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Lebanon Municipal Code Title 16: Development Code

Article Two: Land Use and Land Use Zones

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Chapter 16.05:
Residential Land Use Zones

16.05.010 BACKGROUND

A. This Chapter contains all of the standards for the Residential Low Density Zone (Z-RL), the Residential Mixed Density Zone (Z-RM), and the Residential High Density Zone (Z-RH). The standards are intended to be applied to all reviews in the residential Zones.

B. The creation of a lot or parcel through the subdivision or partition process is an outright permitted action in the Residential Use Zones subject to the provisions of Chapter 16.22 and any other applicable requirements in this Code (e.g., Community Development Standards, chapters 16.12-16.19).

16.05.020 PURPOSE

A. The Residential Zones are intended to promote the livability, stability and improvement of the City's neighborhoods.

B. Three Zones are provided:

1. The **Residential Low Density Zone (Z-RL)** is intended primarily for household living at lower densities including limited low density multi-family use, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale.
2. The **Residential Mixed Density Zone (Z-RM)** is intended to accommodate a wider variety of housing types and more intensive land use than the RL Zone.
3. The **Residential High Density Zone (Z-RH)** is intended to primarily provide areas suitable and desirable for multi-family dwellings at higher densities, with provisions for associated public service uses, in close proximity to the downtown area of the City.

C. This chapter provides standards for land use and development in each of the three Zones, based on the following principles:

1. Promote the orderly expansion and improvement of neighborhoods.
2. Make efficient use of land and public services and implement the Comprehensive Plan.
3. Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
4. Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
5. Provide for compatible building and site design at an appropriate neighborhood scale.
6. Provide standards that are in character with the landforms and architecture existing in the community.
7. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
8. Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling.
9. Provide direct and convenient access to schools, parks and neighborhood services.

16.05.030 INTRODUCTION

A. Impact Classifications

1. As noted in Chapter 16.03, all land use types are further divided into three subcategories by the degree of impacts or off-site impacts that the uses could reasonably be expected to exert on the surrounding properties and neighborhood.
2. Please see **Section 16.03.010.E** of **Chapter 16.03** (pages 2 and 3) for the details of this impact classification system.

B. Key to Procedures, Standards, and Conditions of Approval

1. **Outright Permitted Uses with Site Review and Building Permit: "OP"** means the use is permitted outright and a **Building Permit** is issued after a **site review** determines that all setbacks and other lot and building site requirements are satisfied.
2. **Permitted Uses with Ministerial Review: "MR"** approval is gained through a ministerial review process (see Chapter 16.20).
3. **Permitted with Administrative Review**: **"AR"** means the use is permitted through an Administrative Review process that takes into account all applicable requirements (see Chapter 16.20). .
4. **Permitted with Conditional Use Approval: "CU"** means the use is permitted with a Conditional Use approval (Chapter 16.21).
5. **Site Reviews:** The processing of a variety of land use applications may also include detailed site reviews (site plan reviews). These requirements are addressed in LDC Chapters 16.20-16.23 (Article Four of this Code).
6. **Decision Criteria and/or Additional Conditions of Approval:** The standards and review processes outlined in this Code in **Article Three: Community Development and Use Standards** and in **Article Four: Land Use And Development Review/Approval Requirements And Procedures**, as well as applicable Overlay Zones (Chapter 16.11) may set additional decision criteria and/or conditions of approval.
7. **Not Permitted:** The code provisions are also intended to make it more difficult to place incompatible uses near one another; an **"N"** designation means the use is not permitted.
   a. **Existing Uses.** The "Not Permitted" ("N") designation is not retroactive and does not impact existing uses.
   b. **No New Uses.** The "Not Permitted" ("N") designation indicates that no new uses of this type are allowed on a property to which this designation applies.

C. Enabling Variety in Housing

This Development Code is designed to make it easier to mix compatible uses, and provide a greater variety of housing than is typically allowed under more conventional zoning.

D. *Statutes and Regulations*

This Chapter addresses relevant parts of State urban planning statutes and regulations regarding Needed Housing, including Clear and Objective Standards for Housing, Manufactured Housing, Residential Homes and Facilities, and Bed and Breakfast Inns, and Transportation Planning Rule Implementation (i.e., site design provisions).

E. *References for Further Details*

For a more detailed listing of Residential Land Uses, please see Section 16.03.030 in Chapter 16.03 (pages 8-9), and Chapter 16.32 (Glossary and Definitions).

F. *Residential Zone Land Use Reviews*

All applications for development in Residential Land Use Zones for projects that are **not** deemed ***Major Land Use Actions are subject to:***

1. ***The appropriate review process*** indicated in **Tables 16.05-2 thru 16.05-6**, and
2. May also be subject to:
   - **a.** Site Reviews (e.g., to determine that all setbacks and other lot and building site requirements are satisfied).
   - **b.** Standards noted and the review processes outlined in this Code in Article Three: Community Development and Use Standards and in Article Four: Land Use And Development Review/Decision Requirements And Procedures,
   - **c.** Applicable Overlay Zones (Chapter 16.11) may set additional conditions of approval.

G. *Process for Basic Review of Applications and Impact Mitigation for Projects Deemed Major Land Use Actions thus requiring a Planned Development Reviews*

1. For purposes of this chapter, if a proposed development in a residential use zone is deemed a Major Land Use Action according to **Table 16.05-1** on the following page, it shall be processed as a Planned Development.
2. See Chapter 16.23 for the details of the process for *Planned Development Reviews*.

Table 16.05-1: Characteristics of Major Land Use Actions in a Residential Zone (Projects in a Residential Zone Requiring a Planned Development Review)				
Note: Acreage refers to the size of the area being developed, not the total parcel or lot size.				
Characteristics	**Residential Uses**	**Commercial Uses**	**Public and Other Uses**	**Mixed Uses***
If the project's acreage exceeds the thresholds below, that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).				
Planned Development Application Required if Project Acreage Exceeds	25 or more acres	25 or more acres	25 or more acres	15 or more acres
If a proposed development is characterized by two or more of the characteristics listed below (in the four rows immediately following), that land use application shall be deemed a Major Land Use Action and processed as a Planned Development (see Chapter 16.23).				
Acreage or Size of Project	5 or more acres, or Subdivision of 25 or more lots	10 or more acres	5 or more acres	10 or more acres
Multi-Year Phasing	Yes	Yes	Yes	Yes
Class III Impacts	Yes	Not Allowed in Residential Zones	Yes	Yes
Projected Demand on Public Infrastructure and City Provided Utilities Exceed Actual or Designed Capacities in Adopted Master Facilities Plans	Yes	Yes	Yes	Yes
* **MIXED-USE DEVELOPMENT**: Mixed use development is the co-location of various types of uses within a single building, complex or site. For example, Mixed Use Development could include residential with commercial, or with public or institutional uses, or multi-family with single family dwellings). Mixed Use Development could be "vertical" (e.g., housing above ground floor commercial), and/or "horizontal" (housing in one or more buildings, and commercial or other uses in other buildings on a site, or multi-family dwellings and single family dwellings on a site), or both vertical and horizontal mixed use on a mixed use site.				

16.05.040 RESIDENTIAL USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-2: Residential Land Uses Allowed in Residential Zones			
Land Uses (Examples of uses are in Chapter 16.03; definitions are in the Glossary, Chapter 16.32.)	**Residential Low Density Zone (Z-RL)**	**Residential Mixed Density Zone (Z-RM)**	**Residential High Density Zone (Z-RH)**
Section 16.05.110 contains Residential Infill Standards that are Applicable in all Residential Zones			
Residential Uses with Class I Impacts:			
Single Family or Manufactured Home	**OP**	**OP**	**OP**
Accessory Dwelling	**AR**	**AR**	**AR**
Accessory Structures (with a permitted use): • no taller than 25ft. and no larger than 1,000 square feet of building footprint	**OP**		
• taller than 25 ft.(up to Zone Limit in Table 16.05.8) or larger than 1,000 sqft of building footprint	**AR**		
Duplex (2 dwellings sharing a common wall on one lot) -- One duplex on a lot	**AR**	**OP**	**OP**
Other Residential Uses such as Bed & Breakfasts, Home Occupations	**MR**	**MR**	**MR**
Other Residential Uses such as Hospice Facilities	**AR**	**AR**	**AR**
Residential Uses with Class II Impacts:			
Town House/Rowhouse (2 or more common-wall single family dwellings), each on its own lot,	**N**	**AR** 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	**AR** 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Cottage Cluster (2-4 single family on one lot)	**N**	**CU**	**CU**
Zero Lot Line Housing (may include one common wall)	**CU**	**AR**	**AR**
Multifamily (3 or more dwellings on lot), includes Triplexes, Apartments, Senior Housing, Assisted Living, & Single Room Occupancies, Boarding or Rooming Facilities	**N**	**AR** 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing	**AR** 19 DU or less- Staff Review 20 DU or more- Planning Commission Hearing
Other Residential such as Nursing and Convalescent Homes, Retirement Center Apartments	**MR**	**MR**	**MR**
Residential Uses with Class III Impacts:			
State Regulated Special Residential Group Living • Homes (5 or fewer)	**OP**		
• Group Facility (6+)	**N**	**OP**	**OP**
Manufactured Home Park	**N**	**CU**	**N**
Other Residential uses such as Dormitories, and Houseboats	**CU**	**CU**	**CU**
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.050 COMMERCIAL USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-3 Commercial Land Uses Allowed in Residential Zones			
(See pages 10-12 of Chapter 16.03 for further details and listings regarding Commercial Uses)			
Use Categories	**Z-RL**	**Z-RM**	**Z-RH**
Commercial Uses with Class I Impacts:			
Offices with a floor area less than 1,000 sqft	**N**	**AR**	**AR**
Commercial Uses such as Stores (15,000 square feet or less) Selling Groceries, Printed Material, Books & Videos, Pharmaceuticals, Stationery, and Arts & Crafts; and Laundromats Tanning; Hair and Personal Care Services	**N**	**AR**	**AR**
Other Commercial Uses with a floor area less than 2,000 sqft, such as Parcel Service Stores, Photocopy and Blueprint Services, Photographic Studios, Convenient Stores; Restaurants, Cafes, Delicatessens (Food & Beverage Sales without drive up facilities), Tailors and Seamstresses	**N**	**AR**	**AR**
Commercial Uses with Class II Impacts:			
Other Commercial Uses with a floor area less than 2,000 sqft per use such as Educational, Arts and Training Facilities	**N**	**CU**	**AR**
Other Commercial Uses such as, Indoor Continuous Activities like Health Clubs, Gyms, Membership Clubs; Exhibition and Meeting Areas; Laundry Drop Off Facilities, Dry Cleaners; Lodges; Medical, Optical and Dental Labs; Stores (greater than 15,000 sqft) Selling Groceries, Pharmaceuticals, Printed Material, Stationery, Books, & Videos, Arts & Crafts; Tanning, Hair, and Personal Care Services	**N**	**CU**	**CU**
Other Commercial Uses such as, Hotels; Entertainment; Indoor Continuous Activities like Theaters, Bowling Alleys, Skate Rinks, and Game Arcades, Pool Halls, Indoor Firing Ranges; Food & Beverage Sales with drive up facilities; Financial Institutions (with drive up operations); Liquor Stores (OLCC License), Taverns & Bars, Stores (greater than 15,000 sqft) Selling, Leasing, or Renting Furniture, Appliances, Garden Supplies, Home Improvements, Household Products, Plants; Laundromats; Drive-Up/Drive-In/Drive-Through (Drive-Up Windows, Kiosks, ATM's, similar uses/facilities)	**N**	**N**	**N**
Commercial Uses with Class III Impacts:			
Parking Lot (when not an accessory use)	**N**	**CU**	**AR**
Other Commercial Uses such as Auto Sales and Services, Commercial Centers, Breweries, Distilleries, and Wineries (less than 5,000 sq ft); Mini-Storage Units, Outdoor Amphitheaters Sales or Leasing of Consumer Vehicles Including Passenger Vehicles, Motorcycles, Light and Medium Trucks, & Other Recreational Vehicles, Shopping Mall.	**N**	**N**	**N**
Other Class III Uses	**N**	**N**	**N**
Key: OP = Outright Permitted Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.24).			

16.05.060 INDUSTRIAL USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-4: Industrial Land Uses Allowed in Residential Zones			
(See pages 14-16 of Chapter 16.03 for further details and listings regarding Industrial Uses)			
Land Uses	**Z-RL**	**Z-RM**	**Z-RH**
Industrial Uses with Class I Impacts:			
Industrial Uses such as Assembly of Light Machinery, Equipment, Appliances, Building, Heating, Plumbing or Electrical Contractor Shops; Electric Motor Repair, Manufacture (Light) or Assembly (Light) of Instruments, including Musical Instruments, Precision Items, Photofinishing Laboratories; Repair of Scientific or Professional Instruments, Research and Development Laboratories; Sign Manufacturing.	**N**	**N**	**N**
Other Industrial Uses such as Household Moving and General Freight Storage & Warehouse, Janitorial, Caretaker, and Building Maintenance Services, Off-site (Separate) Warehouses used by Retail Stores like Furniture and Appliance Stores.	**N**	**N**	**N**
Industrial Uses with Class II Impacts:			
Industrial Uses, such as Exterminators; Laundry, Dry-Cleaning, and Carpet Cleaning Plants; Breweries, Distilleries, and Wineries (larger than 5,000 sq ft); Movie Production Facilities; Parcel Receiving and Distribution Services & Warehouse; Printing, Publishing and Lithography Production of Artwork and Toys; Weaving or Production of Textiles or Apparel; Woodworking, including Cabinet Makers.	**N**	**N**	**N**
Other Industrial Uses such as Fuel Oil Distributors; Machine Shops, Mail Order Houses; Major Distribution Centers; Major Post Offices; Manufacture or Assembly of Machinery, Equipment, Vehicles, Appliances, and Other Electrical Items [no discharge permits required] Production of Prefabricated Structures, Including Mobile-Manufactured-Modular Homes; Sale and Storage of Landscaping Materials; Sale or Rental of Machinery, Equipment, Heavy Trucks, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures; Tool Repair, Towing and Vehicle Storage; Truck Freight Terminal and Warehouse; Wholesalers of Food, Clothing, Auto Parts, Building Hardware, and Office Supplies.	**N**	**N**	**N**
Industrial Uses with Class III Impacts:			
Industrial Uses such as Auto and Truck Salvage and Wrecking; Concrete Batching and Asphalt Mixing; Energy Production; Fuel yards; Hazardous-Waste Collection Sites; Heavy Truck Servicing and Repair; Truck Stop; Lumber Mills, Pulp and Paper Mills, and Other Wood Products Manufacturing; Manufacture or Assembly of Heavy Machinery, Equipment, Vehicles, Appliances (discharge permits required). Railroad Yards; Tire Retreading or Recapping; Waste Composting or Transfer; wrecking yards.	**N**	**N**	**N**
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.070 PUBLIC USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-5: Public Uses (Civic or Institutional) Allowed in Residential Zones			
(See page 18 of Chapter 16.03 for further details and listings regarding Public Uses)			
Use Categories	**Z-RL**	**Z-RM**	**Z-RH**
Public Uses with **Class I** Impacts: City offices and Facilities; Community Development Center; and Utility Offices.	**CU**	**OP**	**OP**
Public Uses with Class II Impacts:			
Public Uses such as Community Centers, Colleges, Universities, Community Colleges, and Adult Education Facilities; Municipal Courts; Museums, Nursery Schools, Preschools; Public Safety Facilities, Including Fire/Emergency Medical Services and Police Stations, and Emergency Communication Broadcast Facilities; Public Squares, Plazas, Senior Centers, Social Service Facilities, Soup Kitchens, Vocational Training for the Physically or Mentally Challenged, Utility Substations, Youth Club facilities.	**CU** if adjacent to collector, arterial, or highway	**CU** if adjacent to collector, arterial, or highway	**CU** if adjacent to collector, arterial, or highway
Public Uses (above); a maximum of 10% expansion of existing structures or improvements.	**AR**	**AR**	**AR**
Other Public Uses such as Boat Launching Areas, Botanical Gardens, City Maintenance Shops; Hospitals and Large Medical Complexes Publicly Owned Swimming Pools, Recreational Trails, Surplus Food Distribution Centers; Transit Centers, Water Towers and Reservoirs.	**N**	**CU** if adjacent to collector, arterial, or highway	**CU** if adjacent to collector, arterial, or highway
Other Public Uses such as Parks and, Recreation Facilities, Open Space, Pedestrian Amenities, Publicly owned RV Parks	**CU**	**CU**	**CU**
	AR if Projects Implement the City's Adopted Facilities Plans		
Other Public Uses such as Meeting Facilities or Related Facilities	**CU**	**CU**	**CU**
Other Public Uses such as Meeting Facilities or Related Facilities; a maximum 10% expansion of existing structures or improvements.	**AR**	**AR**	**AR**
Other Public Uses such as Daycare, adult or child day care (12 or fewer children); does not include Family Daycare under applicable ORS provisions.	**OP**	**OP**	**OP**
Public Uses with Class III Impacts:			
Public Uses such as Shelters for Short Term or Emergency Housing (e.g., Homeless Shelters) when operated by a Public or Non-profit Agency.	**N**	**CU**	**CU**
Other Public Uses such as Cemeteries	**CU**	**CU**	**CU**
Other Public such as Bus Barns (public), Treatment Plants and Facilities (Water and Sewage).	**N**	**CU**	**N**
	AR if Projects Implement the City's Adopted Facilities Plans		
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.22); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.080 OTHER LAND USES ALLOWED IN THE RESIDENTIAL ZONES

Table 16.05-6: Other Uses Allowed in Residential Zones			
(See page 21 of Chapter 16.03 for further details and listings regarding Other Uses)			
Use Categories	**Z-RL**	**Z-RM**	**Z-RH**
Uses with **Class I** Impacts: **NONE**			
Other Uses with **Class II** Impacts such as Wireless Communication Facilities	**CU**	**CU**	**N**
	OP for Emergency Services Facilities (Police, Fire and Emergency Management) up to 125 feet; over 125 feet subject to Conditional Use and Variance Processes.		
Other Uses with Class III Impacts:			
Armory	**N**	**CU**	**N**
Other such as Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	**CU**	**CU**	**CU**
Other Uses such as Agricultural, including Forestry (see Glossary)	**CU**	**CU**	**N**
Other Uses such as Mining	[**N** = No New Mining Permits will be allowed]		
Other Uses such as Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	**AR** if Projects Implement the City's Adopted Facilities Plans		
Key: OP = Outright Permitted (Building Permit issued after a site review); MR = Ministerial Review; AR = Permitted with Administrative Review; CU = Conditional Use approval required (Chapter 16.21); N =Not permitted; * = Number of Units following an AR or CU designation. Also see Table 16.05-1: Characteristics of Major Land Use Actions Matrix -- Projects in a Residential Zone Requiring a Planned Development Review (Chapter 16.23).			

16.05.090 RESIDENTIAL ZONES – DEVELOPMENT STANDARDS

The development standards in **Tables 16.05-7 through 16.05-9** apply to all uses, structures, buildings, and development, and major remodels, in the Residential Zones.

Table 16.05-7: Development Standards for Residential Zones
Minimum Lot Area and Lot Width

(Except as modified by Residential Infill Standards)

Standard	**Z-RL**	**Z-RM**	**Z-RH**
Minimum Lot Area (square feet)			
LOT AREA: The total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.			
Single Family, not attached	*6,000*	*5,000*	*5,000*
		(See Lot Size Averaging Options, Section 16.05.140)	
Townhouse/Rowhouse	*NA*	*2,500*	*2,500*
Zero Lot Line Housing	*5,000*	*3,500*	*3,500*
Duplex	*10,000*	*7,000*	*7,000*
Multiple-Family, Triplex, or Cottage Cluster	*NA*	*9,000*	*9,000*
Non-Residential Uses	*6,000*	*6,000*	*6,000*
Corner Lots for All of the Above (Except Single Family not attached in Z-RL): Add 500 square feet			
Flag Lot: Driveway portion of lot is not included in the Minimum Lot Area calculations.			
Minimum Lot Width			
Standard	**Z-RL**	**Z-RM**	**Z-RH**
Single Family, not attached	60 ft	50 ft	50 ft
Townhouse/Rowhouse	NA	20 ft	20 ft
Zero Lot Line Housing	50 ft	40 ft	40 ft
Duplex	65 ft	50 ft	50 ft
Multiple-Family Triplex, or Cottage Cluster	NA	60 ft	50 ft
Non-Residential Uses	*20 ft*	*20 ft*	*20 ft*
Corner Lots (All Residential Above)	*65 ft*	*60 ft*	*60 ft*

For flag lots, width is measured at the front building line.

*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots.

Table 16.05-8: Development Standards for Residential Zones -- Building/Structure Height			
Building/Structure Height			
Standard	**Z-RL**	**Z-RM**	**Z-RH**
Level Site (slope less than 15%), maximum height	*25 ft*	*40 ft*	*40 ft*
Sloping Site (15% or greater), maximum height	Highest Point of Site + 1 story (maximum of 2 stories)	Highest Point of Site + 1 story (maximum of 3 stories)	Highest Point of Site + 1 story (maximum of 3 stories)
Fences, Retaining/Garden Walls			
Max. Height. – Front Yard	3 ft	3 ft	3 ft
Max. Height. – Interior Side	8 ft	8 ft	8 ft
Max. Height – Rear Yard	8 ft	8 ft	8 ft
Max. Height – Street Side	3 ft	3ft	3 ft
Max. Height – Reverse Frontage Lot (rear)	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).	3 ft, or up to 8 ft with 5 ft landscape buffer, if there is excess ROW (e.g., a minimum of 15 feet between sidewalk and property line on fully improved site).

- Eight foot (8') fences or walls are allowed, but any height over six feet (6') requires a building permit.
- Using a Class 1 Variance process (Ministerial Review), the City's Planning Official may grant variations to the above height limitations and set back requirements on fences and walls, if such variations do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets. If the requested variations do not meet the above criteria, the Planning Official shall direct the applicants for the variations to the fence/wall standards to use either a Class 2 or Class 3 variance process. See Chapter 16.29 for Variance requirements and processes.
- Gates are required in fences to access the area beyond the fence for maintenance.

Table 16.05-9: Development Standards for Residential Zones Lot Coverage and Minimum Setbacks			
Lot Coverage *[(two options)]*			
Standard	**Z-RL**	**Z-RM**	**Z-RH**
1. Max. Building Coverage -- Building Footprint only (NOT all impervious surfaces) as % of site area			
Single Family Dwelling	*40%*	*60%*	*60%*
Town House	*NA*	*80%*	*80%*
Single Family – Zero Lot Line	*60%*	*70%*	*70%*
Duplex	*60%*	*60%*	*60%*
Multifamily Use or Cottage Cluster	*NA*	*60%*	*60%*
Civic/Institutional	*60%*	*60%*	*60%*
Other Non-Residential	*60%*	*60%*	*60%*
2. Coverage Bonus – applies only to Multi-family and non-residential development.	*The allowable building coverage increases by a ratio of one-half (1/2) square foot for every one (1) square foot of required parking area that is paved using a City-approved porous/permeable paving material (i.e., allowing stormwater infiltration) or one-half (1/2) square foot for every one (1) square foot of City-approved water quality treatment area (e.g., vegetative swale or biofiltration) on the development site.*		
Minimum Landscape Area	See Chapter 16.15	See Chapter 16.15	See Chapter 16.15
Minimum Setbacks (feet):			
Front	15 ft	Interior Lots: 10 ft Corner Lots: 10/15 ft [1]	Interior Lots: 10 ft Corner Lots: 10/15 ft [1]
Side	5 ft -min. & 15 ft - both	5 ft	5 ft
Street Side	15 ft	10/15 ft [1]	10/15 ft [1]
Rear	Dwellings: 20 ft Others: 10 ft	Dwellings: 20 ft Others: 10 ft	Dwellings: 20 ft Others: 10 ft

1. - If front one yard setback (Street or Street Side) is 15 feet, then the other can be less than 15 feet but not less than 10 feet. For irregularly shaped lots, the average setback for Street and Street Side Yards shall be 7.5 feet with no setback less than 5 feet.

A. Select collectors and arterial streets have greater front yard setbacks

B. Accessory structures < or = 20 ft high: 5 ft rear and side yard setback

C. All garage doors and vehicle access openings shall be setback at least 20 ft from the closest adjacent property line or sidewalk.

16.05.100 SETBACK YARDS: EXCEPTIONS, REVERSE FRONTAGE LOTS, FLAG LOTS

A. Residential Yard Setbacks - Purpose

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Setback Yards and Exceptions for Select Architectural Features

Architectural features, such as eaves, chimneys, bay windows, overhangs, and similar architectural features, as well as Porches, decks and similar structures not exceeding 30 inches in height may encroach into the setback yards by no more than *36* inches, provided that a setback of not less than thirty-six (36) inches is preserved, all applicable building and fire codes are met, and the Clear Vision standards in Section 16.12.030.H are met.

C. Setback Yards and Exceptions for Fences and Walls

Walls and fences built on property lines are subject to the height standards in **Table 16.05-8** and the provisions of Clear Vision standards in Section 16.12.030.H, and 16.15.060, Fences and Walls. However, using a Ministerial Review process, the City's Planning Official may grant a variance to height limitations and set back requirements on fences and walls, if such variations do not infringe upon the clear vision triangle requirements at intersections of streets or at the intersections of driveways and streets.

D. Setback Yards – Flag Lots

1. The front yard of a flag lot shall conform to one of the following two options:

a. parallel to the street from which access is taken, or

b. parallel to the flag pole from which access is taken.

2. The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval [Note: The City may impose such conditions.]

16.05.110 INFILL STANDARDS FOR RESIDENTIAL ZONES

A. Overview

The following process or methodology is to be used for determining whether or not a proposed infill development fits the existing residential neighborhood in which the development would be located. As used in this Code, ***infill*** is the use of vacant or under-developed lots or parcels within existing developed residential areas. Infill lots are 1 acre or less in size, before redevelopment including any land division process.

B. Applicability

1. The Infill Standards apply only to sites that are 1 acre in size or less in an existing residential neighborhood.

2. The Infill Standards apply only to land use requests that require one or more of the following review processes: Ministerial, Administrative, Conditional Use, Subdivision, Partition or Planned Development.

3. Single family dwellings are out right permitted uses in the residential zones. Therefore, the Infill standards do not apply to single family dwellings that are proposed as infill developments.

C. Imposing Conditions Related to Critical Design Features

In approving an infill development in an existing residential neighborhood, the Planning Official or Planning Commission may impose, in addition to those standards and requirements expressly specified by the Lebanon Development Code, additional conditions **related to critical design features** that are considered necessary to ensure that they fit the site, the neighborhood and nearby land uses.

D. Criteria and Review Methodology

The application and proposed infill development in an existing residential neighborhood shall be approved (deemed fitting with the neighborhood and nearby land uses) if ***the objective characteristics of the listed critical design features*** (see below in 16.05.110.E and 16.05.110.F) of the proposal are within the range of characteristics exhibited by the characteristics of the existing features[1] of the development on the adjacent properties in the same land use zone **and** the properties abutting the adjacent properties in the same land use zone, ***and*** such features and/or characteristics are **not** prohibited by other provisions of the Lebanon Development Code or other City Ordinances.

[1] Non-conforming uses, structures, features and characteristics shall not be included in these assessments.

E. Objective Characteristics

The objective characteristics of features considered in this provision are the following:

1. Physical Dimensions (width, length, height),
2. Number
3. Location
4. Magnitude
5. Duration
6. Frequency
7. Time(s) of Occurrence
8. Composition.

F. Critical Design Features

The Critical Features considered in this provision are the following:

1. Building height and footprint
2. Lot Area Coverage
3. Open Space and Outdoor Recreation Areas
4. Fencing, Screening, and Landscaping
5. Signage
6. Vehicular, Pedestrian, and Bicycle Traffic Load and Access Points
7. Vehicular, and Bicycle Parking
8. Full City Services and Public Improvements in place or proposed
9. Provision of public improvements (and granting necessary easements), such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or, requiring participation in an improvement district to insure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.

G. Additional Criteria

All development, infill included, must also meet all applicable requirements set forth in the following:

1. Building Code
2. Fire Code Requirements (such requirements on a proposed development are determined by the Lebanon Fire District, not the City).

H. Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood

Table 16.05-10: Matrix for Determining If Residential Infill Development Fits an Existing Neighborhood								
Critical Design Features (See 16.05.10.2)	**Objective Characteristics (See 16.05.10.1)**							
	(a) Physical Dimensions (w, l, h)	**(b)** Number	**(c)** Location	**(d)** Magnitude	**(e)** Duration	**(f)** Frequency	**(g)** Time(s) of Occurrence	**(h)** Composition
(1) Building Height and Footprint				**NA**	**NA**	**NA**	**NA**	**NA**
(2) Lot Area Coverage	**NA**	**NA**	**NA**		**NA**	**NA**	**NA**	**NA**
(3) Open Space & Outdoor Recreation Areas				**NA**	**NA**	**NA**	**NA**	
(4) Fencing, Screening, and Landscaping				**NA**	**NA**	**NA**	**NA**	
(5) Signage					**NA**	**NA**	**NA**	
(6) Vehicular, Pedestrian, & Bicycle Traffic Load, and Access Points								**NA**
(7) Vehicular, And Bicycle Parking						**NA**	**NA**	
(8) Full City Services and Public Improvements in Place or Proposed					**NA**		**NA**	
(9) Provision of Public Improvements (and Granting Necessary Easements)					**NA**		**NA**	

Notes:

1. Not all of the Objective Characteristics are applicable to all of the Critical Design Features. For example, Magnitude, Duration, Frequency, Time(s) of Occurrence and Composition are not applicable to Building Height and Footprint.
2. NA = Not Applicable.
3. The cross referencing of a Design Feature and a Characteristic is reviewable if not listed as NA.

16.05.120 RESIDENTIAL ZONES – LOT COVERAGE AND IMPERVIOUS SURFACES

A. Lot Coverage Calculation. The maximum allowable lot coverage shall be as provided in **Table 16.05.9**. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade, not including decks without roofs. It does *not* include paved surface-level developments such as driveways, parking pads, and patios.

B. Impervious Surface Calculation. Impervious surfaces are calculated as the percentage of a lot or parcel covered by the foundation plan area (lot coverage) and other non-permeable surface-level development (e.g., asphalt, concrete, and similar impervious paving). It does not include planted areas, and other areas allowing stormwater infiltration, as approved by the City.

16.05.130 BUILDING HEIGHT: MEASUREMENT AND EXCEPTIONS

Building heights shall conform to the standards in **Table 16.05-8**, and subsections 1 & 2, below:

A. Building Height Measurement. As per the International Building Code adopted by the State of Oregon, the height of a building is the vertical distance from grade plane to the average height of the highest roof surface. A grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

B. Exceptions from Maximum Building Height Standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy may exceed the maximum building heights in a given zone by ten feet, provided that all applicable fire and building codes are met. Other exceptions may be granted through the variance process (Chapter 16.29).

16.05.140 LOT SIZE AVERAGING FOR SUBDIVISIONS OF TEN OR MORE LOTS

A. The developer of a single family lot subdivision with 10 or more lots in Residential Mixed Density (RM) and Residential High Density (RH) Zones may elect to use a Lot Size Averaging approach that allows greater variety in the size of lots than would otherwise be the case.

B. Such an averaging approach permits the creation and development of a percentage of lots that are smaller than the required minimum when balanced by the inclusion of lots larger than the required minimum.

C. This option is only available for the development of lots for single family dwellings The City may require deed restrictions as a condition of approval in approving applications for lot size averaging to assure that future purchasers are aware of the property's history.

D. The lot sizes used in these calculations may not include the area of the flag driveways of flag lots.

E. The use of Lot Size Averaging must result in the average lot size equaling or exceeding 5,000 square feet.

F. The Lot Size Averaging approach must conform to the specifications in **Table 16.05-11**.

G. Lot Size in Subsection 16.05.140 means Lot Area. As used in this Code, ***Lot Area*** is defined as the total surface area (measured horizontally) within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

Table 16.05-11: Lot Size Averaging Matrix

Applies only to Subdivisions of 10 or More Lots

For single family lot subdivisions in Residential Mixed Density and Residential High Density Zones

Maximum Percentage of Lots Allowed Smaller (4,000 – 4,999 sqft) than the Minimum Required Square Footage	Minimum Percentage of Lots Averaging Between 5,000 and 6,000 Square Feet	Minimum Percentage of Lots Required Greater than 6,000 Square Feet
Not more than 25% of the Total Number of Lots in the Subdivision	At least 50% of the Total Number of Lots in the Subdivision	At least as many Lots as are built with less than 5,000 sqft (i.e., between 4,000 – 4,999 sqft)

Each "phase" of a subdivision must conform to the overall ratio for the entire Subdivision. For example, one phase may not consist solely of lots that are smaller than the Minimum Required Square Footage (5,000 square feet*). No lot is allowed to be smaller than 4,000 square feet.*

Note: The provisions of Lot Size Averaging only apply to lots for single-family detached homes created through the subdivision process in the Residential Mixed Density and Residential High Density Zones.

16.05.150 RESIDENTIAL ZONES SPECIAL USE STANDARDS

The above sections of this Chapter provide standards for specific land uses and building types within the Residential Zone. The standards in this Section supplement the afore mentioned standards. This Section applies to the following uses and building types, as specified below:

- Accessory Dwellings
- Accessory Structures
- Group Living (Residential Care Homes and Facilities)
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Zero-Lot Line Housing (not common wall).

A. Accessory Dwelling (Attached, Separate Cottage, or Above Detached Garage)

1. An Accessory Dwelling is defined as a complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family residence. Development of an accessory dwelling must comply with all applicable lot development standards including required yards (setbacks), off-street parking and lot coverage, but not minimum lot size. Development of an attached accessory dwelling shall not reduce the floor area of the primary residence.

2. Accessory dwellings shall conform to all of the following standards:

a. **Floor Area:** Accessory dwellings shall not exceed 1,000 square feet of floor area, or 40% of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, an addition to an existing home, or in a portion of an existing house.

b. **Exempt from Lot Size:** Accessory dwellings are exempt from the lot size standards of the Residential Zone.

c. **Utility Connections:** Accessory dwellings may have the same water and sewer connections as the primary unit.

d. **Oregon Structural Specialty Code:** The structure complies with the Oregon Structural Specialty Code.

e. **One Unit:** A maximum of one accessory dwelling unit is allowed per lot.

f. **Building Height:** The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet in the RL Zone nor 30 feet in the RM and RH Zones.

g. **Setback Standards:** Shall conform to all setback standards applicable to dwellings in the zone.

B. *Accessory Structures Subject to Special Requirements*

Accessory structures shall be subject to the same requirements as the principal uses within each land use zone, except as otherwise provided below:

1. Accessory structures may not be placed on a lot or parcel without an approved primary use and structure in place, or both uses/structures must be constructed concurrently.
2. Accessory structures involving nonconforming uses and structures are subject to the requirements of Chapter 16.30 (Nonconforming Uses and Developments).
3. In a residential zone, a side and/or rear yard may be reduced to 3 feet for an accessory structure erected more than 60 feet from streets other than an alley.
4. In any residential zone, the rear yard of a corner lot may be reduced to 8 feet for an accessory structure and its projections erected more than 25 feet from streets.
5. Fences shall be considered as accessory structures and are subject to the requirements of **Table 16.05-8**.
6. Patios and decks not exceeding 30 inches in height from grade and open to the sky are not considered accessory structures.
7. An accessory structure shall not occupy more than 35 percent of a required yard nor exceed a height of 14 feet unless permitted below in **Table 16.05-12**.

C. *Types of Residential Accessory Structures*

1. Accessory structures shall be detached from the primary residence and shall not become additional permanent living area.
2. Subject to the restrictions and limitations specified, the following types of accessory structures shall be permitted in zones where Residential use types are permitted:

Table 16.05-12: Type of Accessory Structures	**Height Limit**
a. Private garages	Table 16.05.2
b. Children's playhouses	14 feet
c. Radio and television receiving antennas (personal use only)	Zone Limit
d. Shops	Table 16.05.2
e. Barns	Table 16.05.2
f. Kennels for dog and cat keeping	8 feet
g. Gazebos	14 feet
h. Solar and wind energy systems (e.g., solar collectors, storage facilities, distribution components, and wind generation devices).	Zone Limit
i. Other necessary and customary developments as determined by the Planning Official in accordance with Section 116.05.4.2.1 above and Chapter 16.25 Code Interpretation).	Determined by the Planning Official

D. Group Living (Residential Care Homes and Facilities)

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes") or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards:

1. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. **Parking.** Parking in accordance with Chapter 16.14.

E. Manufactured/Mobile Home Parks

Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (*e.g.,* landscape maintenance).
2. Space. The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.
3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
5. Dwelling design (for parks smaller than 3 acres). Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards:
   a. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and

b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing).

c. Exception: Subsections a-b, above, do not apply to manufactured home parks that existed within the City prior to the effective date of this Code.

16.05.160 SITE AREA STANDARDS FOR MULTI-FAMILY HOUSING

Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses.

A. Minimum Site Areas

The minimum site area per dwelling unit shall be as described in **Table 16.05-13** for all multiple-family dwellings and condominiums as defined in Chapter 16.32 (Glossary).

TABLE 16.05-13: SITE AREA PER DWELLING UNIT

Unit Type	Minimum Standard	With 20% Density Bonus
Studio	1,100 square feet	884 square feet
One Bedroom	1,550 square feet	1,244 square feet
Two Bedroom	2,000 square feet	1,604 square feet
Three Bedroom	2,425 square feet	1,940 square feet
Four or More Bedrooms	2,750 square feet	2,204 square feet

B. Affordable Housing Density Bonus (Twenty Percent)

1. Affordable Housing: As defined by the US Housing and Urban Development Department (HUD), a household should pay no more than 30% of its gross monthly income for housing. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. *Affordable Housing* is housing that requires no more than 30% of the monthly income of a household that has income at or below 80% of the area median. *Affordable Housing* thus means housing (including necessary and essential utilities) for which persons or families pay 30 % or less of their gross income.

2. As shown in **Table 16.05-13**, the number of permitted dwelling units allowed by the minimum site area requirements may be increased by (20%) provided that at least half of these additional units are available at costs acceptable by the State as *Affordable Housing*. The *Affordable Housing* units must be similar in the floor area and number of bedrooms to the other additional units and may be provided off-site.

3. The developer is required to enter into a legally enforceable, assignable contract with a local, regional and/or state housing agency who will assume all responsibility for identifying, placing and managing the qualifying household. In the circumstance of off-site units, the developer will provide agency determined equivalent rent payments and the agency will assume all other responsibilities.
4. Site area reduction bonuses are subject to approval by the Planning Official and/or Planning Commission. Developments qualifying for the above density bonuses must comply with all other applicable development and improvement standards and codes required by the City of Lebanon and the requirements of this zone including setbacks, parking, open space, and so on.

16.05.170 OPEN SPACE AND SITE DESIGN REQUIREMENTS FOR MULTI-FAMILY HOUSING

A. Recreation and Open Space Areas

In multiple family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. For larger developments there should be a variety of open space activity areas.

B. Open Space Design

Required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

C. Basic Requirements for Open Space, Site Design, And Screening

1. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates additional dwelling units.
2. A minimum of 25 percent of the project development area (or equivalent as described below) shall be developed as permanent open area.
3. The minimum open area shall be landscaped and permanently maintained in accordance with the provisions of Chapter 16.15.
4. Trash receptacles shall be oriented away from residences, and shall be screened with an evergreen hedge or solid fence or wall and shall not be located in required yard setbacks or open space. Receptacles must be accessible to trash pick-up trucks.
5. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area.
6. Open Space Designation: Areas provided to satisfy the minimum useable open space requirement shall be so designated (including area calculation) on the development site plan and shall be reserved as open space.

D. General Allocation of Open Space

Open space may be allocated as follows:

1. **Private Open Space:** Space designed for the exclusive use of individual dwelling units such as patio areas and balconies.
2. **Children's' Play Areas:** An area designated for the recreation of children. Such areas may include sand boxes, bark chip areas, areas containing play structures, hard surface courts, and wading pools.
3. **Common Open Space:** Open space, exclusive of private open space and children's play areas, that is available for use by all of the residents of the development.
4. At least 50% of the open space must be **usable outdoor space**.
5. **Driveways and parking areas** shall not be included in the open space calculation.

E. Common Open Space

1. The minimum required common open space, regardless of any bonuses or reductions, is 1,000 square feet inclusive of children's play areas.
2. Areas designated as common open space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet.
3. At least 25% of all open space shall be in one area whose the length shall not exceed the width by more than 2.5 times unless the minimum dimension is 30' or a different ratio is required for a particular type of developed sport court or field.
4. All remaining open space is subject to the minimum standards noted here, but could be located in a required setback area or yard.
5. The open space shall be functional and shall include one or more of the following uses:
   - **a.** Developed Recreation Areas**:**
     - **(1)** Swimming pools, spas, and adjacent patios and decks
     - **(2)** Developed and equipped recreation areas, such as a fitness center
     - **(3)** Sport courts (tennis, handball, volleyball, basketball, etc.)
     - **(4)** Community centers (e.g., social hall with amenities)
   - **b.** Food Service(s)
   - **c.** Ornamental Gardens.
   - **d.** Sheltered Recreation areas.
   - **e.** Lawn or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed.
   - **f.** Bonus. The Developed Recreational areas described in 5(a) above shall earn a bonus in overall reduction of required open space at a 4:1 ratio, resulting in a 4 square foot reduction for each square foot of developed recreation space.
6. Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.

7. Developed Recreation Areas may count towards 50 percent of the common open space requirement.

8. Not more than 20 percent of the common open space requirement shall be on land with slopes greater than 15 percent, and/or on delineated sustained wetlands.

9. Required yard setback areas may be applied toward the minimum useable open space requirement. Active, noise-generating activities as well as developed or improved recreation areas shall not be allowed in any required yard setback areas and shall be centrally located.

F. Children's Play Areas (Does not apply to Senior Living Facilities.)

1. Multiple family developments larger than 8 units (excluding studio units) shall designate one or more children's play areas.

2. Children's play areas shall be placed within open view of the units they are intended to serve. More than one play area may be needed in larger developments.

3. No horizontal dimension of a children's play area shall be less than 20 feet.

4. At least a minimum of one 500 square foot children's play area shall be provided.

5. Placement of children's play areas shall not be allowed in any required yard setback and shall be centrally located.

6. Children's play areas fulfill part of the common open space area but do not count toward any of the other open space requirements. At least 10% of all required open space or 500 square feet (whichever is greater) shall be devoted to children's play areas.

7. Any and all playground equipment must comply with the International Play Equipment Manufactures Association (IPEMA) standards.

G. Private Open Space

1. In multiple family developments, private open space, if it is designated as fulfilling part of the overall open space requirement, shall meet the following standards:

   a. At-Grade Dwellings: Dwellings located at finished grade, or within 5 feet of finished grade, shall provide a minimum of 96 square feet of private open space per unit, with no dimension less than 8 feet. Private open space for at-grade dwellings may be provided within interior courtyards.

   b. Above-Grade Dwellings: Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 8 feet. Private open space for units located more than 5 feet above grade may be provided individually, as with a balcony.

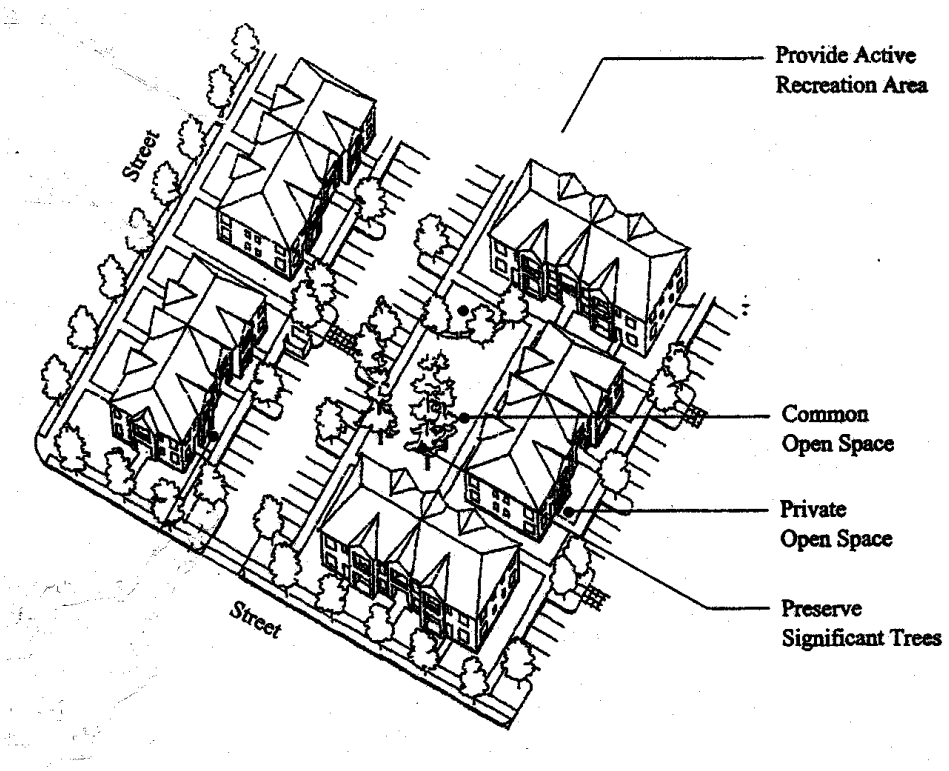
2. Orientation of Private Open Space: Private open space areas shall be oriented toward other open space areas and away from trash receptacles, parking and drives to the greatest extent practicable.

3. Privacy Requirements: Private open space shall be physically and visually separated from other adjacent private space.

4. All private open space shall be directly accessible from the dwelling unit through a doorway, and may not be part of an accessway, but could be adjacent to an accessway.

5. Private open space of at least 80 square feet with a minimum dimension of 8 feet may be included as part of the required open space and be given credit for 2 square feet of open area for each 1 square feet so provided, not to exceed 200 square feet of total open space credit per dwelling unit.

Figure 16.05-1: Examples of Multiple Family Open Space

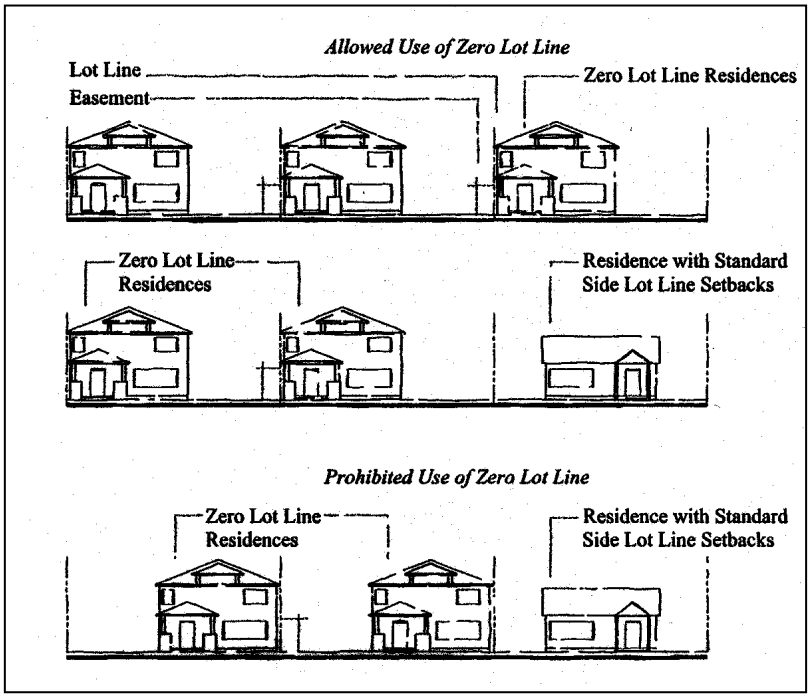


16.05.180 ZERO-LOT LINE HOUSING

A. Introduction

Zero-lot line houses are subject to the same standards as non-attached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in **Figure 16.05.2**. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. Zero lot line housing also includes attached dwellings. All zero-lot line houses shall conform to all of the criteria in the subsections below.

Figure 16.05-2: Zero-Lot Line Housing Examples



B. Site Design Review Required

Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Planned Development, or other application, the Site Plan Review may be combined with the other application(s).

C. Setbacks for Primary and Accessory Structures

The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone.

D. Construction and Maintenance Easement

Prior to building permit approval, the applicant shall submit a copy of a recorded easement (unless there is a common wall) for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than 10 feet wide and shall not preclude the adjoining owner from landscaping the easement area.