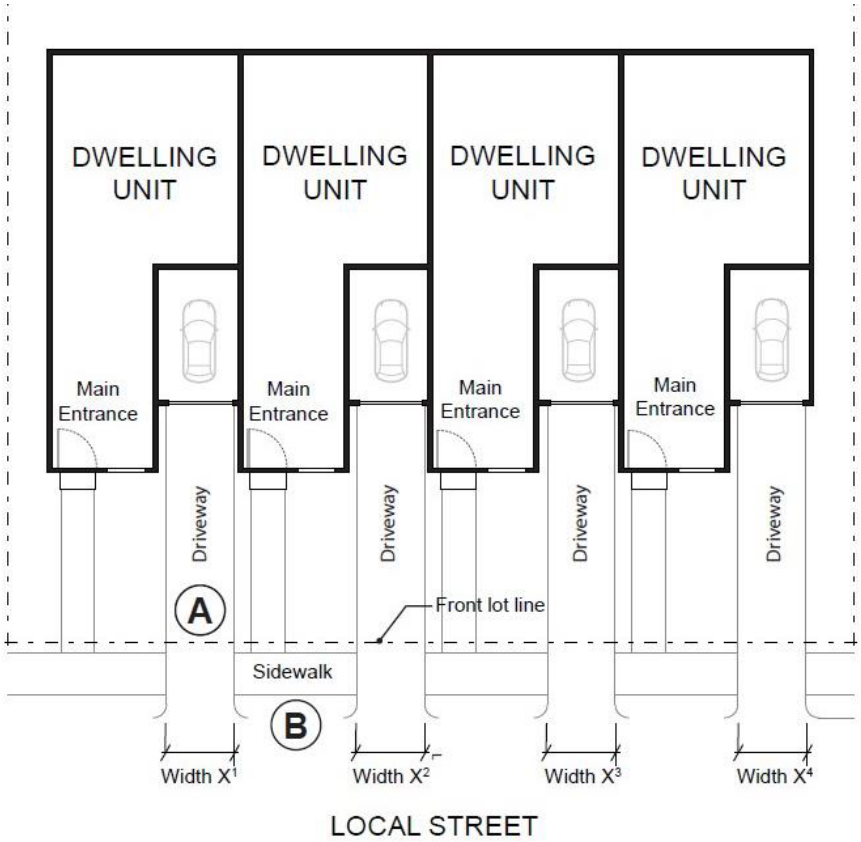
(iii) A triplex or quadplex building on a lot or parcel with frontages only on local streets may have **either**:

- Two driveway approaches not exceeding 32 feet in total width on one frontage (see Figure 9); or
- One maximum 16-foot-wide driveway approach on each frontage (see Figure 9).

(d) In the event of conflicts between Section 413 and above provisions, this Section shall prevail.

(6) Section 430-37.1 B (1) through (4) shall apply where specified by district standards.

Figure 7. Driveway Approach Width and Separation on Local Street



(A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

(B) Driveway approaches may be separated when located on a local street

Figure 8. Alley Access

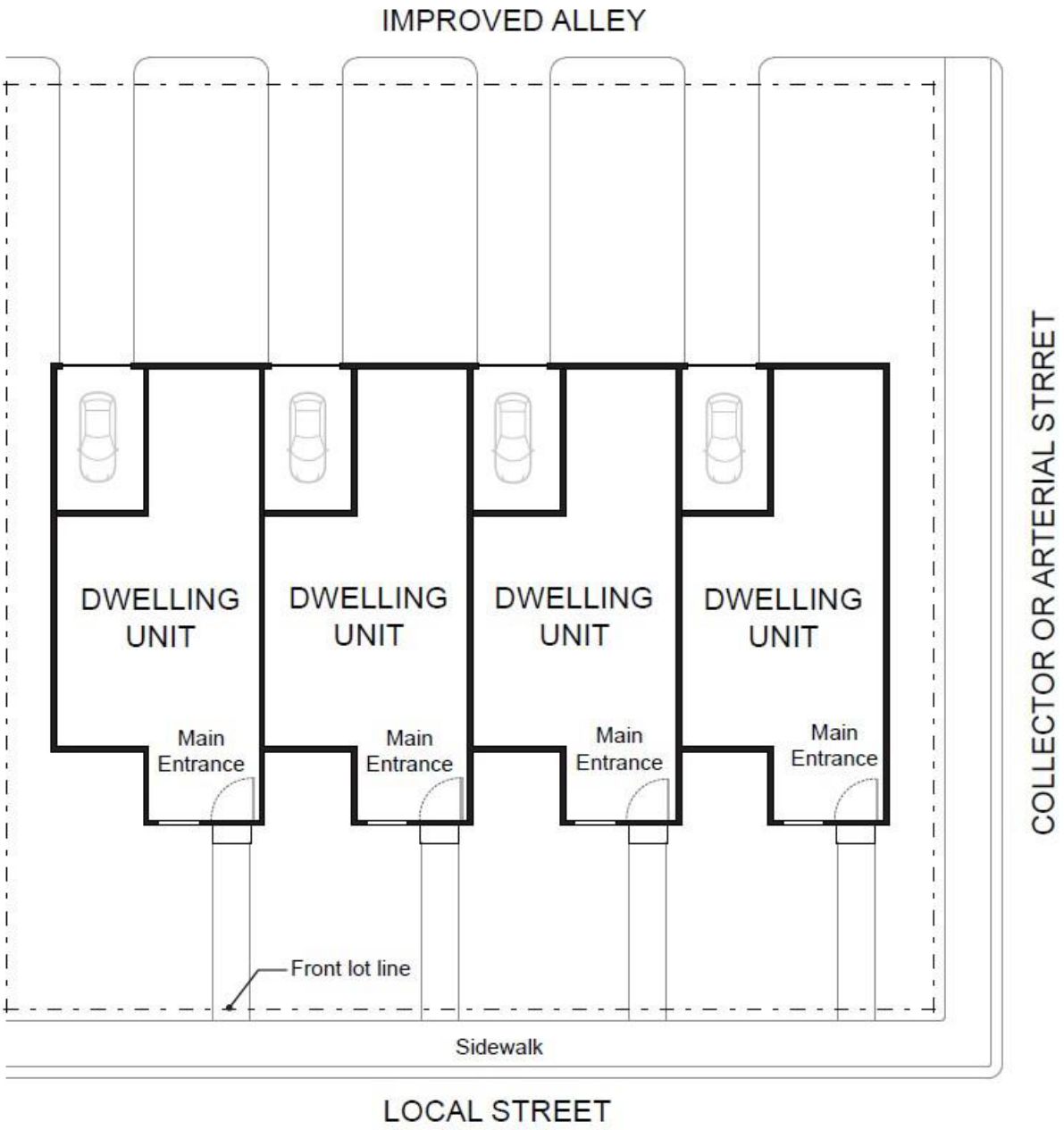


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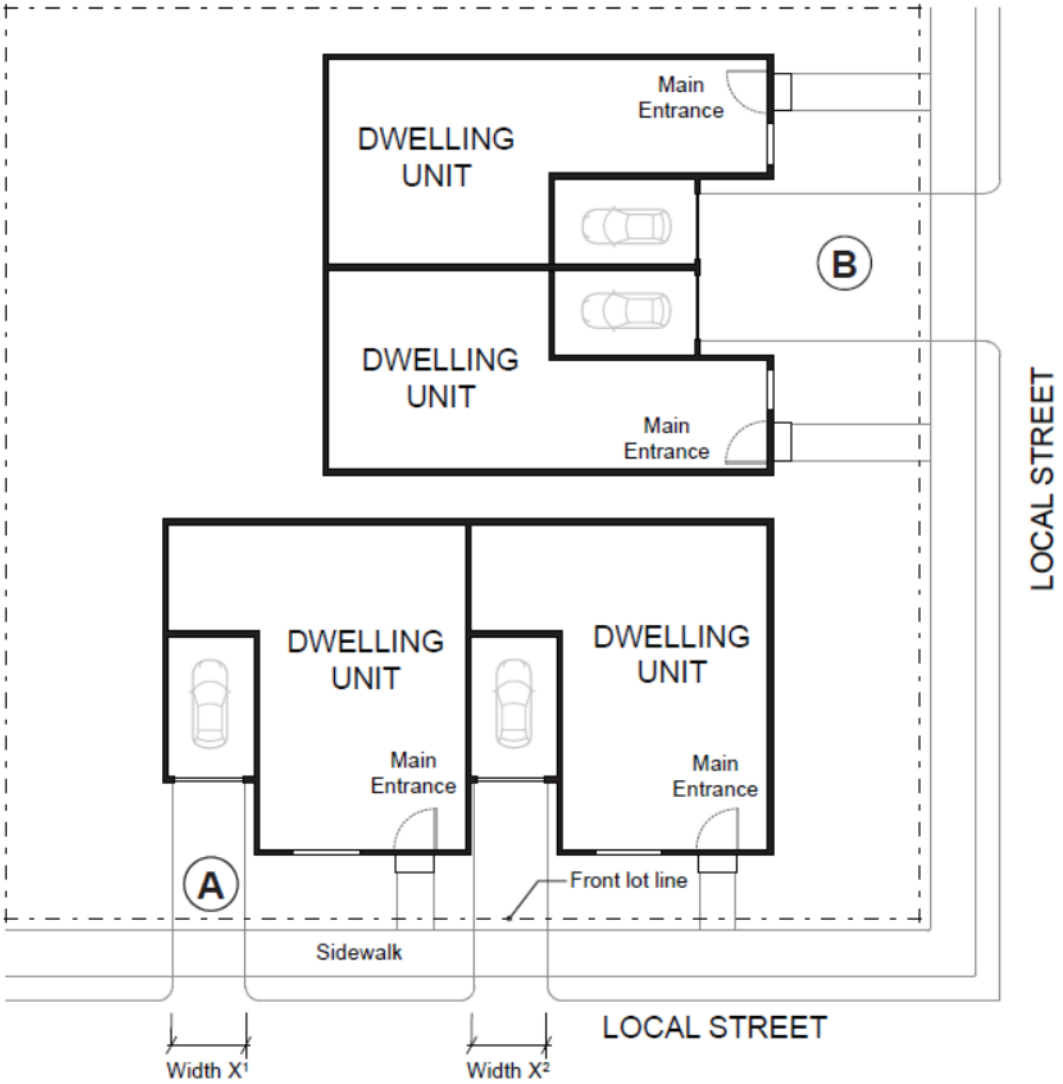
Figure 9. Driveway Approach Options for Multiple Local Street Frontages



Site with frontage on more than one local street may have either:

A Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured X1 + X2); or

B One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

430-84.4 Townhouse Standards

A. General Standards

(1) Where allowed: In the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district on a lot that meets the minimum lot area requirements for middle housing townhouses, provided that minimum required street frontage (20 feet) can be met for each separate townhouse (See Article III).

(2) Land Use District standards of Article III for middle housing shall be met.

(3) Each individual townhouse must be on a separate lot. Separate lots in a townhouse development must average 1,500 square feet and may be created through a middle housing land division meeting applicable provisions of Article VI.

(4) Townhouses cannot be approved on a site where an existing ADU will remain and ADU, whether internal/attached or detached).

(5) Applications must include evidence that Sufficient Infrastructure (as defined in Section 106) is provided, or will be completed prior to issuance of the first occupancy permit. (See requirements for service provider confirmation in Sections 409, 410 and 501).

(6) Requirements specified as applicable under Section 501 shall be met.

(7) Areas and improvements owned in common must be maintained by a homeowners association or other legal entity. A legal document providing for shared rights, restrictions and maintenance responsibilities must be recorded and a copy provided prior to issuance of a building permit.

(8) For consolidated access or shared driveways, evidence of recorded easements to allow vehicular ingress and egress in favor of all lots needing access, and allowing emergency access, shall be provided prior to issuance of the first building permit.

B. Design Standards. New townhouse buildings are subject to the following standards. A townhouse building created by addition to or conversion of an existing single detached dwelling unit is not subject to the following design standards.

(1) Entry Orientation. The main entrance of each townhouse must:

(a) Be within 8 feet of the longest street-facing wall of the dwelling unit if the lot has public street frontage; and

(b) Regardless of whether the lot has street frontage, either:

(i) Face the street (see Figure 1);

(ii) Be at an angle of up to 45 degrees from the street (see Figure 2);

(iii) Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or

(iv) Open onto a porch (see Figure 4). The porch must:

- Be at least 25 square feet in area; and
- Have at least one entrance facing the street or have a roof.

(2) Unit Articulation. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 10):

(a) A roof dormer a minimum of 4 feet in width;

(b) A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room;

(c) A bay window that extends from the facade a minimum of 2 feet;

(d) An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse;

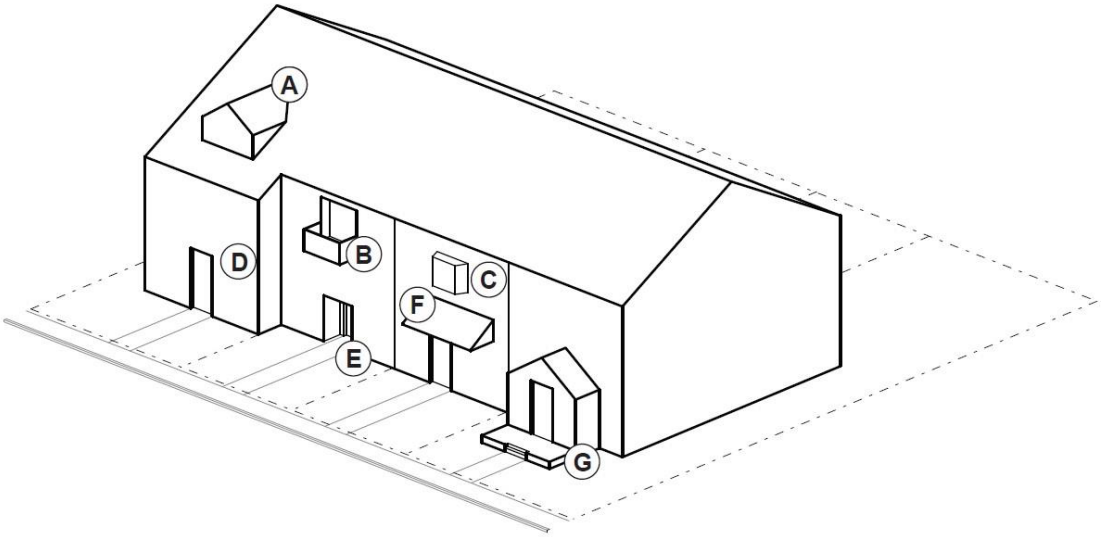
(e) An entryway that is recessed a minimum of 3 feet;

(f) A covered entryway with a minimum depth of 4 feet; or

(g) A porch meeting the standards of subsection 430-84.4 B (1)(b)(iv), below and associated setbacks of the district.

Balconies and bay windows may encroach into a required setback area.

Figure 10. Townhouse Unit Articulation



(A) Roof dormer, minumum of 4 feet wide

(B) Balcony, minimum 2 deet deep and 4 feet wide. Accessible from interior room.

(C) Bay window extending minimum of 2 feet from facade

(D) Facade offset, minimum of 2 feet deep

(E) Recessed entryway, minimum 3 feet deep

(F) Covered entryway, minimum of 4 feet deep

(G) Porch, meets standards of subsection 430-84.4 B (1)(a)(iv)

(3) Windows. Windows must be provided on the street-facing façade of each unit facing the street, totaling at least 15% of the area of the unit's street facing wall. (See Figure 5). Entrance doors and/or half of the window area in the door of an attached garage may count toward meeting this standard. Plans shall include dimensions and total area of these and of the affected wall. Facades separated from the street property line by a dwelling are exempt from meeting this standard.

(4) On a corner lot:

(a) The above window requirement applies to each street-facing wall (windows on 15% of each); and

(b) Along the street side yard, the building shall incorporate at least one of the following features:

(i) A minimum 12-inch horizontal offset in the structural exterior wall and roofline; and/or

(ii) A minimum of two types of siding materials and/or siding styles.

(5) Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

(a) Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 11).

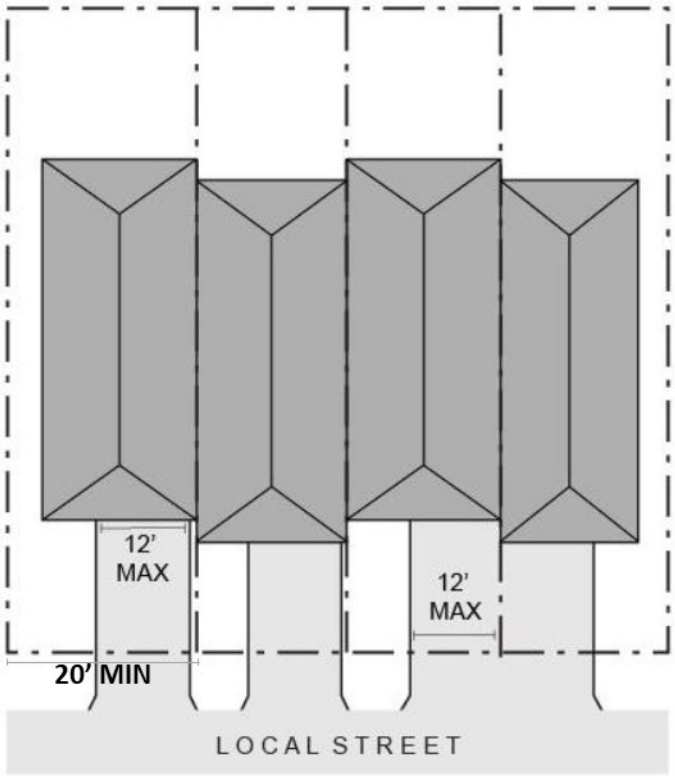
(i) Each townhouse lot has a street frontage of at least 20 feet on a local street.

(ii) A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared as shown in Figure 9 (Driveway "B").

(iii) Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

(iv) The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 11. Townhouses with Parking in Front Yard



(b) The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).

(i) Access points in a townhouse development that does not include a corner lot shall be consolidated. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. (See Figure 13).

(ii) No off-street parking shall be allowed in the front yard of a townhouse (See Figure 12).

(c) Townhouse developments may take access from an improved alley (defined as meeting alley width and pavement standards under Section 409-3.3 A). (See Figure 8).

Figure 12. Townhouses on Corner Lot with Shared Access in Easement

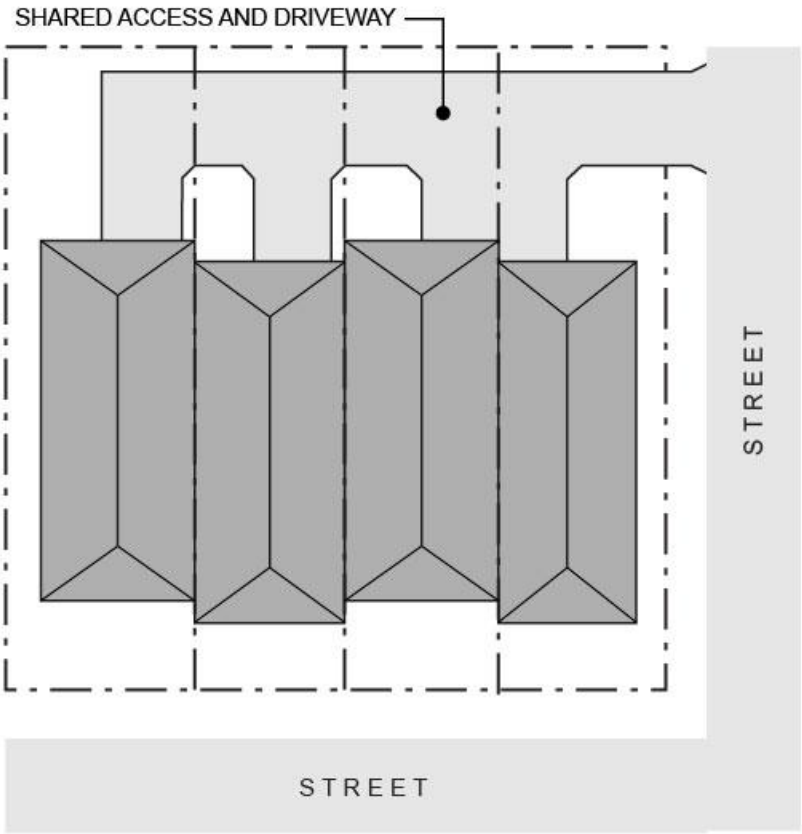
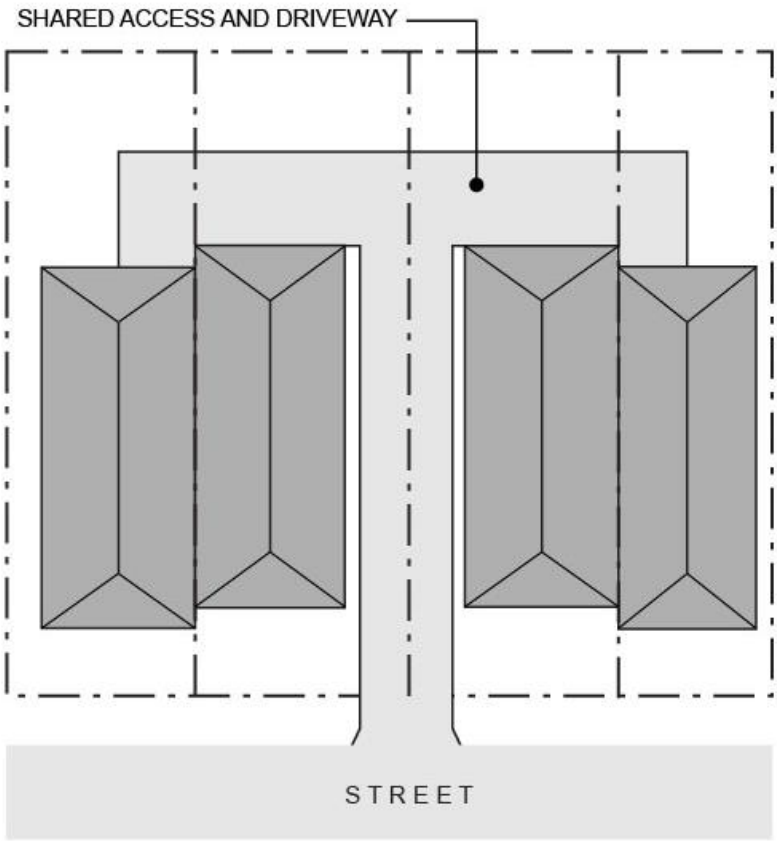


Figure 13. Townhouses with Consolidated Access



430-84.5 Cottage Cluster Standards

A. General Standards

(1) Where allowed: In the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district on a lot that meets the minimum lot area required for a cottage cluster development as outlined in standards of the applicable district (See Article III).

(2) Land Use Districts standards of Article III for middle housing shall be met.

(3) All units in a cottage cluster development may be on a single lot or the land may be divided into separate lots for each unit through a middle housing land division meeting applicable provisions of Article VI.

(4) Up to 12 cottage units are allowed per common courtyard

(5) Additional courtyard(s) consistent with (4), above, are required when a cottage cluster development proposes more than 12 units total;

(6) Each cottage unit is limited to a maximum building footprint of 900 square feet. The following do not count toward this maximum:

(a) Up to 200 square feet of an attached garage or carport;

(b) Detached garages, detached carports, or detached accessory structures;

(7) The maximum building height for cottages and community buildings is 25 feet.

(8) The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Floor area is measured for each floor from the exterior faces of a building or structure. The following do not count toward the maximum average floor area for cottage cluster units (see Figure 14):

(a) Up to 200 square feet of an attached garage or carport;

(b) Detached garages, detached carports, detached accessory structures and community buildings that do not meet the definition of a dwelling unit under Section 106;

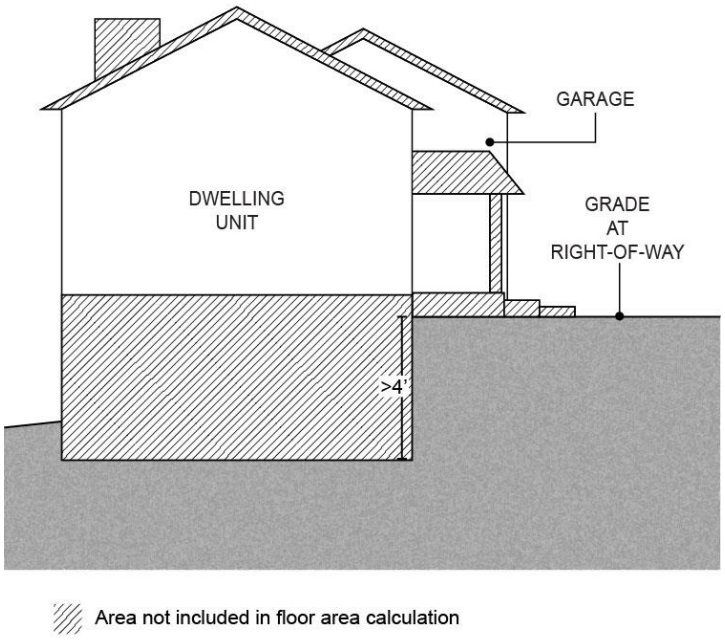
(c) Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;

(d) Roof area;

(e) Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

(f) Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;

Figure 14. Areas Excluded from Floor Area Calculation



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(9) An existing single detached dwelling unit, regardless of its size, may remain on a lot or parcel with a cottage cluster. It shall count as one cottage in the maximum of units per common courtyard.

(10) Any existing ADU that is retained shall count toward the maximum number of cottage units per common courtyard; and

(a) The applicant shall specify whether the existing ADU is:

(i) To remain an ADU, in which case the ADU shall be considered nonconforming (Section 440); or

(ii) If detached, to be considered a cottage.

(b) Where a unit I retained as an ADU, the site is not eligible for a middle housing land division (Article VI).

(11) Applications must include evidence that Sufficient Infrastructure (as defined in Section 106) is provided, or will be completed prior to issuance of the first occupancy permit. (See requirements for service provider confirmation in Sections 409, 410 and 501).

(12) Requirements specified as applicable under CDC Section 501 shall be met.

B. Design Standards

(1) Cottage Orientation. Cottage cluster development must meet the following standards (see Figure 15):

(a) Cottages must be clustered around a common courtyard. Each cottage within a cluster must either abut the common courtyard or directly connect to it by a pedestrian path.

(b) A minimum of 50% of cottage units within a cluster must be oriented to the common courtyard and must:

(i) Have a main entrance facing the common courtyard;

(ii) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(iii) Be connected to the common courtyard by a pedestrian path.

(c) Cottages within 20 feet of a street property line may have their primary entrance facing the street.

(d) Cottages not facing the common courtyard or the street must have their primary entrance facing a pedestrian path that is directly connected to the common courtyard.

(2) Common Courtyard. Each cottage cluster must share a common courtyard meeting the following standards (see Figure 15):

(a) The common courtyard must be:

(i) A single, contiguous piece.

(ii) A minimum of 150 square feet for each cottage in the cluster.

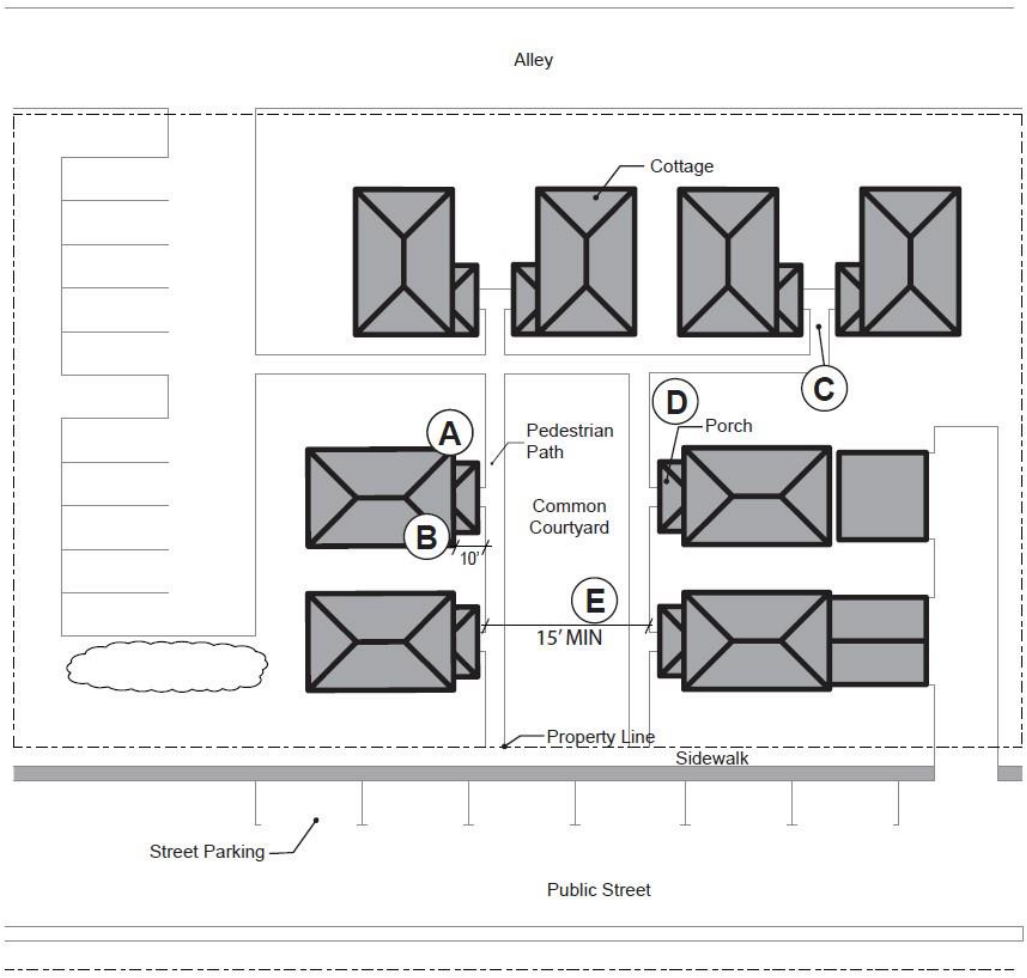
(iii) A minimum of 15 feet wide at its narrowest dimension.

(iv) Developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75% of the total common courtyard area.

(v) Bordered by cottages on at least two sides.

(b) Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 15. Cottage Cluster Orientation and Common Courtyard Standards



A A minimum of 50% of cottages must be oriented to the common courtyard.

B Cottages oriented to the common courtyard must be within 10 feet of the courtyard.

C Cottages must be connected to the common courtyard by a pedestrian path.

D Cottages must abut the courtyard on at least two sides of the courtyard.

E The common courtyard must be at least 15 feet wide at it narrowest width.

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

(a) Each cottage cluster is permitted one community building;

(b) A community building that meets the definition of a dwelling unit (Section 106) is limited to the maximum footprint of 900 square feet that applies to a cottage, and counts toward the maximum 1,400 square foot average for cottages, unless a restriction is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling, and a copy of the restriction is submitted prior to issuance of a building permit;

(c) A community building that meets the definition of a dwelling unit (Section 106) shall be counted as one unit in the maximum per common courtyard, unless the restriction noted in (3)(b), above, is recorded. Other community buildings shall not count toward the maximum units per courtyard.

(4) Pedestrian Access.

(a) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

(i) The common courtyard;

(ii) Shared parking areas;

(iii) Community buildings; and

(iv) Sidewalks in public rights-of-way abutting the site; or to rights-of-way if there are no sidewalks.

(b) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(5) Windows. Cottages within 20 feet of a street property line must meet the window coverage requirement that applies to a detached single family dwelling or duplex under 430-37.1 A, including subsection (1) but not (2).

(6) Parking Design (see Figure 16).

(a) Clustered parking. Off-street parking may be clustered, subject to the following standards:

(i) Cottage cluster developments with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.

(ii) Cottage cluster developments with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.

(iii) Parking clusters must be separated from each other by at least 4 feet of landscaping.

(iv) Clustered parking areas may be covered.

(b) Parking location and access.

(i) Off-street parking spaces and vehicle maneuvering areas shall not:

- Be located within 20 feet of any street property line, except alley property lines;
- Be located between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply along alley property lines;
- Directly abut a shared courtyard;

(ii) Off-street parking spaces shall not be located within 5 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 5 feet of other property lines.

(c) Garages, carports and accessory structures.

(i) Carports (whether shared or individual) must not abut common courtyards.

(ii) An individual detached garage or accessory structure must not exceed 400 square feet in floor area (not applicable to a community building).

(iv) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

(7) An existing single detached dwelling unit may remain on a lot or parcel with a cottage cluster. The existing dwelling:

(a) May be lawfully nonconforming with respect to standards of this code;

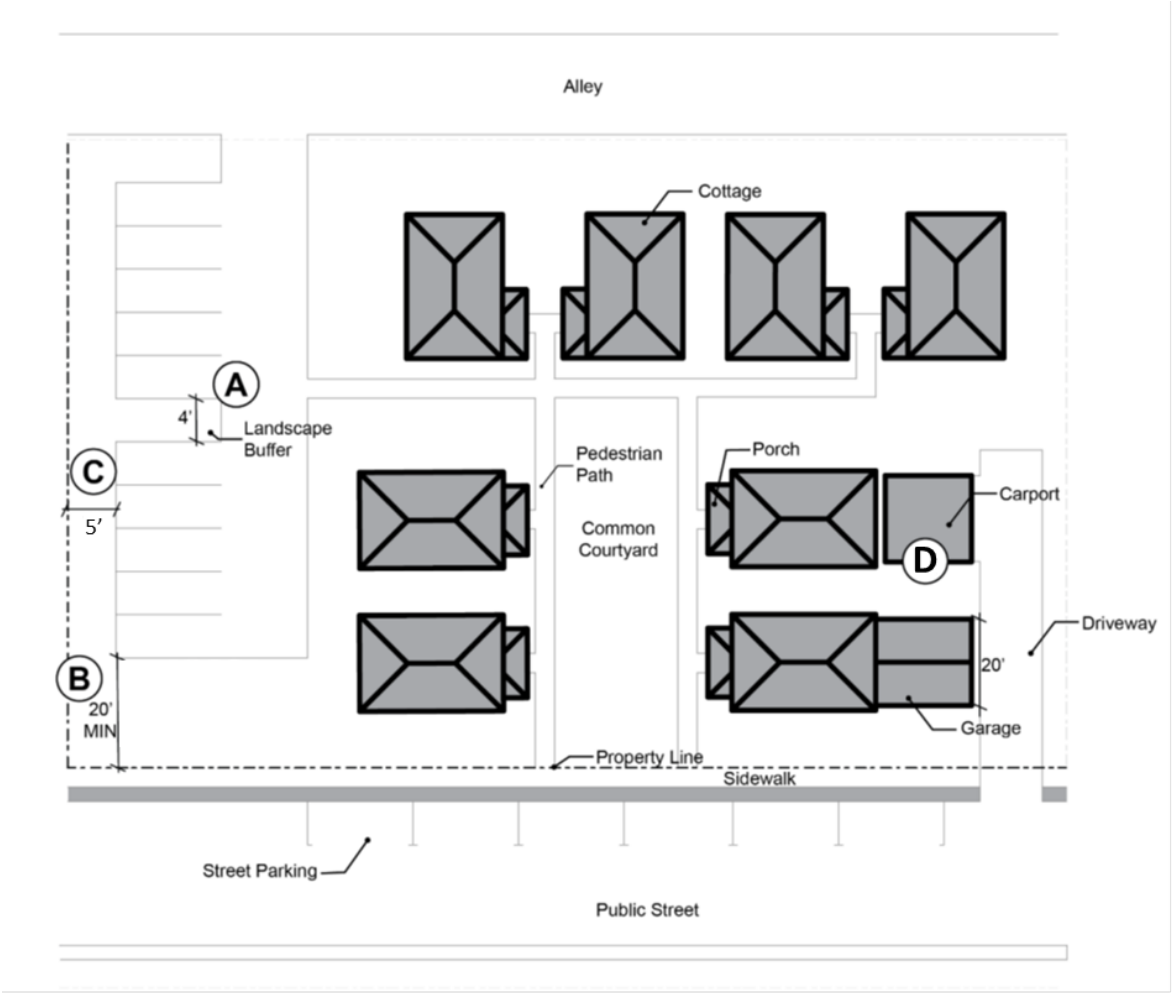
(b) May be expanded up to the maximum building footprint in Section 430-84.5 A(6) or the maximum height in Section 430-84.5 A(7); however, an existing dwelling that exceeds these maximums may not be expanded.

(c) Shall be excluded from the calculation required under Section 430-84.5 B(1)(b).

(d) Shall not count toward the maximum average floor area for cottages.

(e) Is not subject to design standards of Section 430-84, including any expansions;

Figure 16. Cottage Cluster Parking Design Standards



A Parking in clusters, separated by minimum of 4 feet of landscaping.

B No parking or vehicle area within 20 feet of street property line (except alley).

C No parking within 5 feet of other property lines (except alley). Driveways and drive aisles permitted within 5 feet.

D Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

430-84.6 Middle Housing Conversion Standards

A. General Standards

(1) Where allowed: Conversions to Middle Housing are allowed in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 districts.

(2) Additions to, or conversions of, an existing single detached dwelling unit into middle housing must not increase nonconformance with applicable clear and objective standards.

B. Design standards: Not Applicable.

28. SECTION 431 – TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

431-2 Conflicts

In the event of a conflict between the requirements of this section and requirements of any other provision of the Code or a community plan, the requirements of this section shall control, except Area of Special Concern or Subarea provisions in a Community Plan, any code provisions ~~specific to~~of Section 375 that apply to a single dwelling, duplex or middle housing, 418-3 ~~(Corner Vision)~~, 421, 422, 430-84 or 501-8.5 F. ~~(Sight Distance).~~ Sections 431-5.2 through 431-11 shall not apply to a single detached dwelling or duplex (when not part of a land division), middle housing (430-84) or middle housing land divisions (Article VI) – which are subject to other design requirements of this code.

***

431-4.2 Standards:

A. In addition to the standards of this subsection, development in a transit-oriented district shall be subject to the requirements of Section 408, Section 409, and Article V. In the event of a conflict between the requirements of Sections 408, 409, and Article V, the requirements of Section 431-4 shall control.

Sections 408 and 431-4.2 C and E do not apply to a single detached dwelling or duplex (when not part of a land division), middle housing (430-84) or middle housing land divisions (Article VI). For those uses, application of Section 409 is limited as described in Section 409, and:

(1) Required right-of-way dedications and improvements shall not exceed those specified under district standards and Sections 407-7, 409 and 501, except that:

(a) Sidewalks wider than five feet may be required along the frontage of these uses where and at widths specified by community plan special area/special area street provisions or 431-5.1 B(9), to the extent the sidewalks can be accommodated within district-specified right-of-way widths for these uses, and

(b) Additional sidewalk/utility easement area may be required where such sidewalks would exceed right-of-way limits, but these easements and

sidewalk width therein shall be limited as necessary to accommodate buildings at minimum setbacks of the district for these uses; and

(c) In addition to the above, public improvements for Middle Housing Land Divisions (Article VI) shall be limited as follows:

(i) Additional street frontage improvement requirements exceeding "Sufficient Infrastructure" as defined in Section 106 may be required, but only where a resulting lot or parcel abuts the street; and

(ii) Beyond frontage of resulting lots, improvement requirements shall not exceed those necessary to accommodate "Sufficient Infrastructure" as defined in Section 106.

B. Other Community Development Code provisions that apply to Collectors shall apply to Special Area Collectors; provisions that apply to Neighborhood Routes shall apply to Special Area Neighborhood Routes; and provisions that apply to Local Streets shall apply to Special Area Local Streets and Special Area Commercial Streets. (See limitations for certain uses under A, above). In the case of a conflict, specific Special Area street provisions shall control.

C. Blocks (not applicable to a single detached dwelling/duplex when not part of a land division, middle housing (430-84) or middle housing land divisions (Article VI).

(1) Block perimeters for blocks with more than four sides, as defined by public or private streets, accessways or greenways, shall not exceed 1,600 feet measured along the nearside curb line of the public or private street or the centerline of the defining accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.

(2) Block lengths for streets, accessways and greenways shall not exceed 330 feet between public or private streets, accessways or greenways, measured along the nearside curb line of the public or private street or the centerline of the accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.

***

D. Design (See A, above, regarding limited application to certain uses).

***

E. Circulation/Connections (not applicable to a single detached dwelling/duplex when not part of a land division, middle housing (430-84) or middle housing land divisions (Article VI).

(1) Connections shall be provided between existing and planned pedestrian streets, as specified in the applicable community plan or in the Transportation System Plan or Community Development Code.

(2) When connecting new streets in transit oriented districts to existing local and Neighborhood Route streets pursuant to the community plan, this Section and Section 501-8.1 B. (3), the Review Authority may allow a temporary closure of a street connection when the following criteria are met:

(a) There are alternative routes serving the site that will operate within their planned function without the connection; and

(b) Average daily vehicle volumes on the route would significantly exceed normally expected volumes for the functional classification of the facility; or

(c) The proportion of vehicle traffic without a trip end along the route would be significantly higher than normally expected for the functional classification of the facility.

If the review authority requires a temporary road closure, a pedestrian and bicycle connection shall be made at the location.

A street which is temporarily closed under these provisions may be opened by the Director at any time, based on evidence that the connected road will operate within its expected functional classification. This determination will be made using evidence regarding establishment of alternative routes, traffic volumes and/or proportion of through traffic. A street which is temporarily closed under these provisions shall be connected no later than when all of the planned street connections are made to the transit oriented development community.

(3) The street alignment corridors shown in the Community Plan allow planned street centerlines to be moved to a limited degree through a Type II process. Where those planned street centerlines also form the boundary between land use districts, those districts may move with the street centerline within the Type II alignment corridors.

Through a Type III process, the planned on-site street network for collector, local and commercial streets may be modified to a greater extent than is allowed on the applicable map in the Community Plan, if the proposed modification meets all of the following criteria:

(a) The new street pattern does not result in an increase or decrease in planned densities within transit oriented districts;

(b) The new street network maintains the planned functional classification of new and existing roads in the area; and

(c) The new street network provides a similar degree of connectivity to existing abutting streets, including:

(i) Where future street connections identified on an adopted Community Plan to either existing or future abutting streets are shown to be direct, they shall remain direct. Where they are shown to be circuitous, they shall remain circuitous;

(ii) The connections encourage motor vehicle traffic to go slow, consistent with the road standards for Special Area roads;

(iii) The proposed circulation system meets station area block length and perimeter requirements; and

(iv) The proposed circulation system includes off-street pedestrian facilities similar to those identified in the community plan.

It is recognized that the adopted on-site street network in the Community Plan provides a public street network which achieves the state, regional, county, and neighborhood planning objectives in the station area. The review authority shall use the adopted street network as a prototype to apply the above criteria.

431-5 Streetscapes for Pedestrians

431-5.1 Streetscapes - Transit Oriented Districts

These principles and standards apply to the network of pedestrian streets within transit oriented districts.

***

B. Standards:

***

(2) Street trees are required on all pedestrian streets with an average spacing of no more than 30 feet on center on both sides and 2 to 4 feet from back of curb. Street trees shall not be spaced or located so as to result in a violation of Section 418-3. Trees in the county right-of-way or in sidewalk easements shall be approved by the county as to size, quality, tree well design if applicable, and irrigation (see Section 407-7).

(3) All utility lines shall be underground but utility vault access lids may be located in the sidewalk area, provided that they are flush with the sidewalk and provide for a safe pedestrian walking surface during all types of weather.

(4) Except as limited for certain uses under 431-4.2 A(1), ~~M~~minimum sidewalk widths in Transit Oriented Districts shall be the widest identified by the Washington County Road Design and Construction Standards for the adjacent Special Area Street (as shown in the Transportation System Plan), except for Special Area Commercial Streets. Special Area Commercial Streets shall have sidewalks that are a minimum of 12 feet in width. On arterials within or adjacent to Transit Oriented Districts and which are designated as 'Streetscape Overlay' on the Pedestrian System Map in the Transportation System Plan, the minimum sidewalk width shall be 12 feet.

(5) Sidewalks along pedestrian streets adjacent to undeveloped parcels may be temporary.

(6) Pedestrian scale street lighting, such as that described in the county's Pedestrian Design Guidelines Booklet shall be provided along all pedestrian streets.

(7) Pedestrian street lights shall be no taller than 20 feet along Special Area Neighborhood Routes, Special Area Commercial Streets, and Special Area Local Streets.

(8) In designated pedestrian focus areas, except along frontage of a single detached dwelling or duplex (when not part of a land division), middle housing (430-84) or middle housing land divisions (Article VI):

(a) ~~s~~Sidewalks in front of buildings shall be covered to at least 8 feet from building face by one of the following to provide protection from sun and

rain: canopies, arcades, or pergolas. Supports for these features shall not impede pedestrian traffic;~~.~~

(~~9~~b) ~~In designated pedestrian focus areas, o~~One or more pedestrian-scaled amenities are required every 100 feet in the sidewalk area, including but not limited to street furniture, plantings, distinctive paving, drinking fountains, sculpture. Recommendations for design of pedestrian amenities may be found in the county's Pedestrian Enhancements Design Guidelines Booklet~~.~~;

(~~10~~9) In designated pedestrian focus areas, minimum 12-foot wide sidewalks (8-foot minimum unobstructed clearance) are required on all public streets.

(~~11~~10)Except for a single detached dwelling or duplex (when not part of a land division), middle housing (430-84) or middle housing land divisions (Article VI) – which are subject to other design standards of this code – ~~T~~the design character of an individual building shall be compatible with its neighbors, but each building shall be unique. Attention shall be paid to similarities and contrasts between the following architectural elements: building forms and massing; building height; rooflines and parapet features; special building features (e.g., towers, arcades, entries, canopies, signs, and artwork); window size, orientation and detailing; materials and color; the buildings' relationship to the site.

29. SECTION 440 – NONCONFORMING USES AND STRUCTURES

440-1 Intent and Purpose

A nonconforming use is a structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan, lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan. It is the intent of this Section to allow and regulate existing uses and structures that were lawfully established and are not now in conformance with the applicable regulations of this Code.

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440-2 Exemptions

The following improvements or actions are exempt from the provisions of this Section, and pursuant to Section 201-2 do not require a Development Permit. These improvements or actions do not alter or change a nonconforming use but merely allow the use to continue.

440-2.1 Repair or Remodeling of a ~~Structure Used as a~~ Single Detached Dwelling Unit or Duplex

Repair or remodeling of a structure that is used as a single detached dwelling unit or duplex is exempt from the provisions of this Section if the repair or remodeling does not change or alter their ability ~~of the structure~~ to function as ~~a~~ modern dwellings~~,~~ or enlarge their square footage ~~of the structure~~.

***

440-3 Determination of a Nonconforming Use

In order to proceed with any of the land use actions listed in Sections 440-5 and 440-6, an applicant shall provide evidence that shows the following. Determination of a nonconforming use may be processed independently or concurrently through a Type II procedure with any of the land use actions listed in Section 440-5 and 440-6.

440-3.1 The nonconforming use was lawfully established in accordance with applicable land use standards. Building permits or tax records may be used as evidence to prove when the use was established.

440-3.2 The nature and extent of the nonconforming use at the time it became nonconforming. Sporadic and intermittent nonconforming uses may continue as nonconforming uses provided the continuation of the use continues to be sporadic and intermittent.

A structure that is used as a single detached dwelling unit or duplex shall:

A. Have been used full-time as a dwelling(s) at the time it became nonconforming and used continually since then as a dwelling(s); and

B. Have ~~sleeping quarters~~, a kitchen, ~~and~~ bathroom and sleeping area in each living unit~~eating facilities. The dwelling occupants shall not have been sustained by another dwelling (taking meals or bathing at another dwelling)~~.

***

440-5 Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster

The following nonconforming uses or structures may be replaced or restored through either a Type I or a Type II procedure when the replacement or restoration is made necessary by fire, other casualty or natural disaster when in conformance with the following standards.

Restoration or replacement shall begin within 1 year from the occurrence of the fire, casualty or natural disaster.

440-5.1 Restoration or Replacement Permitted Through a Type I Procedure

A nonconforming single ~~family~~ detached dwelling unit or duplex may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-6 NB, R-9, R-9 NB, R-15, R-15 NB, R-24, R-25+, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120 and NMU Districts when the following standards are met:

A. The applicant demonstrates that the dwelling or duplex was lawfully established by providing:

1. Documentation from the Department of Assessment & Taxation that the dwelling or duplex was established prior to April 6, 1959; or

2. One of the following forms of evidence that the dwelling or duplex was lawfully established on or after April 6, 1959:

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440-5.2 Restoration or Replacement Permitted Through a Type II Procedure

A. A nonconforming single detached dwelling unit or duplex may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-6 NB, R-9, R-9 NB, R-15, R-15 NB, R-24, R-25+, NC, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120 and NMU Districts.

B. A nonconforming manufactured dwelling used as a dwelling unit or duplex in an urban district permitting detached dwellings may be replaced or restored regardless of the extent of damage or destruction provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).

***

440-6 Alterations to a Nonconforming Use or Structure

Alterations to a nonconforming use or structure are permitted through a Type I or II procedure. Alteration includes a change in nonconforming use of a structure or parcel of land; or replacement, addition or modification in construction to a structure.

***

440-6.2 Alterations Permitted Through a Type II Procedure

A. Alterations of Structures used as a Single Detached Dwelling Unit or Duplex

The following alterations to structures used as a single detached dwelling unit may be approved upon findings by the Review Authority that the proposed alteration is consistent with the following standards.

(1) Except in the Community Core Mixed-Use (CCMU) District or a commercial, industrial or institutional district, an alteration to replace or relocate, on the same parcel, a structure used as a single detached dwelling unit or duplex may be permitted ~~for a dwelling~~ provided:

~~(a) The alteration will have no greater adverse impact on the neighborhood;~~

(~~b~~a) If the location of the new dwelling or duplex is more than 100 feet from the existing dwelling/duplex in the EFU, EFC and AF-20 Districts the replacement shall not:

(i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(~~c~~b) The alteration will meet all applicable dimensional and access standards of the primary district;

(~~d~~c) The alteration will meet all applicable standards of Article IV; and

(~~e~~d) A nonconforming manufactured dwelling used as a dwelling unit or duplex in an urban district permitting detached dwellings, may be replaced provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and where applicable 430-72 (Infill).

(2) Except in the Community Core Mixed-Use (CCMU) District or a commercial, industrial or institutional district, an alteration to repair, remodel or expand a structure used as a single detached dwelling unit or duplex may be permitted ~~for a dwelling~~ provided:

~~(a) The alteration will have no greater adverse impact to the neighborhood;~~

(~~b~~a) District setback and height standards are maintained;

(~~c~~b) District access requirements have been met;

(~~d~~c) The alteration will meet all applicable standards of Article IV; and

(~~e~~d) A nonconforming manufactured dwelling used as a dwelling unit or duplex in an urban district permitting detached dwellings, may be expanded, repaired or remodeled provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and where applicable 430-72 (Infill).

B. An alteration to change or expand a lawful nonconforming use, or to change, repair or remodel a structure associated with a lawful nonconforming use other than a single detached dwelling unit or duplex, or a structure used as a single detached dwelling unit or duplex in a commercial, mixed-use, industrial or institutional district, may be permitted provided:

~~(1) The alteration will have no greater adverse impact on the neighborhood;~~

(~~2~~1) Any increase in floor area shall be limited to a one time increase up to 20 percent;

(~~3~~2) Any increase in the area of the nonconforming use, excluding floor area, shall be limited to a one time increase up to 10%;

(~~4~~3) For residential uses, there shall be no increase in the number of dwelling units;

~~(5) The alteration is designed to mitigate to the extent practicable adverse impacts caused by the alteration; and~~

(~~6~~4) The alteration will meet all applicable standards of the primary district and the standards of Article IV to the extent practicable.

(~~7~~5) In addition, alterations to expand a nonconforming use or structure shall address the following in writing and with supporting evidence:

(a) The alteration is necessary to avoid future deterioration or obsolescence; and

(b) Relocation would create undue hardship.

(~~8~~6) In addition, alterations to change a nonconforming use and structure shall ~~address the following:~~

~~The alteration will~~ have no greater adverse impact on the neighborhood considering factors such as:

~~(a) The character and history of the development and of development in the surrounding area;~~

~~(b) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;~~

(~~c~~a) The comparative numbers and kinds of vehicular trips to the site;

abcdef Proposed additions
~~abcdef~~ Proposed deletions

(~~d~~b) The comparative amount and nature of outside storage, loading and parking;

~~(e) The comparative visual appearance;~~

(~~f~~c) The comparative hours of operation;

~~(g) The comparative effect on existing vegetation;~~

(~~h~~d) The comparative effect on water drainage;

~~(i) The degree of service or other benefit to the area; and~~

~~(j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area;~~

C. Notwithstanding Sections 440-6, a structure or use that is nonconforming solely as a result of the dimensional standards of the applicable land use district and standards in Article IV, may expand to any extent provided that the expansion complies with all applicable standards of this Code.

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440-8 Lots of Record

440-8.1 Inside the UGB, development which complies with all other standards of this Code shall be permitted on a lot of record, as defined in Section 106, regardless of whether the proposed development complies with the dimensional standards of the District. The development shall be subject to the dimensional requirements in existence at the time the lot or parcel was created. The proposed development shall be subject to all other provisions of this Code unless expressly exempted by this Code.

For ~~residential~~ lots of record in residential districts inside an urban growth boundary, a single dwelling unit or duplex may be permitted if there were no applicable street frontage standards at the time the lot of record was created and if the lot of record has access with a minimum continuous width of at least 15 feet for the full length of the access.

Such access shall either be direct frontage or by an easement of record or statutory way of necessity.

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440-9 Access Requirements for Residential Lots or Parcels Created Prior to November 15, 1979

For ~~residential~~ lots or parcels in residential districts inside an urban growth boundary that were created prior to November 15, 1979, and which do not meet the lot width at the street standard of the primary district, a single dwelling may be permitted if the lot or parcel has access with a minimum continuous width of at least 15 feet for the full length of the access. Such access shall either be by direct frontage or by an easement of record or statutory way of necessity.

440-10 Alteration or Expansion of Uses with an Access Not Conforming to the Access Requirements to Public or County Roads

Approval of an alteration, expansion or change in occupancy of a use on a site whose access does not conform with the requirements of Section 501-8.5 (Access to Public roads) shall require that the access be brought into compliance with these standards when such changes create a 25% or greater increase in the existing Average Daily Trips (ADT). Compliance must be assured prior to the issuance of final approval or building permits for the expansion, addition or alteration. For the purposes of this section, increases in ADT from addition of Accessory Dwelling Units (Section 430-2) do not count toward the 25% threshold.

30. SECTION 501 – PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:

501-2.1 To all land divisions and property line adjustments, including but not limited to land divisions that create separate lots for middle housing units, except:

A. ~~Property line adjustments except as required by Subsection 605-1.3; or~~

~~B.~~ Land divisions where~~which~~ each resulting ~~in all~~ lot~~s~~ or parcel~~s~~ ~~containing a land area of~~measures ten acres or greater, except as required by Subsection 501-8.5~~.~~; or

B. As otherwise specified for a property line adjustment under Article VI.

501-2.2 To ~~all~~ any new ~~construction of~~ structure~~s~~ or expansion of an existing structure, ~~except forconstruction~~except as otherwise indicated in subsections below. ~~of a single (one only) detached dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:~~

~~A. Contains 2,000 square feet or less;~~

~~B. Does not, in itself, generate more than 14 vehicle trips per day, as defined by the Institute of Transportation Engineers, Trip Generation Information Report;~~

~~C. Contains no plumbing fixtures, or has less than 12 additional fixtures attached to an existing, approved septic system or public sewer; and~~

~~D. Does not pose any unique public health or safety issues.~~

~~The exceptions of Section 501-2.2 A through D are not applicable in the North Bethany Subarea in the Bethany Community Plan. In the North Bethany Subarea, all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit, is subject to the applicable standards of Section 501-10. For example, a Type I or Type II park adjacent to a Primary Street would need to build a half-street along the park's frontage on this street consistent with the requirements of Section 501-8.~~

501-2.3 To ~~all~~ any change~~s~~ in use, except ~~those which meet all of the~~when all of the following are met:

A. Does not require a building permit;

B. Does not, in itself, generate more than 14 additional vehicle trips per day as defined by the Institute of Transportation Engineers, Trip Generation Information Report;

C. Has less than 12 additional fixtures attached to an existing, approved septic system or public sewer; and

D. Does not pose any unique public health or safety issues.

***

501-2.6 Public Facility and Service Standards (Section 501-3 through 501-13) shall ~~not~~ apply only as noted below, to the following uses:

A. Accessory ~~D~~dwelling ~~U~~unit(s) (Section 430-2)~~, with the exception of~~ – Section 501-8.5~~,~~ (Access to Public Roads) shall apply.

B. The following uses are subject to requirements of Sections 501-2.8 (Transportation Development Tax, North Bethany and Bonny Slope West Transportation System Development Charges), 501-8.1 (Critical Services), 501-8.2 A, B, H, J and K (Essential Services), 501-8.3 B (Desirable Services), 501-8.4 (Dedication of Right-of-Way), 501-8.5 (Access to Public Roads), and 502 (Sidewalk Standards) except to the extent otherwise indicated within the referenced standards:

(1) A single detached dwelling unit on a lot that is not subject to conditions of a land division (430-37.1 A or B);

(2) A duplex that does not meet the definition of middle housing in CDC Section 106, on an approved duplex lot (Section 430-13.3);

(3) Housing that meets the definition of middle housing in CDC Section 106, when all units are proposed to be on a single shared lot (430-84).

C. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that will not create an additional primary dwelling unit and will result in a net increase of more than 2,000 square feet of habitable space – Sections 501-8.1 (Critical Services), 501-8.2 A, B, H, J and K (Essential Services), 501-8.3 B (Desirable Services), 501-8.4 (Dedication of Right-of-Way) and 501-8.5 (Access to Public Roads) shall apply.

D. Except as necessary to accommodate "Sufficient Infrastructure" as defined in Section 106, additional public road improvement requirements for Middle Housing Land Divisions (Article VI) shall only apply where a resulting lot or parcel abuts the street.

501-2.7 Public Facility and Service Standards (Section 501-3 through 501-13) shall not apply, to a new structure or addition to an existing structure that meets all of the following criteria:

A. Does not constitute a use described in and made subject to Public Facility and Service Standards by other subsections of 501-2, above;

B. Contains 2,000 square feet or less;

C. Does not, in itself, generate more than 14 vehicle trips per day, as defined by the Institute of Transportation Engineers, Trip Generation Information Report;

D. Contains no plumbing fixtures, or has less than 12 additional fixtures attached to an existing, approved septic system or public sewer; and

E. Does not pose any unique public health or safety issues.

The exceptions of Section 501-2.7 A through D are not applicable in the North Bethany Subarea of the Bethany Community Plan.

501-2.8 Notwithstanding above ~~S~~subsections of 501-2, all new construction and expansion of existing structures shall pay the:

A. Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance; and

B. North Bethany Transportation System Development Charge (NBTSDC), except as provided in the Resolution and Order adopting the NBTSDC; or

C. Bonny Slope West Transportation System Development Charge (BSWTSDC), except as provided in the Resolution and Order adopting the BSWTSDC.

501-3 Application of the Public Facility and Service Standards for Multiple Actions

501-3.1 When multiple development actions are proposed for a site, the Public Facility and Service Standards shall be applied to the first action unless during that action specific findings are presented which make it appropriate to postpone application of the standards to a subsequent development action. Postponement of payment of the Transportation Development Tax shall be allowed only as provided in the Transportation Development Tax Ordinance.

501-3.2 When i~~I~~nitial application of the Public Facility and Service Standards ~~shall be~~is through a Type II or Type III process~~.~~, ~~S~~subsequent development actions on the property for the same development ~~shall~~ may be reviewed for consistency with the action taken in the initial application of the Public Facility and Service Standards~~. This shall be done~~ through a Type I process.

If the Review Authority determines and makes findings that circumstances have changed or the impacts of the subsequent development exceed the Public Facility and Service requirements by an amount greater than would be allowed by the exceptions of Section 501-2, the application shall be reevaluated for conformance with the Public Facility and Service Standards through the same procedure type as the prior approval.

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501-6 Exceptions for Critical and Essential Services

501-6.1 Development proposals that cannot ensure critical and essential services applicable to the development, other than those required by Sections 501-8.1 B. (410) or 501-8.2 G. [Half-street improvements], within the required time frames shall be denied unless all of the following findings can be made:

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abcdef Proposed additions
~~abcdef~~ Proposed deletions

501-6.3 Development proposals ~~that cannot ensure~~ subject to improvements required by Sections 501-8.1 B. (4~~1~~0) or 501-8.2 G. [Half-street improvements] that cannot ensure those improvements within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

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501-8 Standards for Development

501-8.1 Critical Services

A. An applicant for development shall provide documentation from the appropriate non-county service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than 90 days old.

For middle housing other than a duplex:

(1) The applicant shall submit written statements from the applicable water, sewer and fire protection service providers, consistent with requirements for "Sufficient Infrastructure" as defined in Section 106, that demonstrate:

(a) Existing connections to public water and sewer systems are capable of meeting established service levels, or that describe improvements needed to comply; and

(b) Access via public or private streets meets emergency vehicle access standards to a public street system; or that describe improvements needed to comply.

(2) Improvements deemed necessary by service providers, for "Sufficient Infrastructure" as defined in Section 106, must be shown on the applicant's site plan and the applicant must include a written statement within the application agreeing to complete and obtain inspection approval for these improvements prior to issuance of the first occupancy permit.

(3) In addition, when separate lots are proposed for each individual middle housing unit:

(a) The applicant shall comply with requirements of (1) and (2) above; and

(b) Standard road improvement requirements and associated requirements for drainage may be applied where resulting lots or parcels abut the street.

B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:

(1) For housing types described under (1) (a) through (c), below, compliance with (2) through (5) below:

(a) A single detached dwelling unit on a lot that is not subject to conditions of a land division;

(b) A duplex that does not meet the definition of middle housing on an approved duplex lot; or

(c) Middle housing on a single shared lot where units are created through the addition to or conversion of an existing single detached dwelling unit:

(2) Right-of-way along the entire site frontage meets the following district standards, unless modified through a Type II exception approval under Section 501-8.4 B(2)), or the site fronts only private street(s):

(a) Local street: 25 feet to centerline;

(b) Neighborhood route: 30 feet to centerline;

(c) Collector: 37 feet to centerline;

(d) Arterial: 45 feet to centerline.

(3) Site access is consistent with Sight Distance provisions of Section 501-8.5 F.

(4) Compliance with sidewalk requirements of Section 502 (or 409 where site is on a private street).

(5) Additionally, for middle housing (except duplexes) meeting the description of (1)(c), above, compliance with emergency vehicle access requirements of 501-8.1 A.

(6) The remainder of Section 501-8.1 B. does not apply to housing as described under 501-8.1 B(1), but may be applied to other housing. Application of the remainder of 501-8.1 B, below, to a Middle Housing Land Division (Article VI) shall be limited as follows:

(a) Street frontage improvement requirements exceeding "Sufficient Infrastructure" as defined in Section 106 may be required only where a resulting lot or parcel abuts the street; and

(b) Where beyond frontage of resulting lots, improvement requirements shall not exceed those necessary to accommodate "Sufficient Infrastructure" as defined in Section 106.

(~~1~~7) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries or future roadway alignments designated in the Washington County Transportation System Plan (TSP). Roadways shall be developed in accordance with Washington County's Road Design and Construction Standards and roadway alignments designated in the TSP may be adjusted within the subject property as approved by the County Engineer; and

(~~2~~8) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation System Plan, likely to attract the highest traffic volume from the proposed development (based on existing and/or forecast traffic volumes) the road(s) must meet the following minimum standards:

(a) Have a wearing surface and structural life expectancy period of no less than 5 years (paved) as determined by the County Engineer;

(b) Paved surfaces for existing roadways shall be 22 feet or greater in width. New roads shall meet the adopted County Road Standards as determined by the County Engineer;

(c) On-site means all lands in the land use application and one-half the right-of-way of existing roads lying adjacent to such lands;

(d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO); and

(e) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification standards.

(~~3~~9) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.

(~~4~~10) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

C. No development shall be approved without adequate drainage as prescribed by the county Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for stormwater, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.

For middle housing other than a duplex:

(1) The applicant shall submit a written statement from Clean Water Services consistent with requirements for "Sufficient Infrastructure" as defined in Section 106, that existing storm drainage facilities are capable of meeting established service levels for storm drainage, or describing improvements needed to comply; and

(2) Improvements deemed necessary by Clean Water Services, for "Sufficient Infrastructure" as defined in Section 106, must be shown on the site plan, and the application must include a written agreement to complete and obtain inspection approval for these improvements prior to issuance of the first occupancy permit; and

(3) Comply with applicable grading and drainage requirements of Section 410.

(4) When separate lots are proposed for each individual middle housing unit:

(a) The applicant shall comply with requirements of (1) through (3) above; and

(b) Standard road improvement requirements and associated drainage requirements may be applied where resulting lots or parcels abut the street.

D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development

application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

E. For development in a Transit Oriented District, or development outside a Transit Oriented District but adjacent to a designated Special Area street, a 9-foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A 10-foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk. (See Section 431 for use-specific exclusions).

501-8.2 Essential Services

A. Service Provider Documentation

(1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency, trail provider and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider. Accessory dwelling units are exempt from this requirement and development of housing as described under 501-8.1 B(1) is subject only to requirements for documentation from the school district and police or sheriff, and is not subject to (2) (c) or (d) below.

(2) If the service provider documents that an adequate level of service is not available or will not be available within the time-frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:

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(c) Provision of Transit Improvements:

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(d) Regional Trails

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B. Adequate Level of Arterial and Collector Roads

No development shall be approved without an adequate level of Arterial and Collector roads available to the proposed development in place or assured at the time of occupancy. This requirement is satisfied by payment of the Transportation Development Tax. In addition, payment of the Transportation Development Tax is not an assurance for improvements required by Sections 501-8.2 C. through J. In addition to payment of the Transportation Development Tax an applicant shall, at a minimum, assure the following with said assurance provided prior to issuance of a building permit:

(1) All identified safety improvements within the impact and analysis area (pursuant to Resolution and Order No. 86-95 "Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation" as modified or

updated), shall be constructed prior to occupancy of the development; except that requirements for housing as described under 501-8,1 B(1) are limited as described under 501-8.1 A.

(2) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half the right-of-way of existing roads lying adjacent to such lands. Development of housing as described under 501-8,1 B(1) shall comply with 501-8.1 C to meet this standard;

(3) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO);

(4) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards including Streetscape Overlay and Enhanced Major Street Bikeway designations; except that development of housing as described under 501-8,1 B(1) need only meet right-of-way dimensions specified in that Subsection;

(5) Access to Arterials and Collectors is in accordance with Section 501-8.5; and

(6) Collectors or Arterials inside the UGB that abut a site and have an existing gravel surface must be brought up to urban standards in accordance with Section 501-8.2 E; ~~.~~ except that requirements for housing as described under 501-8,1 B(1) are limited as described under 501-8.1 A.

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E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing county service district for lighting or other funding method approved by the County Engineer.

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G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

H. For development in a Transit Oriented District, a 9-foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk. For middle housing, this easement requirement may be reduced as needed, to the extent necessary to accommodate buildings at minimum setbacks of the district, and may overlap the district-specified setback. (See Section 431 for use-specific exclusions).

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J. When a development site includes frontage on a roadway that is identified as a "Pedestrian Parkway" or "Streetscape Overlay" on the Pedestrian System Map in the

Transportation System Plan, the Director shall determine if additional right-of-way, setbacks, easements or right-of-way reservations are required so that implementation of Pedestrian System designations will not be precluded. For development of housing described under 501-8.1 B(1), required right-of-way dedications shall not exceed dimensions specified in that subsection. For middle housing, above noted easements and right-of-way reservations shall not preclude siting of buildings at minimum setbacks of the district, and for purposes of meeting this requirement, easements may overlap the district-specified setback. Any right-of-way reservation shall be consistent with provisions of Section 418.

K. Law Enforcement Services

No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

501-8.3 Desirable Services

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B. Park and recreation facilities

(1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:

(a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,

(b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and

(c) The Park District has adopted a Park Master Plan for the area the property is located in.

(2) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.

(3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the county a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application.

Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if

the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

501-8.4 Dedication of Right-of-Way

~~Except as provided in Section 418-2.2, d~~Dedication of right-of-way shall be required as follows:

A. ~~p~~Pursuant to the classification of the facility as designated by the Washington County Transportation System Plan and based upon the county Road Standards; or

B. For a single detached dwelling or duplex, or middle housing when all units are on a shared lot:

(1) Required right-of-way dedication shall not exceed minimum right-of-way required for such uses by district standards (also reflected in 501-8.1 B(2);

(2) Through a Type II procedure, the Review Authority may exempt a proposed development from full compliance with district right-of-way minimums, subject to evidence that an existing structure (intended to remain), environmental features, or other physical constraints make full dedication impracticable.

When all exemption criteria above are met, reduction of the right-of-way requirement shall be to the minimum extent necessary to accommodate the constraint, and the review authority may require a fee in lieu as long as such fee in lieu is consistent with a sidewalk fee in lieu program adopted by the Board of County Commissioners.

C. Setback requirements of this Code shall not apply to existing structures to the extent that setbacks are reduced by a public dedication.

501-8.5 Access to Public Roads

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H. Road Standards

(1) All roads proposed to be of public ownership shall conform to the county Road Standards.

(2) All proposed curve radii shall be designed to county Road Standards for truck-turning requirements.

(3) All roads not proposed to be of public ownership shall conform to Section 409 (Private Streets).

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501-9.10 For partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-70~~69~~), the applicant shall provide documentation from the appropriate school district that adequate levels of service are available or will be available to the proposed development within the time frame required by the school district.

501-10 Standards for Development Within the North Bethany Subarea Plan Area

501-10.1 Development within the North Bethany Subarea Plan shall be subject to the following provisions of Article V. In the event of a conflict with any other provision of Article V, ~~this Article~~ Section 501-10 shall control.

A. Section 501-2, Application of the Public Facility and Service Standards inside a UGB;

B. Section 501-5, Exemptions from Public Facility and Service Standards;

C. Subsections 501-6.3, 501-6.4, 501-6.5 and 501-6.6;

D. Section 501-7, Levels of Public Facilities and Services;

E. Section 501-8, Standards for Development, except for the following subsections;

(1) 501-8.1 B. (~~2~~3) (b);

(2) 501-8.3; and

(3) 501-8.5 B. (2) relating to the 70-foot frontage access spacing requirements. Roadway access to a Neighborhood Route from adjacent lots or parcels with less than 70-feet of frontage may be permitted when the following standards are met:

(a) The Neighborhood Route, where fronting the lot or parcel, is defined as a Primary Street in the North Bethany Subarea Plan; and

(b) A traffic or civil engineer registered in the State of Oregon certifies the following:

(i) The facility will carry fewer than 3,500 ADT over the planning horizon identified in the adopted Transportation Plan; and

(ii) The access meets minimum county traffic safety and operational requirements, including sight distance; and

(c) No use will be permitted direct access to a Neighborhood Route within 50 feet of Point "A"; or future "P.I." (designated in the Transportation Plan) as described in Section 501-8.5 A. Access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than 50 feet.

F. Section 501-10, Standards for Development Within the North Bethany Subarea Plan Area; and

G. Section 502, Sidewalk Standards.

H. Requirements for housing as described under 501-8.1 B(1) are limited as described under 501-2 through 501-8, except that 501-10.1 E(3) and 501-10.2 A through D shall apply.

I. Public improvements for Middle Housing Land Divisions (Article VI) shall be limited as follows:

(1) Street frontage improvement requirements exceeding "Sufficient Infrastructure" as defined in Section 106 may be required only where a resulting lot or parcel abuts the street; and

(2) Where beyond frontage of resulting lots, improvement requirements shall not exceed those necessary to accommodate "Sufficient Infrastructure" as defined in Section 106.

501-10.2 In addition to the provisions identified in Section 501-10.1, except for exempt development, an application for development approval within the North Bethany Subarea Plan shall be denied unless the applicant demonstrates that:

A. The property(ies) has been annexed to the following jurisdictions: Clean Water Services, Metro, Tualatin Hills Park & Recreation District, Tualatin Valley Fire and Rescue, Tualatin Valley Water District, Enhanced Sheriff's Patrol District, and Urban Road Maintenance District.

B. Master plans for the following service districts, including a financing plan that substantially implements the master plan, have been adopted by the applicable service district.

(1) Tualatin Hills Park & Recreation District (THPRD): parks and trails;

(2) Tualatin Valley Water District (TVWD): water master plan; and

(3) Clean Water Services (CWS): sewer master plan and North Bethany Drainage Master Plan.

C. The appropriate non-county service provider has assured that the following services shall be provided to the subject property(ies) in the time frames specified below. The assurance shall be no more than 90 days old:

(1) Water, sewer, fire protection, and drainage (stormwater quality/quantity management) meeting the service provider's standards, including but not limited to the CWS' North Bethany Drainage Master Plan, will be provided. This shall include acquisition of any portion of the parcel that is needed for regional stormwater facilities.

(2) Acquisition by THPRD of any portion of the subject property(ies) shown on the "Park, Trails and Pedestrian Connections" map of the North Bethany Subarea Plan as the site of a "fixed" park.

(3) For property(ies) shown on the "Park, Trails and Pedestrian Connections" map of the North Bethany Subarea Plan as the approximate location of a neighborhood park, trail or off-street pedestrian route, the service provider has:

(a) Delineated the specific location of the neighborhood park, trail or off-street pedestrian route; and

(b) Acquired or otherwise secured that portion of the subject property(ies) so delineated.

(4) The location of a neighborhood park, trail or off-street pedestrian route delineated in Subsection (3) above that is not on the subject property(ies) shall be noted on the land use maps of the Department of Land Use & Transportation. The land use maps include but are not limited to the North Bethany Subarea maps in the Bethany Community Plan.

D. No development application subject to this Article shall be approved on property that has a neighborhood park, trail or off-street pedestrian route as provided in Section 501-10.2

C.(3) unless acquisition of the park, trail or pedestrian route has been assured as provided in Section 501-10.2 G. The location or configuration of the facility may be modified through a development application when the following requirements are met:

(1) The proposed location is consistent with the provisions of the North Bethany Subarea Plan, including the "Park, Trails and Pedestrian Connections" map;

(2) In the case of a park, the size is not smaller than the park size specified in the applicable General Design Element and Neighborhood Design Element;

(3) The proposed new location and size and configuration of the site are acceptable to the service provider after considering the following factors:

(a) The proposed site will maintain or increase the facility's level of functionality (e.g., maintains sufficient area for a playground and a ball field);

(b) The amount of available on-street parking; and

(c) The cost to acquire the proposed site and construct and maintain the facility.

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501-13 Standards for Development Within the Bonny Slope West subarea of the Cedar Hills - Cedar Mill Community Plan

501-13.1 Development within the Bonny Slope West subarea shall be subject to all provisions of Article V, with the exception of Section 501-~~12~~ 10 (Standards for Development Within the North Bethany Subarea Plan Area). In the event of a conflict with any other provision of Article V, Section 501-13 shall control except as noted below.

A. Requirements for housing as described under 501-8.1 B(1) are limited as described under 501-2 through 501-8, except that 501-13.3 A shall apply.

B. Public improvements for Middle Housing Land Divisions (Article VI) shall be limited as follows:

(1) Street frontage improvement requirements exceeding “Sufficient Infrastructure” as defined in Section 106 may be required only where a resulting lot or parcel abuts the street; and

(2) Where beyond frontage of resulting lots, improvement requirements shall not exceed those necessary to accommodate “Sufficient Infrastructure” as defined in Section 106.

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501-13.3 In addition to the provisions identified in Sections 501-13.1 and 501-13.2, except for exempt development, an application for final development approval within the Bonny Slope West subarea shall be denied unless the applicant demonstrates that:

A. The property(ies) has been annexed to the following jurisdictions: Clean Water Services, Metro, Tualatin Hills Park & Recreation District, Tualatin Valley Fire and Rescue, Tualatin Valley Water District, Enhanced Sheriff's Patrol District, and Urban Road Maintenance District.

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31. SECTION 502 – SIDEWALK STANDARDS

502-1 Intent, Purpose, Application, Authority, Requirement

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502-1.4 Sidewalks shall be required to be constructed prior to occupancy for development in the unincorporated areas of Washington County within an urban growth boundary. This applies to all development that is subject to the Public Facility and Service Standards as required by Section 501-2, except for ~~residential~~ development that meets the exemption criteria in Section 502-14 or ~~as allowed by~~where applicable private street standards of Section 409 do not require sidewalk.

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502-3 Sidewalk Standards

502-3.1 Sidewalks shall be built in accordance with adopted county standards, including Table 1 of the county Road Standards and the county Transportation System Plan, and shall be built to line and grade as set forth by the county.

When required, sidewalks shall be separated from the curb by a minimum 4-foot wide planter strip, except where a different width or a wide curbside sidewalk is required.

The County Engineer may approve modifications to this requirement pursuant to Article III Design Specifications of Chapter 15.08 of the Washington County Code (Section 250 of the County Road Standards).

Development applications that propose alternate sidewalk locations (~~e.g.~~such as~~,~~ curbside sidewalks) shall include a copy of the County Engineer's design modification approval.

502-3.2 Temporary sidewalks will be constructed as directed by the county.

502-3.3 When sidewalks or temporary sidewalks are constructed which are not immediately adjacent to a road, and do not connect to another sidewalk or temporary sidewalk, the Director may require the installation of a paved connection to the roadway edge.

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502-14 Exemption From The Sidewalk and Temporary Sidewalk Construction Requirements

502-14.1 Through a Type I procedure, an applicant may request that the Review Authority exempt a proposed development from the requirement to construct a concrete sidewalk on existing street frontage, subject to the following criteria:

A. Residential development is proposed on the subject site; and

B. The subject site is a single lot that was created through a lawful, recorded subdivision or partition in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district; and

C. Submittal of copies of conditions of approval for the subdivision or partition that created the lot (and any approved modifications/revisions to that original subdivision or partition) that either:

(1) Did not require sidewalks for any lots within the subdivision or partition; or

(2) Excluded the subject lot from sidewalk requirements.

Prior subdivision or partition conditions of approval that temporarily defer sidewalk requirements do not satisfy these requirements.

D. Prior to issuance of the first building permit, property owner(s) shall sign a waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing sidewalks along the subject lot frontage, record the waiver with the Department of Assessment & Taxation Recording Division, and submit a copy of the recorded document to the Current Planning Section. The waiver shall be a restrictive covenant on the subject property and shall run with the land.

E. The review authority may require temporary sidewalk and/or a fee-in-lieu for future concrete sidewalk as long as such fee in lieu is consistent with a sidewalk fee in lieu program adopted by the County Board of Commissioners.

502-14.~~1~~2 Through a Type II or Type III procedure, the Review Authority may exempt a proposed development from the requirement to construct a concrete sidewalk ~~or temporary sidewalk~~ on existing street frontage when:

A. Topographic or environmental features make construction physically impracticable; or

B. In industrial areas where access to schools, residences, employment or shopping centers, recreation or transit facilities is not necessary; or

C. Adequate right-of-way cannot be obtained or line and grade cannot be established or met; and ~~in which case a temporary sidewalk may be required as directed by the Director.~~

D. Prior to issuance of the first building permit, property owner(s) shall sign a waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing sidewalks along the subject site frontage, record the waiver with the Department of Assessment & Taxation Recording Division, and submit a copy of the recorded document to the Current Planning Section. The waiver shall be a restrictive covenant on the subject property and shall run with the land.

E. In any of the circumstances described under A, B, or C above, the review authority may require temporary sidewalk and/or a fee-in-lieu for future concrete sidewalk as long as such fee in lieu is consistent with a sidewalk fee in lieu program adopted by the County Board of Commissioners.

502-14.~~2~~3 Through a Type II procedure, the review authority may exempt a proposed development from the requirement to construct a concrete sidewalk ~~or temporary sidewalk~~ on frontage of an existing local street when the following criteria are met:

A. Residential development ~~of ten units or less~~; and

B. The subject site ~~on an existing local street~~ has ~~250~~150 feet of local street frontage or less; and

C. Does not abut a Collector or Arterial street; and

D. ~~Within 500 feet of the subject site, measured in each direction along the local street, but not beyond the nearest intersecting Collector or Arterial, no sidewalks or temporary sidewalks exist on the same side of the street as the subject site; and~~

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~~E.~~ Within 500 feet of the subject site (not including the subject site), measured in each direction along the same side of the Local street as the developing parcel but not beyond the nearest intersecting Collector or Arterial:

(1) No curb, sidewalk or temporary sidewalks exist; and

(2) At least 75% or more of the lots/parcels along the street frontage:

(a) Cannot accommodate a middle housing triplex, quadplex, townhouse or cottage cluster development based on the district minimum parent lot size for each of these middle housing types and the maximum number of units or density maximum allowed for each; or

(b) ~~c~~Cannot be further divided or developed with housing types other than middle housing based on the ~~allowed~~ minimum ~~lot size~~density of the district for housing other than middle housing~~, or are not likely to be divided based on the placement of the existing primary structures on the parcel(s)~~.

E. Prior to issuance of the first building permit, property owner(s) shall sign a waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing sidewalks along the subject site frontage, record the waiver with the Department of Assessment & Taxation Recording Division, and submit a copy of the recorded document to the Current Planning Section. The waiver shall be a restrictive covenant on the subject property and shall run with the land.

F. The review authority may require temporary sidewalk and/or a fee-in-lieu for future concrete sidewalk as long as such fee in lieu is consistent with a sidewalk fee in lieu program adopted by the County Board of Commissioners.

502-14.~~3~~ 4 Notwithstanding the exemption criteria listed above, the review authority may require sidewalks or temporary sidewalks based on findings that:

A. A sidewalk or temporary sidewalk ~~would benefit~~ is needed for safe access to transit or ~~access to~~ pedestrian oriented land uses; or

B. There is a need for a sidewalk or temporary sidewalk based on safety, high vehicle speeds, or high vehicle volume on the street; or

C. The development is within a transit oriented land use district or in an area designated as a pedestrian district as adopted in the Comprehensive Plan.

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