



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/19/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lake Oswego Plan Amendment
DLCD File Number 007-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 01, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dennis Egner, City of Lake Oswego
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA/email



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

AUG 12 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Lake Oswego**

Local file number: **LU 08-0053**

Date of Adoption: **July 6, 2010**

Date Mailed: **August 11, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive Plan text amendment and Community Development Code text amendment adding design standards and policies to promote compatibility of new single-family development with the character of existing development.

Does the Adoption differ from proposal? Please select one

same

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

007-08 (17069) [16270]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metropolitan Service District (Metro)

Local Contact: **Dennis Egner, AICP, LRP Manager** Phone: (503) 697-6576 Extension:
Address: **PO Box 369** Fax Number: **503-635-0269**
City: **Lake Oswego** Zip: **97034** E-mail Address: **degner@ci.oswego.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 2523

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING A GOAL 2 (LAND USE PLANNING) LAKE OSWEGO COMPREHENSIVE PLAN POLICY TO CLEARLY SUPPORT ZONE DISTRICT OVERLAYS AS A MEANS OF IMPLEMENTING NEIGHBORHOOD PLANS, AND ADOPTING FINDINGS (LU 08-0053-1737).

WHEREAS the City of Lake Oswego adopted infill standards in 2003 that are intended to enhance the compatibility of new residential development in the community; and

WHEREAS in 2005 the City re-established the Infill Task Force and charged the task force with evaluating the 2003 amendments; and

WHEREAS the Infill Task Force has recommended amending the Comprehensive Plan to clearly support the adoption of zone district overlays to implement neighborhood plans; and

WHEREAS the Lake Oswego Planning Commission has recommended that the Infill Task Force proposal be adopted by the City Council; and

WHEREAS, a notice of public hearing for consideration of this Ordinance was duly given in the manner required by law; and,

WHEREAS, a public hearing was held before the Lake Oswego City Council on June 1, 2010, to review the Planning Commission's recommendation; now therefore

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 08-0053-1737) attached as Exhibit 1.

Section 2. Goal 2 (Land Use Planning), Section 1, Policy 18 of the City's Comprehensive Plan is hereby amended by adding new language shown in **bold double-underlined text** as follows:

18. Develop and adopt specific Neighborhood Plans and implementing measures consistent with the Comprehensive Plan as the means to enhance neighborhood livability and achieve desired neighborhood character. **If appropriate, implementation may be accomplished through creation of a new zoning district or a new overlay zone.** A Neighborhood Association may request the Planning Commission and City Council to initiate Neighborhood Plan Map and text amendments at any time, without fee, upon finding that the proposed changes are in the public's interest and consistent with the Comprehensive Plan.

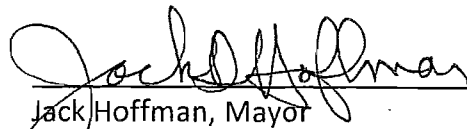
Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 6th day of July, 2010.

AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Olson, Moncrieff

NOES: Tierney


ABSTAIN: none

EXCUSED: none



Jack Hoffman, Mayor
Dated: 7/6/10

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

BEFORE THE CITY COUNCIL

OF THE CITY OF LAKE OSWEGO

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A REQUEST TO AMEND THE LAKE) LU 08-0053-1737
COMPREHENSIVE PLAN, GOAL 2 (LAND) (City of Lake Oswego)
USE PLANNING) TO SUPPORT ZONE)
DISTRICT OVERLAYS AS A MEANS) FINDINGS AND CONCLUSIONS
OF IMPLEMENTING NEIGHBORHOOD)
PLANS [ORDINANCE No. 2523])

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of the Lake Oswego Comprehensive Plan, Goal 2 (Land Use Planning), Section 1, Policy 18.

HEARINGS

The Planning Commission held public hearings and work sessions and considered this application at its meetings of September 22, 2008; October 27, 2008; January 26, 2009; February 9 and 23, 2009; March 9 and 23, 2009; April 13, 2009; May 11 and 27, 2009; June 8 and 22, 2009; July 13 and 27, 2009; August 24, 2009; September 14, 2009, October 12 and 26, 2009; November 9, 2009; December 14, 2009 and January 11, 2010. The City Council held a public hearing to consider the Planning Commission’s recommendation on June 1, 2010.

CRITERIA AND STANDARDS

- A. City of Lake Oswego Comprehensive Plan:
 - Goal 1 Citizen Involvement, Policies 1, 5, and 10
 - Goal 2 Land Use Planning, Section 1, Land Use Policies and Regulations, Policies 4 and 23
 - Goal 10 Housing, Policies 10, 13, and 17

David D. Powell, City Attorney
City of Lake Oswego
380 A Avenue – PO Box 369
Lake Oswego, OR 97034
(503) 635-0225 FAX (503) 699-7453

1 Goal 11 Public Facilities and Services, Section 1 Public Safety, Police and Fire
2 Protection, Policy 5

3 Goal 12 Transportation, Policies 4 and 9

4
5 B. City of Lake Oswego Community Development Code:

6 LOC 50.75.005 Legislative Decision Defined

7 LOC 50.75.010 Criteria for Legislative Decision

8 LOC 50.75.015 Required Notice to DLCD

9 LOC 50.75.020 Planning Commission Recommendation Required

10 LOC 50.75.025 City Council Review and Decision

11
12 C. Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197

13 Goal 1 Citizen Involvement

14 Goal 2 Land Use Planning

15
16 **FINDINGS AND REASONS**

17 As support for its decision, the City Council incorporates the staff Council Reports, dated
18 March 26 and May 25, 2010 for LU 08-0053 (with all exhibits), the October 20, 2008 Staff
19 Report to the Planning Commission (with all exhibits), together with all supplemental reports,
20 together with the Findings and Conclusions of the Planning Commission in this matter. To the
21 extent they are consistent with the approval granted herein, the City Council also adopts by
22 reference its oral deliberations in this matter.

23 The City Council finds that it is appropriate to add the recommended language to Policy
24 18 of Section 1 of Goal 2 of the Comprehensive Plan to make it clear that adoption of overlay
25 zones, or a new zoning district, may be appropriate means of implementing the policies of
26 neighborhood plans.

27 / / /

28 / / /

1 **CONCLUSION**

2 The City Council concludes that LU 08-0053-1737 complies with all applicable criteria,
3 including all applicable Lake Oswego Comprehensive Plan Policies.

ORDINANCE No. 2524

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING PORTIONS OF LAKE OSWEGO CODE, CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) TO PROMOTE COMPATIBILITY OF NEW RESIDENTIAL DEVELOPMENT WITH THE CHARACTER OF EXISTING DEVELOPMENT (LU 08-0053-1729).

WHEREAS, the City of Lake Oswego adopted Infill standards in 2003 that are intended to enhance the compatibility of new residential development in the community; and

WHEREAS, in 2005 the City reformed the Infill Task Force and charged the Task Force with evaluating the 2003 amendments; and,

WHEREAS, the Infill Task Force has recommended a set of code amendments and policies intended to improve the 2003 Infill standards; and,

WHEREAS, a notice of public hearing for consideration of this Ordinance was duly given in the manner required by law; and

WHEREAS, a public hearing was held before the Lake Oswego City Council on April 20, 2010 to review the Planning Commission's recommendation to amend LOC Chapter 50 of the Lake Oswego Community Development Code.

NOW THEREFORE, the City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions, LU 08-0053-1729 attached as Exhibit 1.

Section 2. The Lake Oswego Code is hereby amended by deleting the text shown by ~~striketrough type~~ and adding new text shown in redline double underlined type:

50.02.005 Definitions.

For the purposes of this Code certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense includes the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; the masculine gender includes the feminine gender, except as otherwise provided. The following terms shall mean:

100-Year Flood. See "Flood, Base".

AASHTO. American Association of State Highway and Transportation Officials.

Abut. Contiguous to; for example, two lots with a common property line. However, "abut" does not apply to buildings, uses, or properties separated by public right-of-way, rivers or canals.

Abutting parcels. Parcels of land that share a common boundary.

Access. The place, means or way by which pedestrians or vehicles have ingress to and/or egress from a lot or use. [But see Access definition for purposes of Access Development Standard, LOC 50.57.010.]

Accessory Building. Any detached building the use of which is subordinate and consistent with that of the main building and which is consistent with the buildings and uses allowed in the zone in which it is located.

Accessways. A strip of land intended for use by pedestrians and bicyclists that provides a direct route where the use of public roads would significantly add to the travel time and/or distance.

Adjacent. Touching; across a public right-of-way from; across an easement from; across a small stream or creek from.

Aerial. A privately owned and operated antenna for non commercial uses subject to height limitations as specified in LOC 50.22.015. For the purposes of this Code, "aerial" includes ham radio antennae and is not a "telecommunications facility".

Alley. Public right-of-way which provides a secondary means of access to abutting property.

Alter. To change or modify the construction or occupancy of a building or structure or use of land.

Applicant. The owner of land, a representative designated in writing by the owner, a contract purchaser, City representative or other person requesting some action under the terms of this Code.

Average Daily Traffic. The known average of the number of vehicles which pass a given point in a 24-hour period.

Average Daily Trip (ADT). The estimated or known trip average of the number of one-way trips generated by a particular use during a 24-hour period.

Backfill. The material placed in a trench over a sewer or water pipe, or other utility structure.

Balanced Cut and Fill. The placement of fill material that is balanced with removal of an equal amount of material, such as sand, gravel, soil, rock, and building materials.

Base Flood. See "Flood, Base" definition.

Base Height. The height allowed by the underlying zone district prior to the application of any height exceptions that may be authorized by the code.

Basement. Any area of a building having its floor subgrade (below ground level) on all sides.

Bikeway. Any road, path, or way which is open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

Boat Dock. A structure built along the shore of a river, lake, canal or navigable stream for use by boats for moorage and loading and unloading passengers and materials.

Boat House. A roofed structure built along the shore of a river, lake, canal or stream for the purpose of storing a boat or other watercraft and accessories.

Buffer Area (Resource). An area adjacent to a designated RP District resource where development is limited in order to enhance resource functions and values by providing insulation from human disturbances and domestic animals.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. The area within the setback lines required by this Code for any lot.

Building - Main. A building within which the principal use of a lot is conducted.

Building Regulations. The specialty codes as adopted by LOC Chapter 45.

By-Pass. A drainage system to carry storm water runoff around or through a specific area.

Cabana. Waterfront single-family dwelling or cluster development over the water on pilings.

Canopy. A nonmovable roof-like structure attached to a building.

Carpool. A group of two or more commuters, including the driver, who share the ride to and from work or other designation on a regularly scheduled basis.

Carport. A permanent roofed structure, open on at least one side, designed to provide covered parking for one or more motor vehicles (see Garage).

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries.

Certified Arborist. An arborist who has passed the International Society of Arboriculture Certification Exam.

City. The City of Lake Oswego; its officers, employees and agents.

City Engineer. The person holding the position of City Engineer of the City of Lake Oswego or designee of the City Engineer.

City Manager or Manager. The person holding the position of City Manager or any officer or employee of the City of Lake Oswego.

Cleanout. A vertical opening providing equipment access to the end of a sanitary sewer line for purposes of flushing or cleaning the line.

Closed-end street. A street that has only one connection to any other existing through street or planned through street. Cul-de-sacs and dead-end streets are examples of closed-end streets.

Cluster Development. A development in which the buildings are placed in groups on lots containing less area per dwelling unit than the minimum required by the zone.

Commission. The City of Lake Oswego Development Review Commission or Planning Commission, depending on context.

Comprehensive Plan. Volume I of the Comprehensive Plan adopted by the City of Lake Oswego July, 1978 as it now exists or is hereafter amended.

Conflicting Uses. A conflicting use is one which, if allowed, could negatively impact a Statewide Planning Goal 5 resource site.

Congregate Housing. Multi-unit housing with self-contained apartments that contain cooking facilities which support independent lifestyles for those that have life-function disabilities due to age, medical, or mental condition, which do not require residential care or skilled nursing services. Congregate housing provides varying levels of support services, such as meals, laundry, housekeeping, transportation, and social, recreation, cultural and education activities. The full range of services normally associated with a residential care facility, are not provided in association with congregate housing.

Continuing Care Retirement Community (CCRC). An age-restricted development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care, and enters into contracts to provide lifelong care. A CCRC typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. CCRCs provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

Convent. A local community or house of a religious order or congregation.

Cornice means the horizontal element in the elevation of a building demarcating the difference between the pedestrian oriented level on the street (characterized by entrances, shops, service space, loading areas and lobbies) and office/residential uses on levels above.

Creek. A natural stream of water typically smaller than and often tributary to a stream or a river.

Crown Cover. The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Deck. A non-enclosed platform (excluding above-grade entry walkways) constructed on or above the ground, used for several purposes, including leisure, social gatherings, etc.

Delineated Resource. An RP District stream corridor or wetland or an RC District tree grove delineated pursuant to LOC 50.16.035.

Delineation (Resource). An analysis of a resource by a qualified professional that determines its boundary to plus or minus 2 feet. A resource delineation includes a survey map of the resource prepared by a professional surveyor or engineer.

Density Transfer Acre/Acreage. Potentially hazardous or resource areas within which development may occur or from which density may be transferred to buildable portions of the site, only after it has been demonstrated by the applicant that development can occur in compliance with criteria established by this Code, including the Development Standards. Density Transfer Acre includes the following:

- a. Area within the floodway and the floodway fringe as shown on the FEMA flood maps,
- b. Area of over 25% slope,
- c. Area in known landslide areas or in areas shown to have potential for severe or moderate landslide hazard,
- d. Area in the RC or RP Districts pursuant to LOC 50.16.045, stream buffer areas of major stream corridors, wetlands and Distinctive Natural Areas, and
- e. Area in public open space and parks.

Detention. The act of detaining or storing storm water runoff for a short period of time during and after a storm.

Development. Any man-made change to improved or unimproved real property, including, but not limited to, construction, installation or alteration of a building or other structure, change of use, land division, establishment or termination of a right of access, storage on the land, grading, clearing, removal or placement of soil, paving, dredging, filling, excavation, drilling or removal of trees.

Development Permit. Written authorization for a development to proceed as described in an application, such authorization having been given in accordance with this Code.

Development Site. The total area of parcel(s) or lot(s) prior to a development action, such as a partition or subdivision, or other development activity.

Development Standards. LOC Articles 50.40 – 50.67, inclusive, of this Community Development Code.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.

Drainage Pattern. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, retention or detention facilities, and the storm sewer system.

Drainageway. An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

Dripline. The outer limit of a tree's branches, projected to the ground. The point where water dripping off the canopy will hit the ground.

Driveway. A vehicular accessway that has, as its primary purpose, the provision of a driveable connection between a structure or parking area on ~~private property a lot~~ and connecting to the shared access easement, access lane, private street, or public street system. "Driveway" may include ~~private easement roads or ways, common areas used for vehicular access,~~ parking pads, turnaround areas, and parking lot aisles.

Driveway approach. That portion of the driveway that is situated in the public right of way.

Driveway grade. The ratio of the change in elevation to the change in horizontal distance traveled, measured along the steepest 10 foot increment along the centerline of the traveled way. Grades are expressed in percent.

Duplex. A building on a lot designed to contain two dwelling units and used for residential purposes.

Dwelling, Multiple. A building on one or more lots designed to contain three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multiple dwelling includes structures commonly called garden apartments, apartments and condominiums.

Dwelling, Single-Family. A detached dwelling unit designed and used for that purpose or an attached dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall shall consist of a structural wall which shared for at least 25 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse, townhouse, or a common-wall house.

Dwelling Unit. One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, sanitary facilities, cooking and eating.

Dwelling, Zero Lot Line. A building providing two dwelling units on two separate lots and used for residential purposes.

Easement. A grant of the right to use designated land for specific purposes.

Emergency. Any event or circumstance causing or threatening life, injury to persons or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

ESEE Process Analysis. The Economic, Social, Environmental, and Energy Analysis required under Statewide Land Use Planning Goal 5. The purpose of the ESEE analysis is to balance the relative value of an inventoried natural resource against conflicting uses and thereby determine an appropriate level of protection through land use regulations. The ESEE Analysis that formed the factual basis for the Sensitive Lands Program (LOC Article 50.16) and was used initially to designate properties for protection under the program is the Lake Oswego Resource Areas Report and ESEE Analysis, dated April 1, 1997, as revised on July 15, 1997.

Exchange Carrier. A provider of telecommunications services.

Facade. All the wall planes of a structure as seen from the one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

Family. An individual or two or more persons related by blood, marriage, legal adoption, or associated by guardianship, conservatorship or a foster care relationship, or a group of not more than five persons not so related or associated living together in a dwelling unit as a single housekeeping unit.

Family Day Care Facility. A day care facility which regularly accommodates 12 or fewer children regardless of full-time or part-time status, in the day care provider's home, including the children of the day care provider.

Farming. To cultivate or produce a crop on.

Fenestration. Doors and/or windows.

Filling (fill). A deposit of material by artificial means, generally for purposes of development or redevelopment. Fill material includes, but is not limited to, sand, gravel, soil, rock, and inorganic building materials.

Fire Code. The Oregon Fire Code as adopted or amended by LOC Chapter 15, and any other applicable provisions of LOC Chapter 15.

Fire Department/delivery vehicle turnaround. An area providing space for the maneuvering of fire fighting vehicle or other vehicles (in the case of a delivery or loading area) consistent with LOC Chapter 15 (Fire Code).

Fish and Wildlife Habitat. Lands that contain significant food, water, or cover for native terrestrial and/or aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. A lot located behind another lot that has normal street frontage, and where access is provided to the rear lot via a narrow "flag pole" (i.e. driveway), or where access is provided via an easement. There are two distinct parts of a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for more than one lot, but which has insufficient width to locate all lots on the street frontage.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, Base. The flood having a one percent chance of being equaled or exceeded in any given year. The "Base Flood" is also known as the "100-year flood".

Flood Boundary and Floodway Map. The official FEMA map of a community, issued by the Federal Insurance Administrator, where the boundaries of the floodway and floodway fringe have been designated.

Flood Hazard Area, Special or "Areas of Special Flood Hazards". Area of special flood hazard shall be defined as stated in 44 Code of Federal Regulations Sec. 59.1:

The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.

or as such definition is amended by the Federal Insurance Administration after June 3, 2008. For purposes of LOC Article 50.44, Flood Management Area, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. "Special Flood Hazard Area" shall be given the meaning as defined in 44 Code of Federal Regulations Sec. 59.1.

Flood Management Area. All lands contained within the 100-year flood boundary as shown on the most recent *Flood Insurance Rate Maps (FIRM)* and *Flood Boundary and Floodway Maps* created for the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA). The Flood Management Area also includes areas inundated during the February 1996 flood along the Willamette River, the Tualatin River, and the Oswego Canal to the south of Bryant Road.

Floodplain (or flood plain). The area bordering a watercourse encompassing both the floodway fringe and the floodway inundated during the base flood. In addition to the above definition, for purposes of LOC Article 50.41 (Drainage Standard for Major Development), floodplain shall include the land areas adjoining all streams, lakes, ponds, or wetlands that are subject to inundation by the base flood.

Flood-Proofing. To make a structure watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodway. The area within the floodplain which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe. The area of the floodplain lying outside the floodway.

Floor Area. The combined ~~floorsquare~~ square footage area (measured from the exterior of the surrounding exterior wall framing) of a building or portions thereof of all stories of a building excluding:

- vent shafts,
- court yards,
- ~~enclosed or covered parking areas~~ garages, except as modified in:
 - the R-5 zone (Section LOC 50.06.035 (1)(b)(i), for residential development);
 - the R-6 zone (Section LOC 50.07.037 (1), for outright permitted residential development);
 - the R-7.5, R-10, and R-15 zones (LOC Section 50.08.042 (1), for single family dwellings);
- allowable projections,
- decks,
- patios,
- uncovered exit stairs, and
- uncovered, above-grade driveways.

Floor Area Ratio (FAR). The ratio of the floor area to the net buildable acre. The greater the ratio, the greater the floor area relative to the size of the lot. For example, a building occupying one-fourth of the net site areas has a FAR of 0.25:1, or 0.25; adding a second floor to the same building increases the FAR to 0.50:1, or 0.5.

Foot-candle (fc). The density of luminous flux (lumens) incident at a point on a surface having an area of one square foot.

Footprint. The polygon formed by the surrounding exterior walls of a building or portion thereof, including any structure which is over 30 inches in height with or without exterior walls, but exclusive of vent shafts and courtyards. The footprint does not include the ground area under the eaves of the building or structure.

Foundation Soil, Potential Weak. A generalized map of locations of potential Weak Foundation Soils is maintained at the Public Works Department, City Hall. However, the actual condition of the site will determine whether such soils exist.

Foundation Soils, Weak. Those which may cause overall settlement or differential settlement resulting in damage to structures not designed to accommodate movements. Weak Foundation Soils have one or more of the following characteristics: low strength, compressibility, high organic material content, high shrink-swell ratio or elasticity, or slow percolation and wetness.

Functions and Values (Resource). Functions and values are the benefits provided by resources. The benefits may be physical, environmental aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, the functions and values of a wetland can include its ability to provide storm water detention for "x" units of water draining "y" acres, and its ability to provide food and shelter for "z" varieties of migrating waterfowl. In addition, an unusual native species of plant in a natural resource Area could be of educational, heritage, and scientific value. Most natural resources have multiple functions and values.

Garage Opening. The garage door or in the case of a carport, the opening from which cars enter or exit the carport.

Garage, Private. A structure having one or more stories, used for the parking of motor vehicles belonging to tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by Chapter 50 and are not open for use by the general public. A carport is a garage.

Garage, Public. A publicly or privately owned structure having one or more stories, used for the parking of motor vehicles, and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this Code, provided said parking spaces are clearly identified as parking space(s) for the building or use.

Garage, Repair. A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental parking of vehicles.

Garage, Side-loading. A garage that meets the definition of a Private Garage but is located such that the garage doors face a minimum of 80 degrees away from the street (see Appendix 50.02-C).

Garage Wall Area. The garage wall area includes the entire area on the specified side of a structure between the ceiling, floor, and walls of the garage, including the garage door.

Glare. Light that causes visual discomfort or disability, and the wattage and/or light distribution that is excessive for the purposes for which the illumination is necessary.

Grade. The ground surface next to a structure that is constructed to the earth (example: building with foundation) or next to a tree when the height of the tree is at issue, or under a structure that is not constructed to the earth (example: decking).

Grade, Utility or Street. The slope, measured in percent, of a street, pipe, or conduit as part of a utility system.

Gross Floor Area (G.F.A.). The area included within the surrounding exterior walls of a building or portions thereof excluding allowable projections, decks, patios, uncovered exit stairways or uncovered above-grade driveways.

Group Care Home. Any private or public institution maintained and operated for the care, boarding, housing or training of five or fewer physically, mentally or socially handicapped or delinquent, elderly or dependent persons by any person who is not the parent or guardian of, and who is not related by blood, marriage or legal adoption to such persons and excluding foster care of children.

Guest House. An accessory structure of less than 400 square feet with no cooking or kitchen facilities.

Gully. A long, narrow channel worn by the action of water, particularly on a hillside. It is much smaller than a ravine. Several gullies often lead to a ravine.

Habitable. Habitable means the portion of any building or structure used, or intended for use on a day-to-day basis, by people for residential purposes, or for purposes of conducting a commercial or industrial business, public use, or institutional use, or for purposes of a similar nature.

HAS (Habitat Assessment Score). The numerical ranking applied in an ESEE Inventory which represents the relative wildlife habitat values of a given natural resource site in comparison with other sites in the City. Six features are evaluated to determine the total Wildlife Habitat Assessment Score:

1. Water
2. Food
3. Cover
4. Disturbance
5. Linkage
6. Unique Features

Each feature receives a "High, Medium, or Low" description and a numeric ranking as shown in the HAS rankings sheet in the Appendix 50.16-A to the SL District. The maximum possible score is 124. A minimum score of 35 is necessary for a site to be considered significant for wildlife values. See the City of Lake Oswego 1994/95 Natural Resource Inventory and ESEE Analysis (on file in the Planning Department) for a detailed explanation of the methodology used in applying the HAS rankings.

Hazardous Substances. Any substance listed or described as hazardous in ORS Chapter 453 (Hazardous Substances). Hazardous substances are toxic, corrosive, irritants, strong sensitizers, flammable, combustible, or generate pressure through decomposition, heat or other means. Hazardous substances or mixture of substances may cause substantial personal injury or illness during, or as a proximate result of any customary or reasonably foreseeable handling or use.

Hearing Body. The Lake Oswego Development Review Commission, Planning Commission or City Council.

Height of Building. The vertical distance above a reference point measured to the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the gable of a pitched or hipped roof.

The reference points are determined as follows:

a. If, for purposes of construction of a structure, an artificial elevation of the ground surface results: the elevation of any ground surface prior to construction at or within the exterior wall of the building.

b. If, for purposes of construction of structure, there is an alteration or artificial lowering of the ground surface: the elevation of any ground surface after construction at or within the exterior wall of the building. See Appendix 50.02-A.

c. On Lots within the Flood Management Area: The elevation of any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface, except that if the structure elevates the ground surface for the purpose of raising the floor level above the base flood elevation consistent with LOC Article 50.44, then the reference point shall be the elevated ground surface.

Home Occupation. A lawful use conducted in a residential zone in or on the premises of a dwelling unit, said use being secondary to the use of the dwelling for dwelling purposes.

Horticulture. The science or art of cultivating fruits, vegetables, flowers and plants.

House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates the unit of illumination in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir.

Hotel, Motel. A building or group of buildings used for transient residential purposes containing rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.

Hydraulic Characteristics. The features of a watercourse which-determine its water conveyance capacity. They include the watercourse cross-section, alignment, width from bank to bank, profile, and the location and types of vegetation within the watercourse.

Hydrophytic Vegetation. Plant life growing in water or in soil that is at least periodically deficient in oxygen as a result of excessive water content.

Illumination, Uniformity of. The ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.

Impermeable Surface. Any surface which prevents absorption of water into the ground.

Incidental Retail Uses. Retail uses within an Industrial Park (IP) zone that are outright permitted retail uses in the Neighborhood Commercial (NC) zone, when such uses are directly related to the sales of products manufactured, processed, or assembled on the IP zoned site.

In-kind Vegetation. Vegetation similar to vegetation found in the impacted resource or resource buffer in type and size.

Institutional Use. Private educational, cultural, religious or social welfare facilities.

Invasive Plants. Vegetation that displaces or dominates natural plant communities, such as Himalayan blackberry, English ivy, reed canary grass, scotch broom, etc. A list of such plants shall be maintained on file in the Planning Department.

Irregular Lot. A lot in which the front and rear lot lines are not parallel.

Lake Oswego Style means a building design that borrows from the City's historic architectural traditions including the Arts and Crafts, English Tudor and the Oregon Rustic Styles. Buildings which use complex massing, asymmetrical composition and natural materials exemplify this style (See photos and descriptions in Appendix 50.65-A). Adherence to the "Lake Oswego Style" is not intended to require historical replication. Modern designs interpreting, quoting or utilizing the above noted stylistic forms are also encompassed within the definition.

Lake-Related Infrastructure. Lake-related infrastructure means the structures, facilities, and equipment necessary to maintain Oswego Lake. Lake-related infrastructure includes, but is not limited to dams, dikes, levees, headgates, fish screens, culverts, water storage and water diversion facilities, flood control structures, structures to shelter and maintain boats or other equipment for lake maintenance or policing, and structures used in connection with hydroelectric power generation. Lake-related infrastructure does not include office buildings.

Land. Includes water surface and the land under water.

Large Animal. Horses, cattle, sheep, goats, swine or any other animal which customarily weighs more than 45 pounds at maturity, excluding dogs.

LED. Light Emitting Diode.

Light Fixture. See Luminaire.

Lighting System. One or more luminaires, together with associated wires, conduits, poles, etc., that constitutes the illumination system on the site.

Levee. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding.

LORA. The Lake Oswego Redevelopment Agency, an urban renewal agency created by the City pursuant to ORS Chapter 457.

Lot. A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation.

Lot Area: The area of a lot, defined by the lot lines, less the area of access easements, private streets, and public streets.

Lot, Corner. A lot abutting two intersecting streets, provided that the streets do not intersect on an angle greater than 135 degrees.

Lot Coverage. The ratio of A to B where A is the area of the polygon formed by the surrounding exterior walls of all structures or portions thereof over 30 inch in height with or without exterior walls, but exclusive of vent shafts and courtyards; and B is the gross acreage of the site excluding area in street right-of-way, private streets and access easements (calculated in the same manner as provided in "Net Buildable Acre"). Boat houses shall not be included in lot coverage calculations.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, except for a flag lot, which shall be measured from the mid-point at the front lot line of the flag area. In the case of a triangular lot, the lot depth is the horizontal distance from the midpoint of the front lot line to the furthest most intersection of the side lot lines. In the case of a through lot, the lot depth is the horizontal distance from the midpoint of one front lot line to the other front lot line. (See Appendix 50.02-B).

Lot, Flat. A lot where the proposed highest finished ground surface at the exterior wall of a building or proposed building is not more than ten feet above the lowest such surface.

Lot Frontage. That portion of a lot nearest a street. For the purpose of determining yard requirements, all sides of a lot abutting a street shall be considered frontage.

Lot Illegal. A unit of land created in violation of one or more legal requirements in effect and applicable at the time of creation.

Lot, Interior. A lot other than a corner lot, with frontage on only one street.

Lot Line. Boundary lines of a lot.

Lot Line, Front. In the case of an interior lot, the lot line separating the lot from the street. In the case of a corner lot, the lot line designated pursuant to LOC 50.06.050 (7), 50.08.030 (4), 50.09.025 (6) or 50.13.035 (4).

Lot Line, Rear. A lot line which is opposite the front lot line. A triangular lot and a through lot have no rear lot line: the frontage on each street of a through lot is a front lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. (See Appendix 50.02-B).

Lot Line, Side. Any lot line not a front or rear lot line.

Lot Line, Side Street. On a corner lot, the lot line(s) abutting a street that is not the front lot line.

Lot of Record. A lot shown as part of a recorded subdivision, partition, or any lot described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded with the county; except that no lot or parcel of land created without compliance with the subdivision or partition requirements in effect and applicable at the time of the lot creation shall be considered a lot of record.

Lot, Platted. A lot described and identified within a recorded subdivision or partition and remaining the same in size and shape as it was when the subdivision or partition was recorded.

Lot, Sloped. A lot where the highest natural or unaltered ground surface at the exterior wall of a building or proposed building is more than ten feet above the lowest natural or unaltered ground surface at the time of building permit application. For the purposes of determining building height, natural or unaltered ground surface shall mean: The elevation of the existing ground surface or the existing ground surface resulting from a prior approved planned development at the time of building permit application.

Lot, Steeply Sloped. A steeply sloped lot is a lot with an average slope of 25% or more, when measured from the front line to the most distant point of the building.

Lot, Through; Double Frontage Lot. A lot other than a corner lot with frontage on more than one street.

Lot Width. The width of the lot as measured at the front setback line.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, watercraft, building access or storage, in an area other than a basement, is not considered a building's lowest floor.

Lumen. A unit of measurement of the amount of light emitted by a lamp.

Luminaire (or "Light Fixture"). A complete lighting device consisting of a light source together with its direct appurtenances, such as globe, reflector, refractor, housing and such support as is integral with the housing. The pole, post or bracket is not considered a part of the luminaire.

Luminance. The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square meter.

Luminous Flux. A measure of the total light output from a source, the unit being the lumen.

Major Park Improvements.

1. Athletic field for organized sport games.
2. Lighting for outdoor recreational facilities and activities.
3. Facilities that require a building permit, occupying more than 3,500 square feet of site area. (A play area for non-organized sport games is not subject to this subsection even if more than 3,500 square feet.)
4. On-site parking for more than eight vehicles.
5. Facilities for motorized boats.

Manhole. A vertical opening providing human access to a sanitary sewer or storm drain line, provided with a heavy cover at the ground or street surface.

Manufactured Homes. A multi-sectional dwelling unit with a Department of Housing and Urban Development (HUD) label, of not less than 1,000 square feet constructed in an off-site manufacturing facility on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, and designed to be used with a foundation as a dwelling unit on a year-round basis with approved connections to water, sewer and electric utility systems.

Notwithstanding the above, for the purpose of LOC Article 50.44, a manufactured home is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Marina. A facility providing moorage for boats and marine related services.

Masonry. A quarried stone, brick, rusticated stone or emboss worked wall.

Mean Sea Level. Mean sea level and other references to elevations are based on the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mechanical Equipment. Heating, ventilating and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks and other similar features.

Minor Park Improvements. Park improvements with limited offsite impacts. Minor park improvements include:

1. One play area that is not intended for organized sport games (regardless of size), without lighting.
2. Facilities that require a building permit, that may include park buildings, picnic shelters, restrooms, athletic courts, non-motorized boating facilities, and playground structures provided the uses do not occupy more than 3,500 square feet of site area (individually or cumulatively, excluding facilities authorized by a master plan).
3. On-site parking for eight or less vehicles.
4. Trails.

Mitigation. To rectify, repair or compensate for adverse impacts to a resource or resource functions and values caused by development.

Mitigation Methods (for Wetlands).

- a. Wetland Creation. The conversion of a non-wetland area into a wetland.
- b. Wetland Enhancement. Alteration of an existing wetland to develop new functions or to improve existing conditions
- c. Wetland Restoration. Re-establishment of lost or impaired functions in a degraded wetland or in a former wetland that no longer functions as a wetland.

Mitigation Ratio (for Wetlands). The ratio of the amount of wetland to be created, restored or enhanced compared to the amount of wetland lost due to development.

Mixed Use. A development consisting of more than one broad category of use (e.g. commercial, industrial, residential, public use, or institutional).

Mobile Home. A unit or units built between January, 1969 and June 15, 1976 in conformance with the American National Standards Institute requirements adopted by the State of Oregon in 1969 and having an Oregon insignia of compliance issued by the Oregon Department of Commerce, Building Codes Division, or a unit built after June, 1976 in conformance with the 1976 HUD requirements. All units shall have a minimum of 900 square feet of living area.

The following definitions apply only to mobile homes:

- a. Accessory structure. An attached or unattached structural addition to a mobile home or mobile home space including, but not limited to: cabanas, awnings, carports, garages, covered porches, storage structures and covered patios.

b. Accessway. An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.

c. Awning. A stationary structure used in conjunction with a mobile home, other than a window awning or ramada for the purpose of providing shelter from the sun and rain for patios, porches or yard areas, and having a roof with supports and not more than one wall.

d. Cabana. A stationary structure which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home, to provide additional living space designed to be moved with the mobile home.

e. Carport. A stationary structure consisting of a roof with its supports which is entirely open on two or more sides and is used for sheltering a motor vehicle.

f. Mobile Home Park. A parcel of land under common ownership on which two or more mobile homes are occupied as residences and which conforms to the regulations of this article.

g. Mobile Home Subdivision. A subdivision designed for sale of lots for residential occupancy by mobile homes.

h. Mobile Home Space or Lot. A plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home, its accessory structures, parking spaces and required yard areas.

i. Stand. A hard surfaced area within a mobile home space or lot designed for placement of a mobile home.

Motor Vehicle and Recreational Vehicle Sales Area. A lot used for display, sale or rental of new or used motor vehicles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs or cleaning of motor vehicles, recreational vehicles or trailers to be displayed, sold or rented for use off the premises.

Mounting Height. The vertical distance between the lowest optical component of the luminaire and the ground surface directly below the luminaire.

Nadir. The downward direction; exactly vertical, directly below a luminaire.

Natural Area. An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine, or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat.

Natural Resource Areas, Non-designated: "Natural areas" that have not been included in an RP or RC District pursuant to LOC Article 50.16.

Net Buildable Acre. The residentially designated land remaining in a gross acre of 43,560 square feet after the following areas have been deducted:

a. Area in street right-of-way, private street, or access easements, ~~except that the area of an access easement created by a minor partition shall not be deducted~~. For public street, use the actual acreage if known or 20% of the gross site area. For private street use actual acreage if known or 40 feet right-of-way. For access easement use actual acreage of easement.

b. Acreage in 100-year floodplain as shown on U.S. Army Corp of Engineers flood maps.

c. Acreage of over 25% slope.

d. Acreage in known landslide areas.

e. Acreage in stream buffer area of major stream corridors including wetlands located therein.

f. Acreage in public open space and parks.

Net Developable Acre. Gross acreage (at 43,560 square feet per acre) of residentially designated land, including Density Transfer Acreage, less the area in street right-of-way or access easements. For public streets, use the actual acreage if known or 20% of the gross acreage. For private streets use actual acreage if known or 40 foot right-of-way. For access easements use actual acreage of easement.

Net Loss (Wetland). A permanent loss of wetland area, functions, or values resulting from a development action after accounting for mitigation measures.

Non-Profit Use. A use operated by an organization, corporation or association that distributes no part of its income to its members, directors or officers.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile abutment, excavation, bridge, conduit, pole, culvert, building, wire, fence, fill, or projection into a floodplain, watercourse, or drainage system

Occupancy Classification. As defined in Section 501 of the Uniform Building Code, adopted pursuant to LOC Chapter 45.

Open Space. Land to remain in natural or landscaped condition for the purpose of providing a scenic, aesthetic appearance and/or protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation. Open space shall be permanently reserved by common ownership among the owners of a development, dedicated to the public, or by other appropriate means committed to use for the general public.

Oswego Lake. For purposes of LOC Article 50.44, Oswego Lake includes the main lake and all embayments and canals that have the same elevation as the main lake.

Outdoor lighting. Any hard wired, low-voltage or solar powered lighting system that is used in an exterior space.

Owner. Where used in relationship to real property, "owner" means the legal owner of record or, where there is a recorded land sales contract in effect, the purchaser there under.

Parking Area, Private. Property, other than streets and alleys, unless subject to such parking use by grant of a revocable permit by the City, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, patrons or owners of the property for which the parking area is required or allowed by Chapter 50 and not open for use by the general public.

Parking Area, Public. Property other than streets or alleys on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required for retail customers, patrons and clients.

Parking District. A district established for the purpose of planning and development of shared parking facilities which serve the whole district.

Parking, Tandem. The parking of a vehicle in front of or behind another vehicle which requires one of the vehicles to be moved in order for the other vehicle to enter or exit. Also called stacked parking.

Park Land. Public or private land providing for the active recreational needs of the community.

Park Lands. [Definition for Park and Natural Area Zone, LOC Article 50.13B, per Ord. 2462; 12/19/2006]. Lands that provide for protection of natural resources and/or developed for public active and passive recreational uses.

Partition. To divide an area or tract of land into two or three lots within a calendar year when such land exists as a unit or contiguous units of land under common ownership at the beginning of such year. "Partition" does not include adjustments of lot lines by relocation of a common boundary where no additional lots are created, and the resulting lots satisfy the minimum lot size allowed by this Code, nor foreclosure proceedings or sales exempted by the definition of "partition" in ORS Chapter 92.

a. Major Partition. A partition which includes the creation of a street.

b. Minor Partition. A partition that does not include the creation of a street.

Pathway. A public or private right-of-way for pedestrian or non-motorized traffic.

Patio. An impervious surface on the ground, excluding parking areas and pathways of 5 feet or less in width, used for several purposes, including leisure, social gatherings, etc.

Pavement, paving. As used in this standard, "Pavement" means Portland cement concrete, asphaltic concrete and modular masonry pavement systems. "Pavement" also includes pervious pavement systems such as those known by the proprietary names of Grasscrete or Geoweb, provided that the cells are filled with an aggregate material or vegetation.

Pedestrian/Bicycle Access, Convenient. Hard surfaced pedestrian/bicycle path.

Pedestrian Density. The ratio of pedestrians to sidewalk area is intended to encourage increased pedestrian density in order to promote retail use and provide community interaction.

Person. A natural person, his heirs, executors, administrators, or assigns; a firm, partnership, or corporation, association or legal entity, its or their successors or assigns; and any agent, employee or representative of any of the above mentioned.

Photometric Analysis Report. A report by a laboratory certified by the National Institute of Standards and Technology (NIST), describing the candela distribution, shielding type, luminance, and other characteristics of a specific luminaire.

Plat. A map, containing all the descriptions, locations, specifications, dedications, provisions or other information concerning a subdivision.

Practicable. Capable of being done after considering and balancing cost, existing technology, and logistics in light of overall project purposes.

Profile.

a. Utility. A "side view" of a proposed utility pipe or street showing grade, changes in grade, depth of pipe and vertical curves of streets.

b. Structure. A "side view" of a proposed structure showing the front building wall and roof line, from the front building line at the yard setback, to the highest point of the roof.

Public Building. Any building owned or used by a public governmental entity for the purpose of carrying out a public service, other than a public facility, but including public schools.

Public Facilities. Any and all onsite and offsite improvements to be accepted for ownership, maintenance and operation by the City, including but not limited to sanitary sewers, pump stations, water lines and hydrants, storm drain systems, streets, alleys, street lights, street name signs and traffic control signs and devices.

Public Facility, Major. Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility.

Public Facility, Minor. The following public service improvements or structures developed by or for a public agency:

a. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.

b. Sewer, storm drainage, or water system structures except treatment plants, reservoirs, or trunk lines, but including reconstruction of existing facilities, pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property.

c. Street improvements within existing development including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.

d. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or on public property.

e. School improvements which will not increase the capacity of the school nor create additional traffic or other impact on the surrounding neighborhood.

f. Park improvements which will not create additional motor or foot traffic impact on the surrounding neighborhood.

Public Service. Any service provided by a public agency including but not limited to power, water, streets, sewers, parks, recreation facilities, schools, police and fire protection. This term includes utilities provided by regulated utility companies such as telephone, gas and electric power.

Public Transportation Facilities. Those facilities that are associated with a transportation system, such as bridges, bus stops, transit centers, light rail, and similar facilities, but excluding public or private streets.

Qualified Professional. An individual who has proven expertise and vocational experience in a given natural resource field, as determined by the City Manager. A qualified professional may either be a consultant or a member of the City staff. The following types of expertise are applicable:

a. Streams. An individual such as a hydrologist or an engineer who has expertise in analyzing water quality and/or delineating stream corridor boundaries.

b. Tree Grove. An individual who has expertise in delineating or surveying tree grove drip lines such as a Certified Arborist, professional forester, engineer, architect, landscape architect, surveyor, or similarly qualified person.

c. Wetlands. An individual such as a wetland biologist or ecologist who has expertise in applying Federal and/or State-approved methods for wetland delineations and value assessments.

Ravine. A small, narrow valley with steep sides that is usually worn by running water. A ravine is larger than a gully.

Recreational Facilities.

1. Active Use Recreational Facilities. Facilities for recreational uses that tend to be more organized and/or that require a greater degree of site development and conversion of natural area, including sports fields, playground equipment, group picnic shelters, hard surfaced pathways, permanent restrooms, accessory parking lots and similar facilities.

2. Passive Use Recreational Facilities. Facilities for recreational uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft-surface trails, signs, pedestrian bridges, seating, viewing blinds, observation decks, handicapped facilities, drinking fountains, picnic tables, interpretive facilities, and similar facilities.

Recreational Vehicles. Towed or self-propelled vehicles such as motor homes, pickup campers and tent trailer campers, travel trailers, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reserved Area. Land to be kept free of buildings or other structures as a condition of development approval.

Residential Accessway. A strip of land intended for use by pedestrians and bicyclists that provides a direct route through single family residential development where the use of public roads would significantly add to the travel time and/or distance.

Residential Care Housing. A residential care housing facility houses and provides services for 6 or more persons who may have a range of physical and mental health problems, including chronic and debilitating conditions requiring assistance with daily activities. This term is synonymous with other terms such as “assisted living facilities” and “adult care housing” used to describe housing which provides the range of services described below.

Living units within residential care housing do not have cooking facilities. A range of services is provided including staff supervised meals, house keeping and personal care, medication supervision, recreation, cultural, social activities and transportation.

Residential care housing facilities may include housing for persons needing intermediate care. These are persons who do not require around-the-clock nursing, but who do need preventative care, therapies at levels less than continuous licensed nursing care or observation. Intermediate care emphasizes personal, social and emotional / mental health care, but involves the availability of 24 hour service with physicians and nurses in supervisory roles.

Skilled nursing services, including convalescent care, may be provided as an accessory and subordinate use in conjunction with residential care facilities.

The total allowed number of persons requiring skilled nursing care may be up to 25% of a residential care facility’s total occupant capacity.

Residential Turnaround. An area providing space for the maneuvering of a passenger vehicle in which the vehicle can make a 180 degree change in direction with a continuous forward movement, or no more than one backing movement.

Resource Conservation (RC) District Resource. A tree grove protected by an RC District Overlay Zone pursuant to LOC Article 50.16.

Resource Conservation Protection Area. The portion of an RC District resource identified pursuant to LOC 50.16.055.

Resource Enhancement. The modification of a resource or its functions and values to improve the quality or quantity of the resource. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for storm water detention and surface water management, changes in water quantity or quality, or similar improvements. A resource enhancement project must result in no loss of any resource functions or values, and the gain of at least one.

Resource Protection (RP) District Resource. A wetland or stream corridor protected by a RP District overlay zone pursuant to LOC Article 50.16.

Restoration Plant List. A list of plants appropriate for landscaping in resource areas that maintain the natural function and character of resource areas, provide food and shelter for native wildlife, are adapted to local soils and growing conditions, do not require fertilizers or pesticides that may be detrimental to the resource, or do not require long-term irrigation which can increase erosion and sedimentation. The Restoration Plant List shall be kept on file in the Planning Department.

Retention. The act of retaining or storing storm water, runoff permanently or for a considerable length of time for some use, or until it percolates into the ground or evaporates.

Reversed Frontage Lot. A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

Riparian Areas. Lands adjacent to rivers, streams, lakes, ponds, and other water bodies that are transitional between aquatic and upland zones and contain elements of both aquatic and terrestrial ecosystems. Such lands are characterized by high water tables, soils made up largely of water-carried sediments, and vegetation that requires free (unbound) water or conditions that are more moist than normal.

Road. See "Street".

Sanitary Sewer System. A system consisting of pipes, house service lines, manholes, cleanouts and other appurtenant structures provided for the conveyance of sewage to a place of treatment.

Secondary Dwelling Unit. A second dwelling unit, either attached or separate, located on a lot already containing a dwelling unit, which complies with LOC 50.30.010.

Security. A means of guaranteeing the performance of terms and conditions of a development permit.

Sedimentation. Deposition of boils, debris, or other materials suspended and transported by storm water runoff.

Sensitive Lands. Lands containing natural resources that have environmental significance within the Lake Oswego planning area (Urban Service Boundary) including wetlands, stream corridors, and tree groves. Such lands are more sensitive or easily damaged by development impacts than non-resource lands.

Service Lateral. A sewer pipe extending from a sewer line to the property line to provide service for the structure on that property.

Service Station. A commercial establishment which provides retail sale of motor fuel and oil for motor or marine vehicles, services batteries, furnishes repair and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing equipment capable of washing more than one car at a time, and at which accessory sales or incidental services are conducted.

Setback Line. The innermost line of any required yard or reserved area on a lot.

Shelters, Waiting. An area providing protection from weather, and visual access and physical proximity to arriving transit vehicles; may be as simple as an extended-overhang or protected entry or as elaborate as a separate structure complete with furniture.

Shielding:

- Directional. A luminaire designed to be aimed or pointed.
- Fully Shielded. A luminaire emitting no more than 0.5 percent of its luminous flux above the horizontal plane, including any luminaire rated "full cut off" according to IES RP-8-01.
- Shielded. A luminaire emitting no more than 2 percent of its total luminous flux above the horizontal plane, including any luminaire rated "cutoff" according to IES RP-8-01.
- Partly Shielded. A luminaire emitting no more than 10 percent of its total luminous flux above the horizontal plane, including any luminaire rated "semi-cutoff" according to IES RP-8-01.
- Unshielded. A luminaire that may emit its luminous flux in any direction (i.e., neither shielded nor partly shielded).

Silviculture. The care and cultivation of forest trees.

Skilled Nursing Facility. Skilled nursing facilities provide 24 hour direct medical, nursing and other health services. Registered nurses, licensed practical nurses, and nurses' aides provide services prescribed

by resident(s) physician(s). Skilled nursing is for those persons who need health supervision but not hospitalization. The emphasis of this use is on nursing care, but convalescent, restorative physical, occupational, speech, and respiratory therapies are also provided. The level of care may also include specialized nursing services such as specialized nutrition, rehabilitation services and monitoring of unstable conditions. The term skilled nursing facility is also synonymous with the terms nursing facility and nursing home.

Slope. Slope is measured by the following equation $S = E/D$, where S is the slope, E is the vertical elevation change from the highest point to the lowest point, and D is the horizontal distance from the highest point to the lowest point. [Cross-Reference: see Lot, Sloped.]

Specimen Tree. Particularly fine or unusual example of any tree specie, including smaller trees such as dogwood, cherry, or Japanese maple.

Steep Slope. A steep slope is an average slope of 25% or more, when measured from the front lot line to the most distant point of the building.

Standard Details. The set of detail drawings contained in the City of Lake Oswego's "Standard Construction Specifications and Drawings".

Start of Construction. Start of construction is meant to apply to new construction and substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date.

a. For new construction. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

b. For substantial improvement. The actual start means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storefront. The entrance facade of a building typically facing the street.

Storm Water Runoff. Water that results from precipitation which is not absorbed by the soil or plant material.

Storm Water Storage Area. A facility used for detention and/or retention of storm water runoff.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

Stream. Flowing surface waters that produce a definable channel or bed. Stream flows can be perennial, intermittent, or ephemeral. Streams do not include ditches, storm drains, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction or have come to function as natural water courses, thus contributing to the quality of an area's overall natural systems.

Notwithstanding the above "stream" definition, for purposes of LOC 50.41 (Drainage Standard for Major Development), stream shall mean a natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Stream Channel. A definable channel that demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and vegetated swales. A stream channel may be a bed with sloping banks or may be a swale with gradually sloping sides. In most cases there is a distinct grade break at the edge of the stream channel.

Stream Corridor. A stream corridor is an area of land that includes both a stream and the area ten feet on either side of the centerline of the stream and any area beyond ten feet that includes a set of natural features generally associated with the stream. See LOC Appendix 50.16.035 (1)(c). These natural features include, stream channels, flood plains, wetlands, riparian vegetation, associated vegetation, steep slopes, and habitat features. A stream corridor generally includes the following:

a. Hydrological Characteristics. Physical features that affect stream flow capacity, rates of channel erosion and patterns of sedimentation including but not limited to stream alignment, cross section and profile, roughness of channel and banks, and drainage patterns.

b. Plant Communities and Wildlife Habitat. The association of trees, shrubs, ground cover, and aquatic plants that affects the hydrological characteristics of a stream corridor, reduces runoff turbidity, provides shade which lessens thermal pollution, filters out nutrients carried by runoff, protects stream corridor soils and slopes from erosion, and provides habitat for fish, wildlife and aquatic organisms.

c. Soils with Potential for Severe Erosion. Soils within stream corridors tend to be very erosion-prone by nature. This feature affects channel erosion rates, patterns of sedimentation downstream, and potential for hazards to property within and adjacent to the stream corridor.

d. Ravines and Steep Slopes. Lake Oswego steam corridors frequently include ravines and steep slopes.

e. Associated Aquatic Elements. Floodplains and wetlands may be adjacent to or associated with the stream.

Stream Corridor Functions and Values. The beneficial characteristics of stream corridors, including, but not limited to:

- Protection of wildlife habitat and travel corridors;
- Protection of riparian vegetation;
- Erosion control;
- Flood and storm water control;
- Water quality enhancement;
- Open space, passive recreation, and visual enjoyment, and;
- Cultural, social, education and research values.

Stream, Perennial. A stream or part of a stream that flows continuously above ground during years of average or near-average rainfall, as a result of ground-water discharge or surface runoff.

Street. The entire width between the right-of-way lines of a public way capable of providing the principal means of access to abutting property.

Structural Alteration. A change to the supporting members of a structure including, but not limited to, foundation, bearing walls or bearing partitions, columns, beams, girders or the roof.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For purposes of LOC Article 50.44, a "structure" means a walled and roofed building and a gas or liquid storage tank.

Structure, Viable Existing.

- a. An existing structure that complies with LOC Article 50.65;
- b. A designated historic resource; or
- c. A structure that is not likely to be redeveloped due to use, size, recent construction or other similar factors (e.g. City Hall, Main Fire Station, Bank Building at northeast corner of 4th and A, building at northeast corner of 2nd and B).

Subdivide. To divide an area or tract of land into four or more lots within a calendar year, when such land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. For the purpose of computing the number of lots created, each lot created shall be counted as a separate lot notwithstanding the fact they are held in common ownership.

Substantial Improvement. For the purpose of LOC Article 50.44, a substantial improvement is any reconstruction, rehabilitation, addition, or other improvements to a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement.

Substantial improvement also means improvement to a structure that has been damaged or destroyed to a degree that the cost of repair or restoration would equal or exceed 50 percent of the market value of the structure before the damage or destruction occurred.

The term does not include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(See "Cross-Reference" for Substantial Improvement.)

Swale. A swale is a depression, sometimes swampy, in the midst of generally level land that conducts surface water.

Telecommunications Facilities. Facilities designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices. The following definitions apply to the regulation of telecommunications facilities:

a. Abandoned Facility. A transmission tower and/or ancillary facilities whose use has been discontinued for a period of at least six months.

b. Ancillary Facilities. The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, and ventilation and other mechanical equipment.

c. Antenna(e). An electrical conductor or group of electrical conductors that transmit or receive radio waves.

d. Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

e. Collocated Facility. A new attachment, antenna, or tower placed on existing suitable structures or the addition of new ancillary facilities to an existing transmission tower facility site.

f. New Facility. The installation of a new transmission tower. New attachments are not new facilities.

g. Pre-existing Towers and Pre-existing Antennas. Any tower or antenna constructed or approved pursuant to City standards in effect prior to the effective date of this ordinance.

h. Service Area. The vicinity around a telecommunications facility site that effectively receives signals from and transmits signals to the facility at the strength of signal required by the Federal Communications Commission.

i. Shadow. A geographic area that has less than adequate telecommunication service coverage.

j. Tower Footprint. The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members but excluding ancillary facilities and guy wires and anchors.

k. Tower Height. The vertical distance measured from the highest point on the transmission tower or other structure, including any antennae, to the original grade of the ground directly below this point.

l. Tower Pad. The area that encompasses the tower footprint, ancillary facilities, fencing and screening.

m. Transmission Tower. The guyed tower, lattice tower, monopole, or similar structure on which transmitting or receiving antennae are located. For purposes of this Code, ham radio transmission facilities are considered "aerials" and not "transmission towers".

i. Guyed Tower. A tower which is supported by the use of cables (guy wires) which are permanently anchored.

ii. Lattice Tower. A tower characterized by an open framework of lateral cross members which stabilize the tower.

iii. Monopole. A single upright pole, engineered to be self supporting and does not require lateral cross supports or guys.

Temporary Lighting. Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.

Temporary Structure. A structure used for one year or less.

Transit Facilities. Includes, but are not limited to, transit streets, transit stops, park and ride stations, multi-modal exchange stations, bus pullout lanes, multiple-passenger transit waiting shelters and furniture, and transit information stations.

Transit Oriented Development (TOD). A mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use.

Transit Oriented Features. Features to support a high level of transit use, such as sidewalks, accessways, bikeways, pedestrian and bicycle amenities, and walkways within developments.

Transit Service, Protected. Service which will be established within a 1/4 mile radius within five years after completion of development.

Transit Street. All streets designated by the Lake Oswego Comprehensive Plan as an arterial street and any street designated by Tri-Met as a bus route.

Transportation Project. A public or private road, street, sidewalk, pathway, bridge, tunnel, rail, or transit improvement designed to facilitate the movement of people or goods within the community. The term includes improvements for drainage, bank stabilization, and erosion control which are related to a transportation project.

Tree Grove. A stand of three or more trees (of the same species or a mixture) which form a visual and biological unit, including the area between the forest floor and the canopy, including skyline trees, and including any understory vegetation existing within the canopied area. A stand of trees must be at least 15 feet in height and must have a contiguous crown width of at least 120 feet to qualify as a tree grove.

a. Associated Tree Grove. A tree grove that is contiguous with the boundaries of a designated stream corridor or wetland and contributes to the resource value of the riparian area by extending and operating in conjunction with the habitat of the riparian area and providing flood control and water quality enhancement. Such tree groves are located within the buffer areas of a wetland or stream corridor but may extend beyond the buffer.

b. Isolated Tree Grove. A grove of trees that is not associated with a stream corridor or wetland as described in subsection (a) of this definition.

Uplands (or upland forests). The non-riparian portions of tree groves lying outside of stream corridors, wetlands, and their respective buffers.

Use, Accessory. Any use incidental, subordinate and consistent with the primary use on the same lot or in the same building, and which is consistent with the uses allowed in the zone in which it is located.

Use, Change of. A change of the activity on a site which results in a change in the number of parking spaces required by the parking and loading standard.

Use, Principal. The main or primary purpose for which land or a structure is arranged, designed or intended, or for which either land or a structure is, or may be, occupied or maintained.

Utility. For purposes of this Code, a utility is any person (as defined in this section) who is a local exchange carrier or an electric, gas, water, or other public utility, and who owns or controls poles, ducts, conduits, or rights of way used, in whole or in part, for any wire or cable communication.

Vanpool. A group of from seven to fifteen commuters, including the driver, who share the ride to and from work or other destination on a regularly scheduled basis.

Vegetation. All plant growth, especially trees, shrubs, mosses and grasses.

Walkway. A surfaced strip of land, legally accessible to the public, improved to accommodate pedestrian traffic.

Walls, Exterior. Any wall or element of a wall, or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degree or greater with the horizontal plane.

Water Bodies. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, ponds, and permanently or temporarily flooded lands which lie below the deep water boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered non-soil or the water may be too deep or otherwise unable to support emergent vegetation.

Water Conveyance Capacity. The capacity of a watercourse to convey a particular volume of water per unit of time at a particular water surface elevation at any particular point on the watercourse.

Watercourse. A natural or artificial channel which conveys storm water runoff.

Notwithstanding the above definition, for purposes of LOC Article 50.44, watercourse means a bed or channel of a riverine drainageway such as a river, stream, creek, or brook.

Water Courses. Water courses are defined as ephemeral, intermittent, and perennial drainageways which exhibit defined channels:

- a. Ephemeral means water courses which convey water associated with rainfall events.
- b. Intermittent means water courses whose conveyance of water is seasonal in nature.
- c. Perennial means water courses which convey water year-round.

Water courses also include perennial springs. They may be either the result of natural processes or human-made features such as canals, mill races, and open drainageways which are either historic in nature, or have come to function as natural water courses, thus contributing to the quality of an Area's overall natural systems including hydrology, vegetation, wildlife habitat. (See "watercourse" for purposes of LOC Article 50.41, Drainage Standard for Major Development and LOC Article 50.44, Flood Management Area.

Water Dependent Use. A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. Water dependent uses include, but are not limited to, boat houses, docks, decks, marinas, piers, boat lifts, or similar structures. A cabana is not a water dependent use.

Water Distribution System. A system consisting of underground pipes, house service lines, valves, hydrants, and other appurtenant structures provided for the transmission of potable water to its point of use.

Wetland. An Area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include but are not limited to swamps, marshes, bogs, and similar Areas.

a. Isolated Wetland. A wetland that is not linked or connected to an adjacent stream corridor, wetland, tree grove, or other wooded Area.

Wetland Functions and Values. The beneficial characteristics of wetlands, including but not limited to:

- a. Wildlife and plant habitat protection
- b. Protection of sensitive, threatened and endangered species
- c. Erosion control
- d. Flood and storm water storage
- e. Water quality enhancement
- f. Ground water recharge
- g. Open space, passive recreation, and visual enjoyment
- h. Cultural, social, educational, and research values

Wrecking Yard. Any premises used for the storage, dismantling or sale of either inoperable motor vehicles, trailers, machinery and/or building materials, or parts of such items.

Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Yard, Front. A yard, the front of which is the front lot line measuring at right angles toward the building the required distance or to the front exterior wall of the building.

Yard, Rear. A yard, measured at right angles from the rear lot line toward the building, the required distance.

Yard, Required. The area of land and space between a lot line and a setback line, whether the setback line is established by the terms of this Code or by an approval granted pursuant to this Code.

Yard, Side. A yard, measured at right angles from the side lot line toward the building, the required distance.

[Cross-References: Access (Access Development Standard): See LOC 50.57.010; Capacity (Utility Development Standard): See LOC 50.61.010; Cut or Excavation: See LOC 50.43.010; Design vehicle: See

LOC 50.58.010; Erosion: See LOC 50.43.010; Fill: See LOC 50.43.010; Increased use (On-Site Circulation Development Standard): See LOC 50.58.010; Mulch: See LOC 50.43.010; Old Town Styles: See LOC 50.66.010; Potential Severe Erosion Hazard Area: See LOC 50.43.010; Potential Severe Landslide Hazard Area: See LOC 50.43.010; Sediment: See LOC 50.43.010; Stripping: See LOC 50.43.010; Substantial Improvement (Flood Management): See LOC 50.44.045 for methods of calculating market value for flood management purposes; Village Character: See LOC 50.65.020.]

50.06.035 Lot Size, Density Transfer, and Maximum Floor Area Ratio (FAR).

1. The standards are as follows:
 - a. Lot area and maximum floor areas shall meet the standards of Table 50.06.035.

TABLE 50.06.035

Zone	Minimum Lot Area		Maximum FAR/Floor Area
	Minimum Area	Per Dwelling	
R-0	No minimum	No minimum	FAR: 1.2:1
R-2	No minimum	No minimum	FAR: 1.2:1
R-3	3,375 sq. ft.	3,375 sq. ft.	No maximum
R-5	5,000 sq. ft.	5,000 sq. ft.	See subsection (b) below Lot area 5,000 – 7,000 sq. ft.: .6:1 Lot area > 7,000 – 9,000 sq. ft.: .5:1 Lot area > 9,000 sq. ft.: .4:1
WR	3,375 sq. ft.	3,375 sq. ft.	No maximum

b. Residential development in the R-5 zone shall comply with the following maximum floor area standards:

i. For purposes of calculating maximum floor area for dwellings in the R-5 zone, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.

ii. Residential development shall not exceed the maximum floor area per lot as calculated by the following formulas:

(1) Lots 5,000 square feet and above: Maximum Floor Area per Lot = 2,850 square feet + [(actual lot size - 5,000 square feet) x 0.28] + a 500 square foot floor area allowance per residential unit providing a garage.

(2) Lots less than 5,000 square feet: Maximum Floor Area per Lot = 2,850 square feet + [(actual lot size - 5,000 square feet) x 0.48] + a 500 square foot floor area allowance per residential unit providing a garage.

2. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

3. For projects in all five zones which are reviewed for approval as planned developments, pursuant to LOC Article 50.17 and LOC Chapter 45, there is no required minimum lot area. Units may be placed on any portion of the site as long as the project complies with other requirements of this Code and LOC Chapters 45 and 50.

4. For projects on properties subject to an RP or RC District Designation, lot areas may be modified as provided in LOC 50.16.045.

5. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations up to a maximum of:
 - a. For lot sizes up to 10,000 square feet - 200 square feet.
 - b. For lot sizes greater than 10,000 square feet - 400 square feet.

50.06.040 Lot Coverage.

1. Lot coverage shall not exceed the maximums set forth in Table 50.06.040, below:

TABLE 50.06.040
Maximum Lot Coverage

Maximum Lot Coverage			
Zone	Dwelling Type	Maximum Lot Coverage	
R-0		40%	
R-2	Single family detached	35%	
	Single family attached	55%	
	Row House	55%	
	Duplex	55%	
	Other Structures	50%	
R-3		50%	
R-5	Single family detached:- ≤ 22 feet in height	45%	
	Single family detached:- > 22 feet in height	35%	
	Single Family detached	<u>Height (ft.)</u>	<u>Maximum Lot Coverage (%)</u>
		22 or less	45%
		>22 to 25	42%
		>25 to 28	38%
		>28 to 30	35%
	>30	35%	
Single Family attached	50%		
Other Structures	50%		
WR		100%	

2. The floor area of a garage area shall be exempt from lot coverage calculations:
 - a. Ground floor area of detached garage:
 - i. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - ii. For lots greater than 10,000 square feet in area - up to 400 square feet.
 - b. Floor area of attached garage located at the rear of the primary structure or for side-loading garages - up to 200 square feet.
3. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations:
 - a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.

50.06.050 Yard Setbacks, Buffers.

1. a. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required in the R-0, R-3 and R-5 zones:

Structure Type	Front	Side	Rear
Attached Dwelling	10 ft.	10 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Detached Dwelling			
≤ 18 feet in height	20 ft.	5 ft.	20 ft.
> 18 feet in height	20 ft.	10 ft.	20 ft.
Other Structures	10 ft.	10 ft.	10 ft.

b. Except as otherwise provided in this section or LOC 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required in the R-2 zone:

Structure Type	Front	Side	Rear
Duplex Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Zero-lot line Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Row house Dwelling	10 ft.	7 ft. (exterior wall) 0 ft. (attached wall)	10 ft.
Detached Dwelling	20 ft.	[see subsection (1)(c)]	20 ft.
Other Structures	10 ft.	10 ft.	10 ft.

c. Side yard Setbacks for Detached Structures in R-2 Zone:

- i. Single story structures: 5 feet
- ii. Multi-story structures: 15 feet cumulative, 5 feet minimum on a side [but see subsection

(1)(d)].

d. A multi-story detached structure in the R-2 Zone may have a smaller cumulative side yard setback than required in subsection (1)(c)(ii) where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the side building line by at least four feet on each side.

2. Structures shall be setback from a street right-of-way line a minimum of 10 feet, or such greater distance not to exceed the height of the principal structure necessary to accommodate off street parking or provide visual or sound buffering from arterial and collector streets.

3. The Development Review Commission may increase required setbacks as necessary to achieve compliance with the Development Standards.

4. a. Where a lot zoned R-0, 3 or 5 abuts a lot with a zone other than R-0, 3 or 5, a setback shall be established on the lot zoned R-0, 3 or 5 of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5.

b. Where a lot zoned R-2 abuts a lot in the R-6, R-7.5, R-10 or R-15 zone, the setback of the abutting yard on the lot zoned R-2 shall be the setback required for such yard in the abutting lower density zone.

5. When a new development or the expansion or reconstruction of an existing development occurs in a R-0, 3 or 5 zone which abuts an existing less intensive residential use, a setback shall be established on the lot zoned R-0, 3 or 5 of a depth of at least the height of the principal building on the lot zoned R-0, 3 or 5.

6. There are no setbacks required in the WR zone, subject to compliance with LOC Chapter 45 Building Regulation requirements.

7. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances and physical site or solar access limitations. Street access should be local streets.

8. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.

9. Special Setbacks for Steeply Sloped Lots. Where the average lot slope is 25% or more, the minimum required front yard setback for detached dwellings shall be 18 feet.

50.06.055 Height of Structures.

1. Projects > 1/2 Acre.

a. On a lot or lots developed as one project of 1/2 acre or greater in total area for the R-0 and R-3 zones or for attached development in the R-5 zone, the structure height may average 40 feet over the project lot(s) with no individual structure exceeding 50 feet.

b. On a lot or lots being developed as one project of 1/2 acre or greater in total area for the R-2 zone, the structure height may average 32 feet over the project lot(s) with no individual structure exceeding 35 feet.

2. Except as provided in subsection (1)(a) above and (5) below, the base height of a structure in the R-0, R-2, R-3 and R-5 zone shall not exceed:

a. Flat Lots - 28 feet; on flat lots

b. Lots with Sloping Topography - Maximum base height across the site shall be established by a flat plane measured at 28 feet above the highest point on the natural grade within the building envelope, except that in no case shall the base height be greater than 32 feet above the natural grade. See LOC Appendix 50.07.030 (3).

c. Sloped Lots - or 35 feet; on sloped lots. Examples of permitted exceptions are illustrated in Appendix 50.06-A.

3. In the R-0, R-3 or R-5 zones, a structure shall not exceed a the base height of 28 feet on flat lots or 35 feet on sloped lots standards set forth in subsection (2) above in the R-0, R-3 or R-5 zones if the structure is closer than 60 feet to a lot carrying a residential designation other than R-0, R-3 or R-5.

4. No structure in the WR zone can exceed 24 feet in height. Height is measured from the mean water level surface (elevation 98.6) of the water.

5. Exceptions to Maximum Base Building Height. A greater height than otherwise permitted is allowed:

a. Single family dwellings - building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum underlying zone code standards provided in subsections 1 and 2 above; or

b. Any structure - for roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:

i. Do not extend more than 6 feet above the maximum specified base height;

ii. Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and,

iii. Do not, in total, cover more than 20% of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

Examples of permitted exceptions to base height are illustrated in LOC Appendix 50.06-A.

[Cross-References: Height Limitation: See also LOC 50.45.010 (1)(a) for non-single-family dwellings; Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas.]

50.06.060 Structure Design – R-0, R-2, R-3, and R-5 Zones.

1. Applicability. The structure design standards of this section shall apply to the following types of development within the R-0, R-2, R-3, and R-5 Residential Zones:

- Detached single family dwellings;
- Zero lot line dwellings;

- Duplexes; and
- Structures that are accessory to the development types listed above.

12. Street Front Setback Plane in the R-5 Zone.

a. Front Setback Plane. Except as set forth in LOC 50.06.060 (2)(c), The front profile of a structure that fronts on a street shall fit behind a plane that starts at the front yard setback line (front yard or side yard abutting a street) and extends upward, to 20 feet in height, then slopes toward the rear center of the lot at a minimum slope of 6:12, up to the maximum allowed 28 feet in height at the peak highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street-front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard - 6:12 slope,
- ii. Side yard abutting a street - 12:12 slope

b. Exceptions to the street-front setback plane. Any individual roof form may penetrate the street-front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two or more separate and distinct roof forms, such as dormers, may project into the street-front setback plane if they are less than one-half of the total structure width at 20 feet in height.

c. Street Front Setback Plane on Sloped Lots.

i. Down Slope (Steeply sloped lots, sloping downhill away from the street). On sloped lots where the average elevation of the ground surface at the front setback line is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-I.

ii. Upslope. (Steeply sloped lots, sloping uphill away from the street). On sloped lots that rise up in elevation from the street or right-of-way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the street front setback plane shall be determined as follows: the front profile of a structure shall fit behind a plane that starts at the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the average lot slope for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.06.055. The standard is illustrated in LOC Appendix 50.07-K.

3. Side Yard Setback Plane - Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-D.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback plane if they are less than one-half of the structure length.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required. [Cross-Reference: See LOC 50.02.005, Lot, Steeply Sloped.]

24. Side Yard Appearance and Screening. At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street. When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes

of 500 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements;

and

ii. Walls shall include a roof eave overhang of 16 inches or greater; and

iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

ii. To use the screening option, the following standards must exist or be provided:

(1) A minimum distance of 15 feet between dwellings.

(2) Columnar tree species shall be used when the setback is less than 10 feet.

(3) Root barrier techniques shall be used to avoid root growth damage to foundations.

5. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.06.060 (4), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30-square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

6. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot line. See LOC Appendix 50.07-H.

50.06.065 Garage Appearance and Location.

1. Except when a garage is located behind the primary structure or the garage is side or rear loading, as shown in Appendix 50.02-C, the garage appearance and location standards of this section shall apply to the following types of development within the R-0, R-2, R-3, and R-5 Residential Zones:

- Detached single family dwellings;
- Zero lot line dwellings; and

- Duplexes.

~~In the R-5 zone, the following standards apply, except when a garage is located behind the primary structure or the garage is side or rear loading, as shown in Appendix 50.02-C:~~

A2. The garage shall comply with subsections (a)-(c) below:

ia. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (1)(e4) below are met. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004 in the R-5 zone, and [INSERT EFFECTIVE DATE OF THIS ORDINANCE], in the R-0, R-2, and R-3 zones.

ib. Either:

i. Not occupy more than 60% of the width of the front facade of the structure; or
ii. For duplexes and zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the structure when the following criteria are satisfied:

(1) The lot width of the lot upon which the duplex is located or the combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and

(2) The total combined width of all garage doors does not exceed 36 feet; and

(3) Living area is provided above the garage. The front façade of the living area must have fenestration that is not less than 20% of the facade; and

(4) One or more of the following is provided:

A. Pergolas or trellises are provided across the entire front of the garage; or

B. A covered porch occupies at least 25% of the façade; or

C. An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate (see LOC Appendix 50.06.065 (2)(b)(ii)(4)(C)); and

(5) If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

iiic. Minimize the appearance of the garage by complying ~~Comply~~ with at least two of the following standards, to minimize the appearance of the garage:

Ai. Set the garage an additional two feet further from the front property line than the facade of the dwelling;

Bii. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

Ciii. Any individual garage door may not exceed 50% of the width of the façade of the structure dwelling and garage facade, or in the case of duplexes and zero lot line dwellings, 50% of the width of the combined façade of the dwellings and garages. Any garage opening width beyond 50% of the primary structuredwelling and garage width must be set back at least 2 feet further from the front property line than the facade of the other garage openingvolume;

Div. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

B3. Multiple Garage Opening Setbacks. In any instance where a garage or a set of adjacent garages is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.

E4. Exceptions. The standards in subsections (12)(a) and (12)(b) shall not apply in any one of the following circumstances:

ia. Where the average slope of a parcel exceeds 20%,

ib. Where the width of a parcel is less than 50 feet, or

iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.

25. When a side-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

36. For garages located at the rear of the primary structure or for side-loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.

[Cross-Reference: See West Lake Grove Design District for West Lake Grove WL:G: OC/R-2.5; OC/NC, R-2.5 and R-2.5/W Zones.]

50.07.025 Yard Setbacks.

1. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following minimum yard setbacks are required for development in the R-6 zone.

Primary and Accessory Structures		Primary Structures		Accessory Structures		
Front Yard	Side Yard Adjacent to a Street	Other Side Yards		Rear Yard	Side and Rear Yards	
		Portions of Structures ≤ 18 feet in height	Portions of Structures > 18 feet in height		Structure ≤ 18 feet in height	Structure > 18 feet in height
20 feet	20 feet on arterial and collector, 10 feet on local streets	5 feet	5 feet minimum width on a side, 15 feet cumulative; except as provided in subsection (3) of this section.	20 feet	5 feet	Side—Same as for primary structure Rear—10 feet
					Garages—See LOC 50.07.047 for setback requirements for garages	

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<u>R-6 Minimum Yard Setbacks</u>				
	<u>Primary Structures</u>	<u>Accessory Structures < 600 sq. ft. and with walls < 10 ft. in height below the eave</u>	<u>Other Accessory Structures</u>	<u>Garage-Vehicle Opening (Also see LOC Section 50.07.047, Garage Appearance and Location)</u>
<u>Front</u>	<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>15 feet behind the front building line of the house (excluding a porch)</u>
<u>Side Adjacent to a Street</u>	<u>Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure</u>	<u>Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure</u>	<u>Arterial/Collector: 20 feet Local: 7.5 feet provided there is no less than 20 feet between the road surface and the structure</u>	<u>Arterial/Collector: 20 feet Local: 15 feet</u>
<u>Side</u>	<u>7.5 feet</u>	<u>5 feet</u>	<u>7.5 feet</u>	<u>7.5 feet</u>
<u>Rear</u>	<u>15 feet</u>	<u>5 feet</u>	<u>15 feet</u>	<u>15 feet</u>

2. A projecting covered front porch may extend into the front yard setback up to 6 feet.

3. A multi-story structure may have a smaller side yard setback than required in subsection (1) of this section where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the side building line by at least four feet on each side.

43. Eaves, bay windows, chimneys and other decorative features that do not expand the plane of the primary exterior wall may extend into the yard setback areas as long as minimum fire code distances are met.

4. Primary and accessory structures built before [INSERT EFFECTIVE DATE OF THIS ORDINANCE], are subject to the following minimum side yard setbacks:

<u>Primary and Accessory Structures Built Before [INSERT EFFECTIVE DATE OF THIS ORDINANCE], or Additions to Those Structures</u>	
<u>Structures < 18 feet in height:</u>	<u>Structures > 18 feet in height:</u>
<u>5 feet</u>	<u>5 feet minimum width on a side, 15 feet cumulative, except a multi-story structure may have a smaller side yard setback than required by this section where the ground floor is setback a minimum of 5 feet and the remainder of the structure is stepped back from the building line by at least four feet on each side.</u>

50.07.030 Height of Primary Structures.

1. Base~~Maximum~~ Height. Primary structures shall not exceed 28 feet in height on a flat lot or 35 feet on a sloped lot, except as otherwise specified in subsections (2) or (3) below.

2. Exceptions to the Base Maximum Building Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:

- a. Do not extend more than 6 feet above the maximum specified base height;
- b. Do not, in total, exceed one-third of the width of the building for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections, as measured on any elevation drawing; and
- c. Do not, in total, cover more than 20% of the roof area on which they are located, as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

Examples of permitted exceptions are illustrated in LOC Appendix 50.06-A.

3. Height Adjustment for Sloping Topography. Base building height across the site shall be established by a flat plane measured at 28 feet above the highest point of the natural grade within the building envelope, except that in no case shall the base height be greater than 32 feet above the natural grade. See LOC Appendix 50.07.030 (3).

[**Cross-References:** Accessory Structure Height: see LOC 50.07.045, Accessory Structures; Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas.]

50.07.035 Lot Coverage/Floor Area Ratios.

1. Lot coverage and floor area ratios in the R-6 zone shall not exceed the lot coverage and floor area standards found in Table 50.07.035 below:

TABLE 50.07.035

Lot Coverage in the R-6 Zone									
<u>Lot size in sq. ft.</u>	Base Height of Structure at Highest Grade								
	<u>20' or less</u>	<u>>20' to 21'</u>	<u>>21' to 22'</u>	<u>>22' to 23'</u>	<u>>23' to 24'</u>	<u>>24' to 25'</u>	<u>>25' to 26'</u>	<u>>26' to 27'</u>	<u>>27'</u>
<u>7,000 or less</u>	<u>45%</u>	<u>43%</u>	<u>42%</u>	<u>40%</u>	<u>38%</u>	<u>36%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>>7,000 - 8,500</u>	<u>36%</u>	<u>36%</u>	<u>36%</u>	<u>36%</u>	<u>36%</u>	<u>36%</u>	<u>35%</u>	<u>34%</u>	<u>33%</u>
<u>>8,500 - 10,000</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>34%</u>	<u>33%</u>	<u>32%</u>	<u>31%</u>	<u>30%</u>
<u>>10,000 - 11,500</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>33%</u>	<u>31%</u>	<u>30%</u>	<u>29%</u>	<u>28%</u>	<u>27%</u>
<u>>11,500</u>	<u>35%</u>	<u>34%</u>	<u>33%</u>	<u>30%</u>	<u>28%</u>	<u>27%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>

For purposes of regulating lot coverage in relation to building height, base building height shall be established by a flat plane measured from the highest point of the natural grade within the building envelope, provided that the height is no more than four feet higher than the base height listed in Table 50.07.035.

TABLE 50.07.035

Lot Size (Square Feet)	Maximum Lot Coverage*		Maximum Floor Ratio Area*
	Primary Dwelling ≤ 22 feet in height	Primary Dwelling > 22 feet in height	
< 6,000	45%	35%	50
≥ 6,000 < 7,000	44%	34%	48
≥ 7,000 < 8,000	43%	33%	46
≥ 8,000 < 9,000	42%	32%	44
≥ 9,000 < 10,000	41%	31%	42
≥ 10,000 < 11,000	40%	30%	40
≥ 11,000 < 12,000	39%	29%	38
≥ 12,000 < 13,000	38%	28%	36
≥ 13,000 < 14,000	37%	27%	34
≥ 14,000 < 15,000	36%	26%	32
≥ 15,000	35%	25%	30

*Floor Area in a basement that does not meet the definition of a story, shall be excluded from floor area calculations.

- 2. FAR for uses other than single family dwellings and their accessory uses shall be as follows:
 - a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.
 - b. The FAR for other non residential uses shall be no greater than 1:1.
- 32. Decks less than 5 feet above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from lot coverage and FAR calculations.
- 43. No more than 60% of the lot may be covered with impervious surfaces
- 54. Provided it is the only garage on the site, the ground floor area of a detached garage area shall be exempt from lot coverage calculations:
 - a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.
- 65. Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from floor area calculations:
 - a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.

50.07.037 Maximum Floor Area.

- 1. For purposes of calculating maximum floor area for dwellings in the R-6 zone, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.
- 2. The maximum floor area per lot in the R-6 zones shall not exceed the floor area calculated according to the following formula:

$$\text{Maximum Floor Area per Lot} = 2750 \text{ square feet} + [(\text{actual lot size} - 6000 \text{ square feet}) \times 0.19] + \text{a } 500 \text{ square foot floor area allowance per residential unit providing a garage.}$$
- 3. Floor area for uses other than outright permitted residential development and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall not exceed 1:1.

4. Decks less than 5 feet above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from floor area calculations.

5. Provided only one garage is provided, habitable areas of detached accessory structures that would normally be counted as floor area for purposes of floor area calculations, shall be exempt as follows in the floor area calculations:

a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.

b. For lots greater than 10,000 square feet in area - up to 400 square feet.

50.07.040 Structure Design.

1. Roof Design. The minimum roof pitch for primary roof forms of a single family dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single family dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays may be flat or shed roof types (See Appendix 50.07-A).

2. Front Porch Required. All new dwellings shall include a covered front porch a minimum width of 50% of the building width at the front building line and six feet deep. Porch supports shall be provided and shall be wood or masonry or a solid material with the appearance of wood or masonry.

3. Street Front Setback Plane.

a. Except as set forth in LOC 50.07.040 (3)(c), The front profile of a structure that fronts on a street shall fit behind a plane that starts at the front-yard-setback line (front yard or side yard abutting a street) and extends upward to 20 feet in height, then slopes toward the rear-center of the lot at a slope of 6:12, up to 28 feet in height at the peak, highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street-front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

i. Front yard - 6:12 slope.

ii. Side yard abutting a street - 12:12 slope.

This requirement shall not apply to flag lots.

b. Exceptions to the street-front setback plane. Any individual roof form may penetrate the street-front setback plane if it is less than one-third of the total-structure width-at-20 feet in height. Two or more separate and distinct roof forms, such as dormers, may project into the street-front setback plane if they are less than one-half of the total-structure width-at-20 feet in height. See LOC Appendix 50.07-D.

c. Street front setback Plane on Sloped Lots.

i. Down Slope (Steeply sloped lots sloping downhill away from the street). On sloped lots where the average elevation of the ground surface at the setback line fronting a street is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-J.

ii. Upslope. (Steeply sloped lots, sloping uphill away from the street). On sloped lots that rise up in elevation from the street or right-of-way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the street front setback plane shall be determined as follows: the front profile of a structure shall fit behind a plane that starts at the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the average lot slope for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.07.030. The standard is illustrated in LOC Appendix 50.07-K.

4. Side Yard Setback Plane - Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-E.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback if they are less than one-half of the structure length.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required. [Cross-Reference: See LOC 50.20.005, Lot, Steeply Sloped.]

45. Maximum Side Yard Plane Side Yard Appearance and Screening.

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

ai. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from neighboring properties or a side street. When the side elevation of a primary structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure, that projects or recedes at least two feet from the adjacent plane, for a length of at least 6 feet.

bii. The maximum side yard plane may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements;

and

ii. Walls shall include a roof eave overhang of 16 inches or greater; and

iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

ii. To use the screening option, the following standards must exist or be provided:

(1) A minimum distance of 15 feet between dwellings.

(2) Columnar tree species shall be used when the setback is less than 10 feet.

(3) Root barrier techniques shall be used to avoid root growth damage to foundations.

6. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.07.040 (5), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30-square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

7. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot line. See LOC Appendix 50.07-H.

50.07.047 Garage Appearance and Location.

1. Garages. In addition to compliance with LOC 50.07.025 (accessory structure setback requirements) and 50.07.045, a garage shall comply with the following requirements:

a. Garages shall be accessed from an alley, if available. If a property is located on a corner lot, garages may also be accessed from the street that abuts the side of the primary dwelling when the following criteria are met:

- i. The garage is located between the primary structure and the alley,
- ii. The garage is set back a minimum of 15 feet from the side street property line, and
- iii. The garage is set back a minimum of 2 feet from a line extended from the side elevation of the primary dwelling to the rear lot line, and behind the primary structure. See Appendix 50.07-B.

b. For interior lots, garages shall be located so that the garage is set back a minimum of 15 feet behind the front building line of the house (excluding a porch). See Appendix 50.07-B.

c. When a side or rear-loading garage wall is exposed to the street or abutting property, the front or side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

d. Where no alley access is available, the garage shall either:

- i. Not occupy more than 60% of the width of the facade of the structure, or
- ii. For zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the structure when the following criteria are satisfied:

(1) The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and

(2) The total combined width of all garage doors does not exceed 36 feet; and

(3) Living area is provided above the garage. The front façade of the living area must have fenestration that is not less than 20% of the facade; and

(4) One or more of the following is provided:

A. Pergolas or trellises are provided across the entire front of the garage; or

B. A covered porch occupies at least 25% of the façade.

(5) If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

2. This section shall not apply to secondary dwelling units, which shall be governed by the requirements for the primary structure and LOC 50.30.010.

50.08.030 Yard Setbacks.

1. Except as otherwise provided in this section, LOC 50.16.040, 50.22.010, 50.22.025, 50.22.030, or 50.22.035, the following yard setbacks are required for in each zone:

Zone	Primary and Accessory Structures		Primary Structures		Accessory Structures		
	Front Yard	Side Yard Adjacent to a Street	Other Side Yards	Rear Yard	Side and Rear Yards		
			Portions of Structures ≤ 18 feet in height	Portions of Structures > 18 feet in height		Structure ≤ 18 feet in height	Structure > 18 feet in height
R-7.5	25 feet	20 feet on arterial and collector, ±0 15 feet on local streets	5 feet min. width, total combined width 15 feet	10 feet	30 feet	5 feet, side 10 feet, rear	10 feet, side 15 feet, rear
R-10	25 feet	20 feet on arterial and collector, 15 feet on local streets	10 feet	15 feet	30 feet	10 feet, side 15 feet, rear	15 feet
R-15	25 feet	20 feet on arterial and collector, 15 feet on local streets	10 feet	15 feet	30 feet	10 feet, side 15 feet, rear	15 feet

2. Zero lot line units must comply with all required setbacks except for the area of the common wall or walls.

3. Setbacks for a planned development will be determined at the time of review pursuant to LOC Article 50.17. The maximum setback that can be required is 35 feet.

4. Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

5. Setbacks required by this section may be reduced pursuant to the provisions of LOC 57.06.090 without the need to receive a variance pursuant to this Code.

6. Special Setbacks for Steeply Sloped Lots. Where the average lot slope is 25% or more, the minimum required front yard setback for detached dwellings shall be 18 feet.

50.08.035 Height of Structures.

1. ~~Primary structures shall not exceed the following maximum heights:~~Maximum Base Height. Except as provided in subsection (2) below, a primary structure shall not exceed the following maximum base heights:

Zone	Maximum Base Height		
	Flat Lot	Lot with Sloping Topography	Sloped Lot
R-7.5	28 feet	32 feet*	35 feet
R-10	30 feet	34 feet*	35 feet
R-15	35 feet	35 feet	35 feet

*Lots with Sloping Topography – Maximum base height across the site shall be established by a flat plane measured at 28 feet (R-7.5 zone) or 30 feet (R-10 zone) above the highest point of the natural grade within the building envelope, except that in no case shall the base height be greater than 32 feet (R-7.5 zone) or 34 feet (R-10 zone) above the natural grade. See LOC Appendix 50.07.030 (3).

2. Exceptions to Maximum Building Height. A greater height than otherwise permitted is allowed for:

a. Single family dwellings – Base building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the minimum code standards provided in subsection 1 above; or

b. Any structure - roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:

i. Do not extend more than 6 feet above the maximum specified base height;

ii. Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and,

iii. Do not, in total, cover more than 20% of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

Examples of permitted exceptions are illustrated in Appendix 50.06-A.

[Cross-References: Accessory Structure Height: see LOC 50.08.050, Accessory Structures; Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: see LOC 50.22.015, General Exception to Structure Height Limitations.]

50.08.040 Lot Coverage and Floor Ratio Area (FAR).

1. ~~Lot coverage shall not exceed 35% for a primary structure ≤ 22 feet in height or 25% for a primary structure > 22 feet in height, except:~~

a. As set forth in LOC Article 50.30;

b. Lot coverage shall not exceed 30% for a school built to accommodate at least 100 students and that has at least two grades within the range of K-12;

c. Lot coverage shall not exceed 30% for a mixed use development that includes a school built to accommodate at least 100 students and that has at least two grades within the range of K-12;

and as otherwise specified in this section, the maximum lot coverage shall be established based on the following table:

///

///

TABLE 50.08.040
Maximum Lot Coverage – R-7.5, R-10, and R-15

Height (ft.) of primary structure	Maximum Lot Coverage (%)		
	R-7.5	R-10	R-15
22' or less	35 %	35 %	35 %
>22' to 23'	33 %	34 %	34 %
>23' to 24'	30 %	32 %	33 %
>24' to 25'	28 %	30 %	32 %
>25' to 26'	25 %	28 %	30 %
>26' to 27'	25 %	27 %	29 %
>27' to 28'	25 %	25 %	28 %
>28' to 29'	25 %	25 %	27 %
>29' to 30'	25 %	25 %	25 %
>30' to 31'	25 %	25 %	25 %
>31' to 32'	25 %	25 %	25 %
>32' to 33'	25 %	25 %	25 %
>33' to 34'	25 %	25 %	25 %
>34'	25 %	25 %	25 %

2. Floor ratio areas shall not exceed the standards as shown in Table 50.08.040 below:

TABLE 50.08.040

Lot Size ¹ (Square Feet) ²	Maximum Floor Area Ratio (FAR) ³		
	R-7.5 ⁴	R-10 ⁴	R-15 ⁴
<5,000 ⁵	.6 ⁶	.6 ⁶	.6 ⁶
≥5,001 <6,000 ⁵	.55 ⁶	.55 ⁶	.55 ⁶
≥6,000 <7,000 ⁵	.5 ⁶	.5 ⁶	.5 ⁶
≥7,000 <8,000 ⁵	.45 ⁶	.45 ⁶	.45 ⁶
≥8,000 <9,000 ⁵	.4 ⁶	.4 ⁶	.44 ⁶
≥9,000 <10,000 ⁵	.39 ⁶	.4 ⁶	.43 ⁶
≥10,000 <11,000 ⁵	.38 ⁶	.4 ⁶	.42 ⁶
≥11,000 <12,000 ⁵	.37 ⁶	.39 ⁶	.41 ⁶
≥12,000 <13,000 ⁵	.36 ⁶	.38 ⁶	.4 ⁶
≥13,000 <14,000 ⁵	.35 ⁶	.37 ⁶	.39 ⁶
≥14,000 <15,000 ⁵	.34 ⁶	.36 ⁶	.38 ⁶
≥15,000 <16,000 ⁵	.33 ⁶	.35 ⁶	.37 ⁶
≥16,000 <17,000 ⁵	.32 ⁶	.34 ⁶	.36 ⁶
≥17,000 <18,000 ⁵	.31 ⁶	.33 ⁶	.35 ⁶
≥18,000 <19,000 ⁵	.30 ⁶	.32 ⁶	.34 ⁶
≥19,000 <20,000 ⁵	.29 ⁶	.31 ⁶	.33 ⁶
≥20,001 ⁵	.28 ⁶	.3 ⁶	.32 ⁶

3. In cluster developments, lot coverage requirements may be applied with reference to the project as a whole and not on a lot by lot basis.

4. The floor area of a garage area shall be exempt from lot coverage calculations:

- ~~a. Ground floor area of detached garage:

 - ~~i. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.~~
 - ~~ii. For lots greater than 10,000 square feet in area - up to 400 square feet.~~~~
- ~~b. Floor area of attached garage located at or rear of the primary structure or for side-loading garages - up to 200 square feet.~~
- ~~2. The garage footprint, including any area directly above or below the garage, shall be exempt from lot coverage as provided below:

 - ~~a. (i) rear- or side-loading, or~~
 - ~~(ii) located 20 feet or more back from the closest point of the dwelling to the front lot line, or~~
 - ~~(iii) in case of corner lots, 20 feet or more back from the closest point of the dwelling to the front and street side lot lines - up to cumulative maximum 200 square feet.~~
 - ~~b. A detached garage that meets subsection (a) above and the lot is greater than 10,000 square feet in area - up to cumulative maximum 400 square feet.~~~~
- ~~5. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations:

 - ~~a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.~~
 - ~~b. For lots greater than 10,000 square feet in area - up to 400 square feet.~~~~
- ~~6. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

 - ~~a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.~~
 - ~~b. The FAR for other non-residential uses shall be no greater than 1:1.~~~~

50.08.042 Maximum Floor Area.

- 1. For purposes of calculating maximum floor area for dwellings in the R-7.5, R-10, and R-15 zones, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.
- 2. The maximum floor area per lot in the R-7.5, R-10, and R-15 zones shall not exceed the floor area calculated according to the formula included in Table 50.08.042.

TABLE 50.08.042

<u>Maximum Floor Area per Lot</u>			
<u>Base Floor Area Calculation</u> <u>(dependent on lot size)</u>		<u>Bonus Floor Area (based on zone)</u>	
		<u>Additional floor area allowance per residential unit providing a garage</u>	<u>Zone</u>
<u>3000 square feet +</u> <u>(actual lot size - 5800 square feet) x 0.19]</u>	±	<u>600 sq. ft.</u>	<u>R-7.5</u>
		<u>750 sq. ft.</u>	<u>R-10</u>
		<u>850 sq. ft.</u>	<u>R-15</u>

- 3. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations:

 - a. For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
 - b. For lots greater than 10,000 square feet in area - up to 400 square feet.
- 4. Maximum floor area for uses other than single family dwellings and their accessory uses shall be as follows:

 - a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

50.08.045 Structure Design.

1. Street Front Setback Plane.

a. Except as set forth in LOC 50.08.045 (1)(c), the front profile of a structure that fronts on a street shall fit behind a plane that starts at the front yard setback line (front yard or side yard abutting a street) and extends upward to 20 feet in height, then slopes toward the rear center of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak highest point of the roof, as illustrated in LOC Appendix 50.07-C. The slope of the street front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard – 6:12 slope,
- ii. Side yard abutting a street – 12:12 slope.

b. Exceptions to the street front setback plane. Any individual roof form may penetrate the street front setback plane if it is less than one-third of the total structure width at 20 feet in height. See LOC Appendix 50.07-D. Two or more separate and distinct roof forms, such as dormers, may project into the street front setback plane if they are less than one-half of the total structure width at 20 feet in height.

c. Street Front Setback Plane on Sloped Lots.

i. Down Slope (Steeply sloped lots sloping downhill away from the street). On sloped lots where the average elevation of the ground surface at the setback line fronting a street is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in LOC Appendix 50.07-I. For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in LOC Appendix 50.07-J.

ii. Upslope. (Steeply sloped lots, sloping uphill away from the street). On sloped lots that rise up in elevation from the street or right-of-way and where the average lot slope is 25% or more as measured from the lot line abutting a street to the most distant point of the dwelling, the street front setback plane shall be determined as follows: the front profile of a structure shall fit behind a plane that starts the setback line fronting a street and extends upward, to 24 feet in height, then slopes toward the center of the lot at a slope equal to the average lot slope for a horizontal distance of ten feet, at which point the structure may rise to the maximum allowed height for the lot as set forth in LOC 50.08.035. The standard is illustrated in LOC Appendix 50.07-K.

2. Side Yard Setback Plane – Interior Yards.

a. Except as set forth in section (c) below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 feet and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in LOC Appendix 50.07-E.

b. Roof forms may penetrate into the side yard setback plane required under (a) above as follows:

i. Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length at 12 feet in height. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback plane if they are less than one-half of the structure length at 12 feet in height.

ii. Building projections allowed under LOC 50.22.045 may project up to 2 feet into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

c. On steeply sloped lots that are upslope from the abutting street, no side yard setback plane is required. [Cross-Reference: See 50.02.005. Lot, Steeply Sloped.]

23. Maximum Side Yard Plane Side Yard Appearance and Screening.

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

a. Treatment 1 - Maximum Side Yard Plane.

ai. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevations of a primary structure. When the side elevation of a primary structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane, such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.

aj. The maximum side yard plane may be increased by 10% on a side for every additional 5 feet of side yard setback provided beyond the minimum required by the zone, on the side property line.

b. Treatment 2 - Side Yard Features.

i. The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 inches. The wall planes shall be a minimum of 4 feet in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of twelve inches outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements;

and

ii. Walls shall include a roof eave overhang of 16 inches or greater; and

iii. Windows and/or doors shall occupy a minimum of fifteen percent of the side elevation facing the street. All windows shall have a window trim that is a minimum of four inches in width.

c. Treatment 3 - Screening.

i. The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear feet of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 feet beyond the width of the building at either end, and outward 20 feet from the side elevation of the building, towards the side lot line, as shown in LOC Appendix 50.07-F. Standard plant units are defined in LOC Appendix 50.07-G. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

ii. To use the screening option, the following standards must exist or be provided:

(1) A minimum distance of 15 feet between dwellings.

(2) Columnar tree species shall be used when the setback is less than 10 feet.

(3) Root barrier techniques shall be used to avoid root growth damage to foundations.

4. Corner Lots - Side Yards That Abut Streets. As an alternative to the treatments set forth in LOC Section 50.08.045 (3), on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

a. Corner Treatment 1 - Covered Side Porch. The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-square feet in area, a minimum of five feet deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

b. Corner Treatment 2 - Balcony. The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30--square feet in area, and a minimum of three feet deep. The balcony may encroach four feet into the setback.

5. Long Wall Planes. To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18' high for a cumulative length greater than 60', unless the excess portion of the residential structure more than 18' high beyond the 60' cumulative length is setback not less than 20' from the side lot line. See LOC Appendix 50.07-H.

50.08.055 Garage Appearance and Location.

1. The following standards apply, except when a garage is located behind the primary structure or the garage is side or rear loading, as shown in Appendix 50.02-C:

a. The garage shall:

i. Not be located closer to the street than the dwelling, unless the exception criteria outlined in subsection (c) below are met.

For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004.

ii. Not occupy more than 60% of the width of the facade of the structure, except that garages for zero lot line dwellings may occupy up to 75% of the width of the facade of the structure when the following conditions are satisfied:

A. The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 feet; and

B. The total combined width of the garage doors does not exceed 36 feet; and

C. Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the facade; and

D. One or more of the following is provided:

(1) Pergolas or trellises are provided across the front of the garage; or

(2) A covered porch occupies at least 25% of the facade; or

(3) An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate (see LOC Appendix 50.06.065(2)(b)(ii)(4)(C)); and

E. If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

iii. ~~Minimize the appearance of the garage by eComplying~~ with at least two of the following standards, to minimize the appearance of the garage:

A. Set the garage an additional two feet further from the front property line than the facade of the dwelling;

B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

C. Any individual garage door may not exceed 50% of the width of the ~~facade of the structure~~ dwelling and garage facade, or in the case of zero lot line dwellings, 50% of the width of the combined facade of the dwellings and garages. Any garage opening width beyond 50% of the ~~primary structure~~ primary structure dwellings and garage width must be set back at least 2 feet further from the front property line than the facade of the other garage ~~volume~~ opening;

D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

b. Multiple Garage Opening Setbacks. In any instance where a garage or a set of adjacent garages is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of 2 feet from the previous garage building plane.

c. Exceptions. The standards in subsections (1) (a) and (b) shall not apply in any one of the following circumstances:

i. Where the average slope of a parcel exceeds 20%,

ii. Where the width of a parcel is less than 50 feet, or

iii. Where the garage is proposed to be set back at least 60 feet from the public right-of-way.

2. When a side or rear loading garage wall is exposed to the street or abutting property, the front or

side of the exposed garage building wall shall have more than one plane or shall include fenestration equal to at least 10% of the exposed garage wall.

3. For garages located at the rear of the primary structure or for side or rear loading garages, the area of the garage, up to 200 square feet, shall be exempt from lot coverage calculations.

50.14.005 Accessory Uses.

1. Accessory uses are allowed in conjunction with the principal use and shall comply with the requirements of this section and all requirements for the principal use, except where specifically modified by this Code.

2. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

3. A guesthouse may be maintained accessory to a dwelling provided there is no kitchen space or cooking facilities in the guesthouse and the square footage is less than 400 square feet.

4. Pool covers shall not exceed 15 feet in height.

5. A ~~side or rear~~ yard setback may be reduced to three feet and a side yard may be reduced to five feet for an accessory structure in a residential zone if the structure complies with the following four criteria:

a. The accessory structure is erected more than 40 feet from any street. For the purposes of this section, an alley shall not be considered a street. The side and rear setbacks for a detached garage obtaining access from an alley may be reduced to 3 feet or to the degree the garage maintains access that provides an outside front wheel turning radius of at least 25 feet, whichever is greater.

b. The accessory structure is detached from other buildings by 5 feet or more.

c. The accessory structure does not exceed a height of 10 feet nor an area of 600 hundred square feet.

d. The parcel is zoned other than R-6.

The setback exception authorized by this subsection does not apply to setbacks required by LOC 50.22.035 (Special Setbacks). The setback exception also does not apply to noise producing accessory structures such as heat pumps, swimming pool motors, etc., unless abutting property owners of the proposed site of the proposed noise producing accessory structure agree in writing that said accessory structure may be located within the accessory structure setback exception permitted under this subsection.

Flag Lots. The setback exception authorized by this subsection does not apply to flag lots. However, a side or rear yard accessory structure setback may be reduced to 6 feet on a flag lot when the above criteria (a-d) are met.

6. "Dish" type antenna may only be placed in rear yards, on the ground, and must be screened by landscaping.

7. Except as provided in LOC Article 50.16, boat houses and docks along Oswego Lake and its canals may be placed on a property line.

[Cross-Reference: LOC 50.07.045 - Accessory Structures in R-6 Zone.]

50.17.015 Authorization.

1. In considering an application for a PD Overlay, the reviewing authority shall apply the height, Floor Area Ratio (FAR), lot coverage, garage appearance and location, use, open space and density requirements of the underlying zone and, if applicable, the setback requirements of LOC 50.06.050 (5). The FAR and lot coverage requirements may be applied with reference to the total area of the project as a whole and not on a lot by lot basis.

2. a. Except for the special setback requirements of LOC 50.06.050 (5), the reviewing authority may grant exceptions to the lot size, front setback plane, maximum side yard plane, lot dimension and front and rear setback requirements of the underlying zone if the applicant demonstrates that the proposed PD provides the same or a better sense of privacy, appropriate scale and open space as a PD designed in compliance with the standard or standards to which an exception is sought. The considerations in granting the exceptions are set forth in subsection (b) below:

- b. In making the determination under subsection (a), the reviewing authority may consider:
 - i. Whether the applicant has reserved or dedicated more than the minimum amount of open space required by the Park and Open Space Development Standard.
 - ii. Whether the requested exception allows the lots to be designed in a manner that provides better access to common open space areas from within and/or outside the PD, better protects views, allows better solar access, maintains or improves relationships between structures, maintains or improves privacy and/or improves pedestrian or bicycle access to surrounding neighborhoods.
 - iii. Whether the requested exception will allow a more attractive streetscape through use of meandering streets, access through alleys or shared driveways, provision of median plantings, or other pedestrian amenities.
 - iv. Whether the requested exception will enhance or better protect a significant natural feature on the site, such as a wetland, a tree or tree grove, or a stream corridor.
 - v. Whether the requested exception will provide better linkage with adjacent neighborhoods, parks and open space areas, pathways, and natural features.
 - vi. Whether the requested exception will allow the development to be designed more compatibly with the topography and/or physical limitations of the site.
- c. In the R-7.5, R-10, and R-15 zones, where the parcel being developed is less than 75,000 square feet in size, the following additional provisions apply:
 - i. Rear Yard Setback Exceptions.
 - 1. For lots where the rear yard setback abuts open space land, the rear yard setback may be reduced by up to 50% of the base zone requirement.
 - 2. For lots where the rear yard setback do not abut open space, the rear yard setback may be reduced by the percentage of the gross site area that is designated as open space, but in no case greater than 20% of the base zone requirement.
 - ii. Lot Size Exceptions. Lot sizes may be reduced by the percentage of the gross site area that is designated as open space, but in no case greater than 20% of the base zone requirement.
- 3. The following standards apply to PD and cluster developments:
 - a. Lots which are located on the perimeter of a development located in a R-0, R-2, R-2.5, R-3, R-5, R-6, R-7.5, R-10 or R-15 zone, and which are adjacent to lots in an R-7.5, R-10 or R-15 zone upon which are constructed single-family dwellings, may be not less than:
 - i. Development in R-0, R-2, R-2.5, R-3, R-5, R-6 zones: 75% of the minimum lot area per unit of the adjacent zone.
 - ii. Development in R-7.5, R-10, and R-15 zones: 80% of the minimum lot area per unit of the adjacent zone.
 - b. Housing types located on the perimeter lots described in a. shall be single-family, zero lot line or duplex dwellings, except three attached dwelling units may be placed on three lots which abut at a common point with the middle lot being a corner lot.
 - c. In a PD or cluster development located in a R-0, R-2, R-2.5, R-3, R-5, or R-6 zone which abuts a R-7.5, R-10 or R-15 zone and which does not contain separate lots for the dwelling units, the building setbacks shall meet the requirements of the zone in which the development is located.
- 4. If the proposed PD is part of an approved ODPS as described in LOC Article 50.71, requirements of the ODPS approval regarding arrangement of uses, open space and resource conservation and provision of public services, will be considered when reviewing the considerations in subsection (1) for the PD.
- 5. Except as required by LOC 50.06.050 (5), the reviewing authority may grant exceptions to the minimum side yard setbacks of the underlying zone, without the necessity of meeting the requirements of LOC Article 50.68 (Variances) if the requirements of LOC 50.17.015 (2) are met, and:
 - a. Proposed lot sizes are less than the minimum size required by the underlying zone, or
 - b. Lesser setbacks are necessary to provide additional tree preservation or protection of abutting natural areas.
 - c. Side yard setbacks shall not be reduced to less than 8 feet except under the following circumstances:

i. Structures on abutting lots within the development are separated by no less than 16 feet when all portions of the structure within the standard setback are no greater than 18 feet in height.

ii. Structures on abutting lots within the development are separated by no less than 20 feet when any portion of the structure exceeds 18 feet in height within the standard setback area.

This limitation does not affect the underlying base zone yard setbacks when those setbacks are less than 8 feet. See LOC Appendix 50.17.015 (5)(c).

[Cross-Reference: See LOC 50.68.017 (2) Variances Not Allowable - relating to Planned Development Overlay zone requirements.]

50.20.020 Access.

1. For land divisions creating flag lots, the reviewing authority shall require that access to the flag lots shall be consolidated into a single shared ~~driveway~~ access lane wherever practicable, including consolidation with the access of the parent lot. Access lanes shall extend through the partition site and be extended to abutting developable property to provide a continuous connecting access lane where practicable.

2. Flag lots shall have access to a public or private street; however, actual street frontage shall not be required.

3. A driveway shall be used to serve a single property. An access lane shall serve no more than eight properties.

a. Driveway widths shall be a minimum of 12 feet. Driveway length, construction standards, and turnaround requirements shall be determined by LOC Article 50.58 "On site Circulation - Driveways and Fire Access Roads".

b. See LOC 50.57.020 for width of access lanes.

4. No more than two driveways or access lanes shall be permitted within a distance equal to the minimum lot width of the underlying zone, or within 50 feet of each other if no minimum exists, as measured from the closest edge of each driveway or access lane.

5. All buildings on flag lots must post an address at the beginning of the driveway or access lane. The address shall be no less than 6 inch tall, must be on contrasting background, plainly visible, and must indicate the direction to the building.

50.20.025 Lot Configuration Requirements.

1. Determination of Front Yard: At the time of land division review for a flag lot creation, t~~The front yard shall be determined as follows:~~

~~The front yard of a flag lot is measured from the lot line that is most parallel and closest to the street, excluding the pole portion of the flag lot.~~

Except for a lot that fronts on a public street, the front yard(s) of a flag lot shall be measured from the access lane or from a projected extension of the access lane through the property (see Section 50.20.030 (5) for setback requirements). (Note: A front yard occurs on either side of the access lane of the flag lot. See LOC Appendix 50.20.025-A).

~~If this standard is not practicable due to placement of structures on adjacent lots, topography, lot configuration, or similar reasons, then the front yard will be measured from a property line that abuts the access portion of the flag or easement.~~

2. Lot Width: Lot width shall be measured by a line connecting two points on opposite side yard property lines, that will result in a line parallel to the front yard.

3. Lot Depth: The lot depth shall be measured at the mid-point of the front and rear property lines of the "flag".

4. Lot size: Area of access easement or flagpole shall be deducted from the gross acreage of the flag lot. The "flag" portion of the lot shall be equal to or exceed the square footage of the underlying zone.

[Cross-Reference: See LOC 50.22.025 (3) - Determination of Front Yard for Flag Lots and Lots Accessing by Easement.]

50.20.030 Building and Site Design Standards.

1. Building Orientation: For land divisions the reviewing authority shall require ~~that~~ the following:

a. New dwellings on flag lots shall have the front of the house oriented towards the access lane or from a projected extension of the access lane through the property.

~~b~~ Buildings shall be oriented to provide the maximum separation and privacy from existing ~~and future~~ dwellings on adjacent ~~abutting~~ lots outside of the partition site. The reviewing authority may require conditions of approval to include measures such as specific building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings.

2. Garage placement shall be reviewed at the time of building permit application to ensure minimum visibility of the garage from the street. Garage placement shall meet the following requirements:

a. Be side-loading where a turning radius can be provided that allows for a minimum of 24 feet separation from the garage door and any obstructions or property lines, or

b. Be placed such that no more than 40% of garage wall area is visible from the intersection of the flag lot driveway and street.

c. When a garage is visible from the street, the front or side of the exposed garage building wall shall have more than one plane, or shall include fenestration equal to at least 10% of the facade visible from any point at the intersection of the driveway and the public street.

To demonstrate compliance with this standard, building elevations shall be submitted which depict the facade area visible from the street at a width equal to the access easement.

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall (plane) along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

3. Maximum Structure Height. The height of a single-family residential structure and any accessory structures on a flag lot shall not exceed:

a. For flag lots created after August 14, 2003, the taller of:

i. 22 feet, or

ii. The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 feet away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average.

b. For flag lots created before August 14, 2003, the taller of:

i. The maximum building height limitation established at the time of creation of the flag lot.

The methodology used to calculate the maximum building height permitted by this subsection shall be the same methodology used to at the time of lot creation to establish the maximum building height, or

ii. 22 feet (see LOC 50.02.005, "Height of Building" for methodology).

The City Manager may execute and record amendments to previously recorded development restrictions, upon the Owner's or adjacent property owner's request, or at the City's discretion, if necessary to reflect a taller building height limitation than previously approved.

c. Modification of Approved Building Height. The maximum building height of single family residential structures and accessory structures on a flag lot (whether created prior to or after August 14, 2003) may be modified from that previously determined at the time of creation of the flag lot to the average height of all dwellings on properties abutting the development site. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 feet away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average.

In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average. Where an existing structure on an abutting lot exceeds the maximum height allowed by the underlying zone, then the maximum height permitted by the underlying zone shall be used for purposes of calculating the average.

An application for modification of maximum building height for a flag lot shall be processed pursuant to LOC 50.86.025 as a new application. The City Manager may execute and record amendments to previously recorded development restrictions.

d. Exceptions to Maximum Structure Height. A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:

i. Do not extend more than 6 feet above the maximum specified height,
ii. Do not, in total, exceed one-third of the width of the building for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections, as measured on any elevation drawing and,

iii. Do not, in total, cover more than 20% of the roof area on which they are located, as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections.

iv. Examples of permitted exceptions are illustrated in LOC Appendix 50.06-A.

~~4. Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines.~~

4. Access Lane Siting. The access lane shall be located no closer than 5' to any existing structures.

5. Setback Requirements.

a. The standard front yard setback of the zone shall be superseded by the following front yard requirement: A minimum 10' front yard setback is required from the access lane, except that a 20' setback is required from the access lane to the front of a garage or carport when the garage or carport opening faces the access lane. For purposes of this standard, the access lane shall include the projected extension of the access lane through the property as illustrated in LOC Appendix 50.20.030 (5)(a).

b. Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines.

c. The side and rear yard setbacks shall be established at the time of flag lot creation, subject to the following requirements:

i. The sum of the side and rear yard setbacks on flag lots shall be greater than or equal to:

(1) 50 feet in R-10 and R-15 zones; and

(2) 45 feet in residential zones other than R-10 and R-15.

ii. In applying the flexible standard, provide yard dimensions that are similar to the yard dimensions of primary structures on abutting properties that are not part of the partition site and that abut the rear or side yards of the flag lots, but in no event shall the rear or side yard established under this section be less than 10 feet.

6. Width and Depth Requirements. The standard zoning dimensional requirements for lot depth do not apply to flag lots. No width or depth dimension of a flag lot shall be less than the standard width dimension listed for lot under its respective zone.

50.22.025 Special Determination of Yards and Yard Requirements; Special Side Yard Setback Plane Requirements.

1. Corner Lots. In the case of corner lots with more than two street frontages, the City Manager shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the zone; (2) No other front yard on such lot shall have less than half the full depth required generally; and (3) For sites where street front setback

planes are required, only one frontage shall be required to meet the front yard setback plane standards. The other frontages shall comply with the setback plane requirements for side yards abutting a street.

2. Through Lots. Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the City Manager may waive the requirements for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

3. Determination of Front Yard for Flag Lots Created Prior to September 6, 1998 and Lots Accessing by Easement. The front yard shall be the area abutting the property line of the "flag" portion of the lot parallel to the street providing access to a flag lot created prior to September 6, 1998. If this standard is not practical due to placement of structures on adjacent lots, topography or similar reasons, then the front yard will be that portion of the lot abutting the property line of the greatest length abutting the access portion of the flag or easement.

50.22.045 General Exceptions for Building Projections, Decks, and Walkways and Pathways to Setbacks.

1. Projections from Buildings. Cornices, eaves, ~~canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features~~ may project not more than 2 feet into a required yard or into required open space as established by coverage standards. Canopies, sunshades, chimneys, and flues may project not more than 2 feet into a required yard or into required open space as established by coverage standards, but in no event may the projection be within five feet of a side lot line.

2. Patios and decks on or above grade, but no more than 30 inches above grade, may project into a required yard, but may not be closer than three feet to any property line. Patios and decks above 30" shall be subject to the zone setback. Such intrusion into the required yard are to be undertaken solely at the risk and expense of the owner. Any structure which is placed in a required yard, and is required to be moved for any reason, shall be moved without expense to the City and the person who bears such cost shall have no recourse against the City to recover such cost.

3. Access Walkways and Pathways. Walkways and pathways, regardless whether on grade or elevated, that provide principal access from the adjacent public right-of-way to a dwelling or as a public entrance(s) to a commercial, industrial, or public facility building are permitted in the required yard, so long as the elevation of the walkway or pathway is at or below the elevation of the driveway or parking area for the dwelling or building. If the walkway or pathway is elevated, it shall be the most direct route practicable.

[Cross-Reference: See LOC 50.07.025 -Eaves and other decorative features projecting into setback in R-6 Zone.]

50.22.050 Exception for Survey / Construction Errors, Tree Protection, and Alignment for Additions to Existing Structures.

1. The following exceptions to underlying zoning standards are permitted provided the criteria listed in subsection 2 below are satisfied:

- a. Up to 2.5% exception to lot area, or
- b. Up to six inches to dimensional standards.

2. Criteria:

- a. The exception is for an alteration or addition to an existing structure (conforming or non-conforming); and
- b. At least one of the following circumstances applies:
 - i. The adjustment is necessary to address survey or construction errors;
 - ii. The adjustment will result in greater tree protection, including root protection; or
 - iii. The adjustment for the alteration or addition will allow the alteration or addition to align

with the existing portion of the structure.

50.57.015 Standards for Approval.

1. Every lot shall abut a street for a width of at least 25 feet. Exception: The street frontage of a lot created pursuant to approval of a row house development may be reduced to 17 feet in the R-0, D-D, R-2, R-3 and R-5 zones.
2. Access design shall be based on the following five criteria:
 - a. Topography.
 - b. Traffic volume to be generated by the development.
 - c. Classification of the public street from which the access is taken (residential, collector or arterial).
 - d. Traffic volume presently carried by such street.
 - e. Projected traffic volumes.
3. Direct permanent access from a development to an arterial street is prohibited where an alternate access is either available or is expected to be available. A temporary access may be allowed.
4. Direct access from a development or a structure to a residential street is required unless such access is not available.
5. The City may require shared access with a neighboring site or an extension of residential streets across adjacent properties to provide access to the development if necessary to prevent adverse impacts on traffic flow.
6. If no satisfactory access from a public street to a development is available, the City shall require postponement of the development until such time as a satisfactory access becomes available.
7. Access lanes created by a partition or private streets created by a subdivision shall contemporaneously provide an option of dedication to the City.

50.57.020 Standards for Construction (~~Access~~)-(Reserved).

Access lanes shall meet the following minimum standards:

- i. 20 foot wide easement.
- ii. Access to 2 to 4 dwelling units - 12 feet of pavement with a 4 foot shoulder on each side.
- iii. Access to 5 to 8 dwelling units - 16 feet of pavement with a 2 foot shoulder on each side.
- iv. When providing access for 7 to 8 dwelling units, the access lane shall be designed to provide "on-lane" parking for a minimum of four standard vehicles or provide an "off-lane" parking area for a minimum of four standard vehicles.

50.60.005 Applicability.

This standard is applicable to:

1. Any development that results in the construction of a street, or
2. Construction of a detached single family dwelling, duplex, zero lot line dwelling, commercial, industrial, institutional, or Public Function structure; and is located on a parcel or parcels of vacant or redevelopable land of ~~five~~ 1.75 acres or larger.

50.60.020 Standards for Approval of Development Which Requires the Construction of a Street.

1. Local and neighborhood collector streets, access lanes, and residential accessways shall be designed to connect to the existing transportation system to meet the requirements of this standard as determined by the Review Authority.
2. Local and neighborhood collector street design shall provide for full street connections between through streets with spacing of no more than 530 feet, measured between the center of the intersection of two through streets that provide for vehicle traffic movement in generally the same direction ("through street pairs") with the cross street. This requirement shall be applied to all through street pairs which

surround the site. If the nearest boundary of the site (or boundaries extended to the street) is more than 100 feet from the intersection of a through street nearest to the site and the cross street, the provisions of this Standard shall be met, except when the provisions of subsection (56) below are met. (See Appendix 50.60-A).

3. Streets shall be designed to connect to all existing or approved stub streets which abut the development site.

4. Cul-de-sacs and permanent closed-end streets shall be prohibited except where a) the requirements of this standard for street and residential accessway spacing are met and b) construction of a through street is found to be impracticable. When cul-de-sacs or closed-end streets are allowed under subsection (56), they shall be limited to 200 feet and shall serve no more than 25 dwellings, except where the Review Authority has determined that this standard is impracticable due the criteria listed in subsection (56), below.

5. Access lanes may be used to serve up to eight dwellings. They shall be designed to provide connections between properties that develop through the partition process.

56. The Review Authority may allow an exception to the review standards of subsections (1) through (45), above, based on findings that the modification is the minimum necessary to address the constraint and the application of the standards is impracticable due to the following:

a. Extreme topography (over 15% slope) in the longitudinal direction of a projected automobile route;

b. The presence of Sensitive Lands as described in LOC Article 50.16 or floodplains LOC Article 50.44, or other lands protected by City ordinances, where regulations discourage construction of or prescribe different standards for street facilities, unless the nearest through street pairs (See Appendix 50.60-A) surrounding the subject site are more than ¼ mile apart. The Review Authority may determine that connectivity is not required under this circumstance, if a benefit/cost analysis shows that the traffic impacts from development are low and do not provide reasonable justification for the estimated costs of a full street connection;

c. The presence of freeways, existing development patterns on abutting property which preclude the logical connection of streets or arterial access restrictions;

d. Where requiring a particular location of a road would result in violation of other city standards, or state or county laws or standards, or a traffic safety issue that cannot be resolved; or

e. Where requiring streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude required street or accessway connections.

67. If the Review Authority allows an exception to subsection (2) for full street connections, it shall require residential accessway connections on public easements or rights-of-way so that spacing between bicycle and pedestrian connections shall be no more than 330 feet measured from the centerline of the nearest bicycle and pedestrian connection intersection with the cross street.

78. The Review Authority may allow a reduction in the number of residential accessway connections required by subsection (67) based on findings that demonstrate:

a. That reducing the number or location of connections would not significantly add to travel time or distance from the proposed development to bus lines or activity centers in the area, such as schools, shopping, or parks; or

b. That existing development patterns on abutting properties preclude logical connection of residential accessways; or

c. That the traffic impacts from development, redevelopment or both are low and do not provide reasonable justification for the estimated costs of such accessway.

[Cross-reference: Section 4 - See also LOC 42.03.085]

50.60.025 Standards for Approval of Construction of Structures that Do Not Require Construction of a Street but are Located on a Parcel(s) Five 1.75 Acres or Greater in Size.

When an applicant proposes construction of a structure subject to LOC 50.60.005 (2) that does not require the construction of a street, but is located on a parcel or parcels ~~five~~ 1.75 acres or greater in size, the Review Authority shall require:

1. A future connectivity plan to be filed with the City and recorded in the applicable County Clerk records, as a condition of development approval. The future connectivity plan shall show how the location of future streets, access lanes, and accessways will provide for full development of the subject parcel as well as any abutting properties in order to meet the standards of LOC 50.60.020 (2) - ~~(78)~~; and

2. Placement of structures in a manner that allows for the future street(s), access lanes, or accessways to be constructed, as well as an area sufficient to meet the required zone setbacks from the future streets.

50.60.035 Standards for Construction.

1. Standards for construction of full street connections shall be those included in LOC Chapter 42.

2. Standards for construction of access lanes shall be those included in LOC 50.57.020.

~~23.~~ Standards for construction of residential accessways shall be those included in LOC 50.59.015.

50.68.015 Classification of Variances.

A variance which would allow development not in conformance with the requirements of the development standards may be granted.

1. Class 1 (minor) variances are small changes from the Code requirements and which will have little or no effect on adjacent property or users.

Class 1 (minor) variances include:

a. Variance from yard setback requirements for a single-family dwelling, or its associated accessory structure that does not comply with the three criteria set forth in LOC 50.14.005 (5)(a)-(c):

i. ~~of 20%, or less, provided the resulting side yard setback is no less than five feet in width;~~
or

ii. (1) The request is the minimum necessary to preserve a tree;
(2) The resulting yard setback is no less than 50% of standard required by the zone; and
(3) Side yards are not reduced to less than five feet.

b. Variance from yard setback requirements for a structure other than those described in subsections (1)(a) of this section of:

i. ~~Two~~ feet or less in side or front yards;

ii. ~~or Five~~ feet or less in rear yards; or

iii. (1) The request is the minimum necessary to preserve a tree;
(2) The resulting yard setback is no less than 50% of standard required by the zone; and
(3) Side yards are reduced to not less than five feet.

c. Variances from minimum lot width or depth of 5 feet or less.

d. Variances in lot coverage ~~or floor area ratio (FAR)~~ on lots which have the same boundaries as when platted and which were platted with an area less than the current zoning requirement for single-family residential dwellings and accessory structures of up to and including 15% of the maximum allowed lot coverage ~~or FAR~~.

e. Variances in floor area ratio (FAR) for single family residential development, up to a maximum 15% increase in floor area, subject to the following lot size limitations:

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<u>Zone</u>	<u>Minimum Lot Size Required if House Floor Area is to be Adjusted Under Class 1 Variance</u>
<u>R-5</u>	<u>10,000 sq. ft.</u>
<u>R-6</u>	<u>12,000 sq. ft.</u>
<u>R-7.5</u>	<u>15,000 sq. ft.</u>
<u>R-10</u>	<u>15,000 sq. ft.</u>
<u>R-15</u>	<u>22,500 sq. ft.</u>

ef. Variations from maximum fence or retaining wall height restrictions, pursuant to LOC Article 45.15.

fg. Variation to the maximum grade of a private street or driveway.

gh. Variances for construction of a dormer that does not exceed the height of the roof ridge in which the dormer is being constructed in an existing single family detached dwelling that is non-conforming relative to lot coverage or setbacks.

hi. Variances to distance of driveway from intersections (LOC 50.58.015).

ij. Variances to street frontage (LOC 50.57.015).

jk. Variances to driveway width for Flag Lots (LOC 50.20.020).

kl. Variances for elevated walkway or pathway within setback or yard.

m. Variances to yard requirements for extension of existing nonconforming walls, provided:

i. The square footage of any new encroachment into the setback does not exceed the square footage of the existing non-conforming, encroaching portion of the structure.

ii. The resulting structure complies with the FAR, lot coverage and other setback requirements.

iii. The variance shall not reduce the yard setback by more than 50%.

iv. No previous variance has been granted for an extension of the subject non-conforming wall.

v. The expansion area shall be defined by the extension of two or more existing exterior walls.

n. Variances to dimensional requirements that are necessary due to prior errors in land surveying. Prior errors in land surveying are errors that were made before the applicant acquired the property or gained control of the property.

o. Determination of the Front Yard for Flag Lots (LOC 50.20.025).

2. Class 2 variances which are significant changes from the Code requirements and are likely to create impacts on adjacent property or users.

Class 2 variances include:

a. ~~Variances from setback requirements for a single-family dwelling, or its associated accessory structure that does not comply with the three criteria set forth in LOC 50.14.005 (5)(a)-(e), of more than 20% or where the resulting side yard setback is less than five feet in width.~~

b. Variance from yard setback requirements for an associated accessory structure to a single-family dwelling that does not comply with the three criteria set forth in LOC 50.14.005 (5)(a)-(c), of more than 20%.

bc. Variances from the minimum lot width or depth of more than 5 feet.

ed. Variances from setback requirements for structures other than those described in subsection (1)(a) of this section of more than 2 feet in side and front yards and more than 5 feet in rear yards or where the resulting side yard setback is less than five feet in width.

de. Variances from the lot coverage or floor area ratio (FAR) for other than a single-family residential dwelling or its associated accessory structures.

ef. Variances to building height.

fg. Variance to fence, wall, and retaining wall requirements, other than height.

g). Variances to any other requirement of this Code except as classified as a Class 1 (minor) variance above, and applicable to a development.

3. The City Manager shall decide the classification of any variance application.

4. For Class 1 (minor) variances, the City Manager shall have the authority to require an applicant to fulfill the requirements of LOC 50.77.025 at his/her discretion. This authority is solely at the discretion of the City Manager and is not subject to appeal.

50.70.005 Non-Conforming Use, Structure Defined; Rights Granted.

1. A use or structure is considered a nonconforming use or structure if the use or structure was lawfully established, but does not comply with or would not be permitted to exist under a subsequent enactment or amendment to this Code.

2. a. A use or structure for which a variance was granted under these code provisions is not considered non-conforming solely by the fact that the characteristic of the use or structure for which the variance was granted fails to comply with the requirements of this Code. The existence of such variance does not prevent the use or structure from being classified as non-conforming if some other characteristic of the use or structure fails to comply with the requirements of this Code.

b. A residential structure which is classified as a non-conforming structure by this section may be enlarged or expanded in the following circumstances:~~a manner which~~

- i. The enlargement or expansion does not increase the degree of non-conformity; or
- ii. A change in roof pitch on the non-conforming portion of the structure may be permitted if the building height is not increased by more than 6 feet and is less than the underlying zone height.

3. Subject to the provisions of this Article, and except as otherwise provided by this Code, a non-conforming use or structure may be continued and maintained in reasonable repair so long as it remains otherwise lawful, but it shall not be altered in a manner to enlarge or expand or reconstruct the use or structure.

[Cross-Reference: LOC 50.69.005 (3)-Uses Under Conditional Use Provisions Not Non-Conforming Uses.]

50.70.020 Destruction, Movement and Replacement of Structures.

~~1. If a non-conforming structure is damaged or destroyed by any means to the extent that the cost of rebuilding the damaged portions would exceed 50% of the then-current replacement cost of the entire building, the rebuilding shall conform fully to City Codes and Standards. Determination of the rebuilding costs shall be made by the City Manager, who may utilize an appraisal or other suitable method to determine current replacement costs. If the damage is 50% or less of the current replacement costs, the rebuilding or reconstruction need not comply with the terms of this Code only to the extent that the destroyed portions of the structure failed to conform. In order to utilize the rights granted by this subsection the reconstruction must be commenced within one year of the date of the damage and completed within two years of such date.~~

~~2. If a non-conforming use is moved for any reason from the property on which it is located for any distance it shall thereafter conform with the requirements of this Code.~~

1. Single-Family or Duplex Dwellings, Accessory Structures, and Historic Landmarks.

a. Applicability. Excluding structures within the Flood Management Area (LOC Article 50.44), this subsection 1 is applicable to nonconforming:

- (1) Single-family (attached or detached) or duplex dwellings;
- (2) Historic landmarks designated or listed upon the Landmark Designation List, pursuant to LOC 58.02.025 or 58.02.080.
- (3) Non-conforming accessory structures to a single-family dwelling, duplex dwelling, or historic landmark.

b. Ability to Construct or Reconstruct Nonconforming Structure. Subject to the one-year time limitation provided in subsection (1)(c) below, when an applicable structure, or any portion thereof, is damaged or destroyed:

(1) By causes not under the control of the owner (including but not limited to fire, earthquake, flood, landslide, and wind or tree damage, but not including destruction due to lack of structural maintenance by the owner, reconstruction, remodeling, or new construction), the rebuilding or reconstruction of the nonconforming structure, or portion thereof, shall be exempt from the provisions of this Code to the extent that the structure failed to conform.

(2) By causes under the control of the owner, e.g., lack of structural maintenance by the owner, reconstruction, remodeling, or new construction, the portion of the nonconforming dwelling being rebuilt, reconstructed, or being newly constructed shall conform fully to City Codes and Standards.

c. Time Limitation. In order to utilize the rights granted by subsection (1)(b) above, the building permit for the construction or reconstruction must be issued within one year from the date of damage or destruction. If the building permit is not issued within the one year period, or if issued, the building permit expires, the ability to construct or reconstruct an applicable nonconforming structure shall cease.

d. Maintenance of Non-Conforming Structure. Maintenance of a non-conforming structure that does not enlarge or expand the structure is permitted; maintenance that does enlarge or expand the structure is subject to subsection (1)(e) below.

e. Expansion of Nonconforming Structure in Conforming Manner. Applicable non-conforming structures may also be enlarged or expanded in a manner which does not increase the degree of non-conformity.

2. Structures Other Than Single-Family or Duplex Dwellings, Accessory Structures, and Historic Landmarks. This subsection 2 is applicable to structures subject to subsection (2)(a) below.

a. Applicability. This subsection 2 is applicable to all structures other than listed in subsection (1)(a) above.

b. Ability to Construct or Reconstruct Nonconforming Structure. Subject to the time limitation provided in subsection (2)(c) below, if a non-conforming structure is damaged or destroyed by any means to the extent that the cost of rebuilding the damaged portions would exceed 50% of the then current replacement cost of the entire building, the rebuilding shall conform fully to City Codes and Standards. Determination of the rebuilding costs shall be made by the City Manager, who may utilize an appraisal or other suitable method to determine current replacement costs. If the damage is 50% or less of the current replacement costs, the rebuilding or reconstruction need not comply with the terms of this Code only to the extent that the destroyed portions of the structure failed to conform.

c. Time Limitation. In order to utilize the rights granted by subsection (2)(b) above, the building permit for the construction or reconstruction must be issued within one year from the date of damage or destruction. On demonstration that a good faith effort has been made by the owner to be able to apply for the building permit to construct or reconstruct the damaged or destroyed structure (including obtaining funding and completion of architectural work) and a written request for extension is submitted prior to expiration, the City Manager may extend the construction rights for an additional year. No more than two one-year extensions may be granted. If the building permit is not issued within the one year period, or if issued, the building permit expires, the ability to construct or reconstruct an applicable nonconforming structure shall cease.

50.79.040 Conditions of Approval.

1. The reviewing authority may impose conditions of approval on a major or minor development permit in one or more of the following circumstances:

a. The condition is necessary to bring the application into compliance with applicable approval criteria.

b. The condition is required as a condition of approval, construction or implementation by the development standards, the Lake Oswego Code or state statute.

c. The condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. As used in this section, "public services or facilities" includes sewer, water, surface water management, parks, open space, streets, sidewalks, and pathways.

d. The condition is reasonably related to eliminating or mitigating a negative impact on natural features or processes or on the built environment of the neighborhood which is created or contributed to by the proposed development. As used in this section, "natural features or processes" includes Distinctive Natural Areas, stream corridors and natural drainage ways, significant tree(s) ~~or trees~~, wetlands, and other natural areas.

e. The proposed or exception to a code requirement is based on the preservation of tree(s), and the condition of approval is reasonably related to preserving the tree(s) that is the basis for the variance or exception.

2. Conditions of approval contemplated by subsection (1) of this section include, but are not limited to:

a. Imposition of a development schedule.

b. Requiring reservation or protection of land for open space or to protect significant natural features.

c. Requiring dedication of property, rights-of-way, easements or conservation easements for public facilities such as streets, utilities, pathways, sidewalks, surface water management and street trees, or for protection of Distinctive Natural Areas, wetlands, stream corridors or other natural features. Dedications of property or property rights pursuant to this subsection must be based upon findings pursuant to subsections (1)(c) or (1)(d) of this section.

d. Requiring on-site and off-site construction of or improvements to public facilities where necessary to ensure adequate capacity and where service demand will be created or increased by the proposed development. The costs of off-site improvements may be pro-rated between the applicant and the City in proportion to the increased service demand which will be created by the project when compared to the demand existing if the project were not constructed.

e. Requiring construction and maintenance guarantees to ensure that required public facilities are constructed to and will comply with City standards, regulations or conditions.

f. Requiring modifications in the design or intensity of a proposed development or to require or prohibit certain construction methods.

g. Requiring approval, inspection, or evaluation by another agency, jurisdiction, public utility or consultant.

h. Limiting the number, location or design of street accesses to a proposed development to maintain street capacity, improve safety, or otherwise comply with an approval criterion.

i. Requiring covenants, conditions or restrictions to be recorded against the property. It shall be a violation of this code for a property owner or homeowner's association to amend or rescind or fail to comply with any covenant, condition or restriction required by the City pursuant to a development approval without approval of the City.

50.81.010 Notice of Minor Development Application.

1. Except as set forth in subsection (3) below, prior to making a final decision on a minor development permit application, the City Manager shall provide written notice to owners of property within 300 feet of the entire contiguous site for which the application is made. If there are less than 50 properties within 300 feet of the site, the notice area shall be expanded, by 10 foot increments outward from the 300 foot boundary, until at least 50 properties are included in the notice area. The list shall be compiled from the most recent property tax assessment roll. Notice shall also be sent to:

- a. Any recognized neighborhood association(s) whose boundaries either contain part or all of the site, and
- b. All adjacent recognized neighborhood associations (adjacent recognized neighborhood associations are those associations which share boundaries with the neighborhood(s) identified in subsection (1)(a) above, and additionally those recognized neighborhood associations that are separated from the neighborhood association(s) identified in subsection (1)(a) by a street or stream).
- c. Oregon Department of Transportation and the affected railroad company, if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application.

The City Manager shall certify that such notice was given.

- 2. The notice required by subsection (1) of this section shall:
 - a. Provide a 14 day period for submission of comments prior to the decision;
 - b. State the place, date and time that comments are due;
 - c. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue;
 - d. List, by commonly used citation, the applicable criteria for a decision;
 - e. Set forth the street address or other easily understood geographical reference to the subject property;
 - f. State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and
 - g. Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.

3. For development processed through the Residential Infill Design Review process (LOC Article 50.72), the City Manager shall provide written notice of a preliminary decision to owners of property within ~~100300~~ feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. In addition to the notice requirements of subsection (2) above, the notice of the preliminary decision shall include the requirements of LOC 50.81.020 (1) through (4), and shall state that if no written comments are received within the 14 day comment period, the decision will become final. The notice shall also describe the appeal process following finalization of the decision. Notice shall also be sent to parties identified in subsections (1) (a) and (b) above.

[Cross-Reference: See LOC 50.60.030 if minor development is subject to Street Connectivity Development Standard.]

Section 3. LOC Chapter 50 -Appendices. LOC Chapter 50-Appendix shall be amended by replacing LOC Appendix 50.07-C with new Appendix 50.07-C; adding new LOC Appendix 50.06.065 (2)(b)(ii)(4)(C), Appendix 50.07-D, Appendix 50.07-E, Appendix 50.07-F, Appendix 50.07-G, Appendix 50.07-H, Appendix 50.07-I, Appendix 50.07-J, Appendix 50.07-K, Appendix 50.07.030 (3), Appendix 50.17.015 (5)(3), Appendix 50.20.025-A, and Appendix 50.20.030 (5)(a) as shown in Exhibit 2.

Section 4. Cross-References.

a. This Ordinance contains "cross-references", following certain sections. These cross-references refer to other sections within the Code or otherwise and are intended to be of assistance to the reader of the Community Development Code. The cross-references are not adopted as part of the Community Development Code.

b. The City Recorder and the City Attorney are hereby authorized to insert cross-references or delete cross-references from the codified version of the Community Development Code from time to time. The cross-references appearing in the codified version of the Community Development Code shall not be construed to be a part of the Community Development Code.

Section 5. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

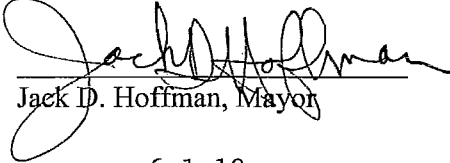
Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 1st day of June, 2010.

AYES: Mayor Hoffman, Johnson, Hennagin, Moncrieff, Tierney

NOES: Olson

ABSENT: Jordan

ABSTAIN: none

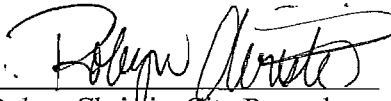


Jack D. Hoffman, Mayor

6-1-10

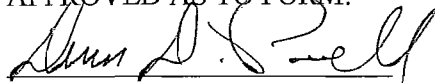
Dated: _____

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

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A REQUEST TO AMEND THE TEXT) LU 08-0053-1729
OF THE LAKE OSWEGO COMMUNITY) (City of Lake Oswego)
DEVELOPMENT CODE, CHAPTER 50)
RELATED TO RESIDENTIAL INFILL) FINDINGS AND CONCLUSIONS
DEVELOPMENT [ORDINANCE No. 2524])

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of the Lake Oswego Community Development Code, Chapter 50 to add design standards to promote compatibility of residential infill development with the character of existing development.

HEARINGS

The Planning Commission held public hearings and considered this application at its meetings of September 22; October 27, 2008; January 26, 2009; February 9 and 23, 2009; March 9 and 23, 2009; April 13, 2009, May 11 and 27, 2009, June 8 and 22, 2009; July 13 and 27, 2009; August 24, 2009; September 14, 2009, October 12 and 26, 2009, November 9, 2009, December 14, 2009 and January 11, 2010. The City Council held a study session on March 9, 2009, and held a public hearing to consider the Planning Commission’s recommendation on April 20, 2010.

CRITERIA AND STANDARDS

- A. City of Lake Oswego Comprehensive Plan:
 - Goal 1: Citizen Involvement, Policies 1, 5, and 10

- 1 Goal 2: Land Use Planning, Section 1, Land Use Policies and Regulations,
- 2 Policies 4 and 23
- 3 Goal 10: Housing Policies 10, 13, and 17
- 4 Goal 11: Public Facilities and Services, Section 1 Public Safety, Police and Fire
- 5 Protection, Policy 5
- 6 Goal 12 Transportation, Policies 4 and 9

8 B. City of Lake Oswego Community Development Code:

- 9 LOC 50.75.005 Legislative Decision Defined.
- 10 LOC 50.75.010 Criteria for Legislative Decision
- 11 LOC 50.75.015 Required Notice to DLCD
- 12 LOC 50.75.020 Planning Commission Recommendation Required
- 13 LOC 50.75.025 City Council Review and Decision

15 C. Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197

- 16 Goal 1: Citizen Involvement
- 17 Goal 2: Land Use Planning

19 **FINDINGS AND REASONS**

20 1. The City Council incorporates the staff Council Report, dated March 26, 2010 for
 21 LU 08-0053-1729 (with all exhibits), the October 20, 2008 Staff Report to the Planning
 22 Commission (with all exhibits), together with all supplemental reports, and the Findings and
 23 Conclusions of the Planning Commission in this matter as support for its decision. To the extent
 24 they are consistent with the approval granted herein, the City Council also adopts by reference its
 25 oral deliberations in this matter as further findings in support of this decision.

26 2. The City Council considered the Planning Commission’s recommendations
 27 regarding proposed revisions to LOC Article 50.72 and LOC 50.81.010 relating to the
 28 applicability, criteria, and procedures of the Residential Infill Design (RID) Review. The City
 29 Council also considered the public testimony that the proposed revisions would not provide
 30 sufficient flexibility to assure compatibility in areas of the City that have special platting or

1 topographic conditions, such as lakefront properties and lots with steep slopes, until additional
2 planning work addresses the special conditions affecting these portions of the City. The City
3 Council finds that the existing Residential Infill Design Review provisions should, at present, be
4 retained, with the exception that the notice area for comments under LOC 50.81.010 should be
5 expanded to 300 feet to coincide with the notice area for other minor development applications.

6 3. Staff advised the City Council of an inadvertent “strikeout” of the 5,000 square
7 foot minimum lot area and minimum area per dwelling in the R-5 zone shown in Table
8 50.06.035. The City Council finds that this was a typographical error, and that the deleted text
9 should be retained.

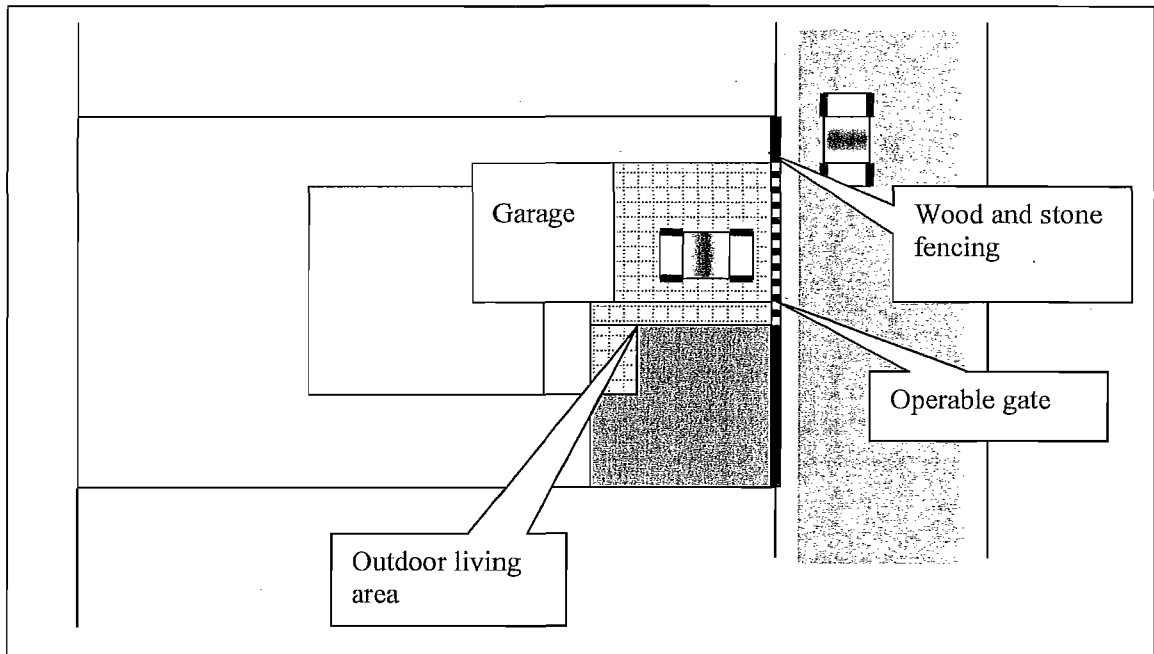
10 **CONCLUSION**

11 The City Council concludes that LU 08-0053-1720, as amended, complies with all
12 applicable criteria and is consistent with applicable Statewide Goals and Lake Oswego
13 Comprehensive Plan Policies.

EXHIBIT 2

Ordinance 2524
CHAPTER 50 – APPENDIX

LOC APPENDIX 50.06.065 (2)(b)(ii)(4)(C)



LOC APPENDIX 50.07.030 (3)

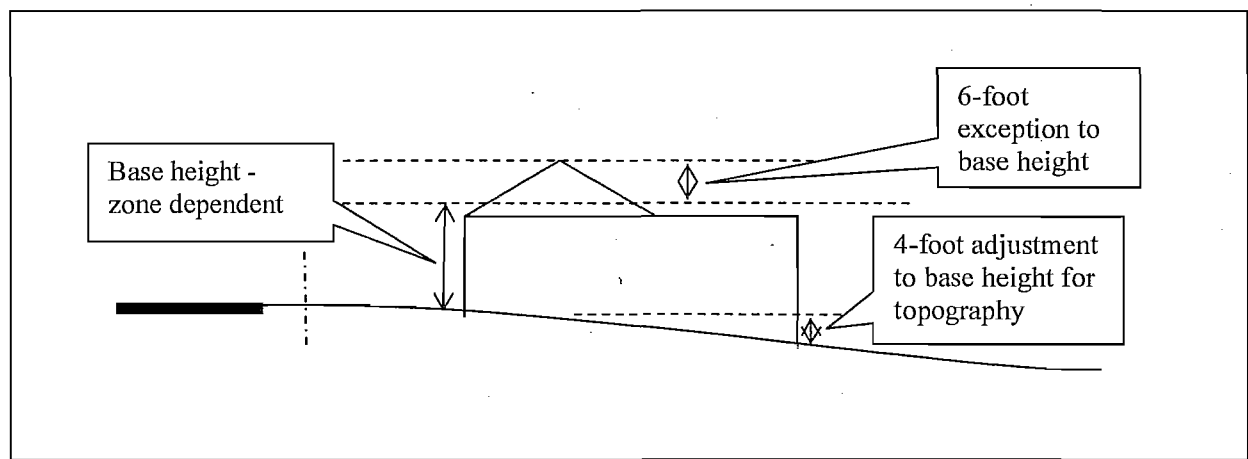


EXHIBIT 2

Replace APPENDIX 50.07-C with new APPENDIX:

LOC APPENDIX 50.07-C Street Front Setback Planes

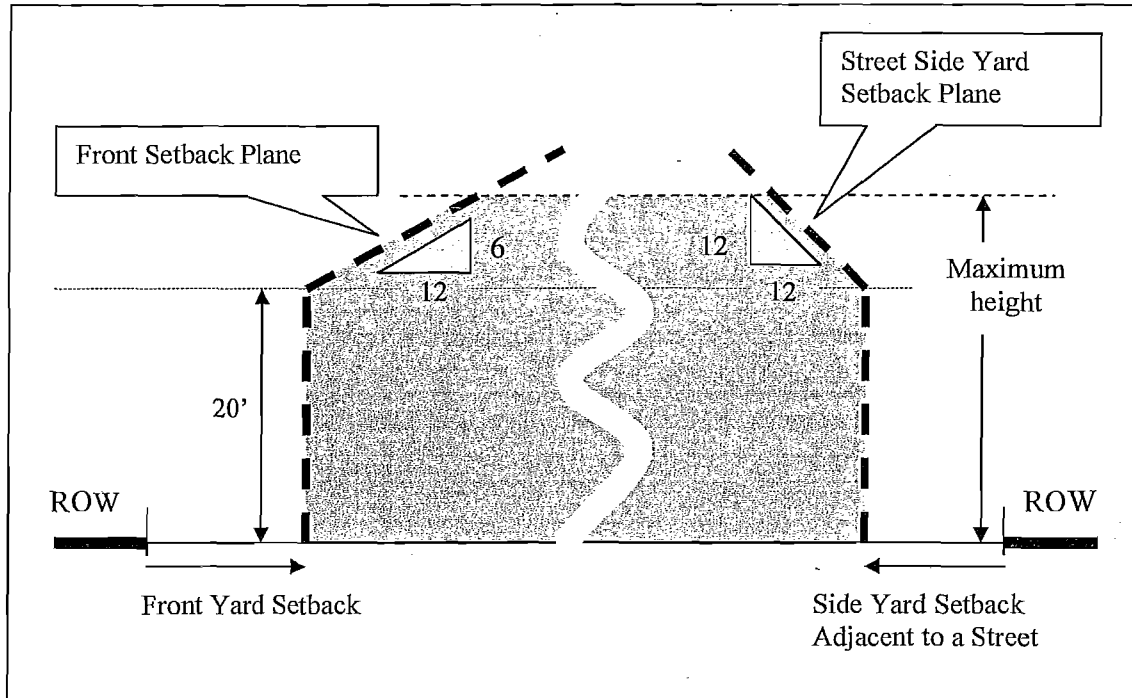
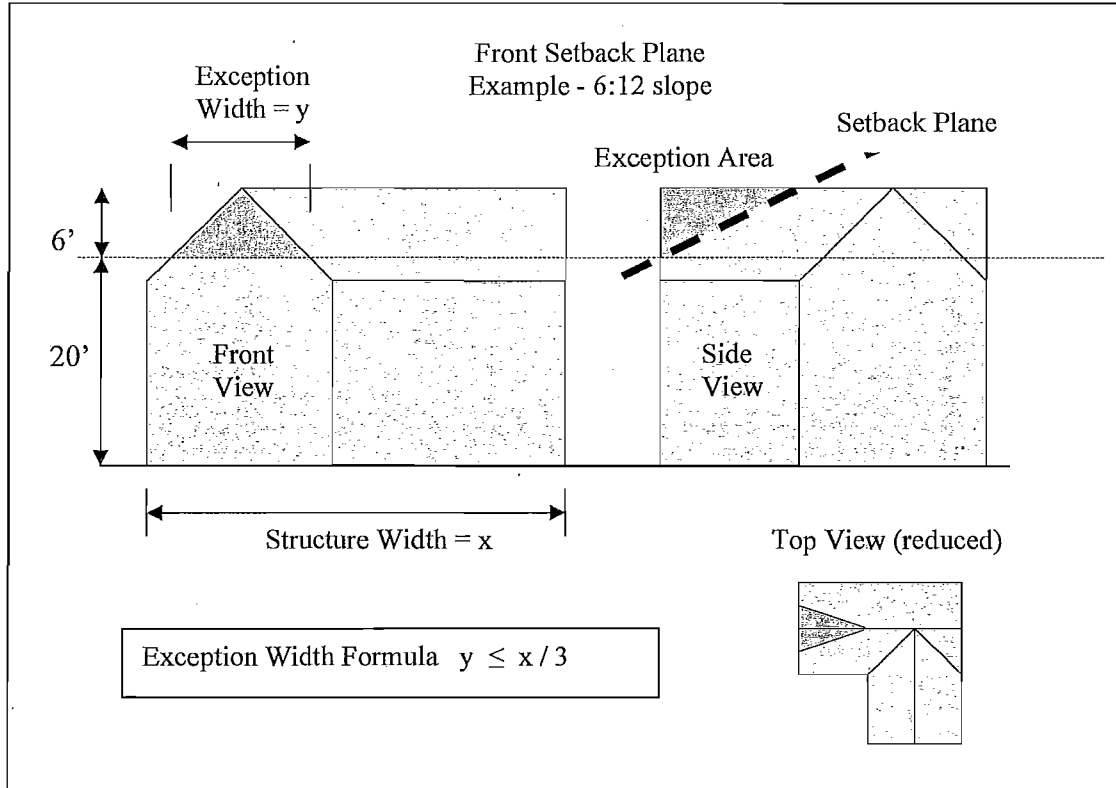
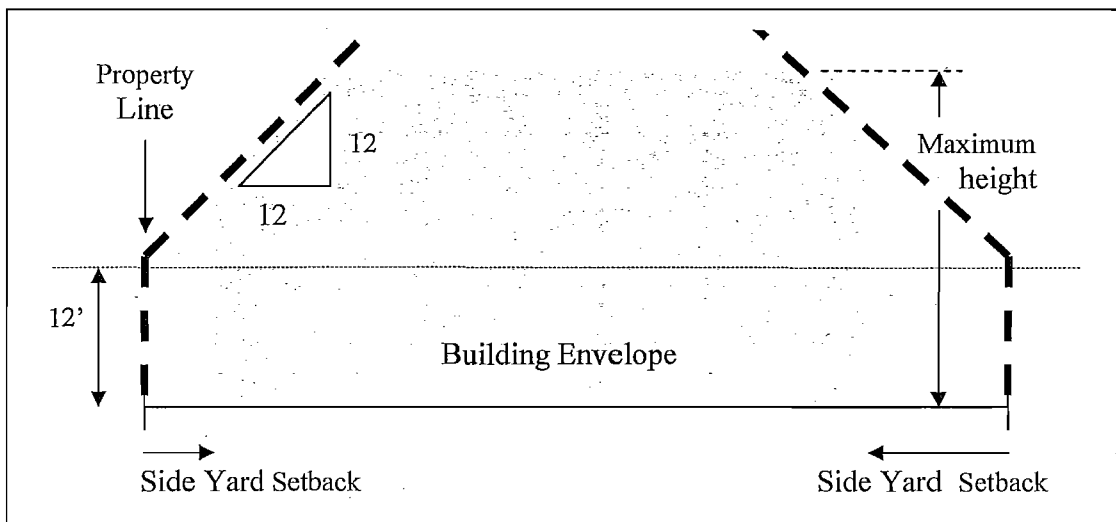


EXHIBIT 2

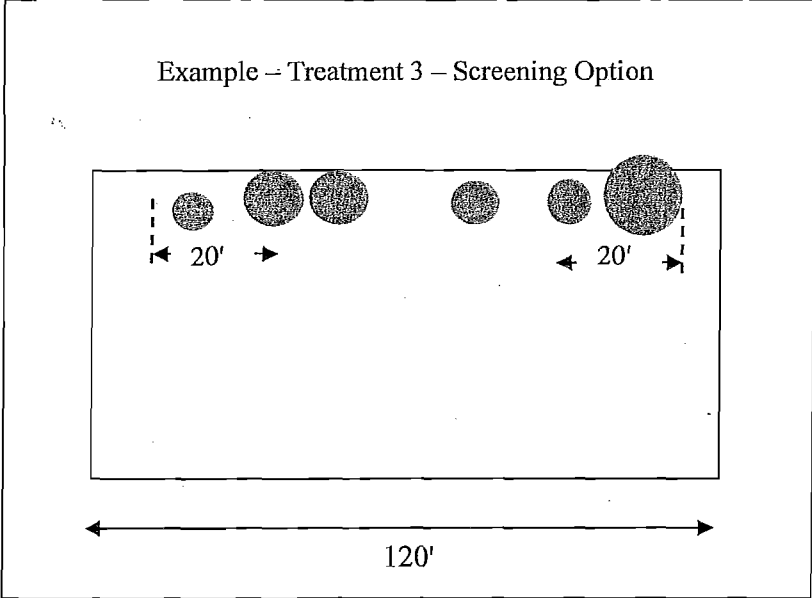
LOC APPENDIX 50.07-D Exceptions to the Setback Plane



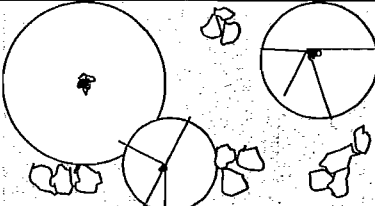
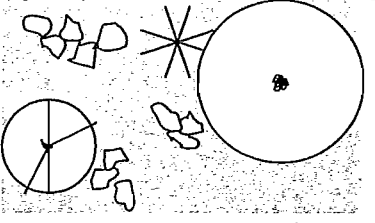
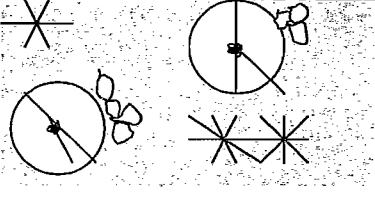
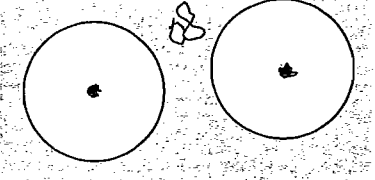
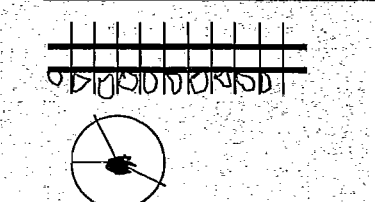
LOC APPENDIX 50.07-E Side Yard Setback Plane



LOC APPENDIX 50.07-F



LOC APPENDIX 50.07-G

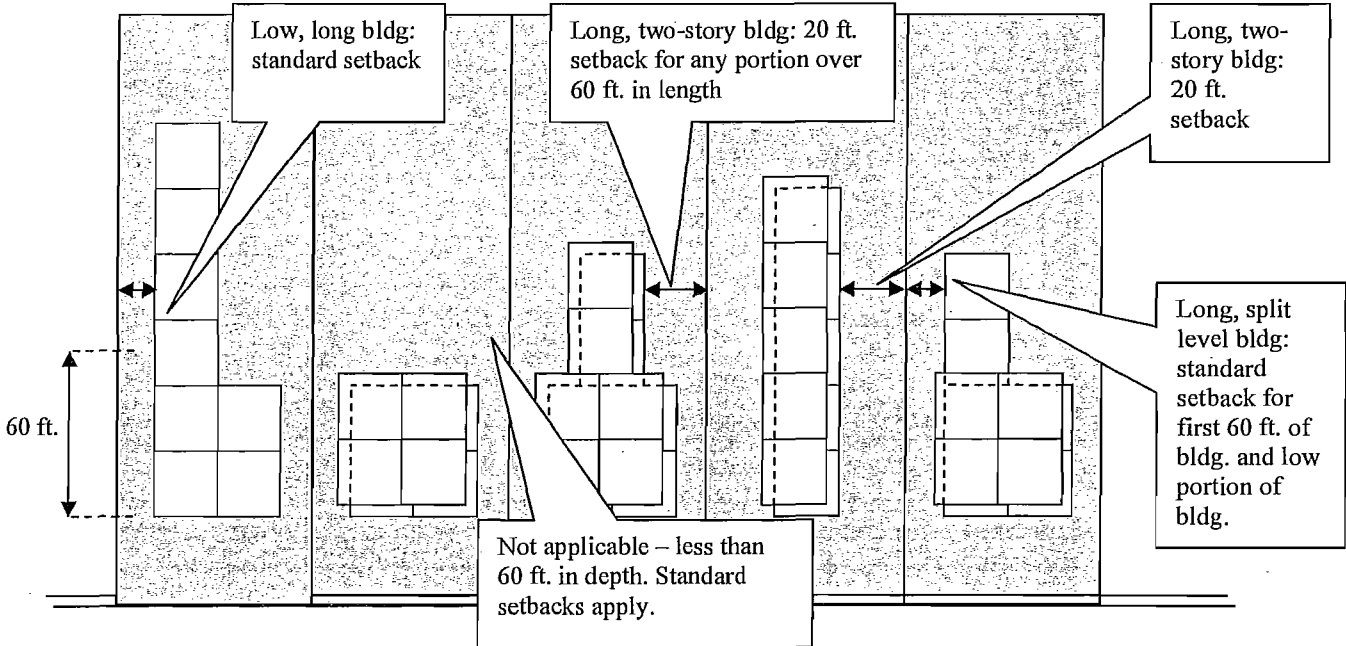
Standard Plant Unit Alternative	Quantity Minimum Size and Type of Plants Required	Illustration
Standard Unit A	1 - 3" caliper canopy tree 2 - 1 ½" caliper under story tree 13 - 3' high shrubs	
Standard Unit B*	1 - 3" caliper canopy tree 1 - 1 ½" caliper under story tree 1 - 6' high evergreen tree 11 - 3' high shrubs	
Standard Unit C*	2 - 1 ½" caliper under story tree 3 - 6' high evergreen trees 7 - 3' high shrubs	
Standard Unit D**	2 - 3" caliper canopy tree 3 - 3' high shrubs	
Standard Unit E*	Minimum 10' long trellis, arbor, or pergola (minimum 6' tall) 1 - 1 ½" caliper under story tree 10 - climbing plants (native)	

*Preferred for year around screen

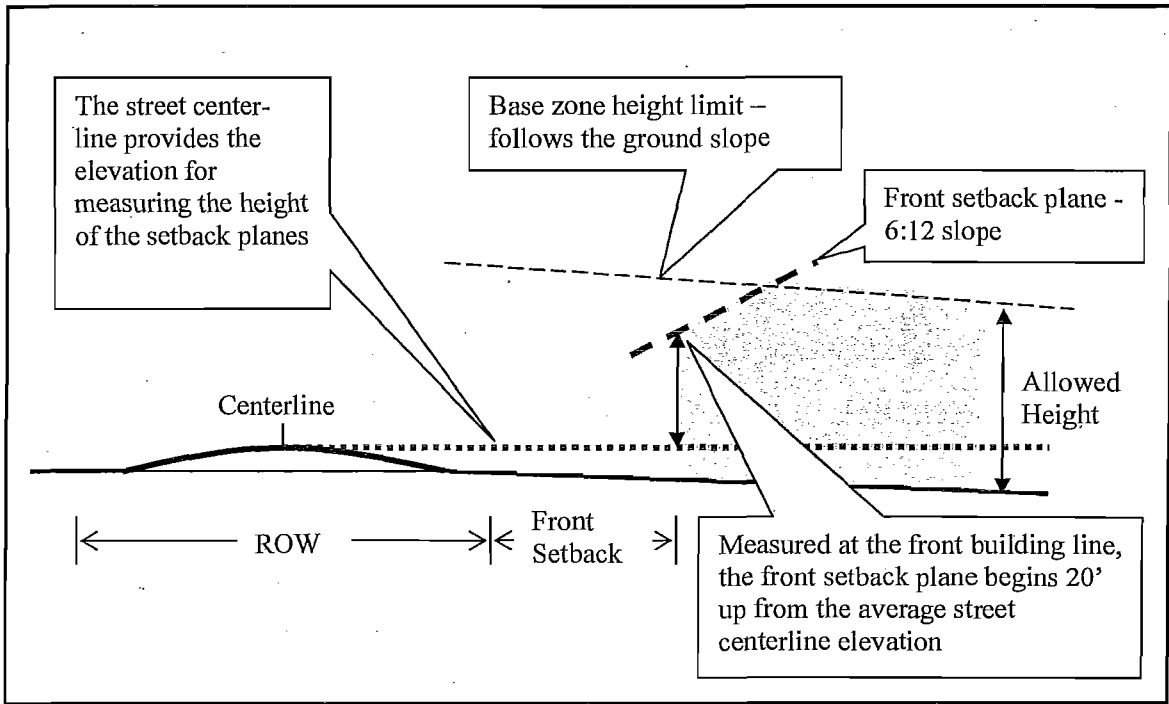
**May be required where vision clearance is required for safe automobile operation.

Existing landscaping may be used to meet the screening requirement provided the landscaping meets the minimum size requirements set forth above or if multiple plants exist, the caliper, dimensions, and sizes of plants cumulatively meet the cumulative minimum sizes required.

**LOC APPENDIX 50.07-H
Long Wall Planes**



**LOC APPENDIX 50.07-I
Setback Planes – Down Slope Lots**



LOC APPENDIX 50.07-J
Measurement Locations

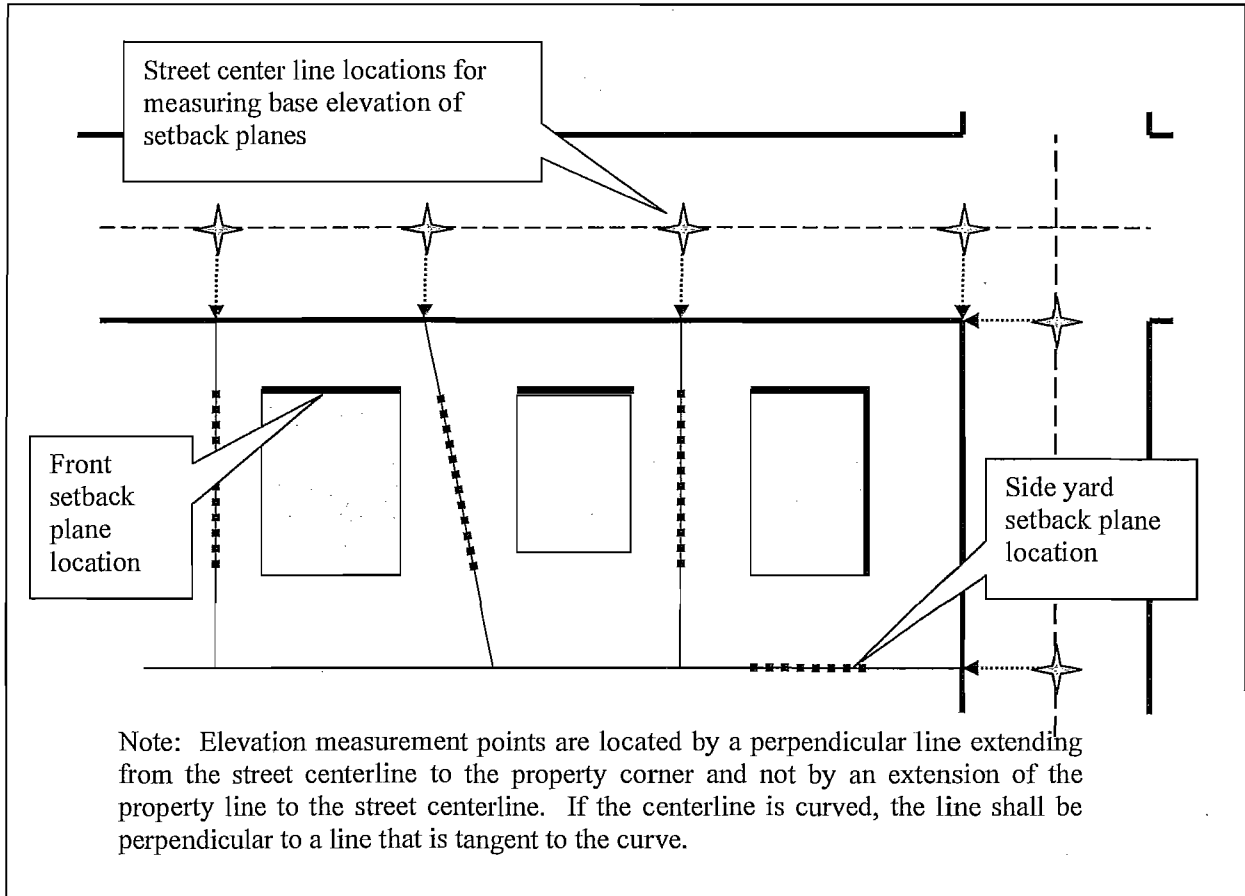


EXHIBIT 2

**LOC APPENDIX 50.07-K
Front Setback Plane – Upslope Lots**

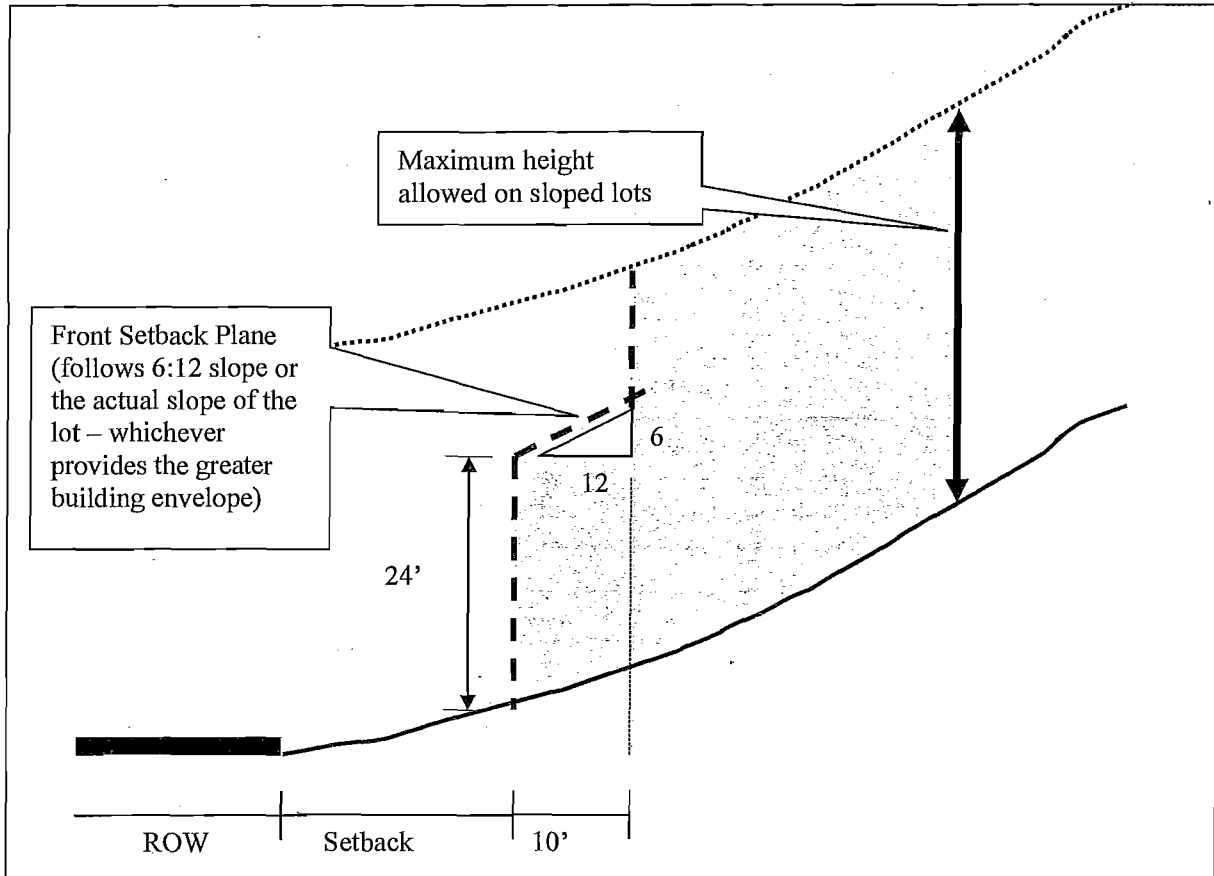


EXHIBIT 2

LOC APPENDIX 50.17.015 (5)(c)

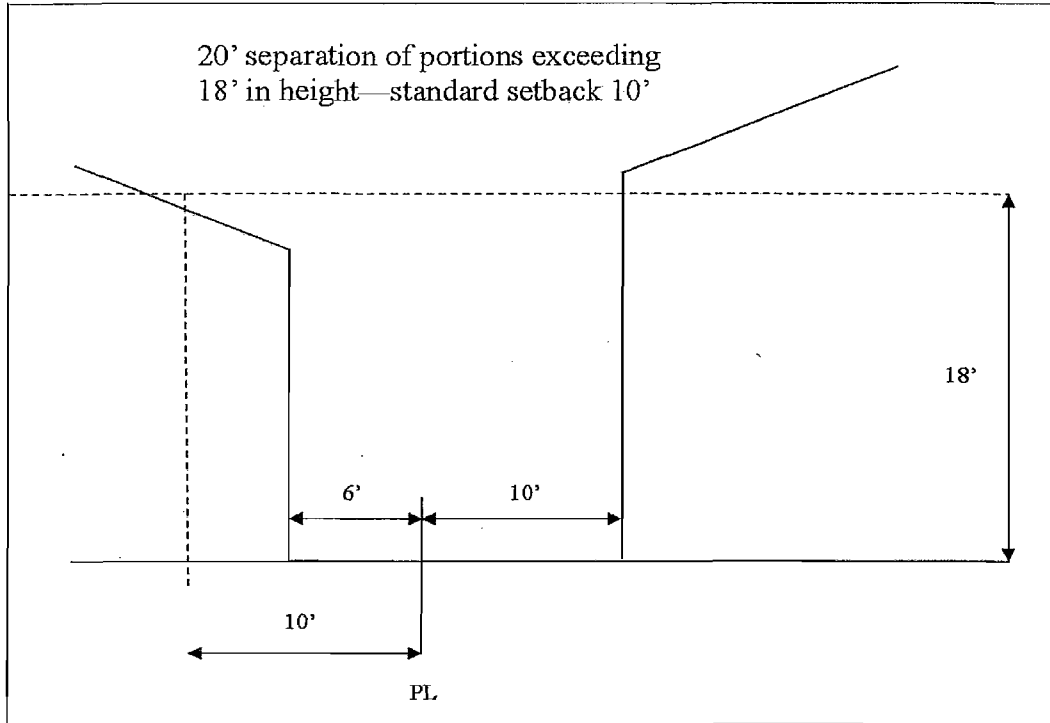
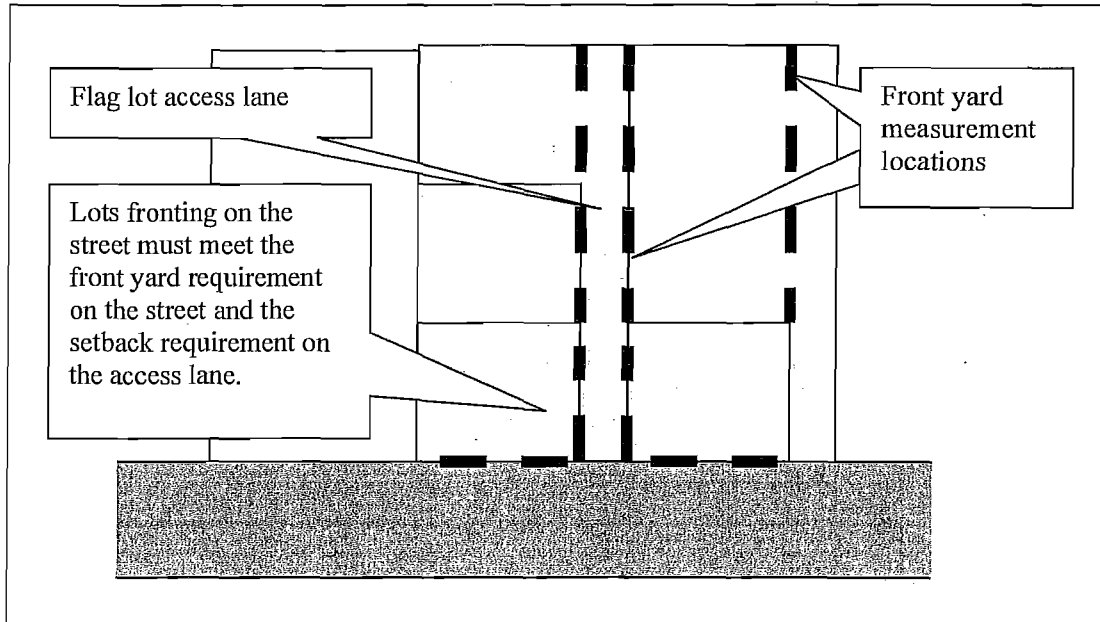
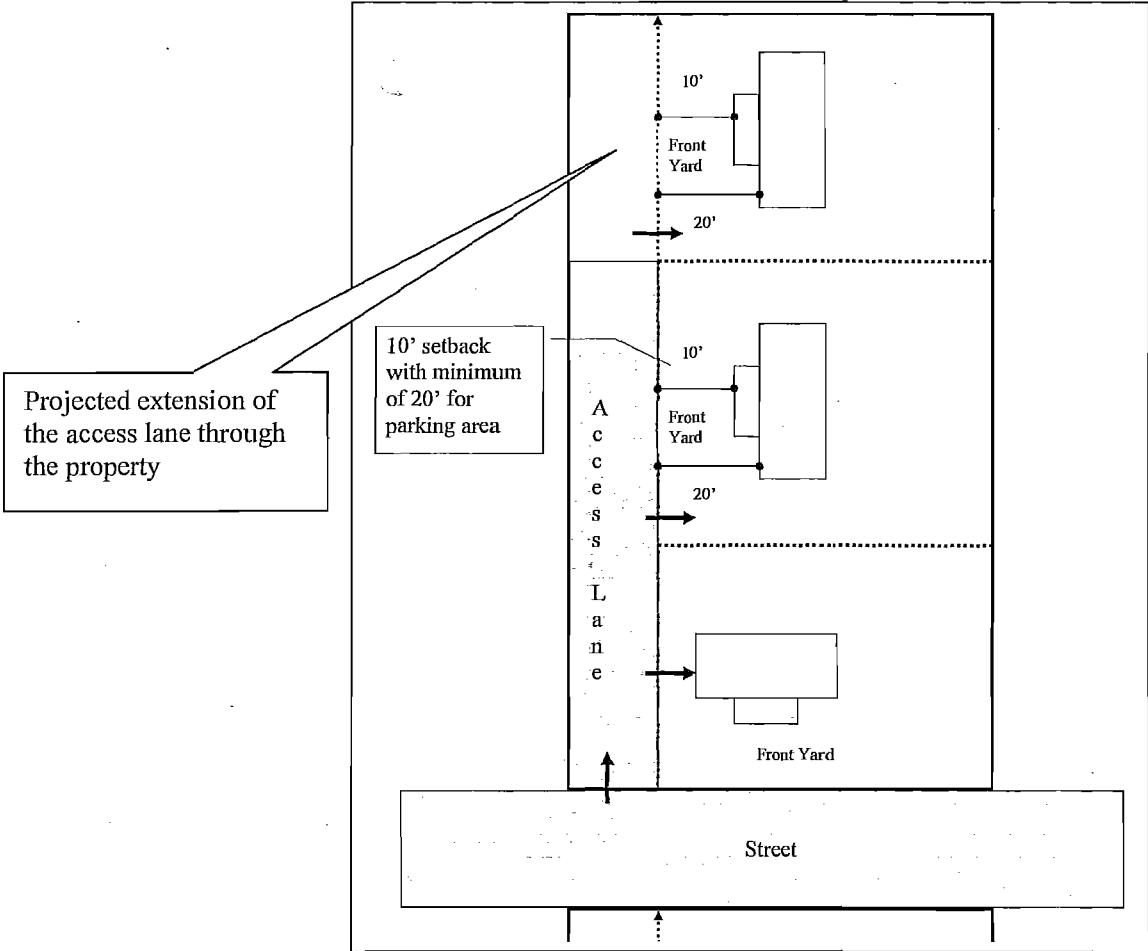


EXHIBIT 2

**LOC APPENDIX 50.20.025-A
Front Yards for Flag Lots and Lots Abutting Access Lanes**



LOC APPENDIX 50.20.030 (5)(a)



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DEPT OF

AUG 12 2010

LAND CONSERVATION
AND DEVELOPMENT



City of Lake Oswego
PO Box 369
Lake Oswego, OR 97034

*Attn: Plan Amendment Specialist
Department of Land Conservation + Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540*