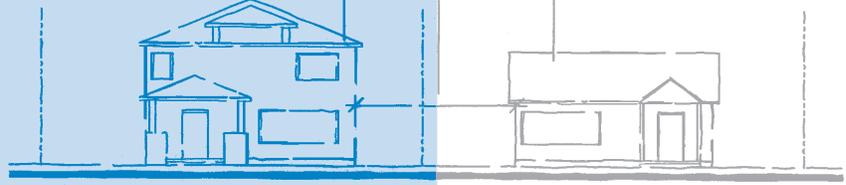
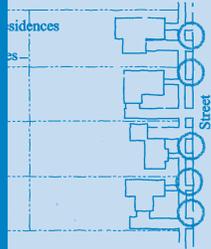


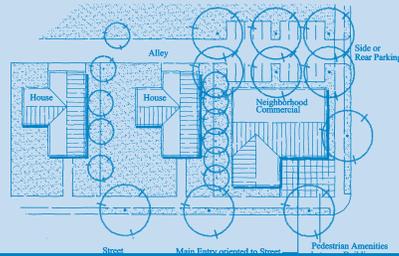
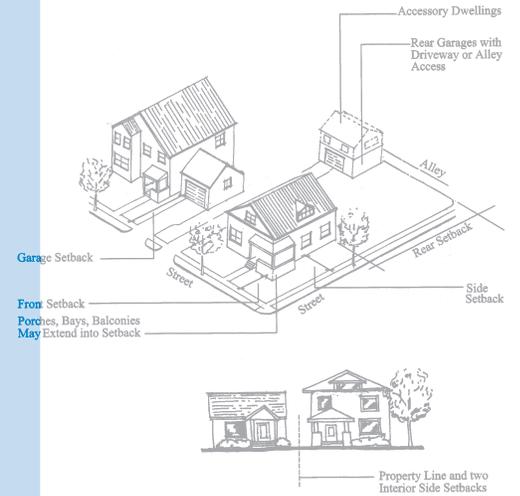
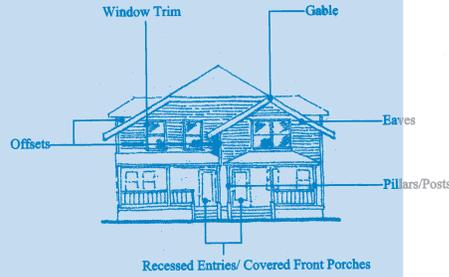
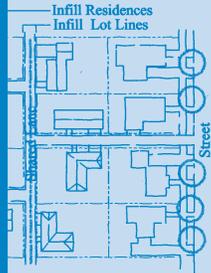
Distance from  
Established Residence  
New Residence



Core Infill

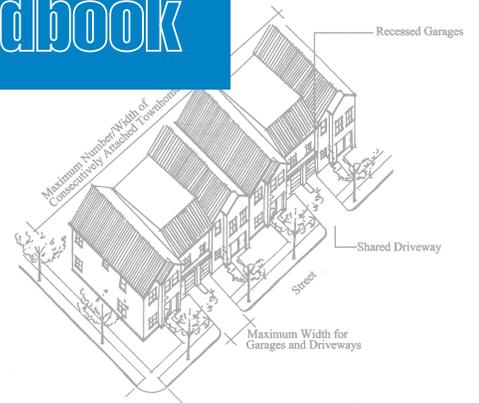
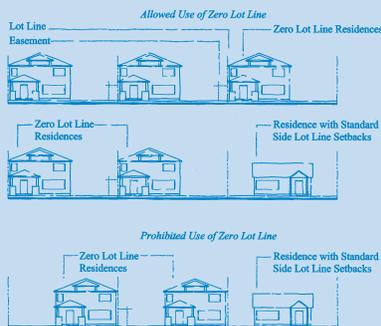
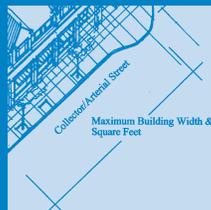


Infill



# The Infill and Redevelopment

## Code Handbook



# **The Infill and Redevelopment Code Handbook**

Transportation and Growth Management Program  
Oregon Department of Transportation  
Oregon Department of Land Conservation and Development

September, 1999

## **For further information, contact:**

Transportation and Growth Management Program  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2450  
Contact: Gloria Gardiner  
Telephone: 503-373-0050, extension 282  
Fax: 503-378-2687  
E-mail: [gloria.gardiner@state.or.us](mailto:gloria.gardiner@state.or.us)

**Prepared by:**



# **The Infill and Redevelopment Code Handbook**

## **Sponsoring Agencies**

This project was funded by the Oregon Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. The TGM Program relies upon on funding from the federal Transportation Efficiency Act for the Twenty-First Century (TEA-21) and the Oregon Lottery.

## **TGM Program**

Bill Adams, AICP, Urban Growth Mgmt. Specialist, TGM Project Manager  
Gloria Gardiner, JD, TGM Code Assistance Planner  
Elaine Smith, AICP, Urban Growth Program Manager

## **Infill and Redevelopment Advisory Committee**

Mark Bello, Planner — City of Portland  
Scot Burns, President — Burns Development Company  
Peter Wilcox, AIA, Executive Director — Portland Community Design  
Linda Sarnoff, AICP, Planning Manager — City of Corvallis  
Scott Keillor, AICP, Transportation Planner — City of Gresham

## **Participating Planners, Developers and Architects (interviewed)**

Jim Croteau, Allen Lowe — City of Eugene  
Jeff Lamb — Sienna Architects  
Kevin Gilles — Neighborhood Economic Development Corporation  
Mike McKeel, Gresham Developer  
Terry Brandt, Portland Developer  
Doug Oblitz, Portland Developer (Belmont Dairy)  
Anne Gilsky, Portland Developer (Ladd's Addition Housing)  
Jeff Davis, Jim Wheeler, Ron Papsdorf — City of Gresham

## **Consultants**

Scot Siegel, AICP, Project Manager, Senior Planner — Otak, Inc.  
Stacey Sacher-Goldstein, Planner — Otak, Inc.  
Tom Litster, Urban Designer — Otak, Inc.  
Martin Glastra van Loon, Urban Designer — Otak, Inc.  
Katie Kersten, Graphic Designer — Otak, Inc.  
Tom Armstrong, AICP, Planner — Pacific Rim Resources, Inc.

Table of Contents  
*The Infill and Redevelopment Code Handbook*

	<i>Page</i>
<b>Part 1. Introduction</b> .....	<b>1</b>
1.1 What's in this Handbook? .....	1
1.2 Why Encourage Infill and Redevelopment? ....	2
1.3 Obstacles to Infill and Redevelopment .....	3
1.4 Overall Strategies .....	7
<b>Part 2. Setting Your Strategy</b> .....	<b>10</b>
2.1 What the Experts Say .....	10
2.2 A Development Code Strategy for Infill and Redevelopment: Six Steps to Success .....	11
<i>Step 1: Create Work Program</i> .....	12
<i>Step 2: Form an Advisory Committee</i> .....	12
<i>Step 3: Identify Problems and Solutions</i> .....	13
<i>Step 4: Objectives, Strategies and Approach</i> ...	16
<i>Step 5: Development Code Audit</i> .....	18
<i>Step 6: Action Plan</i> .....	20
<b>Part 3. Sample Code Provisions</b> .....	<b>21</b>
3.1 How to Use This Section .....	21
3.2 Sample Code Provisions .....	23
<i>Purpose and Intent</i> .....	23
<i>Applicability and General Provisions</i> .....	25
<i>Permitted Land Uses and Building Types</i> ....	26
<i>Development Standards and Guidelines</i> .....	29
<i>Lot Coverage</i> .....	29
<i>Building Setbacks</i> .....	30
<i>Building Heights</i> .....	33
<i>Street Frontage, Access and Circulation</i> ...	34
<i>Residential Density Standards</i> .....	36
<i>Residential Building Size</i> .....	38
<i>Commercial Floor Area</i> .....	39
<i>Building and Site Design</i> .....	41
<i>Building Orientation</i> .....	42
<i>Residential Open Space</i> .....	43

**Part 3. Sample Code Provisions (continued)**

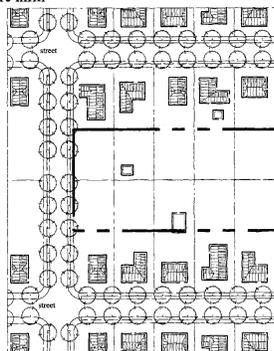
<i>Landscaping</i> .....	44
<i>Parking</i> .....	45
<i>Building Design</i> .....	47
<i>Safety and Security</i> .....	48
<i>Special Use Standards</i> .....	50
<i>Application Requirements &amp; Review Procedures</i> ...	58
<i>    Before Submitting an Application</i> .....	58
<i>    The Application</i> .....	60
<i>    The Completeness Check</i> .....	61
<i>    Review Procedures and Appeals</i> .....	61

**Appendix**

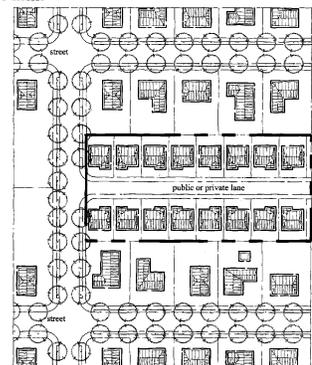
- A. Sample Code Audit Worksheets**
- B. Sample Code Audit**
- C. Sample Community Design Standards**
- D. Sample Zone District for Infill/Redevelopment Area**
- E. Smart Development Principles**
- F. State Policies, Statutes and Administrative Rules  
Related to Infill and Redevelopment**

# *Part 1 — Introduction*

before infill



after infill



# Part 1 — Introduction

*There are many good reasons why developers prefer to build on raw land, and some of these reasons relate to local government policy. Even though there are greater economic, social and environmental costs to sprawl development than infill, our public policies have stacked the incentives in the wrong direction.*

— from “Building Livable Communities: A Policymaker’s guide to infill development” (Local Government Commission, 1995)

Efficient use of land is a key growth management objective for Oregon’s urban areas. This handbook offers strategies for encouraging more *infill and redevelopment*. (See sidebar for definitions.) In particular, it provides tools for removing barriers to infill and redevelopment in a community’s development codes. The step-by-step process in the handbook is intended for city planners, planning commissioners, and consultants who are involved in updating land use codes for their communities.

## 1.1 What’s in This Handbook?

This handbook provides a comprehensive program for identifying and removing barriers to infill and redevelopment in urban areas. It is organized into three components:

Part 1 (this part) summarizes the benefits of, and common obstacles to, infill and redevelopment, and provides a range of strategies for addressing those obstacles. Part 2 contains a step-by-step process for reviewing local conditions in your community, and creating an action plan for infill and redevelopment. Part 3 offers sample code language for removing regulatory barriers to infill and redevelopment and improving compatibility between existing and new developments.

### Definitions

**in•fill** \in-fill\ *n*: development of vacant or remnant lands passed over by previous development in urban areas.

**re•de•vel•op•ment** \red-i-’vel-ep-ment\*n*. the act or process of redeveloping; *esp*: renovation of a blighted area. Replacement, remodeling, or reuse of existing structures to accommodate new development.

The handbook was prepared with the assistance of an advisory committee comprised of architects, developers and city planners. The committee members were interviewed individually and met as a group to provide input on the content and format of the handbook. In addition, the authors interviewed builders, architects and planners who have experience designing, reviewing, and developing

infill and redevelopment projects in Oregon. We wanted to find out “what works” in promoting this type of development. For a list of committee members and interviewees, please see the inside of the front cover.

## ***1.2 Why Encourage Infill and Redevelopment?***

Every city and urban county in Oregon should have a strategy to encourage infill and redevelopment. First, it is state policy to plan for efficient use of land and public facilities within urban growth boundaries. (Please refer to the Appendix for a summary of relevant policies.) Infill and redevelopment is a basic component of a community’s buildable lands inventory, and is appropriate in areas where the community has invested in public infrastructure.

Second, and most importantly, infill and redevelopment can support several local and regional planning objectives, including:

- Economic development and improved tax base.
- Revitalization of downtown and close-in neighborhoods.
- Development of needed housing in close proximity to employment and services
- Neighborhood preservation and enhancement
- Transportation choices and connectivity
- Walkable neighborhoods and, where applicable, transit-supportive development
- Decrease in commuter road congestion
- Efficient use of existing urban services and facilities, as an alternative to extending new facilities
- Energy conservation through reduced reliance on the automobile
- Completing communities, and providing community centers
- Public cost savings (i.e., over sprawl development)

Finally, infill and redevelopment make good economic sense, both for developers and the public. Even the real estate community is turning its attention to ways that it can encourage infill and redevelopment. In a report entitled *Emerging Trends for Real Estate 1999*, Pricewaterhouse Coopers and Lend Lease Real Estate Investments condemn sprawl and low-density suburban residential centers: “Suburbs struggle because they have let developers run amok, oblivious to traffic growth, sewer system capacity or even recreational needs,” the report warns. “Increasingly, better suburban centers are starting to look like smaller versions of traditional cities, featuring attractive neighborhoods, easily accessible retail and office districts, and mass transportation alternatives to the car.” *Emerging Trends* is based on a survey of 150 leading industry investors, developers, space users, and analysts across the United States.

### ***1.3 Obstacles to Infill and Redevelopment***

In *Building Livable Communities: A Policymaker's Guide to Infill Development*, The Local Government Commission's Center for Livable Communities identifies six overarching obstacles to infill and redevelopment (paraphrased from *Building Livable Communities*):

#### **■ Six Obstacles Stacking the Deck Against Infill and Redevelopment**

***1. Infill and redevelopment projects often cost more to build than raw land projects*** — Hard costs, such as land, site preparation (i.e., demolition or toxics), construction, and parking vary widely but generally run more for infill and redevelopment. Typically soft costs, such as survey, architecture, engineering, legal, permitting, and marketing, also run more due to design challenges and public process requirements inherent to infill and redevelopment projects. The *marginal cost* of infill may be greater than for development on the edge of the urban area, in part, because the number of units being produced is usually much less than would be built in a new community. While permitting costs may be roughly the same for each project, infill projects must pay them out of a smaller projected return on investment.

Developers Tom Sargent and Will Fleissig have summarized the costs per square foot of infill and development versus sprawl. Their 1993 figures for the Bay Area in California are provided on page 4.

<b>DEVELOPMENT COSTS (per s.f. of floor area)</b>	<b>INFILL</b>	<b>SPRAWL</b>
Land	\$15-20+	\$8-12
Site and Off-Site Preparation	\$5-10+	\$5-10+
Hard Costs: Construction ( <i>wood frame only</i> )	\$60-65	\$45-55
Parking ( <i>infill-structured parking; sprawl-included above</i> )	\$15-18	\$0
Soft Costs ( <i>40% of hard costs</i> )	\$32-37	\$20-26
Contingency ( <i>5%</i> )	\$6-7	\$4-5
<b>SUBTOTAL</b>	<b>\$133-157</b>	<b>\$82-108</b>
Profit ( <i>15%</i> )	\$20-23	\$12-16
Marketing	\$10-11	\$6-8
<b>TOTAL COST</b>	<b>\$163-191 / s.f.</b>	<b>\$100-132 / s.f.</b>

Source: *Building Livable Communities: A Policymaker's Guide to Infill Development*, Local Government Commission (1995).

Fleissig and Sargent use these figures to demonstrate that for the same unit price, the sprawl developer can provide a larger home. Of course, these figures do not take into account the public costs of sprawl, which would change the equation.

**2. Policymakers tend to overlook the public cost-savings of infill and redevelopment** — About 500 studies have been written about the costs of public services to serve different development patterns since the *Costs of Sprawl* report by the Real Estate Research Corporation in 1974. The majority of the studies conclude that it costs considerably less to provide linear services (sewer, water, streets) to a compact, efficient development pattern than to a sprawling pattern. Two recent studies illustrate this point:

The first is the *Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan*, by Rutgers University in 1992 compares the cost of New Jersey sprawl with a more compact form of development, as optional ways to accommodate 520,000 new residents over 20 years. Rutgers found that the more compact development pattern would save \$1.3 billion in public facility capital construction costs and \$400 million annually in operation and maintenance costs.

The second study, *Alternatives for Future Urban Growth in California's Central Valley: The Bottom Line*, by American Farmland Trust in 1995, corroborates the conclusion of the New Jersey study. The study compares the consequences of adding an expected 8 million people by the year 2040 to the Central Valley in two possible scenarios: at 3 dwelling units per acre and 6 units per acre. The study concludes that cities and counties would save \$29 billion in the cost of taxpayer-

financed services over a 45 year period if housing developed at an average density of 6 units per acre rather than 3 units per acre. These findings underscore the need for policymakers to consider *public costs*, as well as private costs, in planning for infill and redevelopment.

**3. Largely due to past experience with poor quality examples, many community members actively oppose infill and mixed-use projects** — *The Policymakers Guide* describes this frustration: “In the past, local governments have focused on regulations relating to particular uses and densities rather than paying attention to the much more important issues of scale, landscaping and, most important of all, the relationship of the building to the lot upon which it sits, to the rest of the street, and to the neighborhood. In other cases, there have been few or no regulations at all regarding what might be built where. The unpleasant results have become indelibly imprinted in the minds of many citizen[s]. Residents may also have some very legitimate concerns about reduced air quality, increased traffic, more parked cars, and overuse of civic buildings and parks.”

**4. Developers often avoid infill or redevelopment projects in inner-city neighborhood due to fear of reduced marketability** — A three-year study undertaken by the Urban Land Institute of six low-income, inner-city neighborhoods revealed that low quality of education and crime most strongly contribute to neighborhood decline. Poor quality infill development, lack of code enforcement, blight, and a lack of neighborhood were seen as contributing to the problem.

**5. Finance and capital markets can be a barrier to the infill developer** — Lenders perceive mixed-use projects appropriate to infill development as risky when there are not many similar projects to which they can be compared. The problem is compounded by the fact that many banks separate their residential and commercial loan functions, so individual loan officers are not familiar with all elements of the project. Additionally, most lenders are unwilling to count much of the potential rental income from retail/commercial space toward revenues to support a loan, because lenders are concerned the space will not actually lease.

Mortgages of infill projects are also difficult to sell to the secondary market (Fannie Mae, Freddie Mac, etc.). The secondary market sets the underwriting standards for most loans and these quasi-public institutions do not tend to underwrite condominiums, townhouses, live-work units, co-ops, co-housing, mixed-use developments, and the like.

**6. Zoning for separate uses has gone too far** — The Euclidean zoning model of “separating uses” began as a response to industrial pollution and diminishing quality of life in inner cities. The model spread across the county in the early 1900s, prohibiting different types of housing to mix, and isolating neighborhoods from jobs,

stores and services. Today, the practice of separating land uses and prescribing inflexible lot area, building setback, and other dimensional standards has resulted in barriers to compatible infill and mixed use developments. *The Policymaker's Guide* argues that this way of thinking is outdated and goes too far. "Usually no single regulation is at fault; it is the sum total of all the ordinances and regulations."

### ■ **Conclusion: It's time to "Even the Playing Field"**

Current public policies generally provide incentives and subsidies for raw-land or greenfield development. A capital improvement program that directs water, roadway, and sanitary sewer projects to greenfield development sites, while neglecting needed improvements in infill areas, is one example of this type of policy. Zoning and subdivision regulations that contemplate development of large, flat parcels, but neglect the challenges and opportunities of infill sites, are another example. This handbook suggests strategies to "even the playing field," by making infill and redevelopment a more reasonable choice for a developer as building on raw land on the fringes of the community.

## ***1.4 Overall Strategies***

In a strong real estate market, infill and redevelopment may occur without supportive public policies. More often, coordination of public policies and private investment is required to encourage development of under-used and skipped-over areas. Such areas may be targeted for infill and redevelopment when adequate public facilities are available, or can be made available. There may also be active neighborhood support. The area may be important for economic, social, or cultural reasons. Under any of these scenarios, the public and the development community can benefit from strategies that encourage well-planned infill and redevelopment.

***Two strategies are addressed in detail in Part 3 - Sample Code Provisions:***

- ❑ **Changes in Regulations** — Streamlining and customizing regulations to fit the particular needs of infill and redevelopment reduces barriers and provides incentives to quality development.
- ❑ **Infill Design Guidelines/Standards** — The compatibility of new buildings may be enhanced by incorporating building and site details common in the neighborhood. Appropriate building scale, materials, color, window proportions, and facade articulation, for example, all contribute to compatibility. Large buildings can be designed to reduce negative impacts on the neighborhood by orienting windows away from private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that respect the character of the surrounding area. Screening and landscaping can also help new developments blend into the neighborhood.

***Other strategies include:***

- ❑ **Specific Area Plans** — Specific area plans (or Refinement Plans per ORS 197.200) are comprehensive plan components, similar to sub-area plans. They are developed through a consensus process with property owners and other interest groups, and provide a vision with specific implementation measures. Specific area plans can encourage quality infill and redevelopment, for example, by providing clear direction in land use, design, transportation, and infrastructure elements.
- ❑ **Site Assessments and Inventories** — Local governments can assist the real estate and development industry to focus investment in infill and redevelopment by preparing site assessments and land use/development inventories. Maps of underutilized (vacant, infill, and redevelopable) land that are prepared during comprehensive plan updates and neighborhood studies

can be of value to prospective developers. This information can be supplemented with spreadsheets containing key site selection data, such as site size, access, rail and other transportation features, utilities, ownership, physical opportunities and constraints, and entitlement history (e.g., land use approvals, environmental assessments, traffic and natural resource studies).

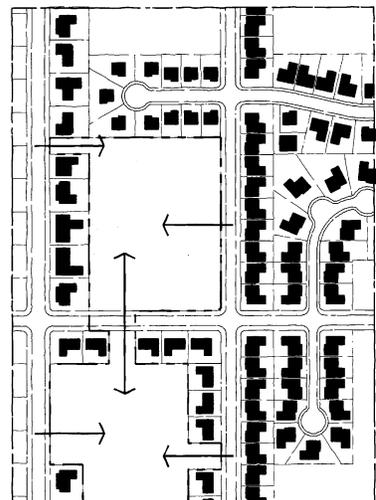
- ❑ **Infill Marketing** — Local governments can work with developers to advertise and promote infill and redevelopment sites identified in the site assessments and inventories. Such “marketing” can be as active or passive as is appropriate for the particular community. For example, cities with active urban renewal agencies may be able to dedicate significant resources to advertising (i.e., particularly when the agency is offering land for development), whereas other cities may simply provide inventory and assessment data over the counter, or on a web site.
- ❑ **Design Assistance** — Design assistance can range from providing diagrams, pictures, and sample designs (i.e., “this will work”), to preparing complex site plans, computer simulations and modeling (e.g., transportation, drainage, etc.) tailored to individual projects. These types of services can assist developers in protecting neighborhood character and complying with local regulations.
- ❑ **Capital Improvement Plans** — A Capital Improvement Plan (CIP) shows the location and timing of planned public facility improvements. CIPs can be used to focus on specific infill and redevelopment areas for capital projects such as street, utility, and public amenity improvements.
- ❑ **Annexation Plans and Urban Service Agreements** — Annexation plans and urban service agreements can help in areas where gaps in service exist between multiple cities or special service districts. The agreements facilitate infill and redevelopment by clarifying the roles of service providers and streamlining development review.
- ❑ **Marginal Cost Pricing** — A reduction to system development charges and similar fees and exactions may be warranted for some types of projects and in town center locations (e.g., transit oriented developments, mixed use projects, etc.). Such “marginal cost pricing” reflects lower real costs to the community, as compared to open land development at the city’s edge. The cost reduction may also encourage a developer to pursue an infill or redevelopment project that he or she would not otherwise consider, since this type of project often involves a more lengthy, and less certain permitting and financing process.
- ❑ **Financial Incentives** — Financial incentives (i.e., beyond Marginal Cost Pricing) are often necessary to induce redevelopment in blighted areas, and in areas where there is a high expectation for public benefits or amenities. Cost reductions and subsidies may include, but are not limited to, public

improvement cost-sharing; land acquisition and write-downs; tax credits and abatement; low-interest loans and other financial incentives; application fee reductions or waivers; and expedited permit processing. These types of subsidies should be offered only when the development advances a legitimate public purpose (e.g., affordable housing, public space, transit-oriented development, etc.).

- ❑ **Property Tax Exemptions for Qualified Housing** — Oregon’s housing and community services statutes, ORS 458, govern community development corporations, state housing revitalization programs, low-income housing funds, and various community services programs in Oregon distressed and low-income areas. Of note, ORS 458.005-.065 enables cities to implement property tax exemptions and limitations for new housing in distressed urban areas when design standards are in place and other criteria are met.
- ❑ **Urban Renewal** — Oregon’s urban renewal statute (ORS 457) allows an urban renewal agency for every municipality in the state, and authorizes tax increment financing. The statute enables a local government to *activate* its urban renewal agency after making a finding of “blight”. The agency then prepares an urban renewal plan. Under the plan, it may borrow funds, collect tax revenue, and carry out projects that revitalize blighted areas. For a more detailed description of eligible areas, please refer to ORS 457 in the Appendix.
- ❑ **Forming Partnerships** — Local governments can partner with other agencies and organizations that have a mutual interest in promoting infill and redevelopment. By joining forces with housing and social service agencies, neighborhood and business district leaders, building trade groups, and design professionals, a local government can tap into a wealth of experience and resources. (See also, “Form an Advisory Committee”, page 12.).

The next section of this handbook describes an overall process for setting an infill and redevelopment strategy for your community, with an emphasis on implementing the first two strategies suggested above: *Changes in Regulations* and *Infill Design Guidelines/Standards*.

*Part 2 — Setting Your Strategy*



## Part 2 — Setting Your Strategy

### 2.1 Overview: What the Experts Suggest

The authors of this handbook interviewed builders, architects and local government planners with infill and redevelopment project experience to get their input on local planning policies and development codes. We wanted to know: “what works well.” (For a list of interviewees, please refer to the inside of the front cover.) The top seven conclusions of the interviews are as follows:

1. **Need for Planning** — Communities need to plan for infill and redevelopment due to the complexity of this type of development and its importance in terms of meeting growth management objectives.
2. **Audit Codes** — City planners and developers agree that development codes are often too limited and inflexible when applied to infill and redevelopment projects. Obstacles include outdated and conflicting subdivision, zoning, and public works standards; building codes; and review procedures that take too long, particularly for small projects. A development code “audit” is recommended to identify barriers to infill and redevelopment. Audits provide a comprehensive review of all facets of the development code, including standards and procedures for zoning, land divisions, and public improvements.
3. **Physical Constraints Require Flexible Standards and Procedures** — Odd-shaped lots, close building orientation, steep topography, poor access, brownfields, and a multitude of other site constraints require flexibility and creative design solutions. At the same time, it is important to recognize that some sites may not be fully developable. Administrative variances or adjustment procedures can be provided in local codes to address the most difficult sites and opportunities to improve design quality. (See the City of Portland.)
4. **Design-Based Planning** — Developers, designers, and public planners, will be more successful with infill and redevelopment if they use the local design context in planning their projects. This sensitivity to local conditions goes hand-in-hand with the need for flexibility in local development codes. (See above.) Graphics should be included in zoning and subdivision codes to communicate design standards and make codes easier to use.
5. **Incentives** — Financial incentives may be necessary for some infill projects, particularly affordable housing projects. For information on financial, tax and other incentives, please refer to “Overall Strategies” in Section 1.4 of this handbook.

6. ***Neighborhood Support*** — Neighbors will support good projects when they feel that the project benefits them. Public education and good examples to point to are critical.
7. ***The Human Element*** — Staff and local policy makers need to have a favorable attitude toward infill and redevelopment to get good results.

## ***2.2 A Development Code Strategy for Infill and Redevelopment: Six Steps to Success***

This section outlines a process to define the extent of the problems and opportunities related to infill and redevelopment, and potential constraints that exist in the community. When a developer conducts a site feasibility study he or she looks at “opportunities” and “constraints” — i.e., *Is the site served with utilities? Does it have the necessary zoning and access? Is it steep or wet? What is the surrounding development like?* A community’s evaluation of infill and redevelopment lands should follow the same process. This handbook suggests the following six steps:

- ◆ Step 1: Create a Work Program
- ◆ Step 2: Form an Advisory Committee
- ◆ Step 3: Identify Problems and Potential Solutions
- ◆ Step 4: Determine Objectives and Strategies
- ◆ Step 5: Audit the City’s Development Codes
- ◆ Step 6: Your Action Plan

The process used by individual cities and counties will vary depending on local needs and available data. The handbook suggests working with an advisory committee comprised of local officials, development interests and community neighborhood leaders. The planner or analyst in charge of this work should be able to conduct a land use/buildable lands inventory and interpret economic, natural resource, demographic, housing, and code-related data from a variety of sources. The results of this work can be displayed in a variety of formats. While Geographic Information Systems can provide great speed and efficiency for larger studies, hand-crafted maps can work just as well for smaller areas.

The following six steps provide a basic approach for creating an infill and redevelopment strategy for your community:

## ■ Step 1: Create a Work Program

The work program should describe the intent and substance of the project, study area, roles and responsibilities of the participants, schedule, budget, and products. This step is particularly important when the local government anticipates hiring a consultant.

## ■ Step 2: Form an Advisory Committee

An advisory committee can assist planners and decision-makers by:

- ensuring that the code audit addresses important issues and includes perspectives from the full range of interests;
- reviewing and commenting on findings; and
- supporting public involvement efforts as part of the code-revision and implementation process.

Think of an advisory committee as providing a “360-degree” review of your city’s regulations and development process. A committee can look at your city’s regulations from many perspectives and offer valuable insight. Cities should consider appointing representatives from the following agencies and interest groups to provide a complete review:

- Development review staff***— Those who review developments and enforce development codes (planners, building officials, engineering and public works staff), as well as those who write policies and codes, should be involved in the code audit.
- Urban service providers*** — Agency staff who are responsible for water, sewer, stormwater management, parks, schools, libraries, crime prevention, private utilities, and similar service should be involved, as applicable.
- Developers*** — Involve developers who have experience developing infill and redevelopment projects in your community, if possible, and elsewhere.
- Private architects and planners*** — They work with your code and know its strengths and weaknesses. They may also know what other communities are doing to encourage infill and redevelopment.
- Community services and housing providers*** — Housing authorities, non-profit housing providers, community development corporations/banks, and other community service agencies should be involved because they are often catalysts for infill and redevelopment.

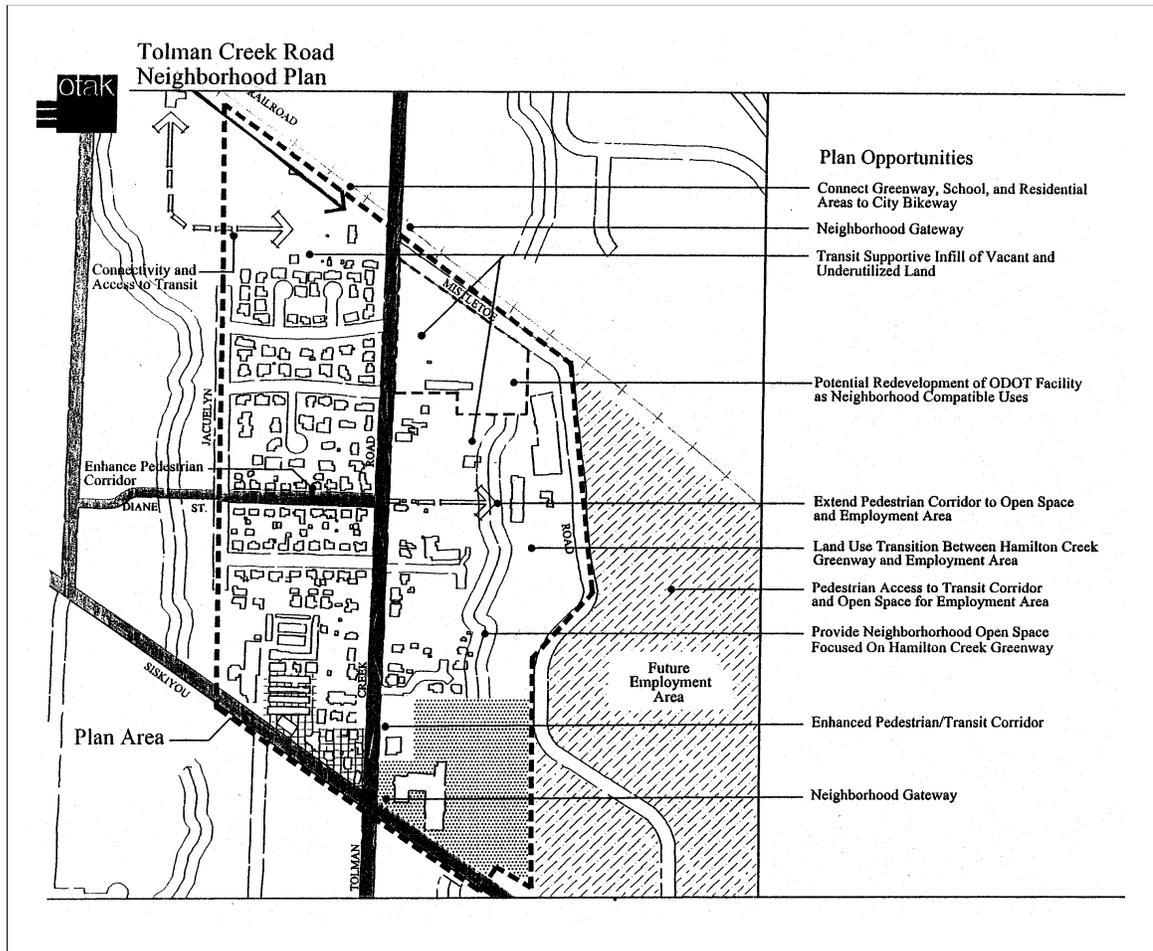
- **Realtors and lenders** — Real estate and lending institutions (e.g., banks, savings and loans, credit unions, mortgage companies) can provide valuable insight on the market-feasibility of proposed development policies and codes.
- **Citizen stakeholders** — Involving key neighborhood and business leaders can help the city draw on their collective expertise and ensure that they are brought along in the code revision process.

An infill and redevelopment advisory committee can meet as often as is practical and appropriate for the scope of your code project. Committee members may provide one-on-one assistance to planning staff as technical advisors, as well as meeting with the group at key milestones to discuss draft findings and make recommendations. City planners may find it useful to survey committee members, prior to beginning the code audit, to find out what they perceive as key issues and priorities.

### ■ Step 3: Identify Problems and Potential Solutions

The following questions are designed to gather information on the obstacles to infill and redevelopment and potential solutions. Your advisory committee can provide valuable insight by brainstorming responses to the questions. The questions are organized in three layers: *Economic*, *Physical*, and *Regulatory*. This handbook suggests mapping the key findings of your brainstorm session. (See map example on page 14)

- **Economic Issues.** Begin by considering market factors and socioeconomic trends that may explain recent infill and redevelopment, or the lack thereof.
  - *Compare property values in the area. Are assessed “land values” greater than “improvement values” for many parcels, indicating redevelopment potential?*
  - *What is the occupancy history of buildings in the subject area? Are buildings vacant because they are no longer functional for past users? Have some buildings become obsolete due to neglect and changes in market preferences?*
  - *Do property owners owe back-taxes? Should some properties be condemned?*
  - *What is the ownership status of redevelopment sites? While not a code issue, local ownership can help facilitate public-private redevelopment.*
  - *Could some “blighted” or “distressed” areas benefit from urban renewal or other development incentives?*
  - *Should there be an urban renewal district, enterprise or empowerment zone?*
  - *Is the area deficient with regard to other factors of importance to industry, retail, office, and residential location, etc.?*



Map With Opportunities and Constraints

- **Physical Characteristics.** Next, consider the physical characteristics of the built environment. Prepare (or review) a buildable lands inventory and look for the following opportunities and constraints to development:
  - *A lack of urban services;*
  - *Properties surrounded or partially surrounded by development, where adjoining development precludes extension of streets, pedestrian accessways or utilities;*
  - *Pattern of long, narrow or shallow lots;*
  - *Gaps between service providers; lack of planning for utilities or connected streets; pattern of rural-residential lots and septic drain fields; odd-shaped parcels; obsolete subdivision plats, etc.;*
  - *Steep slopes, unstable soils, poor drainage, natural resource constraints;*
  - *Areas offering strategic advantages to the community, if developed: e.g., under-used lands near a community center, park, school or transit corridor;*
  - *Vacant lands standing between planned street connections;*
  - *Areas deficient in public services or amenities, such as a park or school where there is an opportunity for public-private development or public acquisition of needed sites;*

## Part 2 - Setting Your Strategy

- *Properties with a history of contamination, indicating severe risk to prospective developers;*
- *Buildings that require upgrades (e.g., earthquakes, accessibility, other fire and building code upgrades).*

□ **Regulatory Barriers.** Finally, consider whether your community's experience in applying development codes to infill and redevelopment projects explains anything about why the land is underutilized. For example (other questions may apply):

- *Do existing regulations address the physical constraints identified in the community/neighborhood?*
- *Does existing development (i.e., uses, buildings, parcels, layout, etc.) comply with zoning and other land use standards?*
- *Do current zoning and subdivision standards allow development at planned densities? If not, why?*
- *Do review procedures create a hardship for infill development (i.e., as compared to greenfield sites)?*
- *Do regulations (e.g., zoning, subdivision, land use, etc.) allow administrative flexibility? If applicable, which standards prevented approval of specific infill or redevelopment projects?*

### ***What do we do with all the information once it is mapped?***

Once the information from your brainstorming session is mapped, consider writing a brief issues paper to present to your advisory committee. Their comments will help in defining your community's strategy for an infill and redevelopment in Step 4.

## ■ Step 4: Objectives, Strategies and Approach

The brainstorming in Step 3 should result in a fairly clear picture of the opportunities and challenges for infill and redevelopment. Next, ask your advisory committee to commit to a set of objectives and strategies that represent the community's goals for infill and redevelopment. "Objectives" generally describe desired outcomes or guiding principles; they should be responsive to the problems identified in Step 3. "Strategies" are the measures used to encourage quality infill and redevelopment. Try to reach agreement on at least three basic objectives that are likely to have some staying power. The following example shows the relationship between one code-related *objective* and its *strategies*:

<b><i>Regulatory Problem:</i></b>	<i>New development is out of scale and character with existing development in Happy Hollow Neighborhood, leading to costly delays and appeals of development applications.</i>
<b><i>Regulatory Objectives:</i></b>	<i>To ensure that development in Happy Hollow is consistent with the scale and character of existing development</i>  <i>To provide greater certainty to developers and neighbors regarding acceptable land uses and development design.</i>
<b><i>Strategies:</i></b>	<i>The zoning ordinance should identify permitted land uses and building types which are similar in scale to Happy Hollow's existing development.</i>  <i>Development standards should specify setbacks, lot coverage, building height, and vehicle and pedestrian standards that maintain the human-scale of Happy Hollow.</i>  <i>Building design guidelines or standards should provide for massing, articulation, materials, and building orientation which are residential in character and similar to the existing development in Happy Hollow.</i>
<b><i>Approach:</i></b>	<i>Audit and update city's development codes. (See Step 5)</i>

***What about problems that can not be addressed by new or revised development regulations?***

The above example offers a regulatory approach to a regulatory problem. Some problems related to the market and physical conditions of the landscape will require other solutions (e.g., the need to update the capital improvement program; adopting financial incentives, better information regarding natural hazards or contaminated sites, etc.) While the remaining sections of this handbook focus on ways to improve development codes, it is important to set objectives for those non-regulatory problems as well.

**Process Note: Gauging Consensus**

It is important to gauge consensus among advisory committee members early in the process. In some communities, the notion of *encouraging* development may be contrary to some long-standing community values, while in others there may be a strong desire for revitalization of older neighborhoods. In any event, it is important to provide information to the community about the benefits of infill and redevelopment, and check-in early for consensus on the project objectives. In some communities, members of the city council or planning commission will take an interest in the project and should be encouraged to participate.

## ■ Step 5: Development Code Audit

Once your community has identified objectives for infill and redevelopment, a comprehensive “code audit” should be completed. A code audit is a review of existing plan policies, development standards, and permit procedures to determine which ones are working well, and which ones need to be replaced to meet the community’s objectives for infill and redevelopment. This following community planning process is suggested for identifying appropriate code changes:

□ **Use worksheets to review code sections** — Appendix A provides sample worksheets for auditing the following types of codes:

- Zoning codes
- Land division codes
- Public improvement standards
- Development review procedures (these may be integrated with other codes)

□ **Test existing codes using case studies**

— Case studies use real or hypothetical developments to evaluate the strengths and weaknesses of the development code and permitting processes. The following case study methods are suggested:

- *Case History Approach.* The “case history” approach reviews past development projects and applications to identify code obstacles. Simply pull a representative sample of infill and redevelopment project applications, including those which were approved, denied, and withdrawn. Develop a list of questions to ask about each development, based on the objectives and strategies defined in “Step 4”, above. This approach will be most effective for cities with a history of infill and redevelopment. Local governments with less experience, may want to tour other communities with good examples of built projects, and survey their local governments to find out what they do differently.
- *Simulated Project Review.* The “simulated project” approach uses real or hypothetical development programs and site plans to test regulations and approval procedures. The proposal may come from a willing developer or architect with stock or custom plans, or it may be a built project from a comparable community (ask: “can it be built *here?*”). The simulation should

### **Process Note: Advisory Committee Involvement in the Audit**

Advisory committee members can assist by completing audit worksheets, reviewing and commenting on case histories (particularly if they were involved in the project), and by participating in a simulated review. Developer representatives, from both public and private sectors, may be able to contribute projects for “simulated” reviews (either from the local community or positive models from other communities). The committee member should have an opportunity to review and comment on the staff’s evaluation and audit recommendations.

be as close to an actual development review as possible, with volunteers playing the part of developer/applicant, staff reviewers, neighborhood representative, etc. The simulation may even include a facilitated “mock hearing”, in which planning commissioners (or their advisory committee doubles) accept testimony and evaluate the project based on existing policies and standards. While time-consuming, everyone can learn a great deal from this exercise and it’s fun!

**□ What do we do with all the audit information?**

With all of the information gathered through the code review worksheets and case studies, you should be able to write a brief but very useful code audit report. The report is used as a guide for decision making with your advisory committee and/or planning commission. Below is an example of how to organize a code audit report:

<b><i>Code Sections</i></b>	<b><i>Consistent With Objectives?</i></b>	<b><i>Code Concepts - [these are bullet-level statements of how to remove code conflicts]</i></b>
R-10 Zone (Ch. 20.10)		
- Purpose	Consistent, though could be more supportive of infill	Consider adding objective: “to accommodate new housing in established residential areas.”
- Permitted Uses	Inconsistent with city’s policy to encourage accessory housing units	Add accessory housing units to list of permitted uses, cross-referencing related standards.
- Setbacks	Inconsistent with objective to provide flexibility and design standards related to neighborhood scale.	Consider allowing graduated setbacks (i.e., related to floor area or building height), and provide option for building height “step-down”.
<i>[Others]</i>		

The above table illustrates how the audit suggest options for updating codes. The alternatives should be consistent with the objectives identified in Step 4. A complete example of a “code audit report” is provided in Appendix B.

## ■ Step 6: Your Action Plan

The code audit in Step 5 should provide ample evidence of what your community can do to facilitate infill and redevelopment. What the community decides to do about this information is really the most important part of the process. Before setting a strategy to revise the code, your advisory committee should consider whether their infill and redevelopment objectives (Step 4) are still valid. The audit results should be used, in part, to validate or update the objectives set in Step 4, as necessary. If the audit reveals significant, unanticipated issues, then the objectives may need to be refined and the audit revised accordingly.

Next, determine what actions are needed to achieve the objectives. Code revisions, as well as several other actions, may be appropriate as part of an overall infill and redevelopment strategy. Consider whether there is a need for:

- Zoning revisions, updates to subdivision and public works standards, and procedural changes;
- Public information and education about infill and redevelopment;
- Organizational changes within the planning or community development department (e.g., “one-stop permit center”);
- Staff training and development;
- Changes to fee schedules, system development charges, etc.; and
- Changes to comprehensive plans, adoption of specific area plans, and similar policy changes.

### **Process Note: Work Plans for Code Revisions**

A work plan should include at least the following three basic parts:

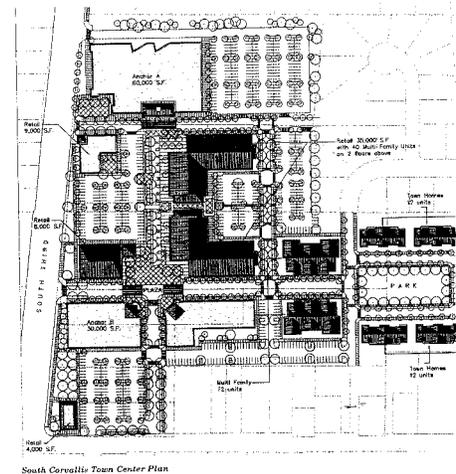
**Scope** of code revisions, including code sections to be revised, key concepts to be incorporated, number of drafts, and review and adoption process.

**Schedule** coordinated with planning commission and city council work programs;

**Budget** with staff hours estimated by task; this is particularly important when the city anticipates hiring a consultant.

It may be difficult to revise city codes during periods of heavy development activity. In some cases, it may be cost-prohibitive for a local government to hire a consultant. However, as described earlier in the workbook, code changes to encourage infill and redevelopment often can be made with very little effort. For those cases where more effort is required, Oregon's Transportation and Growth Management Program offers financial assistance through a grant-in-aid Code Assistance Program.

## Part 3 — Sample Code Provisions



South Corvallis Town Center Plan

## Part 3 — Sample Code Provisions

### 3.1 *How to Use This Section*

This section provides sample code provisions for infill and redevelopment. The code language is not exhaustive. Rather it is intended to illustrate options for updating selected zoning, subdivision, and procedural requirements based on the following generic code sections:

- ✓ *Purpose and Intent*
- ✓ *Applicability and General Provisions*
- ✓ *Permitted Land Uses and Building Types*
- ✓ *Development Standards and Guidelines*
- ✓ *Application Requirements and Review Procedures*
- ✓ *Adjustments and Variances*

#### ■ **How to Apply the Code Provisions**

The sample code provisions can be used to:

- Create new zone districts or overlay zones that are oriented to infill and redevelopment; or
- Update existing zone districts and other local land use codes to implement redevelopment and infill objectives.

There are two general methods for applying the model codes in this handbook — *by definition* and *by district*. The method that your community selects will depend upon the scope of your proposed code changes.

***Applying Codes “By Definition”*** — Infill and redevelopment areas may be *defined* within the text of applicable land use ordinances without mapping specific areas. When used this way, model code provisions may be used city-wide, or they can be limited to specific zone districts.

The strength of this approach is that it is flexible, and does not require a zoning boundary decision (i.e., infill standards apply to all areas meeting the definition). A potential weakness is that the definition may not address the specific needs of the community. The approach is most useful when code changes are narrowly focused and do not include changes to permitted land uses (e.g., standards for flag lots or set-back averaging can be applied *by definition*).

***Applying Codes “By District”*** — Infill and redevelopment areas can also be mapped as discrete zone districts, or overlay zones. In practice, the adoption of a special land use “district” typically follows a community planning process for a specific neighborhood or sub-area. The district name, for example, could relate to the adopted plan, as was done for the City of Ashland’s *Tolman Creek Road Neighborhood Plan and Overlay Zone District*. (Please refer to the example in Appendix D.)

The strength of the “district” approach is that it applies to a well-defined area, for which there is clear policy direction supporting infill and redevelopment. The zone district can incorporate design standards that are tailored to a neighborhood, commercial/mixed-use center, or industrial area. This option works best when the code update is part of a larger community planning effort (i.e., one that addresses land use, transportation, urban design, etc.).

### ***Conclusion***

A community may decide to use either or both of the options described above. For example, the “district” approach may be useful for addressing specific neighborhood objectives (e.g., design compatibility), while the broader “definition” approach may be useful for addressing city-wide infill objectives (e.g., setback averaging and flag lot standards). This handbook is intended to assist communities in preparing both types of code updates.

## **■ Format of This Section**

Under each code section, the handbook provides examples of:

- problem statements,
- objectives,
- code writing strategies, and
- sample code provisions (as applicable).

Sample code language is shown in *italics*. Where the handbook identifies code language options, the options are enclosed with *[brackets]*. Brackets are also used to identify a range of appropriate standards. Blanks (“\_”) serve as placeholders for text to be developed by the community.

## 3.2 *Sample Code Provisions*

### ■ Purpose and Intent

Purpose and Intent statements in land use codes are important from a legal and policy standpoint. The statements translate the policy intent of the comprehensive plan into regulations, and provide direction to decision-makers for interpreting codes and making discretionary decisions. A clear purpose and intent statement can also help in clarifying the legal and policy basis for land use decisions when they are challenged. The sample code language in this section is intended to be used in writing an infill/redevelopment-oriented zoning district.

***Problem:*** The zoning ordinance lists broad, subjective purpose statements, such as: *ensuring neighborhood compatibility; maintaining harmony and character; and ensuring growth in an orderly and desirable manner.* While these are all legitimate public purposes, the zoning ordinance is silent on infill and redevelopment. This has had the unintended consequence of discouraging this type of development.

***Objective:*** To clarify that one of the purposes of the zoning ordinance is to accommodate or encourage infill and redevelopment, consistent with the Comprehensive Plan.

***Strategy:*** Incorporate purpose statements into the zoning and subdivision ordinances that support infill and redevelopment.

***Purpose and Intent - Sample Code Provisions:***

***Purpose and Intent***

*The purpose of this district is to provide for complete [neighborhoods/town centers/main streets/employment centers/mixed use districts, etc.] with efficient land use and cost-effective delivery of urban services. The provisions of this district recognize the design challenges inherent to developing infill properties, and ensure that new development is consistent in character and scale with established [housing/commercial developments].*

*The specific objectives of this district as related to infill and redevelopment are to (select or modify as appropriate):*

- allow flexibility in housing location, type and density within the densities allowed by the Comprehensive Plan;*
- provide flexibility in lot size, configuration, and vehicle access to facilitate infill development;*
- provide clear development standards that promote compatibility between new and existing development and promote certainty in the marketplace;*
- encourage development of needed housing in close proximity to employment and services;*
- promote neighborhood preservation and enhancement through redevelopment of blighted, distressed, and underutilized properties;*
- provide standards of "historic appropriateness" for redevelopment and alteration of historic buildings.*
- encourage mixed use development to complete neighborhoods and provide housing close to jobs.*
- encourage development and preservation of affordable housing through infill development.*
- [others]*

***Discussion:*** The purpose statements can be selected and tailored to support the community's vision and its objectives for infill and redevelopment.

■ **Applicability and General Provisions**

The “Applicability”, “General Provisions”, and similar sections of local land use ordinances provide important criteria for determining when, where, how, and by whom the code standards are applied.

**Problem:** The City’s zoning ordinance does not provide standards that apply specifically to infill and redevelopment.

**Objective:** To define infill and redevelopment, and create standards that apply to this type of development in relevant codes.

**Strategy:** Determine where infill and redevelopment standards should apply and adopt code language.

***Applicability and General Provisions - Sample Code Provisions:***

***Option 1 - Standards applied “by definition”:***

*The City of \_\_ Infill Development Standards shall apply to all lots and parcels that are adjacent to developed land on two or more sides. “Developed land” means lots and/or parcels that have all urban services required for development (i.e., adequately sized water, sanitary sewer, and storm drain lines) at the property line.*

***Option 2 - Standards applied “by district”:***

***Happy Hollow (HH) [Infill and Redevelopment] Zone District - Applicability and General Provisions:***

- 1. This district implements the Happy Hollow Neighborhood Plan. The provisions of this district apply to all lands designated “HH” on the City’s official zoning map.*
- 2. All land uses and development, including buildings, drives, parking areas, landscaping, streets, alleys, greenways, tree protection, and pedestrian/bicycle ways, shall be located and developed in accordance with the provisions of:*
  - a. The Happy Hollow Neighborhood Plan, as incorporated by this chapter;*
  - a. City of \_\_ Land Use Ordinances, except as modified by this chapter;*
  - b. City of \_\_ Public Improvement Standards, except as modified by this chapter;*
  - c. [Other]*

***Discussion:***

Option 1 (“by definition”) is appropriate for addressing citywide infill objectives (e.g., setback averaging and flag lots), Option 2 (“by district”) is appropriate for addressing specific neighborhood objectives (e.g., design compatibility).

■ **Permitted Land Uses and Building Types**

By broadening the range of land uses permitted within zone districts, local governments can remove barriers to infill and redevelopment. The following examples identify land uses that are often left out of zoning districts, or face obstacles due to discretionary approval criteria. These uses can either be permitted outright, or conditionally permitted subject to specific standards. The lists should be tailored to fit the community vision, and made consistent with local zoning terminology.

□ **Residential Zones**

***Problem:*** Current residential zoning is inconsistent with the Happy Hollow Neighborhood Plan, which envisions a mix of housing types and a small-scale neighborhood commercial uses. Attached housing (e.g., townhomes, duplexes, etc.), small-scale neighborhood commercial uses, and accessory dwellings are either prohibited or require discretionary approval.

***Objective:*** To encourage a broader range of land uses and building types in Happy Hollow Neighborhood consistent with planned housing densities, and establish appropriate standards for location, building intensity, design, etc.

***Strategy:*** Add the following uses to the existing zone(s), or create a zone for Happy Hollow Neighborhood that allows these uses:

- Duplexes and triplexes on corner lots;
- Zero-lot line housing;
- Attached single family (townhome) units that are similar to duplexes and triplexes in size and character;
- Accessory dwellings (e.g., secondary housing units located above a garage, in a detached cottage, or attached to the primary residence); and
- Neighborhood commercial uses (e.g., individual businesses do not exceed 3,000 square feet in floor area).

***Discussion:***

As compared to other areas in the community, infill and redevelopment areas should allow a wider range of uses. Areas designated for low density residential use

are usually limited to single family detached housing. By allowing a mix of housing, a community can help to ensure more efficient use of infill lands with greater housing options. Standards for building height, lot area, setbacks, and design can help to control the scale and compatibility of new housing with established single family residences. By allowing neighborhood commercial uses in residential zones, a community can encourage a sense of “place” and bring services closer to where people live. The impacts of commercial activities can be controlled with standards for floor area, parking location, screening, signage, and architecture.

### ❑ **Mixed Use, Commercial, and Industrial Zones**

**Problem:** Lists of permitted land uses in commercial, industrial, and mixed-use zones are prone to two types of problems:

1. The list is too specific. For example, a city’s Mixed Use Commercial zone allows “coffee shops”, while similar types of businesses like juice bars and ice cream shops are unintentionally excluded. Even though the list may be specific, it does not address questions like, “*Are restaurants permitted? If so, how big?*”

**OR**

- ❑ The list of permitted uses is too general. For example, a city’s Light Industrial zone allows “*non-manufacturing industrial uses, and all uses allowed in the General Commercial zone*”. As a result, the City constantly has to make “similar use” interpretations, which require a discretionary decision that is subject to appeal.

**Objective:** To ensure that the permitted use criteria in the zoning ordinance clearly state which types of uses are permitted, and which ones are not permitted. As related to infill and redevelopment, the criteria should address scale and impacts of development.

**Strategy:** The following two strategies respond to the “problems” listed above:

1. When applicable, look for ways to streamline the list of permitted uses. Combine many types of businesses into a few discrete land use categories. For example, coffee shops, juice bars, small delicatessen and similar uses can be combined into “Food and Beverage Sales”. Sub-categories, such as “Food and Beverage Sales - Sit-Down” or “- Take-Out Only”, can be attached to the general land use categories as appropriate.

2. Create a simple administrative (i.e., staff review) procedure for similar use interpretations. This is particularly important if your zoning code provides just a few general categories for all uses (e.g., *commercial, industrial, office...*). If your code splits these categories into a lot of uses (e.g., *consumer retail, wholesale, personal and professional services, warehouse, distribution, manufacturing, professional office...*), consider adding a “similar use” provision, as illustrated below. The list of permitted uses can also clarify what is permitted by providing examples and annotated conditions or limitations. For example:

***Permitted Uses in a Mixed Use Zone - Sample Code Provision***

*Permitted Uses in Happy Hollow Neighborhood Center Zone:*

- *Residential Uses, subject to the standards in Section \_\_ - Neighborhood Commercial Uses.*
- *Retail Sales and Services - not to exceed 3,000 square feet per use.*
- *Lodging - limited to Bed and Breakfast Inns only, and subject to the provisions of Section \_\_ - Bed and Breakfast Inns*
- *Manufacturing - allowed only when ancillary to a primary permitted use (e.g., Bakeries are allowed when the primary use is Retail Sales and Services).*
- *Personal and Professional Services (e.g., attorneys, accountants, insurance and similar uses) - not to exceed 3,000 square feet per use*
- *Uses similar to those listed above, as approved by \_\_ through an Administrative (Type II) Review.*

***Discussion:***

In addition to the annotations suggested above, it is helpful to define land uses in the definitions section of the code.

## ■ Development Standards and Guidelines

The sample development standards and guidelines provided below are intended to “level the playing field” between infill/redevelopment sites and open-land sites at the city’s edge. The suggested code provisions are generally more flexible than conventional land use regulations, due to the complexity and site-specific nature of infill and redevelopment.

### □ Lot Coverage

Conventional zoning ordinances typically regulate *lot coverage*, along with lot area, shape, and dimensions (i.e., width, depth, width at building line, etc.), to control the bulk and mass of developments. Lot coverage standards may be set too low or conflict with other standards, such as floor area ratios and building heights.

**Problem:** The lot coverage standards in the Low Density Residential (R-1) zone (40 percent) and Medium Density Residential (R-2) zone (60 percent) are set too low for attached housing (e.g., townhomes, duplexes, etc.) in Happy Hollow Neighborhood. Some pre-existing, small lots under one acre cannot be developed under current standards

**Objective:** To provide lot standards that respond to pre-existing, small lots, and reflect the range of permitted land uses in Happy Hollow; i.e., single family detached, multiple family, and attached (townhome, duplex and triplex) housing.

**Strategy:** Provide flexible lot coverage standards based on building type and lot size, and define “lot coverage” in the zoning ordinance. Exempt some architectural features from the lot coverage standards that contribute to streetscape character (e.g., front porches, overhangs, porticos, balconies, etc.).

***Lot Coverage - Sample Code Provisions:***

1. *Maximum Lot Coverage.* *As applicable, the following standards shall apply in the [R-1 and R-2 zones / Happy Hollow Neighborhood (HH) zone]:*
  - a. *Single Family Detached Housing - 40 percent*
  - b. *Duplex and Triplex Buildings - [40-60] percent*
  - c. *Single Family Attached Townhomes - [60-70] percent*
  - d. *Multiple Family Housing Developments - [40-60] percent*
  - e. *Neighborhood Commercial and Mixed Use Buildings - [70-100] percent*
  
2. *Lot Coverage Defined.* *“Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished and natural grade; except for covered front porches, covered (non-enclosed) bicycle parking, pergolas, porticos, balconies, overhangs and similar architectural features placed on the front (e.g., street facing) elevation of a building.*

***Discussion:***

The sample lot coverage standards provide more flexibility than what is otherwise available with a uniform lot coverage requirement for all uses. The specific numerical standards should be determined based on the local design context. It is important to test your standards with prototypical building plans for a variety of building forms and architectural styles. Lot coverages will vary considerably depending on the building product. Generally, single family detached houses cover the lowest percentage of lot area (e.g., 30-40 percent typical), with the percentage increasing for lots with accessory dwellings, townhomes and multiple family housing. Commercial developments may cover as much as 100 percent of a lot, depending on the zone (e.g., downtown), the size of the lot and applicable requirements for alleys, landscaping, public amenities, and parking. Some jurisdictions will also include parking and circulation standards in the overall lot coverage, in which case the standards should be adjusted accordingly.

**□ Building Setbacks**

Building setbacks provide space for private yards and building separation for fire protection/security, building maintenance, sun light and air circulation. Setbacks can also promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of commercial and civic areas. Buildings placed close to the street, when designed with porches and front windows, can promote a sense of enclosure, defensible space and connection to the neighborhood.

### Part 3 - Sample Code Provisions

**Problem:** The setbacks in new development vary noticeably from those of existing buildings in Happy Hollow. Variances are often required to approve what was permitted for existing development nearby.

**Objective:** To provide setback provisions for infill that are tailored to Happy Hollow.

**Strategy:** Study the built environment of Happy Hollow and identify typical setbacks. Pay special attention to the attributes that make the neighborhood desirable (e.g., garage are setback behind building entrances, and detached from some houses), and create standards that support compatible relationships between new and old buildings.

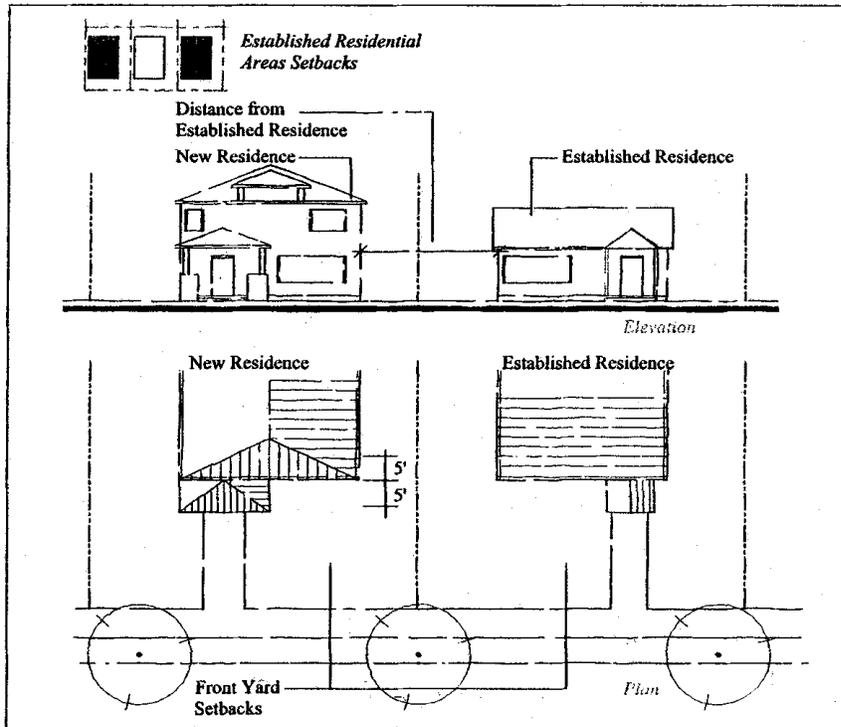
#### ***Building Setbacks - Sample Code Provisions:***

*The following front yard setbacks apply within the Happy Hollow Neighborhood (HH) Zone District.*

1. *Front Yard Setbacks for New Residential Developments: The following standards shall apply to “new residential developments”. New residential developments are those that take place on lots created by partition or subdivision after [(date) / the effective date of this ordinance]:*
  - a. *A minimum setback of 10 feet is required. The maximum setback allowed is 20 feet.*
  - b. *Garages and carports shall be accessed from alleys, or otherwise recessed behind the front building elevation (i.e., living area or covered front porch) by a minimum of 6 feet.*
  - c. *The building orientation standards in Section \_\_ shall apply to all new buildings.*

*Continued...*

## ***Building Setbacks - Sample Code Provisions (continued)***



2. ***Front Yard Setbacks for Buildings in Established Residential Areas:*** “Established residential area” means an area that [was platted prior to the effective date of this ordinance / is designated as an Infill and Redevelopment Overlay Zone]. When building within an established residential area, all of the following setback standards shall apply:

*When an existing single family residence is located within [20-40] feet of the subject site and fronts the same street as the proposed building, a front yard setback similar to that of the nearest single family residence shall be used. “Similar” means the setback is within 0-10 feet of the setback provided by the nearest single family residence. For example, if the existing single family residence has a front yard setback 20 feet, then the new building shall have a front yard setback between 10 feet and 30 feet. If there are two adjacent single family residences fronting onto the same street, then an average measurement shall be taken using the two adjacent residences. In no case shall the front yard setback be less than \_\_ feet. This standard shall apply only to single family residences existing prior to [date ordinance adopted].*

### ***Discussion:***

All of these standards should be tailored to local development patterns and the types of uses likely to locate in the subject area. For example, a maximum front

setback of “0” may be appropriate only in downtown and main street areas where the existing buildings are placed on the property line.

**❑ Building Heights**

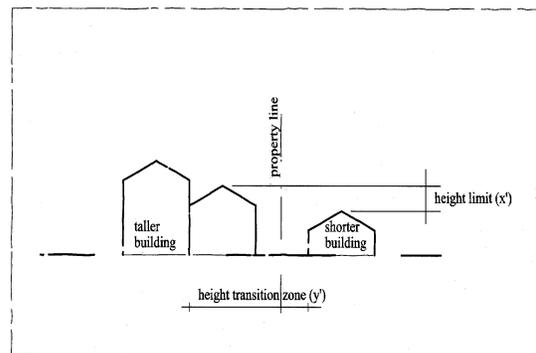
Building height standards should be tailored to the specific neighborhood or plan area where they will apply. It is important to study the built environment, identify attributes that are desirable, and create standards that support compatible relationships between new and old.

**Problem:** The 25-foot building height limit prevents approval of infill townhomes built on narrow lots. Where alley access is not possible, these buildings typically require garages on the ground-floor with split-level living areas. The standard prevents construction of this type of townhome unless the garage is below grade and building height is measured from natural grade. In addition, current standards discourage creative infill design by not providing exceptions for decorative architectural features (e.g., cupolas, cornices, gabled roofs, etc.). However setting the height standard too high will lead to conflicts with existing single-story homes.

**Objective:** To allow planned building types and provide incentives for creative design, while ensuring compatibility between existing buildings and new, taller buildings.

**Strategy:** Establish building height standards that address grade variations and architectural elements (e.g., gabled roofs, cornices, parapets, cupolas, etc.). Adopt a code provision for “stepping-down” taller buildings to provide a transition to existing single-story buildings, as applicable.

**Building Height Transition - Sample Code Provisions:** *Taller buildings shall step-down to provide a height transition to existing adjacent [single-story] building(s). This standard applies to new and vertically expanded buildings within \_\_ feet (as measured horizontally) of an existing single-story building of less than \_\_ feet in height. As shown above, the standard is met when the height of the taller building does not exceed the height of the shorter building by more than \_\_ percent (‘x’) within the \_\_-foot horizontal zone (‘y’).*



## ❑ **Street Frontage, Access and Circulation**

One of the difficulties with infill development, and one of the reasons that infill parcels exist, is that the street system in these areas is often incomplete. Completing the street and sidewalk system through mid-block developments, flag lots, pedestrian accessways, and continuation of alleys and lanes, is one of the challenges to communities who are trying to encourage infill.

**Problem:** Development standards do not allow mid-block developments (i.e., lots fronting off of a private lane) and flag lots. All lots in Happy Hollow Neighborhood must have frontage onto a public street with a minimum of 60 feet of right-of-way. In many areas, lots and parcels have standard widths but are deep; essentially unused space at the backs of these lots provides room for infill housing.

**Objective:** To encourage infill development by providing alternatives to public street frontage requirements.

**Strategy:** Adopt code provisions enabling mid-block developments and flag lots, giving first priority to the creation of new streets or lanes.

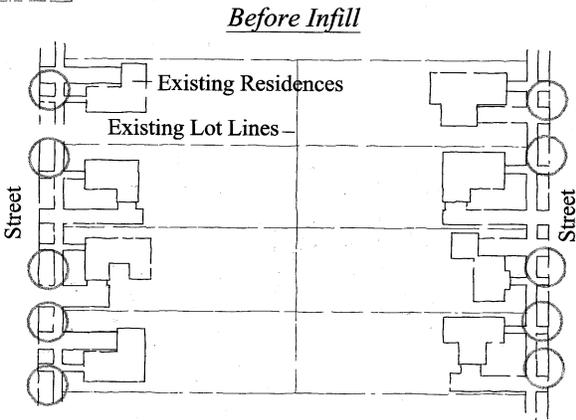
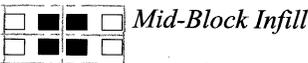
### ***Mid-Block Developments and Flag Lots - Sample Code Provisions***

1. *Mid-block lanes. When frontage onto a public street cannot be provided for a new land division, lots may receive access from mid-block lanes, as shown in Figure \_\_ (next page). Mid-block lanes shall be required, whenever practicable, as an alternative to approving flag lots.*
2. *Flag lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future development (See Figure X.) A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure or other obstacle shall be placed within the drive area.*

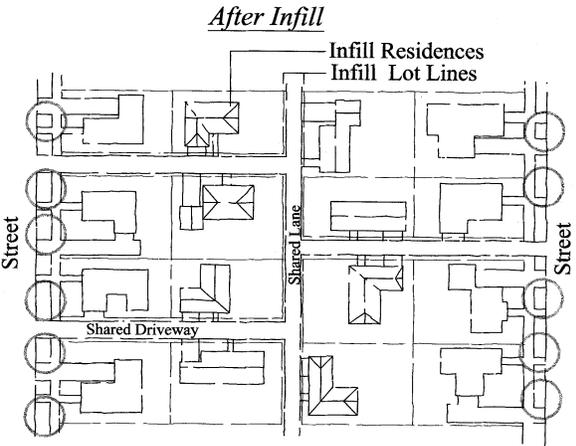
*(Continued)*

**Mid-Block Developments and Flag Lots - Sample Code Provisions**

3. Driveway and lane width. The minimum width of all shared drives and lanes shall be [12] feet; the maximum width is [20] feet, except as required by the Uniform Fire Code.



4. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed [150] feet for a shared side drive, and [400] feet for a shared rear lane.



5. Drive lane ownership and maintenance. [20 feet of right-of-way / a 20-foot easement (i.e., 10 feet from each property sharing a drive)] shall be provided for vehicle access similar to an alley and shall conform to the Uniform Fire Code. The [right-of-way dedication / easement] shall be required at the time of partition or subdivision plat approval, and shall be recorded on the plat.

6. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown above).

## ❑ Residential Density Standards

**Problem:** Conventional density standards, such as *minimum/maximum lot size* and *units per “gross acre”*, are often unworkable or counterproductive for two reasons:

1. Physical constraints, such as odd-shaped parcels, steep slopes and natural resource constraints prevent standard or uniform lot sizes; and
2. Flexibility in building design and housing types is often necessary to make infill and redevelopment projects economically feasible.

**Objective:** To provide alternatives to rigid lot area and density standards that conform to the Comprehensive Plan.

**Strategy:** Allow lot size averaging and density transfers, and use density bonuses to encourage creative design and neighborhood-friendly development.

### ***Residential Density Standards - Sample Code Provisions***

1. ***Minimum Density.*** *When lots are created through a partition or subdivision, or site development is proposed for two or more dwelling units, a minimum density of 80 percent of the maximum density permitted by the zone is required, except that this standard does not apply to the following developments:*
  - a. *Partitions of parcels totaling 20,000 square feet or less;*
  - b. *Lot line adjustments; and*
  - c. *Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.*
  - d. *Phased developments, where a “shadow plan” is provided which shows future intensification of the site, in conformance with the minimum density standard. Shadow plans shall demonstrate the ability to reasonably divide oversized lots in the future, and provide for planned street and utility connections.*

*The number of lots or dwelling units required shall be determined by multiplying the maximum density permitted by the zone, exclusive of potential density bonuses, by 0.8. The result shall be rounded up for any product with a decimal of 0.5 or greater and rounded down for any product with a decimal less than 0.5.*

Continued...

***Residential Density Standards - Sample Code Provisions (continued)***

2. *Lot Size Averaging.* *Except as allowed through a planned unit development, new partitions and subdivisions shall achieve the following lot areas:*
- *R-3 (attached/detached single family) zone - average lot area between 3,000-4,000 square feet. Minimum lot area is 2,000 - square feet;*
  - *R-5 (detached single family) zone - average lot area between 5,000-6,000 square feet. Minimum lot area is 4,000 square feet;*
  - *R-7.5 (detached single family) zone- average lot area between 7,500-9,000 square feet. Minimum lot area is 6,000 square feet.*

Discussion: These standards can be provided citywide “by definition”, or they can be limited to specific zone districts. They are intended to provide a more flexible alternative to minimum lot size standards (e.g., 3,000 sq ft, 5,000 sq ft, and 7,500 sq ft.

3. *Density Bonus.* *A density bonus may be granted up to a total of [10-20] percent of the base density for the provision of the following public benefits:*
- a. *Dedication of public park, greenway, plaza or similar public space;*
  - b. *Provision of affordable housing, as defined by Section \_\_;*
  - c. *Provision of public services (e.g., community center, library branch, etc.);*
  - d. *[other]*

Discussion: The residential density standards must be consistent with the Comprehensive Plan. The plan may need to be amended to allow density bonuses.

4. *Density Transfer.* *A density transfer is an equal transfer of allowable dwelling units from one portion of the site to another. Density transfers are allowed by right for the following areas (i.e., transfer density ‘from’):*
- a. *Area within the floodway and the floodway fringe;*
  - b. *Area over \_\_ percent slope;*
  - c. *Known landslide areas or areas shown to have potential for severe or moderate landslide hazard (e.g., on Department of Geology and Mineral Industries maps);*
  - d. *Area in designated streams, wetlands and natural areas and their associated buffers;*
  - e. *Areas constrained by monitoring wells and similar areas dedicated to remediation of contaminated soils or ground water; and*
  - f. *Areas similar to those in a-e above, as approved by the Planning Director, and subject to public notice for Type II Administrative Decisions.*

## □ Residential Building Size

**Problem:** One of the chief complaints about infill housing in our community is that it is out of scale with established residences. For example, a developer partitions a 10,000 square foot parcel (located mid-block) into two 5,000 square foot lots. The lots are similar in size and shape to the neighboring lots, but the developer's houses dwarf every house on the block. The houses have large garages, very little yard space, and windows that look down into the yards of adjoining residences. This situation points to several design problems; one of the key problems relates to the bulk and mass of structures.

**Objective:** To control the size of residential structures as related to lot size.

**Strategy:** Control the bulk of infill housing and make it more compatible with established residences by using a graduated scale, or "floor area ratio", that relates building size to lot size:

### ***Residential Building Size - Sample Code Provisions:***

1. *Residential Floor Area Standards.* *In order to implement the residential building intensity policies of the Happy Hollow Neighborhood Plan and limit the mass of residential buildings in relation to the lot area, residential floor area shall not exceed:*
  - a. *60 percent of the effective lot area on lots with less than 4,000 square feet. "Effective lot area is the gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or roadway easement; and*
  - b. *2,000 square feet plus 10 percent of the effective lot area on lots with 4,000 to 10,000 square feet.*
2. *Existing Development.* *Existing development may be remodeled and expanded up to the floor area limits provided in subsection 1.*
3. *Residential Floor Area Defined.* *As used in this section, "floor area" is the sum of the gross horizontal areas of all floors of all principal and accessory buildings measured from the exterior faces of the exterior walls of the building(s), and all other enclosed volumes which could be utilized as floor area and have minimum dimensions of 8 feet by 10 feet and 7 ½ feet head room, without additional excavation. Floor area excludes all unenclosed horizontal surfaces such as balconies, decks or porches; the first 400 square feet of garage space; the first 400 square feet of any accessory dwelling; and any areas below or predominately below both the natural and finished grade, measured at the perimeter of the building, which in the opinion of the Director of Planning does not add to the visual mass of the building. Interpretations of this section made by the Director may be appealed to the Planning Commission (Chapter \_\_).*

***Discussion:***

The residential floor area standards in the sample code should be tailored to fit the local design context and housing needs of your community. The intent of the code is to provide a graduated scale based on lot area and the size of existing residences in the neighborhood.

□ **Commercial Floor Area**

***Problem:*** The City is not meeting its development targets for downtown. Too much land is being developed with single-story buildings and vast areas are being converted into surface parking lots. There is concern that the market may respond negatively to mandates for multi-level buildings.

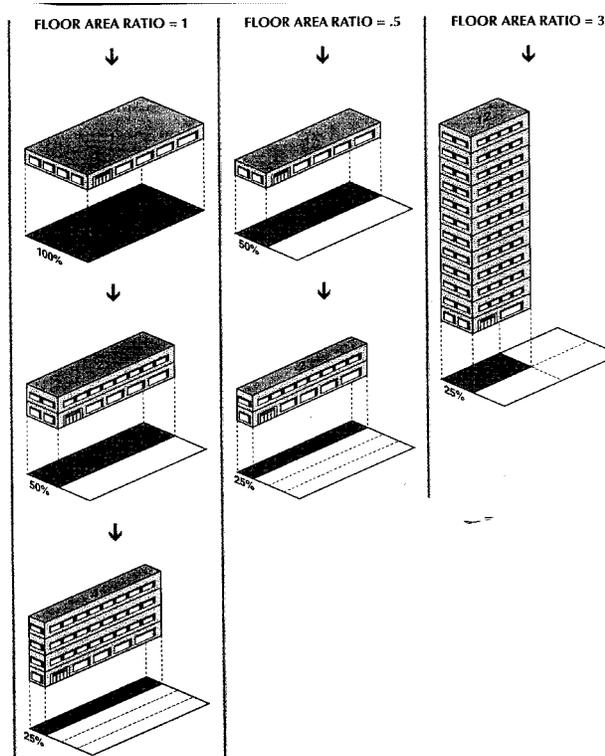
***Objective:*** To require more efficient use of land in the downtown and provide incentives for higher-intensity development (i.e., to improve the retail shopping environment).

***Strategy:*** Establish minimum floor area standards that allow flexibility for gradual implementation. Floor area standards should be set high enough to achieve infill and redevelopment objectives. The standard should also be consistent with the development scale of the community and the *building height* standards of the applicable zone district. Consider providing incentives for mixed use development and structured parking by exempting those uses from floor area requirements in commercial zones.

## ***Floor Area Ratio - Sample Code Provisions:***

***Minimum Floor Area Ratio Standards.*** *The following standard shall be met in all developments in the CBD and C-1 zones:*

- 1. New commercial and mixed use developments shall achieve a minimum floor area ratio of \_\_. This standard does not apply to mixed use buildings (e.g., two or more stories of residential use above commercial use), where the ground floor is dedicated to commercial uses.*
- 2. Where a building is constructed with a floor area ratio of less than \_\_, a phased development plan shall be required. The phased development plan shall provide for future intensification of the site by the following means:*
  - a. Orient the building on the site so that surface parking areas and other non-built portions of the site can be redeveloped in the future; and*
  - b. Provide stairwell(s) and elevator shaft(s), where applicable, to allow for upper story additions in the future.*
- 3. The maximum allowable floor area ratio is \_\_. Structured parking and residential uses are not counted toward this maximum.*



## ***Discussion:***

**How to Calculate FAR:** A Floor Area Ratio (FAR) of 1.0 equals two building stories (or a building height of approximately 25-30 feet) with 50 percent lot coverage. An FAR of 4.0 equals six building stories (75+ feet) with 67 percent lot coverage. In addition, check both *lot coverage* and *landscape* standards to make sure the codes are consistent with the floor area standards and each other. For reference, Portland's downtown FAR standards range from 9.0 to 15.0 and allow for bonuses beyond 15.0 (See City of Portland Zoning Code, Sections 130 and 510). Typical suburban FAR's range from 0.3 to 1.0 in centers or mixed use areas.

## ■ Building and Site Design

**Problem:** Some of the our city’s design standards are overly prescriptive. Since we cannot anticipate all of the design challenges (and loopholes) that developers encounter, the standards tend to be unworkable for small infill projects. This is one reason why so many variances are requested for small developments and building additions in neighborhoods that are close to being built-out. At the same time, residents who have been disappointed by the design of new developments in their neighborhood are demanding a higher standard for design. These conflicting interests (flexibility versus certainty) pose significant challenges to the developers, architects, planners, engineers and local government officials who are responsible for designing and reviewing infill and redevelopment projects in our city. Most of the problems relate to the following design elements:

- Building Orientation
- Residential Open Space
- Landscaping
- Parking
- Building Design
- Safety and Security

**Objective:** To provide infill design standards that afford greater certainty to developers and neighbors, and provide procedural flexibility.

**Strategy:** Provide more flexible procedures, for example, by allowing developers to choose from a two-track system of *clear and objective (Type I) standards* and *discretionary/performance-based (Type II or III) standards* for design. As an option to developers, the tracks allow for increased procedural flexibility. Providing clear and objective standards as a “safe harbor” also ensures consistency with ORS 197.307, which addresses appearance and aesthetic standards for needed housing. The following provides more detailed recommendations for each of the design elements listed under the problem statement:

## □ Building Orientation

**Problem:** City standards require buildings to be oriented to a public street. This is not always possible within Happy Hollow Neighborhood, where many infill sites have limited or no public street frontage.

**Objective:** To provide flexibility in building orientation standards, while meeting the city's goal to develop pedestrian-oriented neighborhoods and commercial districts.

**Strategy:** Allow buildings oriented to private streets that meet pedestrian-oriented standards (e.g., sidewalks, trees, lighting, etc.), and require pedestrian connections to adjacent public streets.

### ***Building Orientation - Sample Code Provisions***

*All buildings within the Happy Hollow (HH) zone shall be oriented to a public street, except when buildings cannot be oriented to the street due to inadequate street frontage. In this case, buildings may be oriented to a private streets or lane, which shall be developed in conformance with city standards for pedestrian circulation.*

□ **Residential Open Space**

**Problem:** The City requires a flat percentage of common open space for every multiple family development. The percentage is not practical for small infill sites because it does not yield enough open space to be usable or desirable due to inadequate area, dimensions or site conditions (e.g., slope, adjacent to street, etc.).

**Objective:** To provide flexibility in open space requirements, including regulatory relief for small developments.

**Strategy:** Allow private open space, such as balconies and patios, to substitute for common open space. Provide open space “credit” for multiple family projects located close to a park. Exempt the smallest developments (e.g., less than four dwelling units) from open space requirements.

***Open Space Standard - Sample Code Provisions***

Discretionary Standard:

*Multiple family developments shall provide adequate private and common open space areas for residents. Private open spaces such as balconies, patios and similar spaces shall be oriented to household use, and provide sufficient space for the enjoyment of the occupants. Common open spaces, such as courtyards, play areas, outdoor recreation facilities and similar spaces shall be sufficient in size and function for the enjoyment of all occupants of the development.*

Clear and Objective Standard:

*Multiple family developments shall provide common open space (e.g., courtyards, play areas, outdoor recreation facilities and/or similar space) that is equal to or greater than \_\_ percent of the development site, except as follows:*

- 1. Exemption for Small Developments. Developments of \_\_ or fewer dwelling units are exempt from this standard.*
- 2. Credit for Private Open Space. Up to \_\_ percent of the open space standard may be met by providing private open space, such as balconies, porches and patios.*
- 3. Credit for Proximity to a Park. An open space credit of \_\_ percent may be granted when a multiple family development is connected to an improved public park located within one-quarter mile, by a continuous sidewalk meeting Americans with Disability Act (ADA) standards.*

## □ Landscaping

**Problem:** The City requires a flat percentages and other very prescriptive landscape standards (e.g., *20 percent of site and 8 percent of interior parking areas ... one tree per 30 lineal feet ... evenly distributed landscape plant materials, etc.*) These standards are excessive and unworkable for some infill sites. For example, small parcels of less than one acre may not be developable at planned densities after subtracting required landscape areas. Other parcels may yield enough landscaping to meet the standards, but the result — the use of odd remnant spaces to comply — is not desirable. Inadequate area, dimensions and site conditions (e.g., exposure, slope, interference with structures, etc.) can result in poor landscape designs and plants that are difficult to maintain.

**Objective:** To provide flexibility in landscaping requirements, including regulatory relief for small developments.

**Strategy:** See the sample code language, below:

### ***Landscape Standard - Sample Code Provisions***

#### **Discretionary Standard:**

*Multiple family developments shall provide landscaping which, in total, accomplishes the following objectives: Shading of parking areas and walkways; ground cover predominately consisting of planted materials or usable hardscape features such as seating, plazas or similar areas; erosion control; and attractive streetscapes and common areas.*

#### **Clear and Objective Standard:**

*All areas not developed with structures, driveways, parking lots, private streets, pathways, patios, and similar usable areas shall be landscaped. Parking areas with more than two rows of parking stalls shall be broken up by landscaping into groups of no more than \_\_ consecutive parking spaces (i.e., using landscape islands, planters, or other landscape areas).*

□ **Parking**

**Problem:** Historically, our community has required more parking than is necessary for some land uses, wasting extensive areas of land that could be put to better use. Developers of infill and redevelopment projects often have to assemble properties under multiple ownerships in order to meet parking requirements that may be set too high. This increases the cost to develop and is a disincentive for small infill and redevelopment projects. Similarly, parking “demand” can be a problem due to the perception among some consumers that parking is inconvenient (or parking costs too much) in the downtown.

**Objective:** To reduce parking standards, where possible, and allow for more efficient use of existing parking areas.

**Strategy:** Allow or even require *shared parking, parking reductions* (e.g., for available on-street parking, senior housing and access to transit) and *measures designed to reduce parking demand* (e.g., designated car/van pool parking).

***Parking Space Standards - Sample Code Provisions:***

***Combined Discretionary and Clear and Objective Standard:***

*The number of required off-street parking spaces shall be based upon Table \_\_ [this is the city's parking table], or an estimate of off-street parking needs prepared by the applicant and subject to review and any refinements by the [city official / planning commission]. The estimate of off-street parking needs shall be based on the following method:*

- 1. Peak Use. First, estimate the peak use of the site in number of persons (e.g., based on building capacity, number of bedrooms, or other objective measure).*
- 2. Person-Auto Trips. Second, estimate the number of persons requiring automobile transport to the site (i.e., subtract likely transit/senior transit, bicycling, walking and other types of trips). For example, [the City's Transportation System Plan / recent ODOT data] indicates that approximately \_\_ percent of all trips made in \_\_ County are by non-automobile modes of transportation. (Source: \_\_ )*
- 3. Auto Parking. Third, divide the number of persons requiring automobile transport by a "car-pool" factor. For example, [the City's Transportation System Plan / recent ODOT data] indicates that automobile in \_\_ County carries an average of \_\_ persons. (Source: \_\_) The result is the number of automobiles requiring on- and/or off-street parking.*
- 4. On-Street Parking Credit. Fourth, subtract the number of on-street parking spaces available for the proposed use. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street spaces in front of the development (i.e., on one side of the street). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by [City, ODOT and/or County] standards. The following constitutes an on-street parking space:
  - a. Parallel parking, each [24] feet of uninterrupted curb;*
  - b. [45/60] degree diagonal, each with \_\_ feet of curb;*
  - c. 90 degree (perpendicular) parking, each with \_\_ feet of curb;*
  - d. Curb space must be contiguous to the lot which contains the use;*
  - e. Parking spaces may not be counted that would obstruct a required clear vision area, nor any other parking that violates any law or street standard; and*
  - f. On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.**

## □ Building Design

It is in a community's best interest to accommodate growth in a manner that has the least negative impact on its existing neighborhoods. The compatibility of new buildings may be enhanced by incorporating building styles and details common in the neighborhood. For example, a building's design should relate to surrounding buildings in terms of scale, color, window orientation and proportions, and facade articulation.

Buildings can be designed to reduce negative impacts on the neighborhood by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that are consistent with the character of buildings nearby. Site design features, such as screening and landscaping, can also help developments blend into the neighborhood.

**Problem:** Recent building designs on infill projects have not blended into the neighborhood. For example, new apartment buildings and rows of townhomes have a “monolithic” appearance and do not reflect the more detailed design of older buildings. The development community and neighbors have requested greater certainty in design requirements, however, developers would also like to have flexibility in design.

**Objective:** To establish design requirements that are tailored to the neighborhood and provide flexibility.

**Strategy:** Provide optional review tracks for both *clear and objective* and *discretionary* approvals. This approach also ensures compliance with ORS 197.307, which addresses aesthetic and appearance standards for needed housing.

For an examples of two communities' *discretionary* design guidelines, please refer to Appendix C (“City of Portland Community Design Guidelines” and “City of Ashland Historic District Design Standards”). For an example of *clear and objective* design standards, please refer to Appendix D (“City of Ashland Tolman Creek Road Neighborhood Overlay Zone”).

## □ Safety and Security

More compact settlement patterns can lead to heightened concerns about crime and personal safety, particularly in fast-growing communities. This is evident in the public testimony that planning commissioners and city councilors often hear, for example, when considering zone changes for increased housing density.

**Problem:** Recent infill developments have required protracted public hearings, and several projects have been appealed, due to concerns about public safety and security. Current city standards do not address important safety and security design elements.

**Objective:** To require design features that promote safety and security.

**Strategy:** Adopt standards and/or guidelines for “Crime Prevention Through Environmental Design” (CPTED). Public safety and design professionals have come to recognize the value of the following CPTED principles in new developments, which can be implemented through zone district standards and/or design review standards:

Territoriality - People protect and maintain territory that they feel is their own and have a certain respect for the territory of others. Fences, pavement treatments, art, signs, and landscaping are some physical ways to express ownership through design.

Natural surveillance - Placing physical features, activities, and people in ways that maximize the ability to see what’s going on discourages crime. Window placement, the use of front porches, and standards for landscaping and lighting can promote natural surveillance.

Activity support - Encouraging legitimate activity in public spaces helps discourage crime. Site layout and design features can help to facilitate recreation, socializing, civic events, etc. For example, open space standards for multiple family housing can require centrally located play areas for children where a clear line of sight is provided from dwellings.

Access control - Properly located entrances, exits, fencing, landscaping, and lighting can direct both foot and automobile traffic in ways that discourage crime. Access control can be as simple as a neighbor on a front porch or a front office. (For example, gated developments should be prohibited because they conflict with streetscape and natural surveillance objectives.)

***Crime Prevention Through Environmental Design (CPTED) -  
Sample Code Provisions for Housing Developments***

*All new developments in the \_\_ zone[s] shall incorporate the following design features for safety and security, as applicable:*

- 1. Territoriality - Provide one or more of the following features to express ownership and identify the front yard of each housing unit:
  - a. A low, see-through fence with gate(s) in front yards. A picket or split rail fence made of wood or wood-appearance material shall meet this standard. Fences in front yards and corner yards shall not exceed 36 inches in height, except that see-through gates and arbors may exceed this height for a horizontal distance of up to 48 inches;*
  - b. Low hedges (i.e., not more than 36 inches in height), landscape strips, or pavement treatments (i.e., adjacent, and providing contrast, to the sidewalk); and/or*
  - c. Entry monuments, art, signs, and similar features may be used when they conform to the setback standards of the underlying zone and the Sign Standards in Section \_\_.**
- 2. Natural surveillance - Provide one or more of the following features to maximize the ability to view the street and front yard: windows placed on the front elevation of all above-grade building stories; and/or provide a usable front porch or stoop (i.e., with no dimension less than 6 feet).*
- 3. Activity support - All common areas (e.g., play areas, plazas, seating areas, recreation facilities, etc.) shall be centrally located to the extent practicable, and provide a clear line of sight from building(s) on the site.*
- 4. Access control - Place entrances and exits (i.e., to buildings, parking areas, etc.), and use fencing, landscaping, and lighting where they direct traffic (pedestrians, bicycles, and vehicles) in ways that discourage crime. For example, a front porch or front office should be placed where the occupants can view a building and/or parking lot entry. Gated developments are prohibited because they conflict with the natural surveillance objective and desired streetscape character. All sidewalks, paths, driveways and parking areas within multiple family housing development shall have pedestrian-level lighting with illumination equal to or greater than 2 foot candles.*

## ■ Special Use Standards

**Problem:** The code does not provide standards for some types of neighborhood infill development that warrant special standards (e.g., townhomes, neighborhood commercial uses, accessory dwellings, mixed use, etc.). Without special standards in place, the city is unable to provide certainty to neighbors, and developers are discouraged from proposing controversial infill projects.

**Objective:** To promote infill development in Happy Hollow by establishing standards that are tailored to specific types of land use in the neighborhood.

**Strategy:** Establish “Special Use” standards for attached housing (e.g., duplexes, triplexes, zero-lot line housing), accessory dwellings, neighborhood commercial development, and mixed use in Happy Hollow Neighborhood.

***Special Use Standards - Sample Code Provisions***

***1. Duplexes, Triplexes, and Attached Single Family (Townhome) Dwellings in the Happy Hollow (HH) zone.***

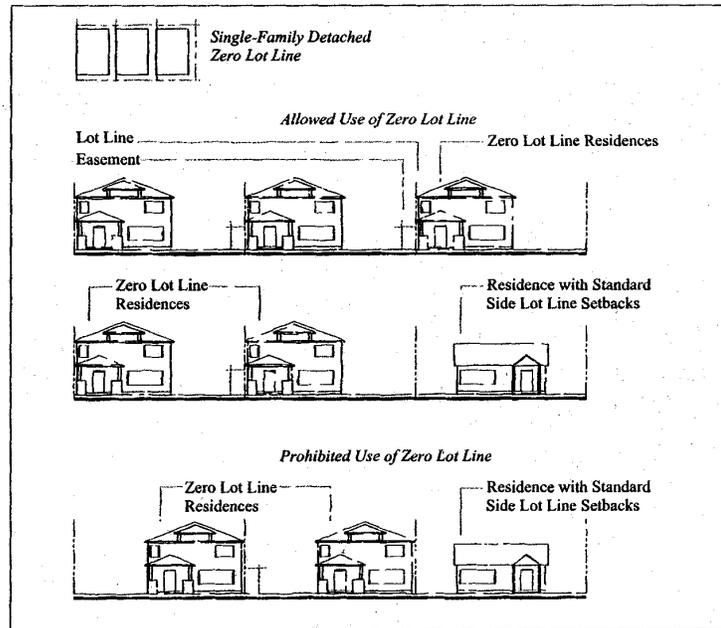
*Duplexes, triplexes and townhomes (not to exceed 4 consecutively attached units) are permitted in the HH zone, subject to all of the following standards:*

- a. Duplexes, triplexes, and townhome buildings comprising [2,000-2,800] square feet of living area in total (i.e., exclusive of garage and crawl space), or less, are permitted on any HH lot.*
- b. Duplexes, triplexes and townhome buildings comprising more than \_\_ square feet of living area are permitted on corner lots only.*
- c. The maximum width of a street-facing garage shall not exceed 24 feet (i.e., two single or one double car garage) per building on any single street frontage. This standard shall not apply to garages accessed from an alley.*
- d. All duplex, triplex, and townhome buildings shall comply with the applicable setback standards and building design standards in Sections \_\_.*

***Discussion:*** These standards should be tailored to fit the local context. For example, the threshold for permitting duplexes and small townhome buildings on any lot should be based on the size of single family houses in that particular neighborhood. For example, if houses are large enough to potentially accommodate duplex conversion (e.g., greater than 2,000-2,800 square feet, as suggested in the example), that can indicate whether new duplexes would be compatible with the neighboring single family houses. Even if conversions are unlikely, the size of existing residences can indicate whether new duplexes would be compatible. The 2,000-2,800 square foot threshold is suggested only as an example. Actual building sizes will vary, and the standards should be based on local housing needs and compatibility with existing residences.

**Special Use Standards - Sample Code Provisions (continued)**

2. Zero-Lot Line Housing in the Happy Hollow (HH) zone. Zero lot line houses are detached houses that have a side yard setback of "0" on one side. They are permitted to allow development on smaller (i.e., narrower) lots, while still providing usable outdoor living area. Zero-lot line dwellings are subject the same standards as detached single family dwellings, except that the following provisions shall also apply:

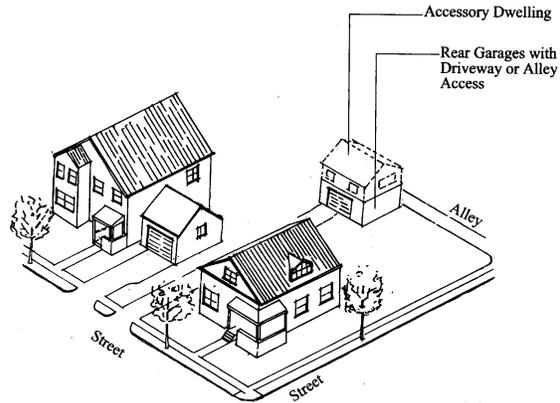


- a. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 5 feet;
- b. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for construction and maintenance purposes of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot;
- c. The placement and/or design of windows on the ground-floor of the zero-lot line house shall support privacy for the occupants of the abutting lot. For example, the privacy standard may be met by placing ground-floor windows along zero setback property lines above sight lines with direct views into adjacent yards; by using frosted/non-see-through windows; or by other effective means; and
- d. The development shall comply with the design standards in Section \_\_\_.

**Special Use Standards - Sample Code Provisions (continued)**

3. Accessory (Secondary) Dwellings in the Happy Hollow (HH) zone .

a. Definition. An accessory dwelling is a small, secondary unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling allows for a different housing choice within neighborhoods. It can give the homeowner a place for a family member, such as an elderly parent, to live independently while maintaining a connection to the household. It may also be rented out as a studio apartment to supplement the income of the primary household.



In addition to benefitting homeowners and the occupants, mixing this kind of less expensive housing into established neighborhoods also benefits the community by promoting infill, reducing the demand for large apartment projects and providing greater choice.

b. Standards. All of the following standards apply to accessory dwellings:

- 1) The structure complies with the Oregon Structural Specialty Code;
- 2) A maximum of one accessory dwelling unit is allowed per lot;
- 3) The accessory dwelling shall not exceed [600-800] square feet in floor area;
- 4) The placement and/or design of windows on detached accessory dwellings shall ensure privacy for abutting properties. Privacy is maintained by orienting windows away from sight lines (i.e., above or out of view into adjacent yards), or by using frosted, non-see through, windows;
- 5) A minimum of one parking space shall be provided for each accessory dwelling. The parking space may be provided on a street in front of the lot;
- 6) The primary residence shall be owner-occupied. Alternatively, the owner may appoint a family member as care-taker of the principal house and manager of the accessory dwelling.

***Special Use Standards - Sample Code Provisions (continued)***

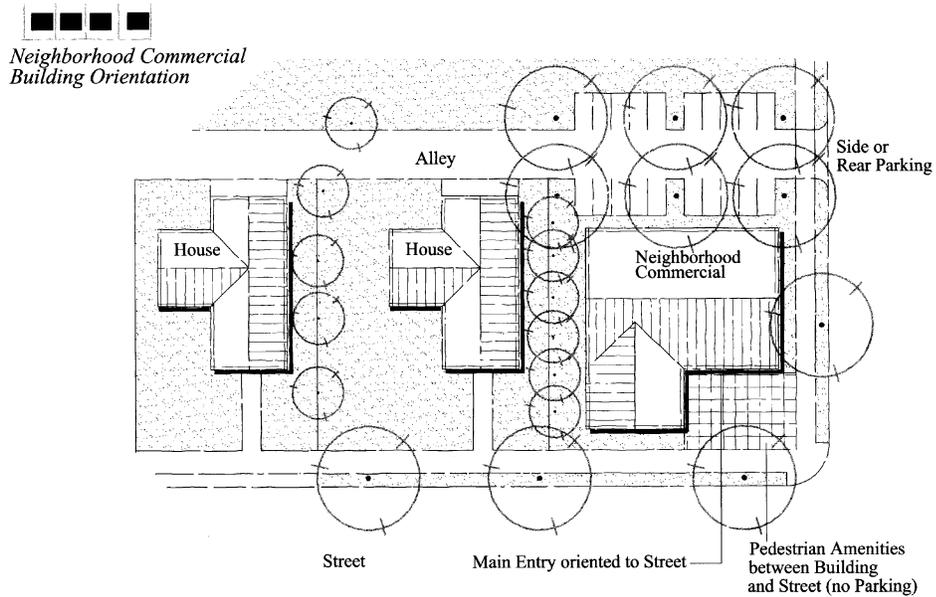
*4. Neighborhood Commercial uses within the Happy Hollow (HH) zone. Small-scale commercial and mixed use development (e.g., a small market, dry cleaner, repair shop, etc., possibly with an apartment above) are allowed, subject to special standards. These uses combine more activities together in the same area and puts services closer to where people live. Combining housing with other uses also increases neighborhood safety by maintaining activity in a residential areas during the day. A small business, such as a cafe or corner store, can add to the quality and convenience of the neighborhood. Neighborhood commercial uses shall comply with all of the following standards to ensure proper implementation of the Happy Hollow Neighborhood Plan:*

- a. Permitted Land Uses. The following uses are permitted where neighborhood commercial uses are permitted, except that an individual use shall not exceed [1,000 - 5,000] square feet in gross floor area.*
- 1) Child Care Center*
  - 2) Food services, excluding drive-through service*
  - 3) Laundromats and dry cleaners*
  - 4) Light manufacture (e.g., assembly of crafts and similar uses), conducted entirely within building*
  - 5) Neighborhood market*
  - 6) Medical and dental offices and clinics*
  - 7) Personal services (e.g., barber shops, salons, similar uses)*
  - 8) Professional and administrative offices*
  - 9) Repair services, conducted entirely within building; except for auto-repair and similar uses*
  - 10) Mixed use building (residential with other permitted use)*
  - 11) Other uses similar to those listed in 1-9, above.*

*(Continued)*

**Special Use Standards - Sample Code Provisions (continued)**

**4. Neighborhood Commercial uses (continued)**



- b. Location and Access. Neighborhood commercial uses shall be located on corner lots and lots which are contiguous to commercial uses corner lots, not to exceed the size limitations in subsection d, below. The site shall have frontage onto a collector or arterial street, as designated by the Comprehensive Plan. Access shall be provided from an alley or private drive as shown above, whenever practicable.
- c. Development Size. The overall size of a neighborhood commercial development shall not exceed [5,000-30,000] square feet of non-residential use per site, to ensure an appropriate neighborhood scale. No individual use shall exceed [1,500-5,000] square feet, as provided in subsection a.
- d. Building Design and Orientation. Building design and orientation shall meet the Design Standards in Section \_\_.

(Continued)

***Special Use Standards - Sample Code Provisions (continued)***

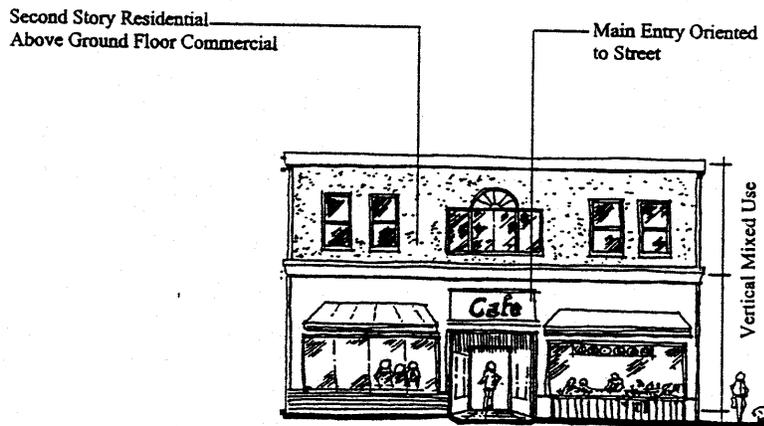
***4. Neighborhood Commercial uses (continued)***

- e. *Hours of Operation.* *Neighborhood commercial land uses shall be limited to the following hours of operation [6-7] a.m. to [9-10] p.m.*
- f. *Parking Areas.* *The following vehicle parking standards shall be met:*
- 1) *On-street parking shall be provided on at least one street adjacent to the main building entry, except where otherwise prohibited by city standards. On-street parking spaces shall be credited toward the minimum parking requirement;*
  - 2) *All off-street parking areas (e.g., lots, garages, driveways, etc.) shall be oriented to a side- or rear-yard, or placed in a garage (e.g., underground);*
  - 3) *Parking areas on adjoining neighborhood commercial lots shall be connected, whenever practicable;*
  - 4) *Parking shall not be located between a street right-of-way and primary (i.e., public or customer) building entrance.*
  - 5) *Parking requirements shall be based on a parking needs study prepared by the applicant, and subject to review and approval by the review authority. At a minimum, the following parking shall be provided:*
    - *One parking space for every [500-1000] square feet of office space;*
    - *One parking space for every [300-500] square feet of retail;*
    - *One parking space for every [200-300] square feet of food service space, plus one space for every [2-3] employees during the largest shift;*
  - 6) *Off-street parking areas shall not exceed a total of \_\_ parking spaces for each commercial use.*
- g. *Other Standards.* *Neighborhood Commercial developments shall comply with all of the applicable setback and design standards in Sections \_\_.*

***Discussion:*** The ranges provided above for size of use, development size, hours of operation and parking should be tailored to fit local conditions. For example, a 5,000 square foot use may correspond to a neighborhood market, whereas 30,000 square feet of total space, without limitations on use size, could be a medium size grocery store. The parking standards represent the low range of possible standards, assuming walkable neighborhoods. The performance standard in subsection 5 allows the jurisdiction to adjust the parking requirements. The maximum parking area size in "6" should be based on the desired character and scale of development. For example, a 3,000 square foot neighborhood retail center might require 6-10 spaces, depending on availability of on-street parking.

**Special Use Standards - Sample Code Provisions (continued)**

5. *Mixed Use Developments within the Happy Hollow (HH) zone.* Mixed use developments are allowed within the HH zone, subject to special standards. For the purpose of this example, “mixed use” means the combining of housing with non-residential use(s). These uses may be mixed “vertically”, for example by building apartments above ground-floor commercial space; or “horizontally”, by building townhomes or apartments adjacent to commercial space. Mixed use developments shall comply with all of the following standards to ensure proper implementation of the Happy Hollow Neighborhood Plan:



- a. *Mixed uses shall conform to the standards for Neighborhood Commercial uses, as provided in Section 4;*
- b. *Residential uses shall not exceed the maximum density permitted by the HH zone;*
- c. *The maximum building height may be increased by 10 feet as an incentive for vertical mixed use buildings, except where adjacent to single-story residential uses.*
- d. *Existing residential buildings may be redeveloped with a mix of uses (e.g., living space above artist studio, retail, office, or other permitted use, subject to the standards in a-c, above.*

## ■ Application Requirements and Review Procedures

Developers of infill and redevelopment sites face a myriad of physical, regulatory, and economic obstacles. Projects that meet the community's vision and the reality of the marketplace often require lengthy and uncertain review procedures, variances, and even litigation over interpretations of land use standards. The following code concepts address some of the more common procedural obstacles to infill development:

### □ Before Submitting an Application

**Problem:** Developers of infill projects include private land owners, development companies, public agencies, home builders and many other entities with varying levels of development experience. Local planners and engineers often need to provide extra assistance to infill developers if they are unfamiliar with or lack development experience in our community.

**Objective:** To provide better information about application requirements earlier in the development review process.

**Strategy:** Preapplication conferences should be required. While the best developers will ask for these meetings without being told to do so, others will invest in their project without having done their due diligence with the neighborhood. For this reason, preapplication conferences should be required by code. These meetings between the applicant and city staff will be most helpful if they result in a list of approval criteria, suggested plan/design concepts or changes, and a clear description of the permit process with an estimated timeline for final approval. Please refer to the sample code provision on the following page.

Neighborhood meetings. Successful infill developers routinely meet with neighborhoods to gather input on their ideas before finalizing plans and submitting applications. When an official neighborhood association does not exist, the developer can voluntarily organize a neighborhood meeting. Consider adopting procedures for advertising, conducting and recording meetings, while making sure that the procedures are not onerous (i.e., remember that a developer is not required to make any changes based on neighbors' comments). Code requirements should focus on ensuring proper *notification* of meetings. Most experienced developers will take meeting notes and share them with the neighborhood association, anyway, whether or not they are required to do so.

Developer's guide. Consider preparing a brief guide book or brochure for infill and redevelopment projects. For example, the guide should provide answers to "Frequently Asked Questions", contact information for permit

agencies and neighborhood associations, and project checklists for applicants.

***Preapplication Conferences - Sample Code Provisions:***

*Preapplication Conference Required. Prior to submitting an application for [partition, subdivision, design review, site plan review, conditional use permit, variance, etc.] approval, the applicant shall request a “preapplication conference” (meeting). The meeting request shall be made on a form available at the Planning Department and be accompanied by a sketch plan of the proposed development. The Planning Director or his/her designee shall distribute the request to other [city/county] as appropriate for their review and comments. The meeting shall take place within [7-10] calendar days of the request, and result in the following information being provided in writing to the applicant:*

- list of approval criteria and standards;*
  - any suggested modifications to the plan or design;*
  - a clear outline of the permit process (this can be a standard handout); and*
  - an estimated timeline for final approval (i.e., excluding any appeals). This estimate shall be contingent upon the applicant submitting a complete application.*
- Other information relevant to the proposed development or requested by the applicant.*

## □ The Application

Development applications typically include application forms, a fee, full size plan sheets (e.g., 24"x36"), reduced plan sheets (e.g., 8.5"x11" or 11"x17"), and a written narrative responding to development code approval criteria. Subdivisions and complex site developments also usually require engineered plans, studies and certifications from technical specialists. The cost and timing of these requirements can discourage infill developers. For example, if the developer has an option to buy an infill property and that option is contingent upon receiving conditional use permit approval, he/she is not likely to invest in a lot of engineering to gain that approval (i.e., as compared to preliminary plat approval). If the cost of applying (and risk of denial) is too great in relation to the total cost of the project, the developer will back out of the project. Therefore, it is important to try and streamline these requirements whenever possible for infill and redevelopment projects.

**Problem:** The high cost and time involved in applying for land use approval discourages infill and redevelopment.

**Objective:** To reduce the cost and time required for land use decisions, and provide expedited approval of initial land use applications (e.g., conditional use, zone change, partition, lot line adjustments, etc.) for infill and redevelopment projects.

**Strategy:** Consider reducing application requirements for decisions that do not require all the bells and whistles. For example:

- Require only the number of application packets that are needed for review. If only the planning and engineering departments review minor partitions, then require only three copies of the application (one for each department and one for the file);
- Allow submittal of reduced-size plans (11"x17") for some small-scale projects, rather than requiring full-size plots (24"x36") for every project.
- Consider exempting infill projects that fall below certain thresholds from having to prepare the following types of expensive studies: noise study, drainage study, traffic impact analysis, etc. Provide "safe harbor" standards that support exempting projects from these studies.
- Allow submittal of "sketch plans" in lieu of engineered site plans for narrowly focused requests, such as conditional use permits, partitions, lot line adjustments, and minor modifications to approved development plans.

### □ The Completeness Check

**Problem:** Much of the delay in obtaining development approval often occurs during the City’s initial completeness check of applications. Small infill and redevelopment projects are penalized when they have to go through the same completeness check as larger projects (i.e., typically a 30-day review). Staff workload often creates these bottlenecks.

**Objective:** To reduce the time required for initial completeness checks for infill and redevelopment projects.

**Strategy:** Consider providing an accelerated completeness check for minor or all infill and redevelopment projects (i.e., make them the priority for completeness checks, to be done before other types of applications). Create a checklist for review partitions, lot line adjustments, minor building additions, etc. For these projects, consider providing a one-stop “completeness-check-with-approval” procedure.

### □ Review Procedures and Appeals

In general, development review procedures include interdepartmental coordination, public notice, hearings, and appeals. These procedures can be streamlined to promote infill and redevelopment.

#### **Problems:**

**#1 *Discretionary decision-making results in unpredictable decisions.*** For example, standards which refer to approval “by the city engineer/fire chief/planning director, etc.” but do not provide criteria for such decisions, fail to provide sufficient direction to decision makers, applicants and citizens.

**Strategy:** Provide a “two-track” system for design review that includes both a *discretionary criteria* track and an *objective criteria* track, as is suggested in the previous sections of this handbook. The two options for compliance — e.g., discretionary review by the planning commission and “safe-harbor” standards reviewed administratively — can provide more certainty to the developer and the public of what is expected from infill and redevelopment projects.

**#2 *Inefficient public hearings and review procedures result in delays, and increase public and private costs.*** The classic example arises when surrounding property owners first learn of a development when they receive mailed notice of a public hearing. Because their comments hit the planning commission and city/county staff cold, the hearing is continued.

***Strategy:*** Authorize more administrative approvals without public hearings for those decisions that do not require hearings under state law; and notify adjacent property owners of application reviews prior to hearings, issuance of staff reports and decisions. City staff should be available to meet with concerned citizens, and communicate their concerns to the applicant so he/she can respond in a timely manner.

**#3 *Variance criteria are overly restrictive when applied to infill properties.*** Often it is impossible to meet the test of a hardship “not being self-inflicted”. For example, unique building designs, alleys, private streets and other features that are appropriate for infill but prohibited by the code, may not meet variance criteria if the request is not related to “physical constraints arising from the land, etc.”. Traditional variance criteria do not provide flexibility for these types of design features.

***Strategy:*** Consider revising the approval criteria for some types of variances. For example, consider allowing *adjustments* to prescriptive design standards (e.g., building and site dimensions) when the purpose of the code section is met by alternative means. An adjustment allows flexibility to standards when the overall purpose of the code section is met, and may allow for an administrative staff decision instead of a public hearing. Another option is to provide an “Administrative Variance” procedure for minor variances (e.g., “*up to 20% variance to setback, building height, and similar standards may be granted by the Planning Director, subject to the public notice requirements of Section \_\_\_*”). Both procedures can help in streamlining variance procedures. Typically, they include notification of neighbors, a 10-14 day comment period, and issuance of a written decision with findings of fact. (Adjustments and administrative variances must be appealable to the planning commission or other review body.)

**#4** ***“De novo” hearing rules prolong the appeals process.*** “De novo” means starting new. De novo hearing rules require that the city council, for example, to begin its hearing with a new record; thus, the planning commission record is not considered by the council unless it is explicitly entered into the council’s record. This often prolongs the appeals process because the public record established during months of planning commission meetings is suddenly nullified. The “new” testimony collected during the de novo hearing is often redundant and requires the applicant to rebut the same objections over and over again.

***Strategy:*** Consider making all appeal hearings “on the record”, so that these hearings are limited to the facts that have already been presented. This provides the benefit of continuity in applying city standards and streamlines the hearings process.

## *Appendix*

*A. Sample Code Audit Worksheets*

# Sample Code Audit Worksheets for Infill and Redevelopment

## **Introduction**

The code audit worksheets were developed to assist jurisdictions in reviewing their land use codes to identify any barriers to infill and redevelopment. They suggest questions for planners to ask when examining their codes. The audit should be completed working with an advisory committee, as described in Part 2 of this handbook, in order to ensure that many perspectives are included in the audit.

The following audit worksheets are provided:

- Zoning
- Land Divisions
- Public Improvements and Public Facilities
- Development Review Procedures

## ***Zoning***

Zoning is the basic means of land use control employed by jurisdictions. Zoning divides the community into districts and imposes different land use controls in each district, specifying the allowed uses of land and buildings, the intensity or density of such uses, the bulk of buildings, and in some instances design controls and off street parking requirements. In many cases, city and county zoning regulations lack the provisions to promote infill and redevelopment. The code audit should review the zoning ordinance because zoning is the most useful tool for encouraging infill.

## ***Land Divisions***

Land division regulation is the other principal tool that controls the development of land. Regulations typically deal with all aspects of subdivision design, including lot size, shape and street width and layout. Land division standards, similar to zoning regulations, may contain language that is inflexible or outdated. The land division ordinance should be reviewed as it is one of the principal means of guiding the direction and quality of land development.

## ***Public Improvements and Public Facilities***

Public improvement standards in local codes are frequently excessive for small infill projects, or they are inflexible (e.g., a site is too narrow to extend public streets to full city standards; cul-de-sac turnarounds use too much land, etc.). Many infill developers are individual property owners or small independent firms taking more risk than developers of open land. As a result, infrastructure standards should differentiate between small infill developments, and large-scale developments that require major capital improvements on the urban fringe.

## ***Development Review Procedures***

Development review procedures lay out the process by which development applications are reviewed (e.g., preapplication requirements, application submittal, inter-departmental and inter-agency review, public notice, hearings and appeals). In some jurisdictions, lengthy reviews are standard procedure, even for smaller, less complex projects. As a result, the regulatory risk - the uncertainty associated with development review process - is usually one large factor in a developers' decision to bypass infill projects. Complex permit systems discourage firms from working in areas where they have not worked before. Furthermore, the fees required to gain approval are a larger portion of total project costs for infill development. In order to promote infill, it is important to audit development review procedural requirements and determine ways to reduce delays.

## **Zoning Audit Worksheet**

1. Do codes explicitly address physical site constraints such as odd-shaped lots, topography, drainage issues, and natural resource areas, and are standards more flexible to permit their development at the designated densities?
2. Are site and architectural design standards or guidelines (e.g., architecture, building orientation, lot and street layout, landscaping, etc.) tailored to specific neighborhoods and used as approval criteria? Are graphics provided to show how to comply?
3. Do city/county codes that apply to non-conforming uses and development help or hinder infill and redevelopment? How?
4. Do zoning designations support infill and redevelopment from a market perspective (i.e., highest and best uses encouraged in suitable areas)?
5. Do land use approval criteria require compliance with vague comprehensive plan policies (e.g., for planned unit developments)?
6. Do city/county codes have discretionary provisions that directly or indirectly result in housing built at densities below the levels required in the comprehensive plan?
7. Do the city/county's quantitative development standards (e.g., for minimum/maximum density, lot area, dimensions, etc.) help or hinder infill and redevelopment? Can they be made more flexible (e.g., lot area averaging)?
8. Does the city/county require more parking than is needed to accommodate residents, customers, and employees, except during peak holiday times? For example, in many areas retailers can meet lending criteria with less than the 4 or 5 spaces per 1,000 square feet of floor area that is typically required by zoning.
9. Do parking standards allow and encourage shared parking and parking reductions for mixed use development, senior housing, transit-oriented development, etc.?
10. Do city/county standards ever require structured parking? (Minimum FARs can cause this to happen.) If so, are these parking requirements ever cost-prohibitive for infill and redevelopment projects (i.e., without public subsidy).
11. Does the city/county have parking standards for mixed use development? If so, do they help or hinder infill and redevelopment? How?
12. Do setback standards help or hinder infill and redevelopment? Does the city/county have flexible setbacks for compatibility with existing setbacks?

## Zoning Audit Worksheet

*continued*

14. Does the city/county's zoning code allow accessory housing units? Attached and detached single family units? Are they allowed outright? If allowed, are there design standards that ensure compatibility and privacy with neighbors?
15. Do building height limitations help or hinder infill and redevelopment? How?
16. Are zero-lot line developments and attached single family housing allowed in single family residential zones? What about duplexes and triplexes? Are there areas suitable for these building types (i.e., do existing single family buildings have similar bulk, height, mass, etc.)?
17. Does the city/county have flexible lot width and depth standards? If so, are they sufficiently flexible to help infill?
18. Does the city/county provide clear and objective compatibility standards for housing that have been developed with community involvement?
19. Do the city/county's building height and floor area ratio requirements conflict? Are they a barrier to obtaining infill and redevelopment?
20. Does the city/county have mixed use zones other than its downtown? Does it have neighborhood commercial zones?
21. Does the city/county code have building orientation requirements? If so, do they match existing neighborhood design characteristics? Are they flexible enough to allow for a variety of building types (residential, commercial, etc.).
22. Do the city/county's access and circulation standards help or hinder infill and redevelopment? How?
23. Does the city/county require 'forward-motion' loading (e.g., for commercial service and delivery vehicles). Are exceptions provided for infill and redevelopment?
24. Has the city/county created any zone districts specifically to accommodate infill and redevelopment?
25. Has the city/county undertaken specific area plans with neighborhoods to address design and development issues of infill projects? (See Part 1 of the handbook for information on Specific Area Plans.)
26. Does the city/county require environmental assessments for potentially contaminated sites or environmentally sensitive sites? What level of assessment is acceptable for land use approval? For preliminary development approval? For building permit approval?

### Land Division Code Audit Worksheet

1. Does the city/county have street connectivity and maximum block length or block perimeter standards? If it does, are they sufficiently flexible to accommodate infill and redevelopment? Does the city/county allow pedestrian connections in lieu of new streets due to physical site constraints, access management policies or other criteria?
2. Does the city/county have land division procedures and standards for mid-block developments and flag lots? These are properties that are too small or narrow to develop new streets or to connect existing streets, but may be served by public or private lanes.
3. Is every new lot required to have minimum frontage onto a public street? Are private streets acceptable? Does the city/county have standards for private streets?
4. Are engineered plans required for partitions, lot line adjustments and other land division procedures when no public improvements are required? Are sketch plans (i.e., prepared by the owner and drawn to scale) acceptable for these types of minor approvals? See "Procedures Code Audit" for other questions related to land division procedures.

## Public Improvements/Public Facilities Audit Worksheet

1. Does the city/county provide clear and objective standards for determining that adequate public facilities can be provided to serve infill and redevelopment?
2. Does the city/county or utility company require undergrounding of utilities with new development? Are exceptions provided for infill and redevelopment?
3. Do existing (or the lack of) construction drawings and specifications hinder infill and redevelopment? Are the standards outdated?
4. Is the city/county's capital improvement plan outdated? If so, does the outdated information hinder infill and redevelopment projects (e.g., uncertainty about infrastructure capacity)?
5. Does the CIP target specific infill areas?
6. Are the street width standards wider than necessary for their function? Does the city/county have "traffic calming" standards for neighborhood streets? Have discussions occurred with various departments (e.g., engineering, fire, public works) about street standards?
7. Does the city/county offer reduced costs (permit fees or SDC's) for small projects to encourage infill?
8. Do fire codes help or hinder infill and redevelopment (i.e., maximum dead-end street length; full circular turnaround required on dead-end streets; etc.)? Can alternatives be provided in special situations (e.g., allow for sprinkler buildings when fire flow is low)?
9. When are street improvements required (e.g., subdivision, partition, change in use, etc.) Are these requirements excessive in some areas, based on the potential impacts of infill and redevelopment?

## **Development Review Procedures Audit Worksheet**

1. Are preapplication conferences routinely held by city/county staff prior to the applicant submitting his/her plans? Are they required by code? Do these meetings result in clear and written direction to the applicant on what is required in terms of code criteria, forms, fees, written narrative, and the city/county's decision process?
2. Does the development review process encourage or require neighborhood coordination by applicants prior to an application being accepted as complete? Before the application is submitted?
3. Does the development review and approval process provide relief for smaller or less complex projects? For example does the code require a discretionary review process with notice and public hearing for "all" apartments and townhomes, regardless of project size or location?
4. What processes are required for replats, vacating abandoned plats, and adjusting lot lines (i.e., to assemble land for development)? Are they the same procedures required for subdivisions, or are they simpler and faster?
5. Do infill and redevelopment projects tend to require more variances than open land projects? Does the city provide a simpler and faster alternative for minor exceptions and adjustments to code criteria and standards?
6. Does the city/county provide a "fast-track" land use and building permit process for infill and redevelopment projects? Does the city/county concurrently review subdivision/partition plans, site plans, conditional use permits, and variances/adjustments to save process time?
7. Does the applicant have the option of submitting conditional use, site plan, and variance requests individually, rather than concurrently? For example, many developers begin the development review process with an "option" to buy a property. When the option is subject to receiving certain entitlements or land use approvals, it often makes more sense to pursue those approvals individually and save up-front engineering, survey and architectural fees.
8. Do the application submittal requirements match the complexity (or simplicity) of the land use approval? Are sketch plans drawn to scale allowed in lieu of engineered site plans for partitions and minor building additions?
9. Is there an expedited review of infill and redevelopment projects (e.g., completeness checks; staff reviews; scheduling of notices, decisions and hearings, as applicable)?

## *B. Sample Code Audit*

# M e m o r a n d u m



17355 SW Boones Ferry Rd.  
Lake Oswego, OR 97035  
Phone (503) 635-3618  
Fax (503) 635-5395

**To:** John Bischoff, Planning Director

**From:** Scot Siegel, AICP and Joe Dills, AICP

**Copies:** Gloria Gardiner, TGM Code Assistance Program

**Date:** April 26, 1999

**Subject:** *Brookings Downtown Development - Code Review and Preliminary Concepts*

We are pleased provide Otak's work product for the first phase of the Downtown Development Code project. Otak staff have reviewed the City's Land Development Code (LDC) and the other downtown planning documents provided by you, and have prepared a comprehensive "code-audit" for your review (Tasks 2-3). The audit findings and recommended "code-concepts" will be the subject of our May 5th presentation and work session (Task 4). As discussed, we would appreciate any comments on the audit, and hope that it can be distributed to the code-update advisory committee prior to the our scheduled May 5th meeting in Brookings.

## **Downtown Development Code Project: Objectives and Process**

Otak was hired to prepare revisions to the City of Brookings Land Development Code in support of downtown development. The City received a TGM Code Assistance grant for this purpose. Revitalization has long been a goal of the community, and several studies have been prepared for downtown. The code project is intended to synthesize the earlier studies and serve as a first-step in implementing the community's vision. As agreed, the code revisions will be coordinated with the TGM *Smart Development Principles*. (A copy of the principles is attached to this memo.) Based on the approved work scope and our discussions with you, we anticipate producing a new zone district or overlay zone for the downtown.

### ***Objectives***

The objectives of this project are to:

1. Eliminate, to the extent possible, roadblocks or disincentives for redevelopment in the downtown that arise from provisions of the LDC;
2. Establish provisions within the LDC to encourage the types of desired uses within the study area, consistent with *Smart Development Principles* (e.g., pedestrian-oriented retail, services, and mixed use);
3. Establish ordinance provisions to guide growth toward an appropriate balance between commercial and residential uses in the study area; and
4. Establish appropriate parking standards, both on- and off-street, to meet the needs of downtown development.

### **Process**

The City of Brookings, the Brookings Harbor Chamber of Commerce and interested property and business owners have established a committee to study and implement a plan to revitalize the older downtown portion of the city's commercial area. Otak is working with City staff and a subcommittee specifically to prepare revisions to the LDC for downtown. The work includes the following steps:

- ✓ Review existing downtown studies and ordinances, and prepare schedule (Task 1);
- ✓ Identify code conflicts and obstacles to downtown development through a "code-audit" (Tasks 2-3);
- ✓ Prepare code concepts and conduct workshop with advisory committee (Task 4);
- Evaluate mixed use and parking alternatives and review with advisory committee (Tasks 5-6); and
- Prepare draft zone district; city staff reviews with advisory committee; and Otak incorporates any changes in a final draft (Task 7).

This memorandum addresses the first three steps, i.e., those with check (✓) marks. We will proceed with the alternatives analysis after receiving direction from the committee. The draft zone district will be prepared during June.

### **Review of Downtown Studies and Land Development Code**

Otak has reviewed the City of Brookings Land Development Code (LDC) and the other downtown studies provided by you. We have summarized the applicable study recommendations (below), and prepared a comprehensive "code-audit" that compares the City's existing LDC provisions to the regulatory objectives outlined above. The audit is intended to highlight conflicts between downtown development objectives and existing codes, and recommend potential solutions. The solutions are stated as code-amendment concepts. The "code-concepts" will be the subject of our May 5th presentation and work session with the subcommittee.

### ***Oregon Downtown Development Report***

Earlier this year, Oregon Downtown Development Association (ODDA) completed a design study of downtown Brookings. (*ODDA Resource Team Report for Brookings, Oregon, February 1999*) The ODDA report provides an excellent source of ideas for strengthening the sense of community and place in downtown Brookings. Key design-related recommendations that should be carried forward into code revisions include:

- Appropriate building and site design for downtown (e.g., building orientation, massing/articulation, recessed entries, sidewalk protection, architectural features, materials, pedestrian-oriented signage);
- Pedestrian amenities and public space;
- Linkages through downtown and to community; and
- Mixed use and infill, with retail and restaurants anchoring the ground-floor and upper-level housing or professional offices.

### ***Brookings/Highway 101 One-Way Couplet***

Oregon Department of Transportation has prepared a conceptual plan to split Highway 101 into a one-way couplet through downtown Brookings, utilizing Railroad Street for southbound traffic and Chetco Avenue for northbound traffic. (*Brookings/Highway 101 One-Way Couplet Analysis: Implementation Report*, ODOT, January 1998) Implementation of the highway plan, though several years away, provides several opportunities and challenges for revitalizing downtown Brookings. The maintenance or loss of on-street parking will have a direct bearing on the development capacity and storefront character of Chetco Avenue and Railroad Street. The downtown zoning project will need to address both the short-term and long-term implications of the couplet proposal.

### ***Brookings/Harbor Infill and Redevelopment Strategy***

The *Brookings/Harbor Infill and Redevelopment Strategy* (Cogan Owens Cogan, June 1997) analyzed infill and redevelopment potential for the entire Brookings UGB. A key conclusion of the study is: "The City's downtown area, which is zoned C-3, is the most likely candidate for redevelopment and needs the most assistance through ordinance changes and other public efforts..." Specifically, the authors suggest the following amendments to the C-3 zone:

- Permit two optional approaches to providing off-street parking: a) allow credit for on-street parking improvements along property frontage; and b) establish public parking areas and collect an in-lieu fee to defray expenses. *Note: currently off-street parking is not required in the CBD area for lots fronting onto Highway 101 easterly from Pacific Street;*
- Permit single family uses in conjunction with a commercial use on the same lot. *Note: only single family dwellings in existence in 1989 are permitted;*
- Permit multifamily uses for disabled and senior housing that requires little parking. *Note: currently multifamily uses are permitted on the second floor.*
- Increase the maximum building height to 45 feet.

Other code-amendment options suggested by the study include:

- Expand the purpose section of the C-3 zone to emphasize mixed use development with a pedestrian orientation in the downtown area;
- Consider expanding the area of the C-3 zone that does not require off-street parking;
- Provide density ranges for second floor multifamily development;
- Consider allowing continued use of residential buildings in the C-3 zone, either free-standing uses, or those that have been remodeled to include small-scale commercial uses (e.g., dwellings with first-floor galleries), subject to meeting fire codes;
- Evaluate the option of deferred sidewalk improvements (i.e., LID agreement); and
- Amend parking standards to allow use of centralized parking lots (public or private), as alternative to off-street parking for individual uses.

## **Audit of City of Brookings Land Development Code**

The table beginning on the following page compares the City's objectives for downtown development to applicable chapters of the Land Development Code. Where conflicts are noted, the table outlines potential solutions, including reference to solutions recommended by previous studies. In summary, the objectives are to provide:

- Incentives for redevelopment (remove barriers or obstacles)
- Mixed use, with a balance between commercial and residential
- Pedestrian-orientation
- Main street storefront character
- Accessibility and adequate parking, including on-street and off-street parking

## **Conclusion and Next Steps**

Based on our review of the Land Development Code, it is clear that a "downtown zone district" will need to address several key issues. For discussion, we have summarized the issues as follows:

- To what extent should mixed use development be encouraged? Required? Should automobile-oriented uses be restricted?
- How should parking standards be tailored to support downtown redevelopment?
- Which design standards should be emphasized or required in the downtown?
- How should zoning address sidewalks and other street improvements in an area that does not meet current standards?
- In the long-term, what is the best approach to take in light of the potential highway reconfiguration?

Otak will begin evaluating and preparing code-amendment alternatives upon receiving comments and direction from you and the advisory committee. We look forward to our meeting, and welcome any thoughts beforehand. Please call either one of us with any questions or comments prior to the May 5 meeting.

City of Brookings Downtown Code Project Land Development Code Audit		
Code Section	Consistency with Objectives	Code-Amendment Concepts
<b>General Commercial (C-3) District, Section 52</b>		
<i>Purpose (52.010)</i>	Somewhat consistent with objectives. May become inconsistent if off-street parking standards/options change.	Consider expanding the purpose statement to emphasize mixed-use development (per Infill and Redevelopment Study), with desired pedestrian amenities, storefront character and public space. <i>Note: The Infill/Redevelopment Study also suggests expanding the area of the C-3 zone that does not require off-street parking.</i>
<i>Permitted uses (52.020)</i>	May be in conflict with mixed use, pedestrian-orientation, and parking objectives.	<ol style="list-style-type: none"> <li>1. Clarify subsection "J" to state the types of public buildings, structures and uses permitted (rather than "may be appropriate") in the C-3 district. For example, "Public buildings, structures, and uses which receive the public (e.g., [list], and similar uses) are permitted."</li> <li>2. To encourage mixed-use (and as recommended by the Infill and Redevelopment Study), consider permitting small-scale lodging uses (e.g., bed and breakfast type inns), and single family uses in conjunction with a commercial use on the same lot (e.g., living space above artist studio, retail or office). <i>Note: The Infill/Redevelopment Study also recommends permitting multifamily uses for disabled and senior housing that require little parking.</i></li> <li>3. Consider allowing free-standing multifamily buildings (i.e., residential use on ground-floor), when part of a mixed use development, as long as residential use does not occupy more than 50% of ground-floor space.</li> <li>4. Add "parking garages and structures" to list of permitted parking facilities in subsection "K".</li> <li>5. Limit automobile-oriented uses, such as vehicle sales, repair, storage, drive-up/drive-through facilities (See below).</li> </ol>

<b>City of Brookings Downtown Code Project Land Development Code Audit (continued)</b>		
<b>Code Section</b>	<b>Consistency with Objectives</b>	<b>Code-Amendment Concepts</b>
<b><i>General Commercial (C-3) District, Section 52 (continued)</i></b>		
<i>Accessory uses (52.030)</i>	Could be clarified by greater use of examples. Currently, provides examples of accessory living quarters for emergency services.	For clarification, provide examples of uses accessory to commercial and mixed use development: plazas; outdoor seating in conjunction with restaurants (e.g., adjacent to sidewalks, on courtyards, or terraces); roof-top gardens and recreation facilities in conjunction with multifamily and mixed use development; limited outdoor sales in conjunction with permitted retail (52.020); and similar accessory uses.
<i>Conditional uses (52.040)</i>	May be in conflict with pedestrian-orientation and objectives for downtown redevelopment and mixed use.	<p>1. Presently, some automobile-oriented uses are permitted outright, while others are conditional uses. Consider adopting one set of standards for all automobile-oriented uses (e.g., uses such as vehicle repair, sales, rental, storage, services; drive-through and drive-up facilities; implement, machinery, and heavy equipment sales and service; and similar uses). At a minimum, standards should address: building enclosure, access and circulation, and garage and building orientation. The standards could also limit new automobile-oriented uses, or require a minimum distance between uses, to support a pedestrian-oriented downtown. Expansion of existing uses could be allowed up to a specified percentage before a use would need to be brought into compliance. Standards can be provided in Section 52 - C-3 District, or Section 124 -Provisions Applying to Special Uses.</p> <p>2. Consider requiring standards similar to those for automobile-oriented uses to support a pedestrian-oriented downtown.</p> <p>3. Consider removing the conditional use requirement for buildings over 40 feet. (See 52.050, below.)</p>
<i>Maximum building height (52.050)</i>	Provide incentive for mixed use.	Consider allowing buildings over 40 feet in the downtown as a permitted use, subject to compliance with applicable fire codes, to encourage mixed use development.
<i>Signs (52.060)</i>	Conflicts noted.	See response to Section 88.100.
<i>Parking (52.070)</i>	Conflicts noted.	See response to Section 82.
<i>Other required conditions (52.080)</i>	Recommend downtown design standards, as per ODDA study and others as listed here.	Downtown zoning should establish incentives and standards for residential density, pedestrian amenities, mixed use, and downtown architecture with "storefront character". Specify a "maximum setback" to place buildings close to the street.

City of Brookings Downtown Code Project Land Development Code Audit (continued)		
Code Section	Consistency with Objectives	Code-Amendment Concepts
<b>Site Plan Approval, Section 80</b>		
<i>Improvement Standards (80.040)</i>	May be in conflict with pedestrian-orientation and mixed-use objectives, and discourage redevelopment due to inappropriate design standards, and existing deficiencies in streets, alleys, sidewalks and overhead utilities.	<ol style="list-style-type: none"> <li>1. Consider reducing the common open space standard for multifamily development in the downtown (i.e., from 50% of gross floor area to between 10-20% of site area); and allow credit for the use of plazas, courtyards, terraces, and rooftop gardens for up to one-half of the required common area. This same principle should apply to mixed use (multifamily with commercial) development.</li> <li>2. Clarify the requirement for sight-obscuring landscaping, berms, walls or fences along property lines. The standard should not apply to yards facing streets in the downtown. (Buildings and their entrances should have clear line of sight and direct access to the street and sidewalk.)</li> <li>3. Require the provision of pedestrian amenities, such as plazas, courtyards, outdoor seating areas, or extra-wide sidewalks between buildings and the public right-of-way when buildings are setback more than the maximum setback specified in Section 52.080 (proposed).</li> <li>4. Allow accessways less than 20 feet wide (e.g., 12 feet minimum, similar to one-way alleys) when fire codes are met.</li> <li>5. Consider allowing deferral of utility under-grounding and alley improvements when the owner agrees to participate in a future LID. Allow alleys to be graveled as an interim improvement.</li> <li>6. Sidewalk deferral appears to be allowed by subsection "F", however, this should be clarified in subsection "K".</li> <li>7. Consider exempting the downtown from the solar access guideline, except where development would impact solar access onto an adjoining residential district.</li> </ol>
<b>Public Hearing Notice Procedures, Section 84</b>		
<i>Need for a public hearing. (84.020)</i>	May be in conflict.	See response to Section 176.

City of Brookings Downtown Code Project Land Development Code Audit (continued)		
Code Section	Consistency with Objectives	Code-Amendment Concepts
<b>Sign Regulations, Section 88</b>		
<i>Commercial and industrial districts. (88.100)</i>	May be in conflict.	For pedestrian-scale, wall signs and signs on the front or below a marquee, awning or canopy should be the preferred location for signs in the downtown. Consider prohibiting or limiting the height of free-standing signs (35 feet currently allowed) downtown; if free-standing signs are allowed, consider requiring low-profile monument signs. (Section 88.100)
<b>Off-Street Parking and Loading Regulations, Section 92</b>		
<i>Off-street loading (92.020)</i>	May be in conflict with mixed use, pedestrian-orientation, and redevelopment objectives in the downtown.	Consider allowing loading bays in parking lots, alleys, and on-street parking areas, as an alternative to separate off-street facilities, when the bays are appropriately marked by signs (i.e., "no parking during hours of __"), and they do not block traffic. Note: loading from Highway 101 would require designation of a "Special Planning Area" by ODOT.
<i>Off-street parking (92.030)</i>	May be in conflict with overall redevelopment objectives.	Consider expanding the area of downtown not subject to off-street parking requirements, and study an option for in lieu fees used to defray some or all of the cost of public parking improvements. Note: an evaluation of parking supply and demand (Task 6 of the code project) is recommended to determine the impact of any change.
<i>Number of spaces required (92.040)</i>	Parking provided by larger retail uses may conflict with the pedestrian-orientation objective if too much surface parking is developed between buildings.	Consider setting "maximum parking" standards. For example: "Each use may develop no more than 120% of the minimum off-street parking required by Section 92.040. An exception may be granted when excess parking is located in a parking garage above or below the ground floor of a building."
<i>Joint use of facilities (92.050); More than one use (92.060)</i>	No conflict. These provisions support downtown development by minimizing the amount of land needed for parking and encouraging mixed use.	

City of Brookings Downtown Code Project Land Development Code Audit (continued)		
Code Section	Consistency with Objectives	Code-Amendment Concepts
<i>Use of parking facilities (92.070)</i>	No conflict.	
<b><i>Off-Street Parking and Loading Regulations, Section 92 (continued)</i></b>		
<i>Location of parking facilities (92.080)</i>	May be in conflict with mixed use objective, and "joint use" provision.	Consider allowing "off-premises" parking through centralized parking lots as an alternative to off-street parking for individual uses, as recommended by the <i>Infill and Redevelopment Study</i> .
<i>Parking, front yard (92.090)</i>	No conflict. This standard supports pedestrian-orientation.	
<i>Design, development and maintenance standards for off-street parking areas (92.100)</i>	Compact parking could be allowed to help facilitate downtown infill and redevelopment.	Consider providing a standard for angled "compact parking spaces" (e.g., up to 50% of all required parking spaces may be 8½ feet by 18 feet).
<i>Handicapped parking (92.110)</i>	No conflict.	
<b><i>Home Occupations, Section 104</i></b>		
	Potential conflict.	If single family dwellings are allowed with a commercial uses in the downtown (Section 52.020), the home occupation standards should not apply. The existing standards in Section 104 are not appropriate for downtown mixed use development.
<b><i>Rear Lot Development, Section 112</i></b>		
	Potential incentive for infill and redevelopment.	Consider extending the rear lot development option to properties downtown. This option may provide an incentive for infill and redevelopment with housing "above" or "behind" a commercial use (i.e., when mixed use development on the same parcel is not otherwise feasible).

<b>City of Brookings Downtown Code Project Land Development Code Audit (continued)</b>		
<b>Code Section</b>	<b>Consistency with Objectives</b>	<b>Code-Amendment Concepts</b>
<b><i>Non-conforming Uses, Section 120</i></b>		
<i>Change of nonconforming use 120.020</i>	Potential incentive for infill and redevelopment.	Consider streamlining the process for conversion of single family houses to mixed residential-commercial use. Permit this change outright through site plan review, rather than through the conditional use process.
<b><i>Provisions Applying to Special Uses, Section 124</i></b>		
<i>Bed and breakfast facilities (124.140)</i>	Potential incentive for tourism-oriented development.	Allowing some small-scale lodging downtown, such as bed and breakfast type inns, may help to stimulate redevelopment. See response to Section 52.020.
<b><i>Special Setback Provisions on Certain Streets, Section 128 [Reserved]</i></b>		
	Potential conflict.	This section is reserved for future designation of streets. A special setback applied to any of the downtown streets could substantially impact redevelopment.
<b><i>Interpretations and Exceptions, Section 132</i></b>		
<i>Access (132.060)</i>	See Rear Lot Development, Section 112.	If authorized for the downtown, the rear lot development option would allow residential lots without street frontage, when accessed by an approved private lane or alley.
<b><i>Vacations, Section 152</i></b>		
	No conflict.	Vacations should be discouraged where street connectivity and alley-ways are desired downtown. Alleys are useful for aligning utilities and providing access to parking lots at the rear or side of buildings.
<b><i>Public Facilities Improvements Standards and Criteria, Section 172</i></b>		
	No conflict.	Deferral of improvements is allowed with LID agreement.
<b><i>Land Divisions, Section 176</i></b>		
	Provide incentive for infill and redevelopment by streamlining procedures.	Consider allowing administrative-staff review of partitions and lot line adjustments in the downtown instead of a public hearing. Alternatively, an application could be referred to the Planning Commission upon request by the Planning Director or applicant.

### *C. Sample Community Design Standards*

# Blending into the Neighborhood



## Background

It is to Portland's advantage to accommodate growth in a manner that has the least negative impact on its existing neighborhoods. The compatibility of new buildings may be enhanced by incorporating building and site details common in the neighborhood. Successful project design may also relate to the surrounding buildings in terms of scale, color, window proportions, and facade articulation.

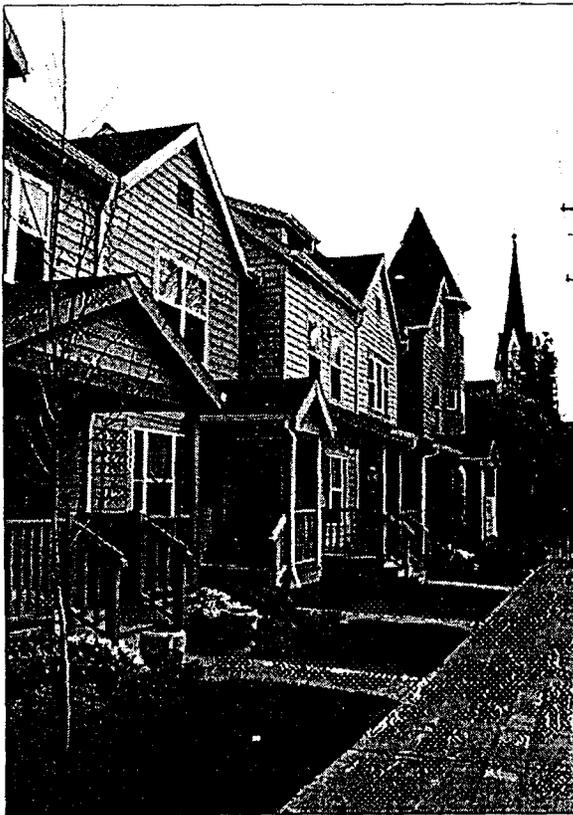
Large buildings can be designed to reduce negative impacts on the neighborhood by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that respect the character of the surrounding area. Site design considerations, such as screening and landscaping, can also help these developments blend into the neighborhood.

## Guideline D7:

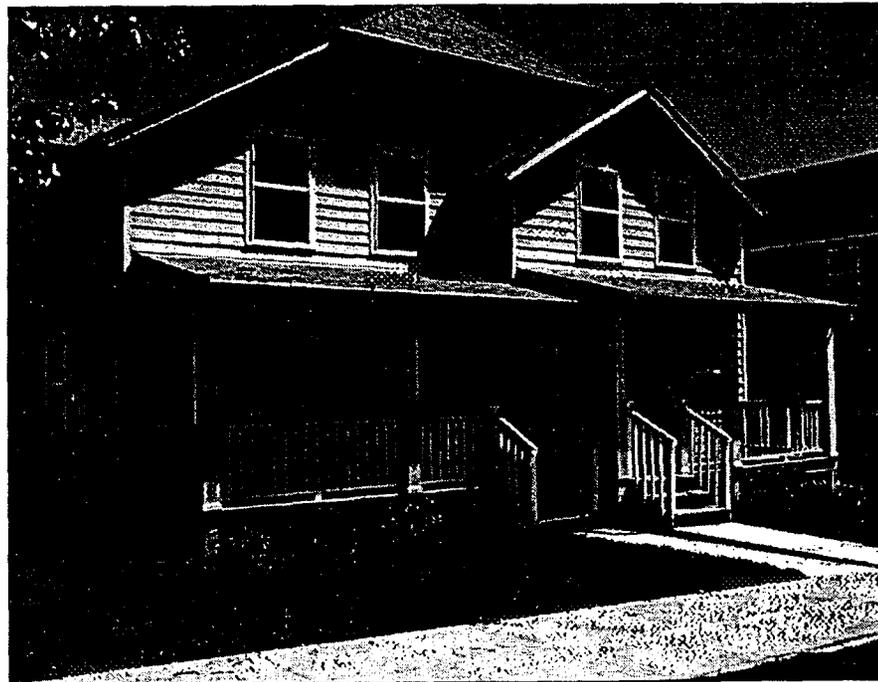
*Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.*

*This guideline may be accomplished by:*

**A.** Incorporating elements and details found in nearby structures. The tower on the corner unit of the Dawson Park Rowhouses reflects the tower of the church down the street.



**B.** Divide large wall areas into distinct smaller planes that are more in keeping with the scale of surrounding development. The facade of these attached houses is broken up by setting back a portion of the building.



*This guideline may be accomplished by:*

**C.** Renovating and constructing new commercial buildings that serve the surrounding residential neighborhood with strong pedestrian connections. Sidewalks connect this commercial area with the adjacent neighborhood.



**D.** Creating buildings that follow the topography of the site. This housing development is close to the ground and steps up the slope. When buildings are set on stilts, make efforts to reduce their impact on the surrounding area.



*This guideline may be accomplished by:*

**E.** Encouraging infill to complement the scale and proportions of surrounding buildings. This new single-dwelling house has the same scale as the older house to the left.

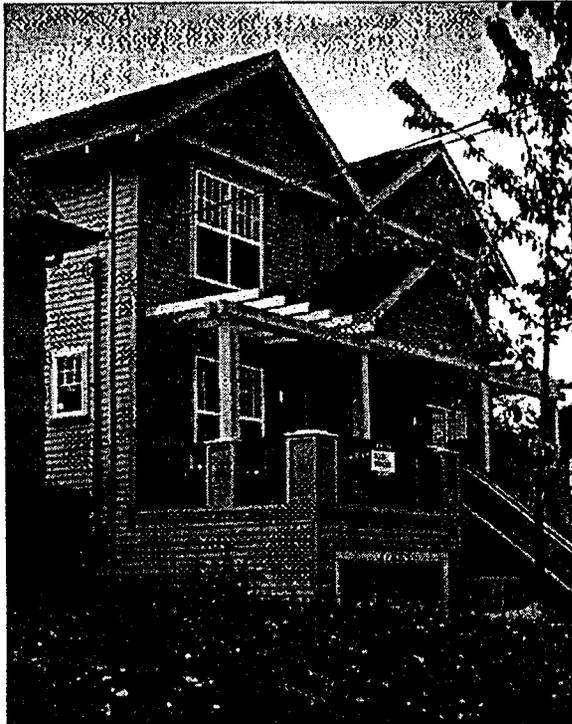


**F.** Using plant materials to soften the impact of new development. As plant materials mature, they help newer houses and buildings blend into established neighborhoods.

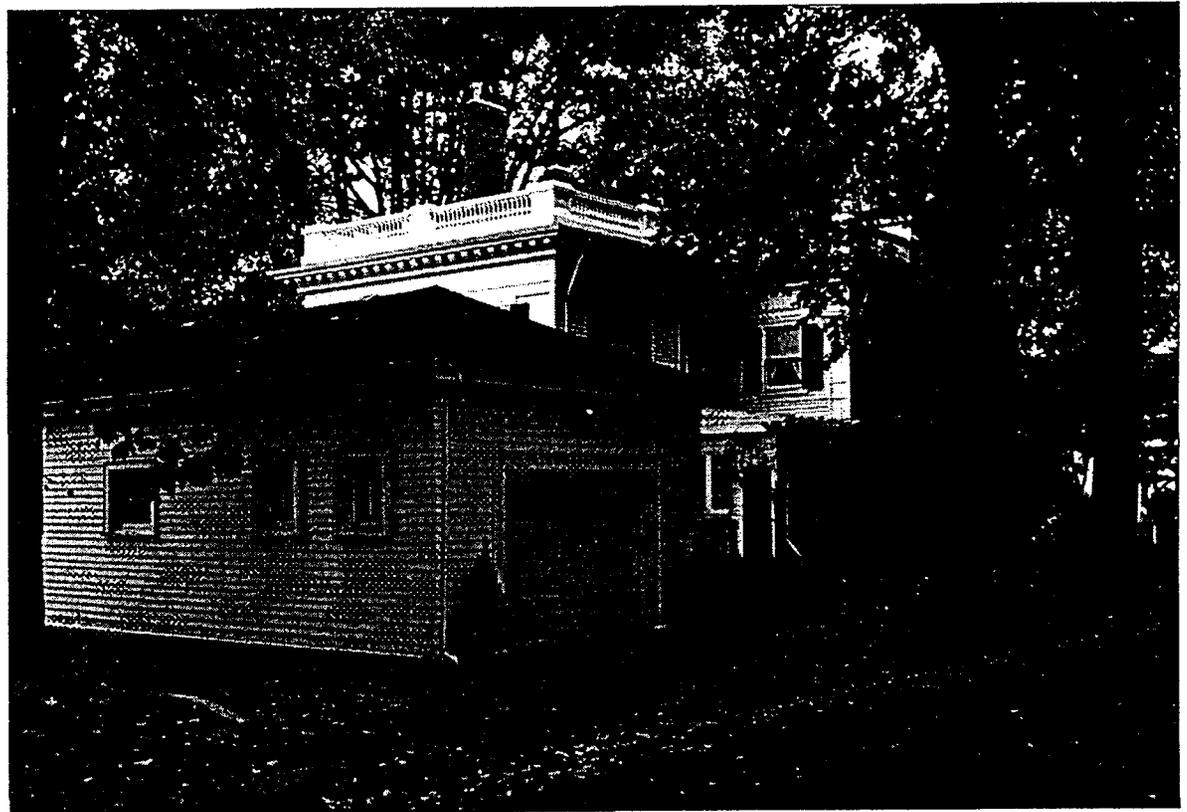


*This guideline may be accomplished by:*

**G.** Incorporating architectural details found in nearby structures. These new attached houses in Irvington have many details common in the neighborhood: large porch columns, decorative brackets, multi-paned vertical windows and narrow horizontal siding.



**H.** Designing detached structures that reflect the design of the primary structure. This detached garage has the same exterior finish materials as the main house.

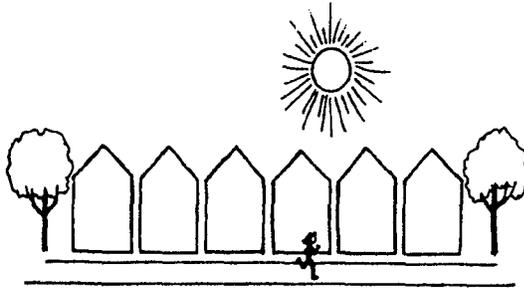


# EXCERPT FROM CITY OF ASHLAND SITE, DESIGN AND USE STANDARDS

## C. HISTORIC DISTRICT DESIGN STANDARDS

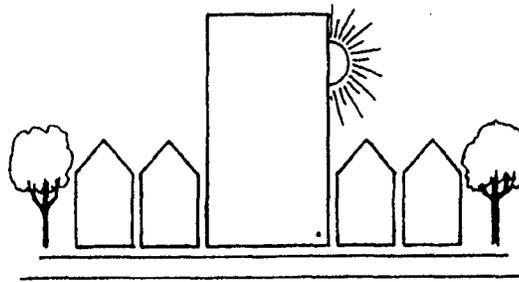
In addition to the standards found in Section II, the following standards will be used by the Planning and Historic Commissions for new development and renovation of existing structures within the Historic District:

### RECOMMENDED



IV-C-1) Construct buildings to a height of existing buildings from the historic period on and across the street.

### AVOID

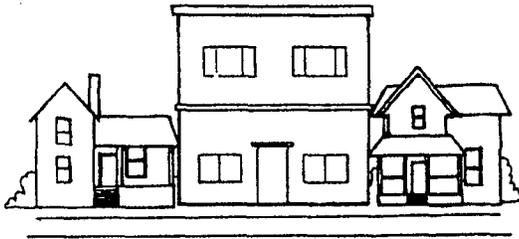


Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

### SCALE



IV-C-2) Relate the size and proportions of new structures to the scale of adjacent buildings.

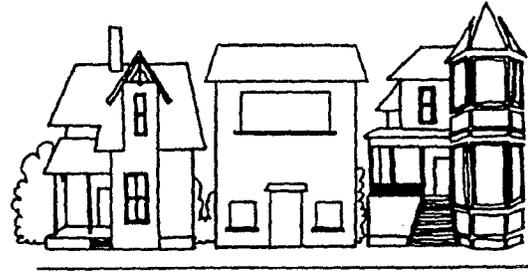


Avoid buildings that in height, width, or massing, violate the existing scale of the area

**RECOMMENDED**

**AVOID**

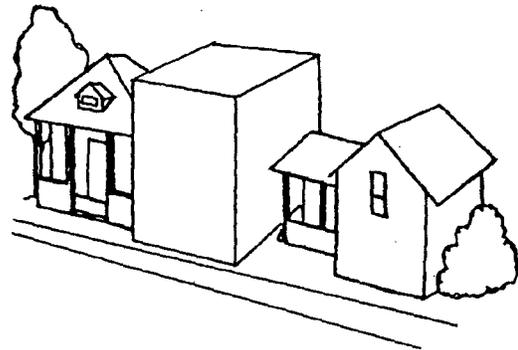
MASSING



*IV-C-3) Break up uninteresting boxlike forms into smaller, varied masses which are common on most buildings from the historic period.*

*Avoid single, monolithic forms that are not relieved by variations in massing.*

SETBACK



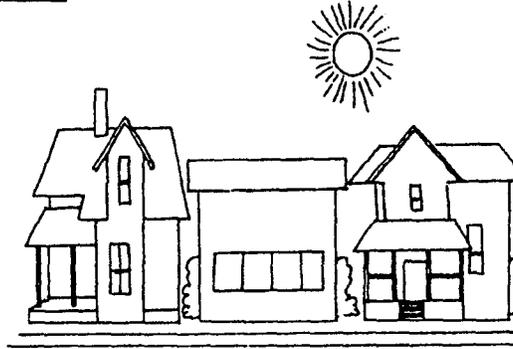
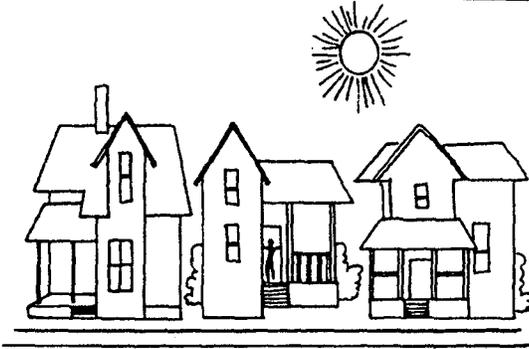
*IV-C-4) Maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings.*

*Avoid violating the existing setback pattern by placing new buildings in front or behind the historic facade line.*

**RECOMMENDED**

**AVOID**

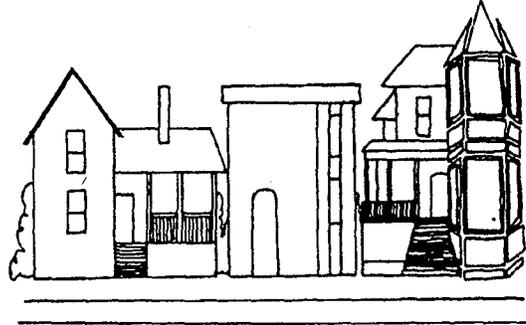
ROOF SHAPES



*IV-C-5) Relate the new roof forms of the building to those found in the area.*

*Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.*

RHYTHM OF OPENINGS



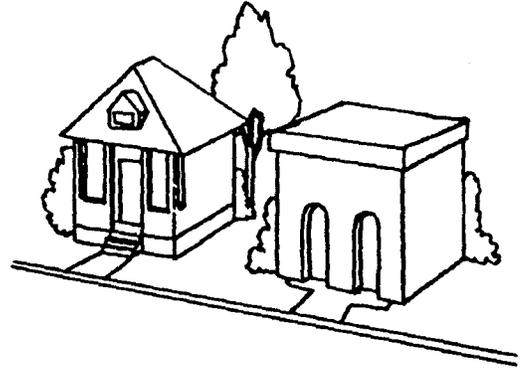
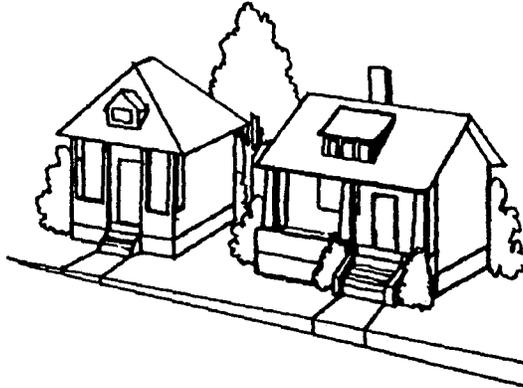
*IV-C-6) Respect the alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade.*

*Avoid introducing incompatible facade patterns that upset the rhythm of openings established by the surrounding structures.*

**RECOMMENDED**

**AVOID**

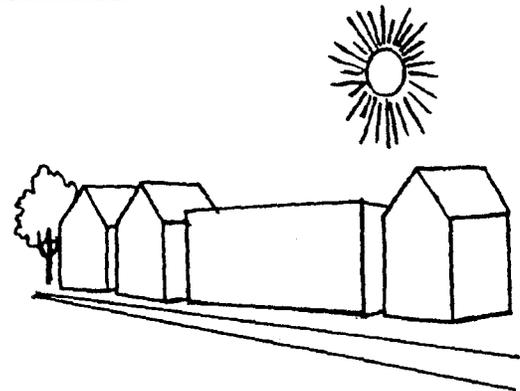
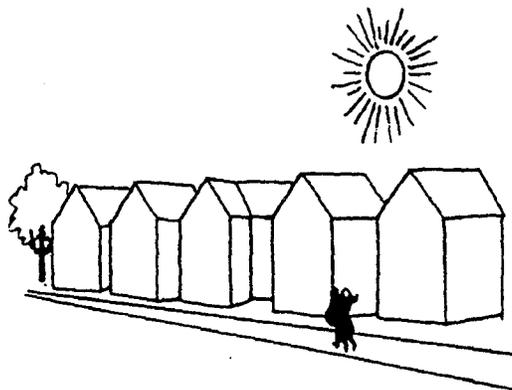
PLATFORMS



*IV-C-7) The use of a raised platform is a traditional siting characteristic of most of the older buildings in Ashland.*

*Avoid bringing the walls of buildings straight out of the ground without a sense of platform.*

DIRECTIONAL EXPRESSION



*IV-C-8) Relate the vertical, horizontal or nondirectional facade character of new buildings to the predominant directional expression of nearby buildings.*

*Avoid horizontal or vertical facade expressions unless they are compatible with the character of structures in the immediate area.*

**RECOMMENDED**

**AVOID**

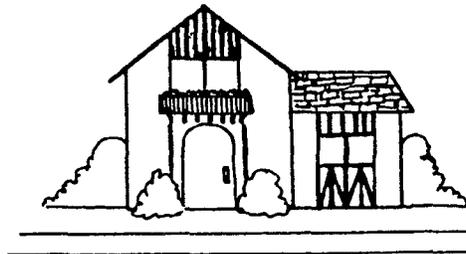
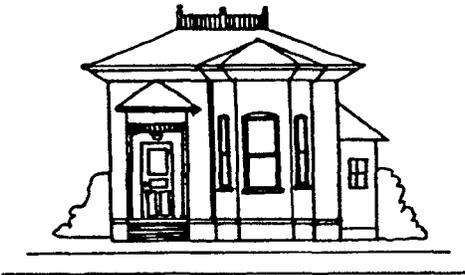
SENSE OF ENTRY



*IV-C-9) Articulate the main entrances to the building with covered porches, porticos, and other pronounced architectural forms.*

*Avoid facades with no strong sense of entry.*

IMITATIONS



*IV-C-10) Utilize accurate restoration of, or visually compatible additions to, existing buildings. For new construction, traditional architecture that well represents our own time, yet enhances the nature and character of the historic district should be used.*

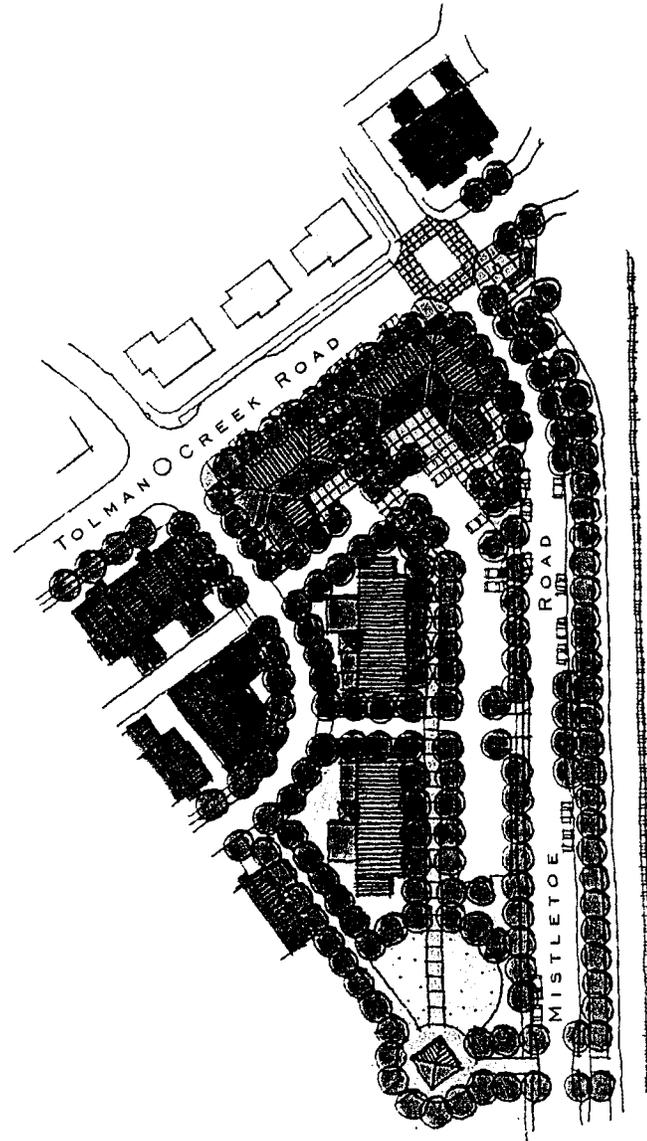
*Avoid replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if well done well, present a confusing picture of the true character of the historical area.*

*D. Sample Zone District for Infill/Redevelopment Area*

FINAL DRAFT

# TOLMAN CREEK ROAD

## NEIGHBORHOOD PLAN



PREPARED FOR

City of Ashland

JUNE 28, 1999

**SAMPLE ZONE DISTRICT FOR INFILL/REDEVELOPMENT AREA**



# EXCERPTS FROM TOLMAN CR RD NEIGHBORHOOD PLAN

## Purpose of the Plan

The Land Use Plan is one of the three integrated layers of the overall growth vision for the neighborhood. It will establish a base zone district for Tolman Creek Road Neighborhood Plan area. The base zone will be further defined by five "overlay" zone designations (Figure 5).

The intent of the proposed zoning is to:

- Maintain the residential character of areas with low redevelopment potential
- Guide development in areas within the neighborhood with high redevelopment potential toward transit-supportive and traditional neighborhood design
- Provide a neighborhood park focused on the Hamilton Creek Greenway
- Provide appropriate land use and transportation linkages to the residential area west of the neighborhood and the future employment area east of the neighborhood

## Chapter 18.

### TOLMAN CREEK ROAD (TCR) NEIGHBORHOOD

(ORD \_\_, \_\_)

Sections:

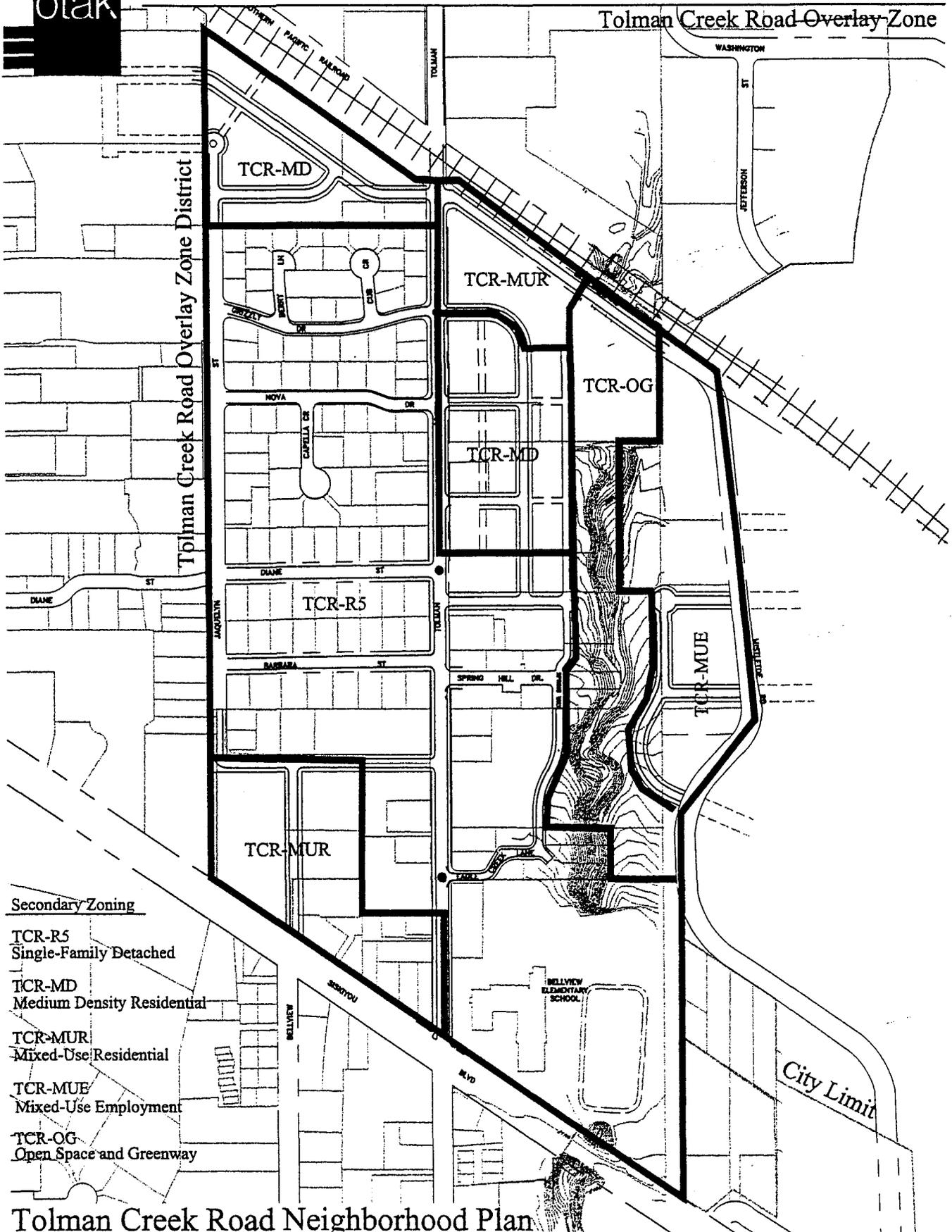
- 18.\_\_.010 Purpose.
- 18.\_\_.020 General Regulations.
- 18.\_\_.030 Single-Family Residential (TCR-R5) Overlay.
- 18.\_\_.040 Multiple-Family Residential (TCR-MD) Overlay.
- 18.\_\_.050 Mixed-Use Residential (TCR-MUR) Overlay.
- 18.\_\_.060 Mixed-Use Employment (TCR-MUE) Overlay.
- 18.\_\_.070 Open Space and Greenway (TCR-OG) Overlay.
- 18.\_\_.080 Development Review Procedures.

**18. .010 Purpose.** This district is designed to implement the Tolman Creek Neighborhood Plan. The plan is a blueprint for promoting a variety of housing types, mixed-use developments, neighborhood oriented businesses and community services in a manner which enhances property values, completes transportation connections, and preserves open spaces and significant natural features.

### **18. .020 General Regulations.**

#### **A. Conformance with Tolman Creek Road Neighborhood Plan.**

All land use and development, including buildings, drives, parking areas, landscaping, streets, alleys, greenways, and pedestrian/bicycle access ways, shall be located and developed in accordance with the Tolman Creek Road Neighborhood Plan ("Neighborhood Plan").



Secondary Zoning

- TCR-R5  
Single-Family Detached
- TCR-MD  
Medium Density Residential
- TCR-MUR  
Mixed-Use Residential
- TCR-MUE  
Mixed-Use Employment
- TCR-OG  
Open Space and Greenway

Tolman Creek Road Neighborhood Plan  
Proposed Zoning

Figure 5

**B. Conformance with Ashland Street Standards Handbook.**

All development shall comply with the street design, layout and connectivity standards of the Ashland Street Standards Handbook, except as modified by this Chapter.

**C. Conformance with Ashland Land Use Ordinance.**

All land use and development, including buildings, drives, parking areas, landscaping, streets, alleys, greenways, and pedestrian/bicycle access ways, shall be located and developed in accordance with the following provisions of the Ashland Land Use Ordinance, as applicable, except as modified by this Chapter:

1. 18.62 - Physical and Environmental Constraints.
2. 18.68 - General Regulations.
3. 18.70 - Solar Access.
4. 18.72 - Site, Design and Use Standards.
5. 18.76 - Partitions.
6. 18.80 - Subdivisions.
7. 18.82 - Street and Greenway Dedications.
8. 18.84 - Manufactured Housing Developments.
9. 18.88 - Performance Standards Options.
10. 18.92 - Off-Street Parking.
11. 18.94 - Home Occupations.
12. 18.96 - Sign Regulations.
14. 18.100 - Variances.
15. 18.104 - Conditional Use Permits.
16. 18.108 - Procedures.
17. 18.112 - Enforcement.

**D. Conformance with TCR District guidelines and standards.**

The following development guidelines and standards apply throughout the TCR District (i.e., TCR-R5, TCR-MD, TCR-MUR, TCR-MUE, TCR-OG):

1. **Access.** New developments abutting Tolman Creek Road or Siskiyou Boulevard shall receive access and egress for motor vehicles to and from an alley or a neighborhood street. Direct and convenient pedestrian access shall be provided from street sidewalks to all buildings.

2. ***Streets, alleys and gateways.*** New developments shall provide streets, alleys, traffic calming, and pedestrian/bicycle accessway improvements in conformance with the Ashland Street Design Handbook, and the transportation and streetscape element of the TCR Neighborhood Plan. The following criteria shall apply to specific improvements, as designated by the Neighborhood Plan:
- a. “Avenue” improvements to Tolman Creek Road. New development abutting Tolman Creek Road shall provide street improvements that conform to standards for a two-lane Avenue. The street cross-section shall provide on-street parking (east side of street) in the TCR-MD and TCR-MUR districts. Sidewalks along commercial and mixed use building fronts shall be a minimum of 12 feet wide with four (4) foot sidewalk cut-outs for street trees. Traffic calming devices shall be located as illustrated on the Neighborhood Plan, and may be installed either in conjunction with private development or as part of a public capital improvement project.
  - b. Gateway intersections. The intersections of Tolman Creek Road with Siskiyou Boulevard and Mistletoe Road shall be improved to provide a visual sense of entry into the neighborhood. At a minimum, these intersections shall provide the following gateway and pedestrian improvements:
    - (1) Curb extensions to shorten pedestrian crossing distances and slow vehicle traffic;
    - (2) Textured crosswalks, installed either in conjunction with private development or as part of a public capital improvement project.
  - c. Sidewalks along commercial and mixed use building fronts shall be a minimum of 12 feet wide, with four (4) foot cut-outs for street as generally shown on the TCR Neighborhood Plan, transportation and streetscape element.
  - d. Mistletoe Road. New development abutting Mistletoe Road shall provide street improvements that conform to standards for a two-lane Avenue.
  - e. Residential streets and alleys. As applicable, new development shall dedicate right-of-way, and make street improvements, in conformance with following standards for residential streets and alleys:
    - (1) Intersection spacing. Intersections of residential streets with avenues shall be spaced not more than 400 feet apart. New development shall be required to provide street connections to meet this standard, as applicable;
    - (2) Intersection alignment. New intersections shall be aligned with existing residential street intersections to the extent

# Land Use Plan

*Continued*

practicable, as shown on the Neighborhood Plan transportation and streetscape element;

- (3) Clay Street extension. At least one residential street connection shall be provided between Clay Street and Tolman Creek Road;
  - (4) Secondary north-south connection. A continuous vehicle and pedestrian connection shall be provided between Eagle Creek Lane and development in the northerly TCR-MUR district;
  - (5) Diane Street pedestrian corridor. Diane Street shall be extended east from Tolman Creek Road to Tolman Park to provide a continuous pedestrian corridor and linkage to the open space/greenway area and transit service along Tolman Creek Road. The design standard shall be a residential street.
  - (6) Modification to standards. As applicable, a change in the street layout that requires a local street, alley, easement, pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, shall require a Minor or Major Amendment to the Neighborhood Plan, in accordance with Subsection E, below.
3. ***Pedestrian/bicycle system.*** New development shall dedicate right-of-way and install pedestrian/bicycle improvements at the following locations as applicable, in conformance with the Neighborhood Plan transportation and streetscape element:
- a. Jacquelyn Street - North. Connect Jacquelyn Street to the City bikeway along the Union Pacific Railroad right-of-way.
  - b. Tolman Creek Road - East. Connect Tolman Creek Road to the greenway and the mixed use employment area (TCR-MUE) on the east side of Hamilton Creek, including a pedestrian foot bridge over Hamilton Creek. The foot bridge may be constructed in conjunction with private development, or as part of a public capital improvement project.
  - c. Greenway and Park - North. Connect the medium density residential area (TCR-MD) and the mixed use residential area (TCR-MUR) east of Tolman Creek Road to the greenway and park.
  - d. Bicycle lanes. Upgrading of existing streets shall include striped bicycle lanes on Tolman Creek Road, Mistletoe Road, and Siskiyou Boulevard.
  - e. Modification to standards. As applicable, a change in the street layout that requires a local street, alley, easement,

pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, shall require a Minor or Major Amendment to the Neighborhood Plan, in accordance with Subsection E, below.

4. ***Greenway and park.*** All development abutting the Tolman Park/Hamilton Creek (OG) area shall contribute to the completion of the park, based on the proportional impact of development on park and open space needs. Park land dedication may be provided in lieu of park system development charges for residential development. Dedication of the floodplain and "OG" lands shall satisfy this standard. Trail construction may occur in conjunction with private development, or as part of a public capital improvement project.
  5. ***Transit facilities.*** Bus stops shall be located along Tolman Creek Road at or near the intersections with Mistletoe Road, Diane Street, and Siskiyou Boulevard. At a minimum each stop location shall provide a shelter, bench, trash receptacle, and waiting area that conforms to design guidelines developed by the City of Ashland. Shelter design should maintain a six (6) foot wide minimum pedestrian through space for the sidewalk and minimize conflicts between bus patrons and other sidewalk users. Transit stops may be installed in conjunction with private development, or as part of a public capital improvement project.
  6. ***Minimum residential density.*** Proposals resulting in the creation of additional parcels or lots, or greater than three dwelling units on a single parcel or lot, shall provide for residential densities between 75 to 110 percent of the base density for a given overlay zone. (See Section 18.\_\_.30 through 18.\_\_.60.)
  7. ***Overlay zone district standards.*** The overlay zone district standards, as provided in Sections 18.\_\_.30 through 18.\_\_.070, shall apply to all development.
  8. ***Development review procedures.*** The development review procedures, as provided in Section 18.108, shall apply to all development, except as modified by this Chapter. All applications involving the creation of three or more lots shall be processed under the Performance Standards Option in chapter 18.88.
- E. **Major and minor amendments to Tolman Creek Road Neighborhood Plan.** Major and minor amendments to the plan shall comply with the following procedures and standards:

# Land Use Plan

*Continued*

## 1. *Major and Minor Amendments Defined.*

a. Major amendments are those which result in any of the following:

- (1) A change in land use.
- (2) A change in the street layout plan that requires a street to be eliminated or to be located in such a manner as to not be consistent with the neighborhood plan.
- (3) A change in the standards and procedures contained in this Chapter.
- (4) A change in planned residential density.
- (5) A change not specifically listed under the major and minor amendment definitions.

b. Minor amendments are those which result in any of the following:

- (1) Changes related to street trees, street furniture, fencing, or signage.
- (2) A change in the street layout that requires a local street, alley, easement, pedestrian/bicycle accessway or utility to be shifted more than 50 feet in any direction, as long as the change maintains the connectivity established by the neighborhood plan.

2. *Major Amendment Type II Procedure.* A major amendment to the neighborhood plan shall be processed as a Type II planning action concurrently with a specific development proposal. In addition to complying with the standards of this section, findings must demonstrate that:

- a. The proposed modification maintains the transportation connections established by the neighborhood plan. Connections shall include vehicular, pedestrian, and bicycle connections;
- b. The proposed modification furthers the design and access concepts advocated by the neighborhood plan, including but not limited to: pedestrian access, bicycle access, development of the greenway trail system, an emphasis on vehicular access from alleys or residential streets (i.e., as opposed to Avenues and Boulevards), and a de-emphasis on garages as a residential architectural feature;
- c. The proposed modification will not adversely affect the purpose, objectives, or functioning of the Neighborhood Plan; and
- d. The proposed modification is necessary to adjust to physical constraints evident on the property, or to protect significant natural features such as trees, rock outcroppings, wetlands,

greenways, etc., or to adjust to existing property lines between project boundaries.

3. **Minor Amendment Type I Procedure.** A minor amendment to the neighborhood plan may be approved as a Type I planning action concurrently with a specific development proposal. The request for a minor amendment shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the neighborhood plan.

#### **18. .030 Single-Family Residential (TCR-R5) Overlay.**

- A. **Permitted uses.** All of the land uses permitted outright in the R5 district are permitted outright by the TCR-R5 overlay, subject to the provisions of Section 18. .020, and the use standards in chapter 18.20. In addition, accessory residential units are permitted outright, subject to the Type I procedure and standards, and the following additional criteria:
  1. The proposal must conform with the overall maximum lot coverage and setback requirements of the zone.
  2. The maximum number of dwelling units shall not exceed 2 per lot.
  3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1,000 sq. ft. GHFA.
  4. Additional parking shall be in conformance with the off-street Parking provisions for single-family dwellings of this Title.
- B. **Conditional uses.** All of the land uses permitted as conditional uses in the R5 district are permitted as conditional uses in the TCR-R5 overlay, with the exception that accessory residential units are permitted outright. (See subsection A, above.)
- C. **Lot standards.** There is no minimum standard for lot size, lot width, and lot dept. Land divisions shall be reviewed to ensure that new buildings lots can meet the standards provided by this chapter for density, lot coverage, and setbacks.
- D. **Standard yard areas.**
  1. **Front yards.** Front yards shall be a minimum of 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of eight (8) feet or the width of any existing public utility easement, whichever is greater, from the front property line. All garages accessed from the front shall have a minimum setback of 20 feet from the front property line;
  2. **Side yard.** Side yards shall be a minimum of six feet, except that zero-lot line single family developments shall be allowed when they do not

abut an existing non-zero lot line development and they provide access and maintenance easements for adjoining lots, as applicable. The side yard of a corner lot abutting a public street shall have a 10-foot setback; and

3. Rear yard. Rear yards shall be a minimum of 10 feet, plus 10 feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access.

E. **Maximum building height.** No structure shall be over 35 feet or two and one-half (2½) stories in height, whichever is less.

F. **Maximum lot coverage.** Maximum lot coverage shall be 60 percent.

G. **Residential density.** The base residential density shall be six (6) units per acre. Proposals resulting in the creation of three (3) or more additional parcels or lots shall provide for residential densities between 75 to 110 percent of the base density.

H. **Building design.** Single family dwellings, accessory dwellings and duplexes shall conform to the neighborhood plan design guidelines (Figure 11) and at least two of the following design features to provide visual relief along the front of the residence:

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered porch entries
- e. Cupolas
- f. Pillars or posts
- g. Bay window (minimum 12-inch projection)
- h. Eaves (minimum 6-inch projection)
- i. Off-sets in building face or roof (minimum 16 inches)

**18. .040 Multiple-Family Residential (TCR-MD) Overlay.**

A. **Permitted uses.** All of the land uses permitted outright in the R2 district are permitted outright by the TCR-MD overlay, subject to the provisions of Section 18. .020, and the use standards in chapter 18.24.

B. **Conditional uses.** Not applicable.

- C. **Lot standards.** There is no minimum standard for lot size, lot width, and lot dept. Land divisions shall be reviewed to ensure that new buildings lots can meet the standards provided by this chapter for density, lot coverage, and setbacks.
- D. **Standard yard areas.**
1. **Front yards.** Front yards shall be a minimum of 15 feet excluding garages. Unenclosed porches shall be permitted with a minimum setback of eight (8) feet or the width of any existing public utility easement, whichever is greater, from the front property line. Garages shall not be accessed from an Avenue or a Boulevard. All garages accessed from a residential street shall have a minimum setback of 20 feet from the front property line;
  2. **Side yard.** Side yards shall be a minimum of six (6) feet, except for attached single family housing (zero setback allowed) when developed in groups of six or fewer contiguous dwelling units. The side yard of a corner lot abutting a public street shall have a 10-foot setback;
  3. **Rear yard.** Rear yards shall be a minimum of 10 feet, plus ten feet for each story in excess of one story. In addition, the setbacks must comply with Chapter 18.70 which provides for Solar Access.
- E. **Special yards - distance between buildings.**
1. The distance between any principal building and accessory building shall be a minimum of 10 feet.
  2. An inner court providing pedestrian access to a double-row dwelling group shall be a minimum of 20 feet wide.
  3. The distance between principal buildings shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.
- F. **Maximum height.** No structure shall be over 35 feet or two and one-half ( $2\frac{1}{2}$ ) stories in height, whichever is less.
- G. **Maximum coverage.** Maximum lot coverage shall be 80 percent.
- H. **Outdoor recreation space.** At least eight (8) percent of the lot area shall be dedicated to outdoor recreational space and shall be part of the overall landscaping requirements.
- I. **Residential density.** The base density shall be 13.5 units per acre. Proposals of three (3) or more dwelling units on a single parcel or lot shall provide for residential densities between 75 to 110 percent of the base density. Density bonuses shall be allowed subject to the criteria contained

in Chapter 18.24.040(A)(2), Low Density Multiple Family Residential District, and Chapter 18.88, Performance Standards Options.

- J. **Building design.** All new development shall conform to the design guidelines of the neighborhood plan (Figures 8, 9, and 10), and following building design guidelines and standards:
1. Buildings shall not be more than 125 feet in length, as measured from end-wall to end-wall, and shall not exceed six (6) attached single family dwellings;
  2. Building articulation shall be required by providing offsets, projections, and/or recessed entries (as defined in Subsection 3.i, below), at a minimum, every 30 feet; and
  3. Buildings shall utilize at least three (3) of the following design features to provide visual relief along all elevations of the building:
    - a. Dormers
    - b. Gables
    - c. Recessed entries
    - d. Covered porch entries
    - e. Cupolas
    - f. Pillars or posts
    - g. Bay window (minimum 12-inch projection)
    - h. Eaves (minimum 6-inch projection)
    - i. Off-sets in building face or roof (minimum 16-inch)
    - j. Repetitive windows with minimum 4-inch trim.

**18. .050 Mixed-Use Residential (TCR-MUR) Overlay.**

- A. **Permitted uses.** All of the land uses permitted outright in the TCR-MD district are permitted outright by the TCR-MUR district, subject to the provisions of Section 18. .020 and the use standards in chapter 18.24.
- B. **Special uses.** The uses listed in subsections 1-7, below and their accessory uses are permitted subject to the requirement that no individual use, or tenant within a multiple-tenant building, shall exceed 2,500 square feet (gross); and the use is part of a “mixed use development”. This standard is met by mixing uses “vertically” — meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or by mixing uses “horizontally” — meaning commercial and residential uses both occupy ground floor space. When mixing uses horizontally, the ground-floor space occupied by commercial

uses, at buildout, shall not exceed 50 percent of the total lot area. (This condition is required to conserve residentially-designated land for needed housing, in conformance with the Comprehensive Plan.) Based on the foregoing conditions, the following uses are permitted:

1. Professional, financial, business and medical offices, and personal service establishments such as beauty and barber shops, laundrette, and clothes and laundry pick-up stations; drive-up/through facilities excluded.
2. Neighborhood shops and stores, such as a neighborhood market, take-out delicatessen, newsstand, artists supply store, garden shop/florist, and similar uses; drive-up/through facilities excluded.
3. Restaurants; drive-up/through facilities excluded.
4. Manufacture or assembly of items sold in a permitted use, provided such manufacturing or assembly occupies 600 square feet or less, and is contiguous to the permitted retail outlet.
5. Printing, publishing, lithography, xerography, copy centers; drive-up/through facilities excluded.
6. Temporary tree sales, from November 1 to January 1.
7. Uses similar to those listed above, in subsections 1-6.

The land division procedure shall not be used to subvert the "50 percent residential" requirement for horizontal mixed use, as described above.

**C. Conditional uses.** The following uses and their accessory uses are permitted when authorized in accordance with Conditional Use Permit standards and procedures:

1. Temporary uses not otherwise listed in "B", above.
2. Outdoor storage of commodities associated with a permitted, special permitted or conditional use.

**D. Lot standards.** There is no minimum standard for lot size, lot width, and lot depth. Land divisions shall be reviewed to ensure that new buildings lots can meet the standards provided by this chapter for density, lot coverage, and setbacks.

**E. Standard yard areas.**

1. Front yards. There is no minimum front yard standard for commercial and mixed use buildings. The front yard for residential buildings shall be the same as for the TCR-MD District (18\_\_040(D)C1). All buildings shall have their primary entrance(s) oriented to a street. Mixed use and commercial buildings shall be oriented only to an Avenue or Boulevard. The maximum setback for commercial and mixed use buildings shall be 10 feet (i.e., a minimum of 50% of the building elevation must be within 10 feet of the front property line). Drives, parking areas, and other vehicular circulation shall be

# Land Use Plan

*Continued*

prohibited between buildings and streets used to comply with this standard. An exception to the maximum setback standard may be granted through a Type 1 procedure when public space is provided between the building and sidewalk, in conformance with the City of Ashland Site, Use and Design Standards. Direct vehicular access shall not be provided through a front yard from an Avenue or a Boulevard. All garages accessed from a residential street shall have a minimum setback of 20 feet from the front property line;

2. Side yard. No side yard is required, except that a corner lot abutting a public street shall have a 10-foot setback;
3. Rear yard. No rear yard is required, except that setbacks must comply with Chapter 18.70 which provides for Solar Access.

**E. Special yards - distance between buildings.**

1. The distance between any principal building and accessory building shall be a minimum of 10 feet.
2. An inner court providing pedestrian access to a double-row dwelling group shall be a minimum of 20 feet.
3. The distance between principal buildings (i.e., when detached) shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

**F. Maximum height.** No structure shall be greater than 35 feet, or two and one-half ( $2\frac{1}{2}$ ) stories in height, whichever is less.

**G. Maximum coverage.** Maximum lot coverage shall be 80 percent.

**H. Public space.** Public space requirements shall comply with the City's Site, Use, and Design Standards.

**I. Residential density.** The base density shall be 20 units per acre. Proposals of three or more dwelling units on a single parcel or lot shall provide for residential densities between 75 to 110 percent of the base density. Density bonuses shall be subject to the criteria contained in Chapter 18.88, Performance Standards Options.

- J. Building design.** New development shall conform to the design guidelines contained in the neighborhood plan (Figures 7, 8, 9, and 10), and the following guidelines and standards:
1. **Building mass.** Buildings shall not be more than 125 feet in length, as measured from end-wall to end-wall;
  2. **Articulation.** Building articulation shall be required by providing offsets, projections, and/or recessed entries (as defined in subsection 3.i, below), at a minimum, every 30 feet;
  3. **Storefront character.** Commercial and mixed use buildings shall express a “storefront character”. This guideline is met by providing all of the following architectural features along the front building elevation (i.e., facing the street), as applicable:
    - a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
    - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
    - c. Large display windows on the ground-floor. Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story).
    - d. Eaves provided with pitched roof.
  4. **Pedestrian amenities.** All commercial and mixed use developments shall provide two or more pedestrian amenities from the following list of options. Pedestrian amenities may be provided within the setback, or within sidewalk public right-of-way when approved by the City and ODOT (Siskiyou Boulevard), as applicable.
    - a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance;
    - b. Sitting space on benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
    - c. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a sidewalk or other pedestrian space).
    - d. Public art which incorporates seating (e.g., fountain, sculpture, etc.).
    - e. Transit amenity, such as bus shelter or pullout, in accordance with the City’s Transportation Plan and guidelines established by the Rogue Valley Transportation District.
    - f. Other public space options, as provided by the Site, Use, and Design Standards.

5. Residential design. All residential buildings shall comply with the building design guidelines and standards of the TCR-MD district contained in section 18.\_\_.040(H).

**18. .060 Mixed-Use Employment (TCR-MUE) Overlay.**

A. **Permitted uses.** The following uses are permitted outright in the TCR-MUE district, subject to the provisions of Section 18.\_\_.020, and the use standards below:

1. Professional, financial, and business and medical offices, and personal service establishments.
2. Stores, shops and offices supplying commodities or performing services, except that retail uses shall be limited to no greater than 20,000 sq. ft. of gross leasable floor space per lot.
3. Restaurants.
4. Electrical, furniture, plumbing shop, printing, publishing, lithography or upholstery.
5. Light manufacturing, assembly, fabricating, or packaging of products from previously prepared materials, such as cloth, plastic, wood (not including saw, planing, or lumber mills or molding plants), paper, cotton, precious or semi-precious metals or stone.
6. Manufacture of electric, electronic, or optical instruments and devices.
7. Administrative or research establishments.
8. Motion picture, television, or radio broadcasting studios operating at an established or fixed location.
9. Kennels and veterinary clinics, with all animals housed within structures.
10. Bakeries
11. Manufacture of pharmaceutical and similar items.

B. **Special uses.** The following uses are permitted, subject to the provisions of Section 18.\_\_.020, and the standards specified for each use:

1. Residential uses.
  - a. At least 40% of the total gross floor area of the ground floor shall be designated for permitted or special permitted uses, excluding residential.
  - b. Residential densities shall not exceed 15 dwelling units per acre.

c. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the TCR-MD District.

2. Wholesale storage and distribution establishments, provided no deliveries or shipments shall be made from 9:00 pm to 7:00 am.

C. **Conditional uses.** The following uses and their accessory uses are permitted when authorized in accordance with Conditional Use Permit standards and procedures:

1. Temporary uses.
2. Outdoor storage of commodities associated with a permitted, special permitted or conditional use.
3. Private college, trade school, technical school, or similar school.
4. Churches and similar religious institutions.

D. **Lot standards.** There is no minimum standard for lot size, lot width, and lot depth. Land divisions shall be reviewed to ensure that new buildings lots can meet the standards provided by this chapter for density, lot coverage, and setbacks.

E. **Standard yard areas.**

1. Front yards. There is no minimum front yard standard. All mixed use and commercial buildings shall have their primary entrance(s) oriented to a street. The maximum setback for buildings oriented to the street shall be 20 feet (i.e., a minimum of 50% of the building elevation must be within 20 feet of the front property line). Drives, parking areas, and other vehicular circulation shall be prohibited between buildings and streets used to comply with this standard. An exception to the maximum setback standard may be granted through a Type 1 procedure when public space is provided between the building and sidewalk, in conformance with the City of Ashland Site, Use and Design Standards;
2. Side yard. No side yard is required, except that a corner lot abutting a public street shall have a 10-foot setback;
3. Rear yard. No rear yard is required, except that yards abutting the TCR-OG district shall provide a minimum setback of 15 feet, as measured from the required street or alley right-of-way. [See Section 18.020(D)(4).]

E. **Special yards - distance between buildings.**

1. The distance between any principal building and accessory building shall be a minimum of 10 feet.
2. An inner court providing pedestrian access to a double-row dwelling group shall be a minimum of 20 feet.

# Land Use Plan

*Continued*

3. The distance between principal buildings (i.e., when detached) shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.
  - F. **Maximum height.** No structure shall be greater than 35 feet, or two and one-half ( $2\frac{1}{2}$ ) stories in height, whichever is less.
  - G. **Maximum coverage.** Maximum lot coverage shall be 80 percent.
  - H. **Public space.** Public space requirements shall comply with the City's Site, Use, and Design Standards.
  - I. **Residential density.** The base density shall be 13.5 units per acre. Proposals of three or more dwelling units on a single parcel or lot shall provide for residential densities between 75 to 110 percent of the base density. Density bonuses shall be subject to the criteria contained in chapter 18.24.040(A)(2), Low Density Multiple Family Residential District, and Chapter 18.88, Performance Standards Options.
  - J. **Building design.** New developments shall conform to the Site, Use, and Design Standards. In addition, all residential buildings shall comply with the building design guidelines and standards of the TCR-MD district.18.\_\_.040(H).
- 18. .070 Open Space and Greenway (TCR-OG) Overlay.**
- A. **Applicability.** All projects containing land identified on the Neighborhood Plan Map as part of the Hamilton Creek Greenway (TCR-OG) shall dedicate that area so designated to the City of Ashland for park purposes. It is recognized that land dedications may be accepted in lieu of system development charges, based on the proportional impacts of development and the value of SDCs that would otherwise be collected.
  - B. **Greenway protection required:** Greenways identified on the Neighborhood Plan map shall be enhanced, and protected during and after construction, in accordance with the following standards:
    1. Tree removal within the OG overlay shall be prohibited, except for trees which pose a hazard to persons or property, as approved by the City staff reviewer. A protective fence or other barrier approved by

the City shall be installed between the development site and all abutting OG overlay areas prior to site clearing and grading.

2. All development adjacent to the OG overlay shall provide erosion control measures, in accordance with City standards, to prevent impacts to water quality.

- C. **Development restrictions.** It is recognized that lands within the OG overlay that are designated as Floodplain Corridor Lands are prohibited from further development, except as outlined in the Physical and Environmental Constraints chapter.
- D. **Density transfer.** Density transfers from lands identified within the OG overlay are permitted, in conformance with Section \_\_\_.
- E. **Dedication on final survey plat.** The dedication of lands within designated greenways shall be indicated on the preliminary plan and final survey plat accompanying all partitions, subdivisions and Performance Standards developments.

**18. .080 Development Review Procedures.**

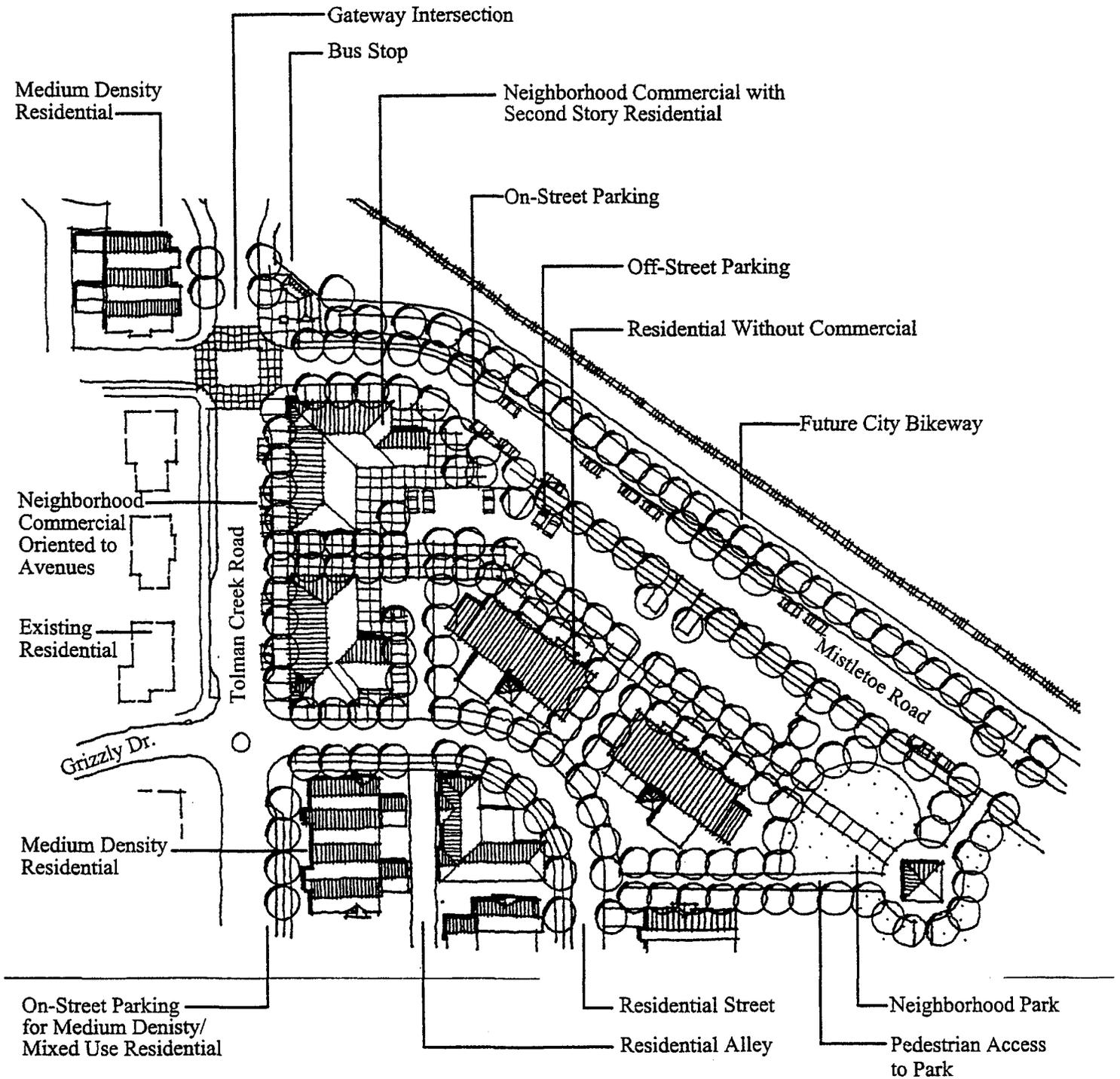
- A. **Project applicability and review procedures.** All developments within the TCR land use district shall comply with the standards and approval criteria of this Chapter, and other applicable Chapters of the Ashland Land Use Ordinance, as outlined in Section 18. \_\_.020.B. Land use applications shall be reviewed and processed in accordance with the requirements described in Chapter 18.108, Procedures. All applications involving the creation of three or more lots shall be processed under the Performance Standards Option in Chapter 18.88.

## *Design Guidelines*

# Mixed Use Development

## Tolman Creek and Mistletoe Roads

Conceptual Only

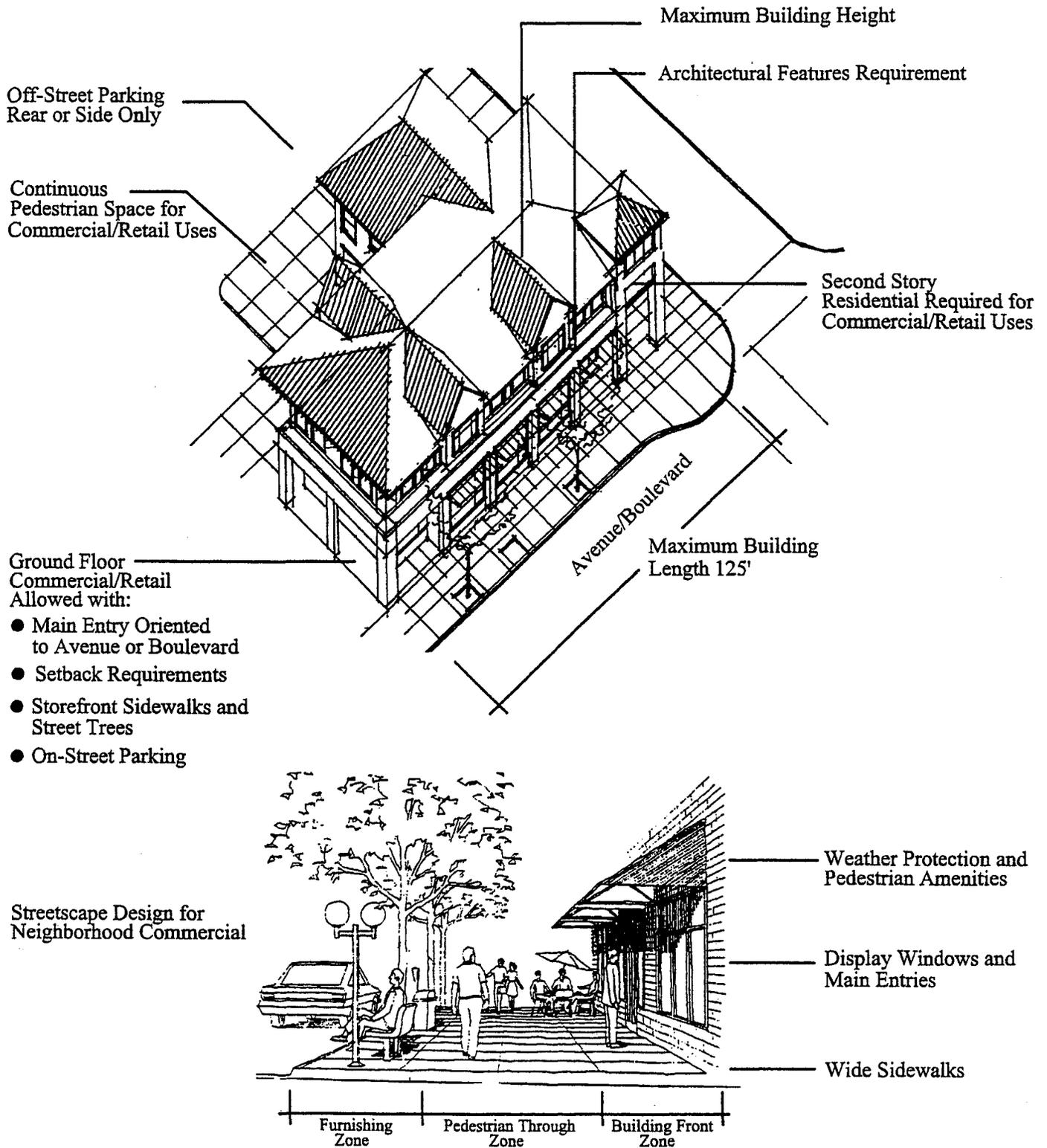


Tolman Creek Road Neighborhood Plan  
Design Guidelines

Figure 6

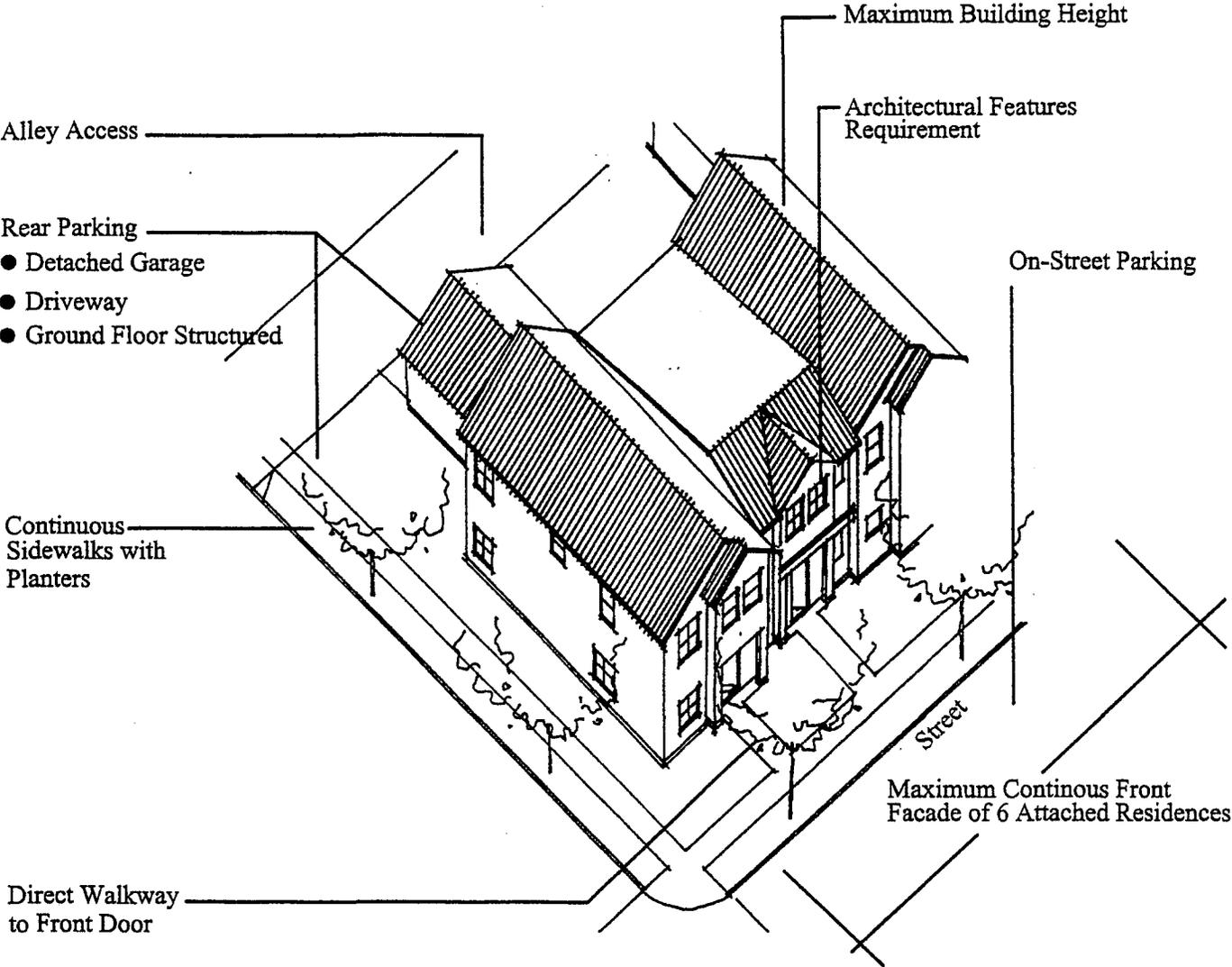
# Neighborhood Commercial

TCR-MUR



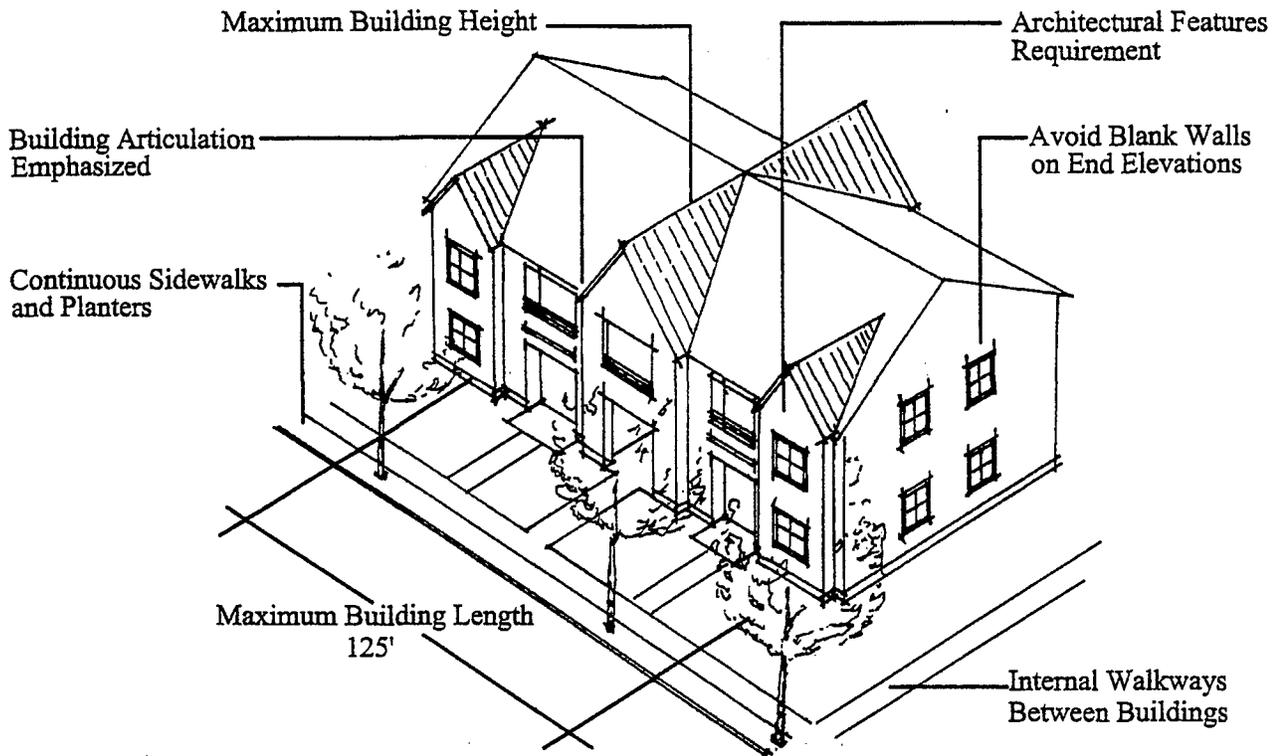
# Single-Family Attached Housing

TCR-MD and TCR-MUR



# Multi-Family Housing

TCR-MD and TCR-MUR Residential



Scale and Massing Compatible With Surrounding Single-Family Detached Residences



Architectural Features and Materials Can Reflect Existing Neighborhood Character



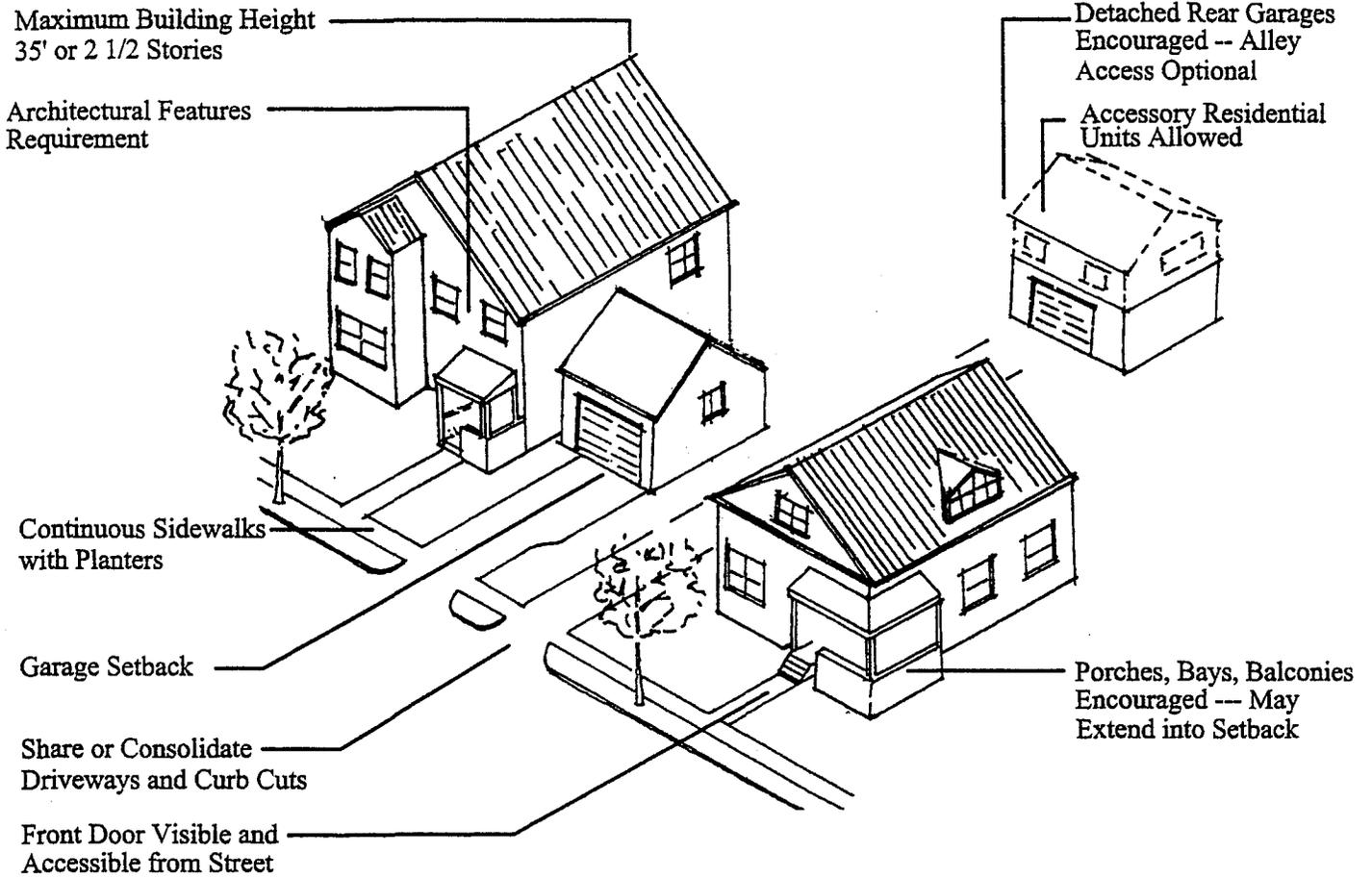
Duplex and Triplex Dwellings Encouraged for Diversity of Architectural Scale and Style

Multi-Family Housing  
TCR-MD and TCR-MUR Residential

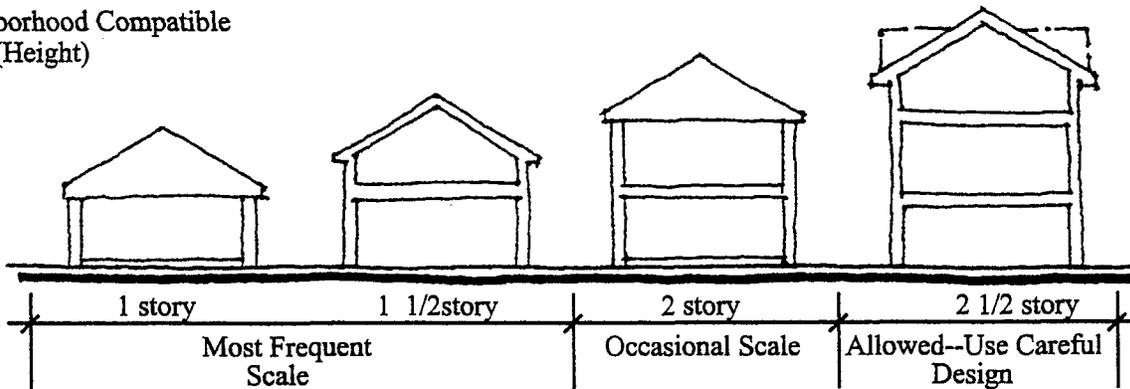


# Single-Family Detached Housing

TCR-R5 Residential



Neighborhood Compatible Scale (Height)



## *E. Smart Development Principles*

# Five Principles of Smart Development

**The following five principles represent the most notable aspects of smart development. Together they describe an interconnected system of community building.**

## PRINCIPLE 1 EFFICIENT USE OF LAND AND ENERGY RESOURCES



*Smart development preserves Oregon's most precious resource: Oregon*

Smart development supports the preservation of land and natural resources. These benefits result from compact building forms, infill development, and moderation in street and parking standards. At the regional scale in Oregon, urban growth boundaries have encouraged more compact development patterns, protecting farmland from urban sprawl. At the local scale, compact building patterns preserve land for city and neighborhood parks as well as local woods and wetlands. Furthermore, compact development shortens trips, lessening dependence on the automobile, and therefore reducing levels of energy consumption and air pollution. Finally, a compact development pattern supports a more cost-effective water management process than does low-density fringe development.

## PRINCIPLE 2 FULL UTILIZATION OF URBAN SERVICES

The same frugality of land development also supports efficient use of public and private infrastructure. Smart development means creating neighborhoods where more people will use existing services like water lines and sewers, roads, emergency services, and schools. Under-building, whether within or outside urban areas, places a financial strain on communities trying to provide for the construction and maintenance of infrastructure needs.

*Building compactly does not mean all areas must be densely developed.*

Building compactly does not mean all areas must be densely developed. Rather, the goal is an average density for the area, at a level that makes full use of urban services. Averaging allows for areas to have a mix of low, medium, and high intensity development. Mixing densities to encourage efficient use of services

also means requiring a high level of building and siting compatibility, encouraging neighborhoods to have both character and privacy.

Careful street sizing and the accommodation of some parking on streets reduces impervious surfaces and efficiently uses urban services by saving on land acquisition, construction, and maintenance costs. In short, streets should be sized for their use: lower density areas that have little through traffic are best served by slower, narrower streets, while transportation corridors that move district-wide traffic need wider travelways.

OVERVIEW

PRINCIPLES

OBSTACLES

STRATEGIES AND SOLUTIONS

REMOVING OBSTACLES

### PRINCIPLE 3. MIX OF USES

Locating stores, offices, residences, schools, and recreation spaces within walking distance of each other in compact neighborhoods with pedestrian-oriented streets promotes:

- Independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit;
- Safety in commercial areas, through around-the-clock presence of people;
- Reduction in auto use, especially for shorter trips;
- Support for those who work at home, through nearby services and parks; and
- A variety of housing choices, so that the young and old, singles and families, and those of varying economic ability may find places to live.



*Building compactly means that neighborhoods make full use of existing urban services, and can more easily afford amenities such as parks.*

Mixed-use examples include a corner store in a residential area, an apartment near or over a shop, and a lunch counter in an industrial zone. Most codes prohibit the co-location of any residential and commercial buildings. This prohibition is based on the functional and architectural incompatibility of the buildings. Using design standards, in tandem with mixed-use zoning, overcomes incompatibility. Additionally, limitations on commercial functions, such as hours of operation and delivery truck access, may be necessary. More fundamentally, to gain the full benefits of a mix of uses, buildings must be conveniently connected by streets and paths. Otherwise, people will still be inclined or required to use cars, even for the shortest trips.



*Well-designed streets comfortably accommodate pedestrians, cyclists and motorists*

For people who have the option to choose how they travel, transportation must be safe, convenient, and interesting. These performance factors affect sidewalk and street design, placement of parking, and location of building fronts, doors and windows. Well-designed bike lanes and sidewalks protect people from vehicle accidents. Orienting windows and doorways to the sidewalk increases awareness and the safety of the streetscape.

Convenience begins with a connected network of streets that provides alternative routes with reasonable walking distances between destinations. A properly designed network also promotes neighborhood safety by routing the heaviest traffic around neighborhoods, without sacrificing street connectivity. Field studies have shown that the level of aesthetic interest is a critical factor in choosing a walking route. People are unwilling to walk further than about 300 feet through a parking lot to reach a desired destination, yet they will walk at least three times that distance along a street of storefronts.

Providing compact, mixed-use development connected by safe, convenient, and interesting networks of streets and paths promotes:

- Walking, cycling, and transit as viable, attractive alternatives to driving;
- Less traffic congestion, and air pollution;
- The convenience, density, and variety of uses necessary to support transit;
- A variety of alternative routes, thereby dispersing traffic congestion; and
- Lower traffic speeds, making neighborhoods safer.

Community acceptance of compact, mixed-use development requires compatibility between buildings to assure privacy, safety and visual coherency. Similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches and other architectural elements, and effective use of landscaping all contribute to successful compatibility between diverse building types.

Human-scaled design is also critical to the success of streets and paths as preferred routes for pedestrians, cyclists and motorists alike. In general, smart street design considers the role of pedestrians along with that of vehicular traffic, emphasizing the quality of the walking environment. For instance, parallel parking may be considered a hindrance to vehicle flow, but for pedestrians and shop owners, on-street parking is a benefit because it reduces speeding traffic and protects the sidewalk.

Designing streets that are balanced for pedestrians, cyclists, and motorists promotes the development of community through the informal meeting of neighbors. Neighborhood safety is improved, since neighbors can more easily come to know one another and watch over each other's homes.



*Porches are a human-scaled design element that connects the public and private realms.*

*F. State Policies, Statutes and Administrative Rules*

## **State Policies, Statutes and Administrative Rules Related to Infill and Redevelopment**

While this handbook is for voluntary use by cities and counties and is not tied to any planning mandate, it is useful in addressing state policies and laws. For example, infill and redevelopment strategies can help in accommodating needed housing (Goal 10), as well as addressing Goal 14 urbanization standards during Periodic Review. The strategies also may be useful in leveraging community development dollars for local projects. The state policies and regulations which relate most directly to infill and redevelopment are listed below.

### ■ **Statewide Planning Goals**

- Goal 10 (Housing)
- Goal 12 (Transportation)
- Goal 14 (Urbanization)

### ■ **Planning Statutes and Administrative Rules**

- Oregon Revised Statutes 197.295 and 197.296 (House Bill 2709, adopted during the 1995 legislative session)
- Oregon Administrative Rule 660, Division 7 (Metropolitan Housing)
- Oregon Administrative Rule 660, Division 12 (Transportation Planning Rule)

### ■ **Statutes Providing Incentives for Infill and Redevelopment**

- Oregon Revised Statute 307.600 through .691 (Multi-Unit Housing Tax Exemption)
- Oregon Revised Statute Chapter 457 (Urban Renewal of Blighted Areas)
- Oregon Revised Statute Chapter 458 (Housing and Community Services)

### ■ **State Agency Policies Supportive of Infill and Redevelopment**

- Governor's Quality Development Objectives (Executive Order 97-22)
- Oregon Transportation Plan