

4.7.300 – 4.7.400 - Standards and Regulations for Certain Residential Uses and Certain Uses in Residential Districts

Subsections:

- 4.7.345 **Manufactured Dwelling Parks**
- 4.7.350 **Residential Care Facility**
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- 4.7.360 **Accessory Structures and Uses**
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4.7.345 **Manufactured Dwelling Park**

A manufactured dwelling park is subject the following criteria:

- (A) **Minimum Area Required.** A manufactured dwelling park must consist of a minimum area of one acre.
- (B) **Density.** The manufactured dwelling park must comply with the applicable net density standards in SDC 3.2.235 as applied to the entire development area.
- (C) **Access.** A manufactured dwelling park access must be located on public streets improved to meet minimum standards and which are improved to a point intersecting a collector or arterial street.
- (D) **Permitted Uses.** A manufactured dwelling park may contain manufactured homes and accessory structures permitted in this chapter, community laundry and recreation facilities, and other common buildings for use by park residents only, and one residence other than a manufactured dwelling for the use of a caretaker or a manager responsible for maintaining or operating the property.
- (E) **Access Improvement Standards.** The manufactured dwelling park may be improved with private streets as provided in SDC 4.2.110. If parking is provided alongside the private street, the parking area must be at least 8' wide in addition to the minimum width of the private street.

4.7.350 **Residential Care Facility**

- (A) These facilities must have a front yard setback of 15 feet and side and rear yard setbacks of 20 feet. The landscaped setbacks for parking lots and driveways may be reduced to 5 feet when the Director determines, through a Type 2 process, that adequate buffering has been provided.

- (B) A minimum of 25 percent of the lot/parcel shall be landscaped.
- (C) No parking is permitted within the front yard setback. Required parking must be screened from public view.
- (D) For structures on the Springfield Historic Inventory, any external modification must be in conformance with SDC 3.3.900.
- (E) The maximum density in the R-1 District is 24 bedrooms per net acre.

4.7.355 Short Term Rental

(A) Type 1

- (1) **Size.** Must have five or fewer guest rooms (any room or rooms used or intended to be used by one or more guests for living or sleeping purposes) and 10 or fewer total occupants.
- (2) **Employees.** The short-term rental may have up to one full time equivalent nonresident employee.
- (3) **Food Service.** If food service is provided, it may only be provided to overnight guests.
- (4) **Owner- or Operator-Occupied.** The dwelling must be occupied by the owner or operator.

(B) Type 2

- (1) **Food Service.** If food service is provided, it may only be provided to overnight guests.
- (2) **Location.** There must be at least 400 feet of separation along the same street between Type 2 short term rentals.
- (3) **Parking.** There must be one on-site parking space for each guest room. Each parking space must meet the applicable requirements of SDC 4.6.100.

4.7.360 Accessory Uses and Structures

Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses, and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see SDC 3.2.275. Accessory structures must comply with all the following standards and the applicable land use district. Where conflicting or more permissive standards exist in this section, these standards prevail.

- (A) **Primary Use Required.** An accessory structure or use is only allowed on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the land use district.
- (B) **Restrictions**
 - (1) A kitchen is not allowed.
 - (2) A wet bar is not allowed to be installed within an accessory structure unless the property owner signs a City of Springfield compliance form stating that the structure will not be used as a dwelling unit.
- (C) **Floor Area.** The maximum floor area of an accessory structure in a residential land use district must not exceed 1,500 square feet.
- (D) **Building Height.** The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:
 - (1) The accessory structure must share a common wall for at least 25 percent of the length of the common wall of the primary dwelling unit; or
 - (2) The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks, or stoops.

4.7.365 Home Business

A home business is a lawful activity carried on within a dwelling or accessory structure by a permanent occupant of the dwelling. A home business is permitted provided it meets all the following standards.

- (A) The primary use of the building is a dwelling.
- (B) The business is a secondary use that does not significantly affect the residential character of the dwelling or neighborhood.
- (C) Compliance with the following standards must always be maintained.
 - (1) There must not be any display which would indicate from the exterior that the building is being used for any purpose other than a residential dwelling.
 - (2) There must not be any outside storage of materials visible from public property or adjacent private property.
 - (3) Mechanical equipment, unless compatible with residential purposes, is prohibited.

- (4) There must not be any noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the home business.
 - (5) The home business must not create hazardous traffic conditions or utilize on-street parking of nearby properties.
 - (6) If the proposed home business requires any modification to the dwelling or accessory structure of a nature that is not typically found in a residential district, the proposed home business is considered inappropriate and prohibited.
 - (7) No merchandise, other than what is produced on-site, can be sold to the public from premises.
 - (8) The use or storage of heavy equipment or heavy vehicles is not permitted. Heavy equipment and heavy vehicles includes but is not limited to semi-truck, truck and trailer, backhoe, tracked excavator, skid steer, refrigerator truck, livestock truck, commercial bus, farm tractor, garbage truck, tow truck, and log truck.
 - (9) Any home business, which requires more than one vehicle for its operation is prohibited. The one vehicle permitted is limited to a passenger vehicle, passenger van, or light-duty pick-up truck.
 - (10) No residence is allowed to be used as a headquarters or dispatch center where employees or subcontractors report to the residence to be dispatched elsewhere.
 - (11) Customers are not allowed to physically access a home business beyond the hours of 7 a.m. to 6 p.m. except as regulated by SDC 3.3.935.
 - (12) The applicant must sign an agreement with the City acknowledging any applicable standards listed in Subsections (1) through (11), above.
- (D) The following uses are prohibited as a home business.
- (1) Automobile repair, including, but not limited to tune-ups, alignments, body-fender work, painting, detailing, and upholstery.
 - (2) Health salons, gyms, group dance studios, group aerobic exercise studios, group karate, and group judo instruction.
 - (3) Medical or dental offices.
 - (4) Mortician, hearse services.
 - (5) Tow truck services.
 - (6) Veterinary uses (including care, grooming, and boarding).
 - (7) Wholesale distribution taking up more than the equivalent of 40 percent of the primary residence.

4.7.370 Place of Worship & Property Owned by Religious Nonprofits

- (A) A place of worship may include the following permitted associated uses as described in ORS 227.500.
- (1) Worship services.
 - (2) Religion classes.
 - (3) Weddings.
 - (4) Funerals.
 - (5) Meal programs.
 - (6) Childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
- (B) Affordable housing is permitted on property owned by a nonprofit corporation organized as a religious corporation as provided in this section, regardless of whether the property includes a place of worship. This section is not intended to limit development of affordable housing that is otherwise permitted in accordance with this code.
- (C) As used in this section, “affordable housing” means residential property whose affordability is enforceable as described in ORS 456.270 to 456.295 for a duration of no less than 60 years, and is affordable to households with incomes of 60 percent or less of the area median income as determined by the Oregon Housing Stability Council.
- (D) Except where the code specifically states otherwise, development of affordable housing under subsection (B) is subject to the following standards of the underlying residential district, or if the property is not within a residential district, the standards applicable to the abutting residential district with greatest maximum density:
- (1) Lot area, dimensions, and coverage standards;
 - (2) Setbacks;
 - (3) Height standards;
 - (4) On-site infrastructure standards applicable under Chapter 4; and
 - (5) Architectural Design Standards in Section 4.7.375 and Multiple Unit Housing (Clear and Objective Standards) in Section 4.7.380.
- (E) Affordable housing permitted under subsection (B) is permitted on property that is not within a residential land use district or mixed-use residential land use district only if:
- (1) The property is within a R-1, R-2, R-3, MUR, or Glenwood RMU district; or

- (2) The property directly abuts a R-1, R-2, R-3, MUR, or Glenwood RMU district and is not within a CI, LMI, HI, SHI, MUE, or Glenwood EMU district.

4.7.375 Architectural Design Standards

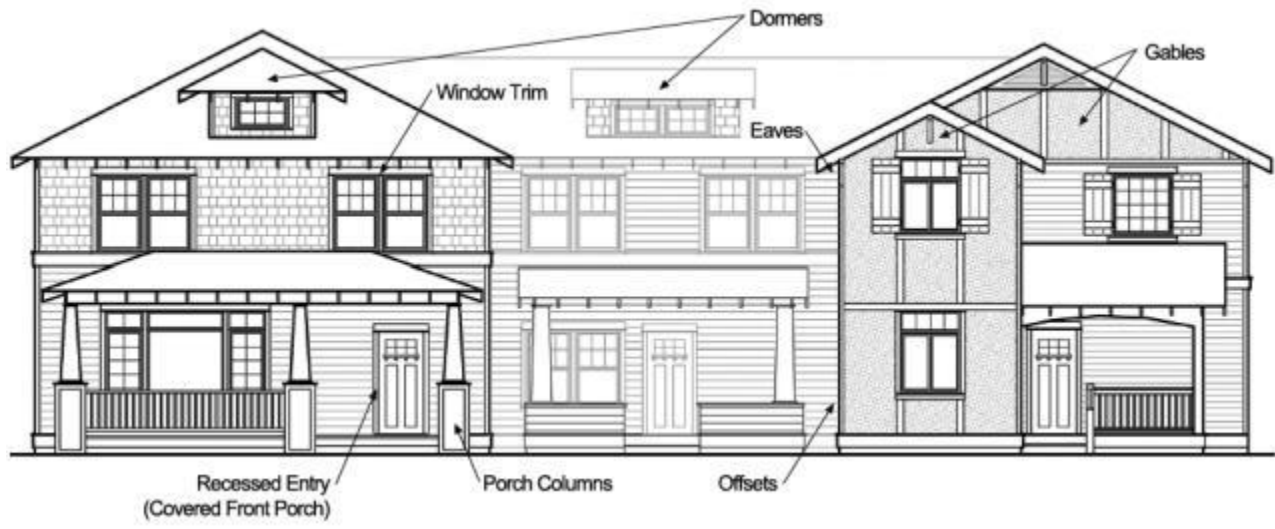
- (A) **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles for certain types of development.
- (B) **Applicability.** This section applies to the following types of buildings.
 - (1) Multiple unit housing.
 - (2) Public and institutional building in Residential Districts.
 - (3) Commercial building in Neighborhood Commercial District.
 - (4) Mixed-use building in Residential Districts and the Mixed-Use Residential District; and
 - (5) All other types of permitted/conditional nonresidential use buildings listed in Table 3.2.210 when built in a Residential District.
- (C) **Standards (Clear and objective).** All buildings that are subject to this section must comply with all the following standards. The graphics provided with each standard are intended to show examples of how to comply and are for illustrative purposes only. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.
 - (1) **Building Form.** All buildings must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 4.7-Q below. Along the vertical face of a structure, such features must occur at a minimum of every 40 feet, on each floor, and must contain at least two of the following features.
 - (a) Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of six feet.
 - (b) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or
 - (c) Offsets or breaks in roof elevation of two feet or greater in height.

Figure 4.7-Q Building Form (Multiple unit housing example)



- (2) **Building Orientation.** All building elevations adjacent to a street right-of-way must provide doors, porches, balconies, and/or windows. A minimum of 40 percent of street-facing elevations, and a minimum of 30 percent of side and rear building elevations, must meet this standard. Percent of elevation is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
- (3) **Detailed Design.** All buildings must provide detailed design along all elevations which are visible from the street(s) adjacent to the property (i.e., front, rear and sides).
- (a) **Menu Option.** Detailed design may be provided, through a Type 1 approval process according to SDC 5.1.300, by using at least six of the following 13 architectural features on all applicable elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations).
- (i) Dormers.
 - (ii) Gables.
 - (iii) Recessed entries.
 - (iv) Covered front porches.
 - (v) Pillars or posts.
 - (vi) Eaves (minimum 12-inch projection).
 - (vii) Window trim (minimum 3 1/2 inches wide).
 - (viii) Bay windows.
 - (ix) Balconies.
 - (x) Offsets in the building face by a minimum of 18 inches.
 - (xi) Offsets or breaks in roof elevation of two feet or greater in height.
 - (xii) Decorative patterns on the exterior finish (such as using shingles, wainscoting, and/or board and batten).
 - (xiii) Variation in façade building materials, including, but not limited to, tile, brick, and wood.

Figure 4.7-R Examples of Architectural Details



(b) Design Review Option. Detailed design may be provided by showing compliance with the following design criteria through a Type 2 application process in accordance with SDC 5.1.400.

- (i)** The general size, shape, and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood, unless such compatibility with existing structures does not reflect the long-term purpose or intent of the underlying land use district of the subject site.
- (ii)** If the project includes a structure or structures greater than 20,000 square feet in floor area, the design must incorporate changes in direction and divide large masses into varying heights and sizes by breaking up building sections, or by using such elements as variable planes, projections, bays, dormers, setbacks, canopies, awnings, parapets, changes in the roofline, materials, color, or textures.
- (iii)** Exterior finish on vertical surfaces must be primarily of materials such as masonry/wood siding, shingles, or stucco. The use of sheet metal or plywood must not exceed 50 percent of the wall area. No smooth-faced cinder block construction is permitted on front elevations. Cinder block construction for side and rear elevations is permitted by approval through the review process.

4.7.380 Multiple Unit Housing (Clear and objective standards)

(A) Purpose. The purpose of the multiple unit housing standards is to provide for higher density housing in locations that are convenient to commercial uses and future transit opportunities.

(B) Review. Type 1 review process.

(C) Development Standards for Multiple Unit Housing Developments in the R-2 and R-3 Districts. The following standards apply to multiple unit housing developments unless otherwise stated. These standards do not apply to Cottage Cluster Housing development.

(1) Common Open Space

- (a)** Ten percent of the site area, for large scale (20 units or more) multiple unit housing developments, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.
- (b)** Five percent of the site area, for multiple unit housing developments under 20 units in size, must be designated and permanently reserved as common open space. This standard is in addition to the required setback yard areas and any stormwater facilities.
- (c)** For multiple unit housing developments that are part of a mixed-use building, there is no Common Open Space requirement.
- (d)** For multiple unit housing developments that have a net density of 20 dwellings units or more per acre in the R-2 district, or 30 dwelling units or more per net acre in the R-3 district the Common Open Space standard does not apply.

(2) Site area. The site area is defined as the lot(s) or parcel(s) on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Inventoried Natural Resources and historic buildings or landmarks open to the public and designated by the Springfield Comprehensive Plan may be counted toward meeting the Common Open Space requirements.

(3) Credit for Proximity to a Park. A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, ADA accessible pedestrian path between the development and the park, and the walking route must not cross an arterial street to use this credit.

(a) A 75 percent credit is allowed when the development is located within one-quarter mile walking distance.

(b) A 50 percent credit is allowed when the development is located within three-quarters mile walking distance.

(4) Garbage and Recycling Receptacle Storage. Garbage and recycling receptacle storage must meet the following standards:

(a) Receptacles must not be located within setbacks for property lines shared with R-1 district property.

(b) Receptacles must be covered and screened on at least three sides. Screening must be in conformance with the standards in SDC 4.4.110.

- (c) Receptacles must be located to provide access by garbage and recycling pick-up vehicles.
 - (d) Receptacle storage areas must drain only to the sanitary sewer system, through hydraulic isolation of the receptacle storage area connected to the sanitary sewer system by a drain.
- (5) Landscaping, Fences, and Walls.** Multiple unit housing developments must provide landscaping as specified in the following standards and in compliance with SDC 4.4.105.
- (a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery, and trees. Trees, a minimum two inches (dbh – diameter at breast height) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement but is not considered a sole substitute for the vegetative ground cover requirement.
 - (b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted a minimum of one per every 30 linear feet of street frontage, as specified in SDC 4.2.140.
 - (c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to three feet in height. Fences in other yards must comply with the fence standards specified in SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and
 - (d) The use of non-invasive and/or drought-tolerant landscaping is encouraged. All landscaping must be irrigated with a permanent irrigation which may include a drip irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner must maintain all landscaping.
- (6) Pedestrian Circulation.** Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards.
- (a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails.
 - (b) Internal sidewalks must be separated a minimum of five feet from dwellings, measured from the sidewalk edge closest to any dwelling unit.
 - (c) The internal sidewalk system must connect all abutting streets to primary building entrances.

- (d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities, common areas, and abutting public sidewalks and pedestrian trails.
 - (e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt, or masonry pavers. The sidewalks must be at least five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians, and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional five feet on either side of the accessway to provide for a clear accessway of 20 feet in width. The additional five-foot area may be turf-block, grass-crete, or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds.
 - (f) Where internal sidewalks cross a vehicular circulation area or parking aisle, they must be clearly marked with contrasting paving materials, elevation changes, raised pedestrian crossing, or striping. A raised pedestrian crossing is subject to review and approval by the Fire Marshal. Internal sidewalk design must comply with Americans with Disabilities Act (ADA) requirements.
 - (g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping, or other physical barrier. If a raised sidewalk is used, the ends of the raised portions must be equipped with curb ramps.
 - (h) All on-site internal sidewalks must be lighted to a minimum of two foot-candles.
- (7) **Parking.** Multiple unit housing developments must provide parking as specified in SDC 4.6.100 – 4.6.155.
- (8) **Vehicular Circulation.** Multiple unit housing developments must provide vehicular circulation as specified in the following standards.
- (a) The on-site driveway, or private street, system must connect with public streets abutting the site.
 - (b) Site access and driveways must conform to SDC 4.2.120.

4.7.385 Multiple Unit Housing (Discretionary option)

- (A) **Description.** The Approval Authority may approve a proposal that is not in compliance with the clear and objective multiple unit housing design standards listed in SDC 4.7.380 that are not allowed through SDC 4.7.390 through a Type 2 procedure. In addition, the applicant may choose this Type 3 procedure when proposing an innovative design that may preclude compliance with one or more of the design standards under SDC 4.7.380.

The multiple unit housing design standards are: Building Orientation; Building Form; Storage; Transition and Compatibility Between Multiple unit housing and R-1 Development; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. The Approval Authority must find that the application complies with or exceeds the criteria for each applicable design standard; criteria are listed under the type of review procedure to which they apply. Upon appeal of a Type 2 approval granted under this section, the Type 2 criteria continue to apply. Criteria for design standards not relevant to the application do not require a finding by the Approval Authority, unless the guidelines in Subsections (B) through (I) are implemented.

(B) Building Orientation. The Approval Authority must find that the proposed design contributes positively to the neighborhood and overall streetscape by carefully relating building mass, frontages, entries, and yards to streets and to adjacent properties. This criterion may be met by complying with either (1) or (2) below.

(1) Type 2 process. Building Oriented to the street along a minimum of 50 percent of the site's frontage (See Figure 4.7-M). The "orientation" standard is met when all of the following criteria are met:

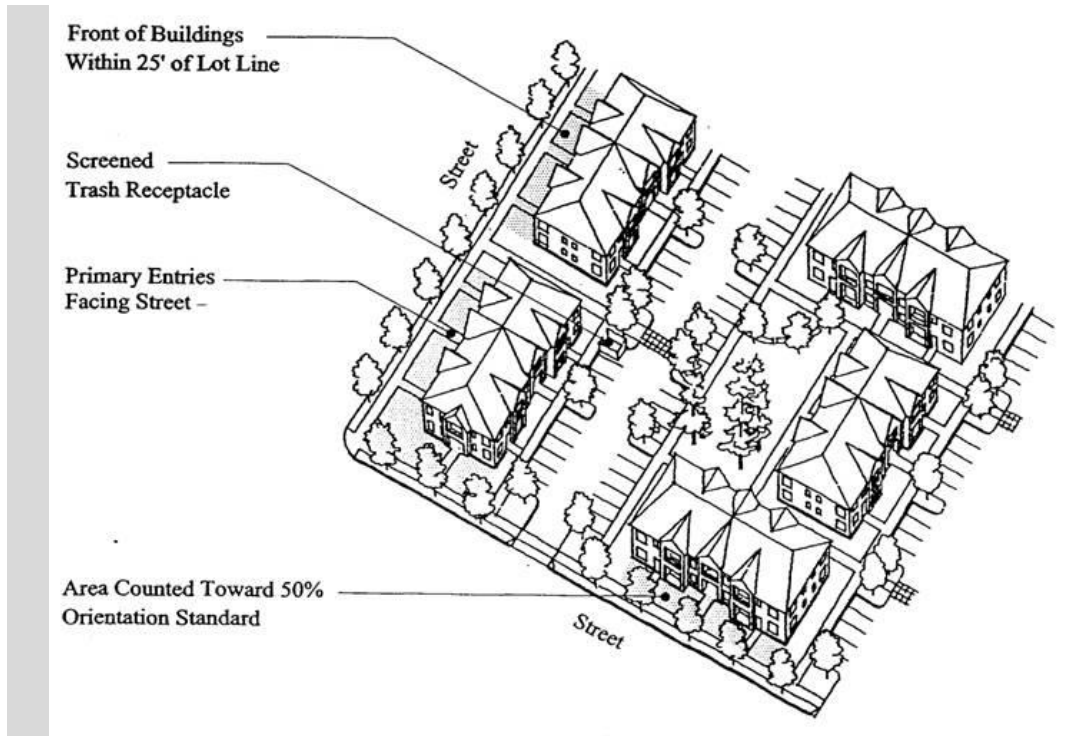
(a) Primary building entrances must face the street.

(b) The front of the buildings must be within 25 feet of the front lot/parcel line, However, open, courtyard space in excess of 25 feet may be placed in front of building entrances. Open courtyard space is defined as usable, hard-surfaced space with pedestrian amenities including benches, seating walls or similar furnishings.

(c) Off-street parking or vehicular circulation must not be placed between buildings and streets used to comply with this standard.

(d) Wetlands, slopes over 15 percent as specified in SDC 3.3.500, and wooded areas protected by SDC 5.19.100, must not be counted as "frontage" for determining required building orientation. For example, if jurisdictional wetlands and/or wetland buffer occupy 100 feet out of a total of 400 feet, then only 300 feet is counted as "frontage" for determining required building orientation. In this example, 150 feet (50 percent) is the required amount of frontage to meet the building orientation requirement.

Building Orientation and Storage
Figure 4.7-M



(2) Type 3 process. Considering the following guidelines:

(a) Orient buildings to an internal circulation system that mimics a public street in appearance (including, but not limited to sidewalks, landscaping, cross-walks, lighting, parallel parking), and does not diminish the appearance and safety of abutting primary public streets. Examples of “diminished appearance” include a fence along the sidewalk that isolates pedestrians between it and the street; the location of garbage and recycling receptacles, utility vaults, etc. in the “rear” yard (abutting a public street); and similar impacts on the streetscape.

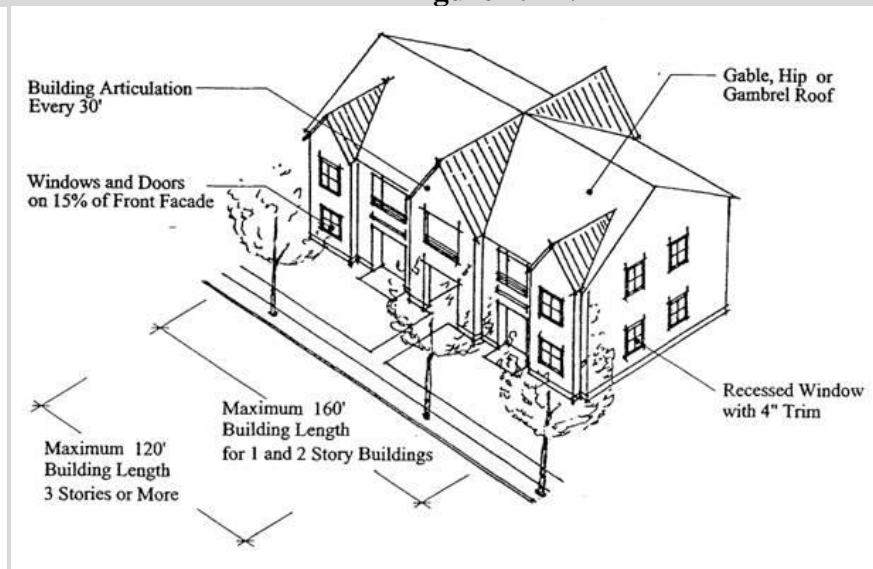
(b) Other design elements that provide exceptional design, and on balance, justify approval of the development with less than full compliance with the building orientation standard. Examples of such design elements include protection of natural and cultural resources; minimization of slope and tree cutting impacts; provision of pedestrian amenities along the public street; and similar public benefits that effectively accomplish the intent of the standard.

(C) Building Form. The Approval Authority must find that the proposed design promotes building forms that contribute positively to a sense of neighborhood and to the overall streetscape. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process (See Figure 4.7-N).

- (a) Structures that have 1 or 2 stories must not have continuous horizontal distance exceeding 160 feet (measured from end wall to end wall). Structures that have 3 or greater stories must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).
- (b) A minimum of 15 percent of the front façade (area measurement) must contain windows or doors. All windows and doors must provide 4-inch trim or be recessed (i.e., into the front façade) to provide shadowing.
- (c) Garages attached to living units and accessed from the street (front setback) must be recessed at least 4 feet behind the front façade of a dwelling structure; and
- (d) Exterior building elevations must incorporate design features including offsets, balconies, projections, window reveals, or similar elements to preclude large expansions of uninterrupted building surfaces. Along the vertical face of a structure, the features must occur at a minimum of every 30 feet, and on each floor must contain a minimum of 2 of the following features:
 - (i) Recesses (e.g., deck, patio, courtyard, entrance, window reveals) that have a minimum depth of 3 feet;
 - (ii) Extensions (e.g., floor area, deck, patio, entrance) that have a minimum depth of 2 feet and minimum length of 4 feet; and/or
 - (iii) Offsets or breaks in roof elevation of 2 feet or greater in height.

Building Form
Figure 4.7-N



(2) Type 3 process

- (a)** Design exterior building elevations to avoid large expanses of uninterrupted building surfaces.
- (b)** Depict building scale consistent with nearby buildings; “scale” relates to the size of various features (including, but not limited to entries, roof surfaces, façades, windows and materials) as compared to those features on nearby buildings.
- (c)** Provide transitions to nearby buildings by massing; “mass” relates to the overall size or bulk of a building or its principal parts.
- (d)** Provide porches, bays, and balconies that compliment nearby buildings.
- (e)** Provide roof variations through offsets, breaks and/or extensions.
- (f)** Provide transition between the multiple unit housing and R-1 districts.
- (g)** Protect on-site and off-site natural and designated historic features.
- (h)** Provide human-scaled architectural detail.
- (i)** Provide visual variety in elevations, architectural details, colors, and materials, compatible with existing development

(D) Storage. The Approval Authority must find that unsightliness, noise and odor of exterior utilities, garbage and recycling receptacle storage, and roof-mounted mechanical equipment is minimized by providing site facilities that are adequate and convenient for residents’ needs and ensuring that site facilities are practical, attractive, and easily maintained. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process

- (a)** Adequate, accessible, and secure storage space must be provided for each dwelling. A minimum of 112 cubic feet of enclosed storage is required separate from the living unit. Garages and storage units adjoining a dwelling (e.g., attached to decks and patios) qualify as storage space.
- (b)** Garbage and recycling receptacles must be screened from view by placement of a solid wood fence, masonry wall, or similar sight-obscuring, gated enclosure, from 5 to 6 feet in height, Obscuring landscaping must be planted a minimum 24 inches in height at planting around all exposed sides of the wall or

fence, unless breaks are provided for gates. The required screening must meet the standards of SDC 4.4.100.

- (c) No garbage and recycling receptacles are allowed in any front yard setback, or within 25 feet of property lines abutting R-1 land use district or designated properties; and
- (d) Ground-mounted equipment, including exterior transformers, utility pads, cable television, telephone boxes, and similar utility services, must be placed underground. Alternatively, equipment placed above ground, must be placed to minimize visual impact; or screened with a wall or landscaping. When walls are used they must be tall enough to completely screen the equipment at the time of the equipment installation. Landscaping must be planted tall enough to attain 50 percent coverage after 2 years and 100 percent coverage within 4 years.

(2) Type 3 process

- (a) Provide garbage and recycling receptacle areas that are adequately signed, accessible to residents and collection service, separated or buffered from living areas in order to avoid noise and odor problems
- (b) Provide mailboxes large enough to accommodate large envelopes, packages, and newspapers.
- (c) Keep the number and size of television and other receiving structures to a minimum. Screen or locate these structures to minimize visibility to on-site residents, residents of adjacent properties and the public, to the extent practicable.
- (d) Provide adequate, accessible, and secure storage space for each dwelling.
- (e) Provide ground or interior mounted mechanical equipment with screening as an alternative to roof-mounted equipment.
- (f) Group together roof penetrations such as plumbing and exhaust vents, air conditioner units and transformer boxes whenever practicable. Use ridge vents on pitched roofs that are in public view.

(E) Transition and Compatibility Between Multiple unit housing and R-1 District

development. The Approval Authority must find that the development is located and designed in a manner compatible with surrounding development by creating reasonable transitions between multiple unit housing and sites and adjacent R-1 districts. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process: Multi-unit developments adjacent to properties designated R-1 district must comply with the transition area and compatibility standards listed below, unless it can be demonstrated that adjacent R-1 district property is committed to a non-residential use e.g., church) that is unlikely to change. In evaluating the status of an adjacent property, the Metro Plan designation must take precedent over the current zone or use.

(a) When a single unit dwelling is within 75 feet of the subject multiple unit housing development site and the single unit dwelling is on the same side of the street and same block as the multiple unit housing site, a setback similar to that of the nearest single unit dwelling must be used for the front yard. “Similar” means the multiple unit housing development setback is within 5 feet of the setback provided by the nearest single unit dwelling. For example, if the single unit dwelling setback is 20 feet, then the multiple unit housing building must be set back by 15 to 25 feet. The minimum front yard setback is 10 feet, as specified in SDC 3.2.220; and

(b) A 25-foot buffer area must be provided between multiple unit housing development and property lines abutting an R-1 district property line, not including those property lines abutting right-of-ways. Within the 25-foot buffer area, the following standards apply:

(i) No vehicular circulation (i.e., driveways, drive lanes, maneuvering areas, and private streets) is allowed within the buffer, unless driveway placement within a buffer is required in order to comply with City, County or ODOT access management standards;

(ii) Site obscuring landscaping is required and must meet the standards of SDC 4.4.100;

(iii) Building encroachments are allowed, provided no building may encroach more than 10 feet into the 25 foot buffer and no primary entrance can face the abutting R-1 district property. Buildings must not exceed one story or 21 feet within the buffer, and must comply with all other applicable setbacks and transition areas specified elsewhere in this Code;

(iv) No active recreation areas (including, but not limited to: children’s play areas, play fields, swimming pools, sports courts) are allowed within the 25-foot buffer (garden spaces are not considered active recreation areas);

(v) Lighting must meet the standards in SDC 4.5.100;

(vi) Mechanical equipment must be screened from view in conformance with the standards of SDC 4.4.100, and must be buffered so that noise does not typically exceed 45 to 50 decibels as measured at the R-1 property

line. The City may require a noise study certified by a licensed acoustical engineer; and

(vii) All rooftop equipment must be hidden behind parapets or other structures designed into the building.

(c) Buildings, or portions of buildings abutting an R-1 district property line or designation (i.e., side or rear lot/parcel line) outside of the 25-foot buffer described above, must not exceed a building height greater than one foot for each foot distance from the R-1 district property line. For example, a building or portion of a building 30 feet in height must be 30 feet from the R-1 district property line. This standard applies up to a distance of 50 feet from the R-1 district property line.

(d) Structures within 50 feet of an R-1 district must not have a continuous horizontal distance exceeding 120 feet (measured from end wall to end wall).

(2) Type 3 process

(a) Setbacks, building heights, and massing are similar to, and/or promote a visual gradient between the multiple unit housing site and adjacent R-1 district.

(b) Screen with landscaping or place balconies and windows to maintain the privacy of abutting R-1 districts and multiple unit housing residents on-site and in abutting developments.

(c) Window treatments and other building components are similar in size, scale, and placement to those in the adjacent R-1 districts, unless variation aids in transition.

(d) On site vehicular circulation and parking guides traffic away from abutting R-1 districts.

(e) Orient buildings along street frontages shared by the R-1 district, particularly when such orientation aids in transition.

(f) Use site obscuring landscaping, shade trees planted a minimum of six feet from property lines, or a minimum six foot high fence, when such screening aids in transition.

(g) Locate components of the multiple unit housing, which generate noise (such as recreation areas, parking lots, garbage and recycling receptacles, heating and cooling equipment, etc.) where they will least disturb an abutting R-1 district.

- (h) Locate and screen lights and mechanical equipment to minimize glare and noise to an adjoining R-1 district.
- (i) Allow enclosed garage structures (not carports) between multiple unit housing buildings and abutting R-1 properties as a transition device when the width and height of proposed garage structures are similar to (or subordinate to) the width and height of adjacent R-1 garage structures.

(F) Open Space

- (1) The Approval Authority must find that the open space component is located and designed in a manner compatible with surrounding development when:
 - (a) On-site and abutting natural features are integrated into the open space system of the multiple unit housing development.
 - (b) Amenities such as seating, children’s play areas, lighting, and recreation facilities are provided within common open space areas and proportional to the needs of the development.
 - (c) A range of usable open space types (general, common, and private) is provided and they are integrated with abutting public open space, if it exists.
 - (d) Negative impacts to on-site or abutting wetlands, waterways, and natural areas are negligible.
- (2) This criterion may be met by complying with either (a) or (b) below or by meeting SDC 4.7.390.
 - (a) **Type 2 process.** Multiple unit housing developments must provide both Common Open Space and Private Open Space as specified in the following standards (See Figure 4.7-Q).
 - (i) General. Inclusive of required yards, a minimum of 15 percent of the gross site area must be designated and permanently reserved an open space. The total required open space is the sum of setbacks, common open space, and private open space. Inventoried natural features (including regulated wetlands) and/or historic features on-site may be counted toward up to 50 percent of common open space requirements. See Chapter 6 for definitions of open space; open space, common; and open space, private.
 - (aa) Multiple unit housing developments in mixed-use buildings are exempt from these standards.

(ba) Multiple unit housing developments at densities exceeding 30 units per gross acre must include a minimum of 10 percent of the gross site as open space, which may be any combination of yards, common open space, or private open space.

(ca) Multiple unit housing developments at densities less than 30 units per gross acre must provide open space as specified in the amounts specified below.

(ii) Common Open Space must be provided in all newly constructed multiple unit housing development as specified in the following standards:

(aa) A minimum of 0.25 square feet of common open space is required for each square foot of gross residential floor area;

(ba) Common open space areas provided to comply with this standard must be at least 500 square feet with no horizontal dimension less than 15 feet;

(ca) A maximum of 15 percent of the required common open space can be on slopes greater than 25 percent; and

(da) Multiple unit housing developments must designate within common open space a minimum of 250 square feet of active recreation area (including, but not limited to: children's play areas, play fields, swimming pools, sports courts; garden spaces are not considered active recreation areas) for every 20 units or increment thereof. For example, a 60 unit development must provide a minimum area of 750 square feet for active recreation. No horizontal dimension can be less than 15 feet. Alternatively, as determined by the Director, qualified senior housing developments may be excluded from this requirement; however, all other common open space requirements apply;

(ea) Placement of children's play areas must not be allowed in any required yard setback or transition area;

(fa) Landscaping and/or natural vegetation must occupy a minimum of 50 percent of required common open space. On-site natural resources and historic features which are accessible to residents (including, but not limited to: by trails, boardwalks) may be used to partially or fully satisfy this requirements; and

(ga) Indoor or covered recreational space (including, but not limited to: swimming pools, sports courts, weight rooms) must not exceed 30 percent of the required common open space area.

(iii) Credit for Proximity to a Park. A common open space credit as specified below is allowed when the development is located within walking distance of a public park. There must be a direct, ADA accessible pedestrian path between the development and the park, and the walking route must not cross an arterial street to use this credit.

(aa) Up to a 75% credit to the common open space standard may be granted for multi-unit developments of up to 60 units (or for the first 60 units of a larger development) when the developments are within 1/4 mile (measured walking distance) to a public park; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA)-accessible, maintained pedestrian trail or sidewalk between the site and the park. An exemption will be granted only when the nearby park provides active recreation area, as defined by Subsection (da), above.

(iv) Phasing must not be used to circumvent common open space standards.

(v) Common Open Space does not include required yards or transition areas unless authorized under SDC 4.7.385(F)(2)(b) or SDC 4.7.390.

(vi) Private Open Space must be provided in all newly constructed multiple unit housing developments, to comply with the following standards:

(aa) All private open space must be directly accessible from the dwelling unit through a doorway;

(ba) Dwelling units located at or below finished grade, or within five feet of finished grade, must provide a minimum of 96 square feet of private open space, with no dimension less than six feet; and

(ca) Private Open Space provided may be deducted from the required amount of Common Open Space. For example, a project with 37,500 square feet of gross floor area requires 9,375 square feet of Common Open Space under Subsection (ii)(aa), above. If 2,400 square feet of Private Open Space is provided, the minimum Common Open Space requirement may be reduced to 6,975 square feet (9,375 - 2,300)

(b) Type 3 process. Alternatively, this criterion may be found to be met by complying with the following guidelines:

(i) Locate buildings, parking, and circulation to minimize adverse impacts on natural features.

(ii) The amount of common recreation area is equal to the SDC 4.7.380(C)(1) standard unless adjacent public recreation facilities, unique on-site facilities, or other similar open space/recreation facilities will be available to all residents of the site.

(iii) Provide linkages between on-site common open space and abutting public open spaces when open space uses are compatible.

(iv) The amount of private open space is equal to the SDC 4.7.300(F)(2)(a)(vi) standard unless equivalent opportunities for common open space are demonstrated (e.g., individual units enjoy common open space).

(G) Landscaping. The Approval Authority must find that landscaping, fences, and walls contribute to a quality living environment for all residents, improve the appearance of multiple unit housing developments, and promote transition between multiple unit housing development and surrounding land uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.

(1) Type 2 process. This criterion may be met by meeting the following standards.

(a) A minimum of 15 percent of the site must be landscaped with a mix of vegetative ground cover, shrubbery and trees. Trees, a minimum two inches (dbh) in caliper, and shrubbery, a minimum of 24 inches in height, must be planted. Bark mulch, rocks and similar non-plant material may be used to compliment the cover requirement, but must not be considered a sole substitute for the vegetative ground cover requirement;

(b) Street trees, a minimum two inches (dbh) caliper, must be placed within the planter strips between the curb and the sidewalk. Street trees must be planted one per every 30 linear feet (minimum) of street frontage, as specified in SDC 4.2.140;

(c) Fences in front yards and along any frontage used to comply with the building orientation standard are limited to three feet in height. Fences in other yards must comply with the fence standards specified in SDC 4.4.115, and the vision clearance standards specified in SDC 4.2.130; and

(d) The use of non-invasive and/or drought-tolerant landscaping is encouraged. All landscaping must be irrigated with a permanent irrigation system which may include drip irrigation unless a licensed landscape architect submits written

verification that the proposed plant materials do not require irrigation. The property owner must maintain all landscaping.

(2) Type 3 process. Alternatively, this criterion may be found to be met by complying with the following guidelines:

- (a)** Plant outdoor spaces around multiple unit housing developments with a mix of vegetative ground cover, shrubbery and trees. Also incorporate hard landscaping elements (e.g., paved sidewalks, courtyards) into the development.
- (b)** Use plants to provide visual relief along blank exterior walls, reduce building mass and bulk, define and shelter open space, provide privacy, break up and shade parking areas and help define building entries and sidewalks.
- (c)** Include enhancements, such as plazas, galleries, courtyards, widened sidewalks, benches, shelters, street furniture, artwork or kiosks for pedestrian amenities.
- (d)** Use vegetation, grade changes and low fences to define open space areas. Plant transition areas between multiple unit housing dwellings and surrounding R-1 and less intensive uses to minimize the visual impact of the development.
- (e)** Incorporate a planting design that emphasizes:
 - (i)** Visual surveillance by residents of common open space, parking areas, internal sidewalks, dwelling unit entries, abutting streets and public open spaces (i.e., mature plants do not block views of these areas);
 - (ii)** Climate controls for summer shading and solar access during winter, and/or shielding from winter winds. Balance this guideline with visual surveillance objectives, above.
- (f)** Preserve significant trees and shrubbery on the site as reasonable. Significant trees mean trees which measure five inches DBE or greater. Significant shrubbery means shrubbery that is greater than 40 inches in height and is a non-invasive, noninvasive species. Trees and shrubs preserved to meet this standard must be identified on a Tree Protection Plan.
- (g)** Provide small ornamental plants or other landscape features in coordination with the building's architecture to define the primary entry of a dwelling unit.
- (h)** Avoid high solid fences and walls along streets (e.g., fences greater than 3 feet in height), unless required for noise abatement or retaining walls.

- (i) Incorporate landscaping, fences and walls that clearly delineate the public, communal and private areas of a development.
 - (j) Provide street tree planting, as required by SDC 4.2.140 standards.
 - (k) Incorporate landscaping, fences and walls that do not conflict with sight lines for vehicles and pedestrians, and comply with the vision clearance standards specified in SDC 4.2-130.
 - (l) Choose landscape species for efficient maintenance. Incorporate non-invasive, drought-resistant species.
 - (m) Use noise-reducing, ornamental walls (e.g., masonry), as necessary, to minimize the transmission of noise.
 - (n) Incorporate landscaping, fencing and/or walls with dwellings that are close to high noise sources such as active recreation, busy streets, railway lines, or industry.
 - (o) Obscure or screen outlooks from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a multiple unit housing development. This can be accomplished with landscaping, fences or walls, where a direct view is available into the private open space of an existing adjacent single-family or multiple unit housing.
 - (p) Screen private open space and balconies by solid translucent screens or perforated panels or trellises which have a maximum of 25 percent openings and are permanent, of durable materials and designed, painted or colored to blend with the development.
- (H) Pedestrian Circulation.** The Approval Authority must find that pedestrian circulation systems are designed to provide separation between vehicles and pedestrians and provide clear, direct, safe, and identifiable connections within the multiple unit housing development and to other neighborhood uses. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.
- (1) Type 2 process.** Multiple unit housing developments with more than 20 units must provide pedestrian circulation as specified in the following standards (See Figure 3.2-R).
 - (a) Continuous internal sidewalks must be provided throughout the site. Discontinuous internal sidewalks are permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the subject property, or abutting recreation areas and pedestrian trails;

- (b) Internal sidewalks must be separated a minimum of five feet from dwellings, measured from the sidewalk edge closest to any dwelling unit;
 - (c) The internal sidewalk system must connect all abutting streets to primary building entrances;
 - (d) The internal sidewalk system must connect all buildings on the site and must connect the dwelling units to the parking areas, bicycle parking, storage areas, all recreational facilities and common areas, and abutting public sidewalks and pedestrian trails;
 - (e) Surface treatment of internal sidewalks/accessways must be concrete, asphalt or masonry pavers, at least Five feet wide. Multi-use accessways (e.g., for bicycles, pedestrians and emergency vehicles) must be of the same materials, and at least ten feet wide. Where emergency vehicle access is required, there must be an additional Five feet on either side of the accessway. The additional Five foot area may be turf-block, grass-crete or similar permeable material on a base of gravel. The entire accessway used for emergency vehicle access must be capable of supporting fire equipment weighing 80,000 pounds.
 - (f) Where internal sidewalks cross a vehicular circulation area or parking aisle, they must be clearly marked with contrasting paving materials, elevation changes, speed humps, or striping. Speed humps are subject to review and approval by the Fire Marshal. Internal sidewalk design must comply with Americans with Disabilities (ADA) requirements;
 - (g) Where the internal sidewalks are parallel and abutting to a vehicular circulation area, the sidewalk must be raised or be separated from the vehicular circulation area by a raised curb, bollards, landscaping or other physical barrier. If a raised sidewalk is used, the ends of the raised portions must be equipped with curb ramps; and
 - (h) All on-site internal sidewalks must be lighted to a minimum of two foot-candles.
- (2) **Type 3 process.** Alternatively, this criterion may be met by considering the following guidelines.
- (a) Design each multiple unit housing development to contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units, parking, storage, common open spaces areas, and public sidewalks. Design of internal sidewalks to comply with the American with Disabilities Act (ADA) requirements.
 - (b) Design the pedestrian circulation system to provide safe crossings of streets, driveways, and parking areas, where crossings are necessary. Consider design

elements such as textured pavers, patterned concrete and raised surfaces to emphasize crossings.

- (c) Design internal walkways and other pedestrian links to provide privacy for ground floor residents.
 - (d) Link the multiple unit housing development internal sidewalks to neighborhood uses that may be used by residents.
 - (e) Minimize vehicle and pedestrian conflicts.
 - (f) Integrate the design of the internal sidewalks with natural contours, topography, trees, other vegetation, waterways, wetlands, and other natural resources and features.
 - (g) Provide a convenient, accessible, direct, barrier-free route design.
- (l) **Parking.** The Approval Authority must find that the placement of parking contributes to attractive street frontages and visual compatibility with surrounding areas and is located with consideration for the safety of residents. This criterion may be met by complying with either (1) or (2) below or by meeting SDC 4.7.390.
- (1) **Type 2 process.** Multi-unit developments must provide parking design as specified in the following standards.
- (a) Parking lots must be placed to the side or rear of buildings as specified in the Building Orientation Standards. Parking must not be placed along that portion of the street where building frontages are used to comply with the building orientation standard;
 - (b) Lighting must be provided for safety purposes, and focused/shielded to avoid glare on adjacent properties or dwellings as specified in SDC 4.5-100;
 - (c) There must be one planter island for every eight parking spaces. Planter islands must be a minimum of six feet wide, exclusive of the curb, the full length of a parking space containing one shade tree (a minimum two inches (dbh) in caliper at planting) and vegetative ground cover. Trees must be specimens capable of attaining 35 feet or more in height at maturity and must not produce excessive fruit, nuts, or sap (i.e., die to pest damage). Bark mulch is not an acceptable substitute for vegetative ground cover in the planter island. Water quality features may be incorporated into planter islands. Landscape areas must be evenly distributed throughout the perimeter of interior parking areas, where practicable. See SDC 4.4.105(F). for recommended shade trees;

- (d)** A minimum six foot wide planter area must separate and visually screen parking from living area windows. The planter area must include a mix of ground cover, shrubbery, and trees with appropriate growth habit (i.e., for narrow planters and any height limitations including balconies, overhangs, and eaves). Shrubby in this planter area must be at least 24 inches in height at the time of planting, and trees a minimum of two inches (dbh) in caliper at the time of planting. See SDC 4.4.110;
- (e)** Parking lots must be connected to all building entrances by means of internal sidewalks;
- (f)** All parking stalls fronting a sidewalk, or landscaped area must be provided with a secure wheel bumper not less than six inches in height and set back from the front a minimum of two feet to allow for vehicle encroachment. Wheel bumpers, if used, must be a minimum of six feet in length. As an option, the sidewalk or planter may be widened two feet beyond the minimum dimension required to allow for vehicle encroachment. The sidewalks and planters must be protected by a curb not less than six inches in height. See also, SDC 4.6.120(C);
- (g)** On corner lots/parcels, parking areas must not be located within 30 feet of an intersection, as measured from the center of the curb return to the edge of the parking area (curb or wheel stop);
- (h)** All parking, maneuvering and loading areas abutting a property line or right-of-way must provide perimeter lot/parcel landscaping. A minimum five foot wide planting strip must be planted with shade trees, a minimum two inches (dbh) in caliper, and a low level (e.g., 30 to 40 inches) evergreen hedge. See also SDC 4.4-105;
- (i)** Decorative walls may be used in place of the hedge in Subsection h., above, and be placed no closer than four feet from the property line. The decorative wall must be a minimum of 30 inches in height and no more than 40 inches in height, and must comply with the vision clearance standards specified in SDC 4.2-130. Decorative walls must be constructed of textured concrete masonry (CMU) or similar quality material, and include a cap. The wall may be partially see-through (up to 40 percent) as appropriate for security purposes. The area between the wall and property line must be landscaped with shade trees;
- (j)** Parking area landscaping must be designed to reduce storm water runoff (e.g., through infiltration swales and other measures), as practicable; and
- (k)** Bicycle parking must be provided as specified in SDC 4.6.140 - .155 and may be incorporated into the landscaping design.

(2) Type 3 process. Alternatively, this criterion may be met by considering the following guidelines.

(a) Avoid placing parking lots, carports, garages, and driveways between the buildings and the street. To minimize the visual impacts, locate parking to a portion of the site least visible from the street.

(b) Provide rear and below grade parking where practicable.

(c) Use alley access for parking areas where practicable.

(d) Use low, dense hedges or landscape berms at the edges of parking lots to screen autos and direct pedestrians to entry and exit points.

(e) Provide no more parking than the “minimum” parking requirement, where practicable.

(f) Avoid placing parking lots, garages, and carports that abut and/or are visible from R-1 areas. As an alternative, locate parking next to arterial and collector streets with landscape buffering, when possible.

(g) Design garages and free standing carports to be visually compatible with, or screened from, adjacent R-1 uses and dwellings on-site (e.g., similar siding, trim, roof line and materials, detailing, and color, as applicable).

(J) Vehicular Circulation

(1) The Approval Authority must find that on-site vehicular circulation systems are:

(a) Designed to be clearly identifiable, safe, pedestrian-friendly, and interconnected.

(b) Designed to provide connectivity to the surrounding neighborhood streets while minimizing impacts on the arterial street system.

(2) This criterion may be met by complying with either (a) or (b) below or by meeting SDC 4.7.390.

(a) Type 2 process. Multiple unit housing developments must provide vehicular circulation as specified in the following standards.

(i) The on-site driveway (or private street) system must connect with public streets abutting the site;

(ii) Shared driveways must be provided whenever practicable to minimize cross turning movements on adjacent streets. On-site driveways and private streets must be stubbed to abutting R-2/R-3 properties, at locations determined during Site Plan Review process to facilitate development of shared driveways; and

(iii) Parking areas must be accessed from alleys when properties abut an alley, or an alley can reasonably be extended to serve the development.

(b) **Type 3 process.** Alternatively, this criterion may be met by considering the following guidelines.

(i) Design driveways and private streets to enhance connectivity to abutting streets.

(ii) Design internal site circulation to provide accessibility to and from the site.

(iii) Design the vehicular circulation system, together with other design elements, to reduce the apparent scale of large developments by organizing the site into smaller land units.

(iv) Where practicable, consolidate or share driveways and internal streets with driveways or internal streets serving abutting sites.

(v) Incorporate aesthetic and functional site design as it relates to vehicular circulation.

(vi) Provide vehicular circulation linkages that will integrate multiple family development with the surrounding area.

(vii) Provide the separation of pedestrian, bicycle, and vehicular traffic.

(viii) Avoid out-of-direction travel between buildings and other facilities on the site (e.g., for delivery, service, etc.).

(ix) Locate service areas for ease of use and minimal conflict with circulation systems.

(x) Provide circulation systems that respond to site topography, natural contours, and natural resources, to minimize grading and resource impacts.

(xi) Provide shared parking with abutting sites where practicable.

(xii) Provide the use of alleys for vehicular access.

- (xiii) Provide lighting for the safety of pedestrians and drivers.

4.7.390 Multiple Unit Housing Variances

(A) Description. The Director may approve an adjustment to a numerical, quantitative standard of up to 20 percent to the multiple unit housing design standards listed in SDC 4.7.380. Adjustments to nonnumerical qualitative standards may be approved only as provided in SDC 4.7.385. The multiple unit housing design standards are: Building Orientation; Building Form; Storage; Open Space; Landscaping; Pedestrian Circulation; Parking; and Vehicular Circulation. There is one general criterion in Subsection (B), below that applies to all the design standards. In addition, each design standard has applicable criteria as specified in Subsections (C) through (G), below.

The Director must find that the application complies with the criteria for each applicable design standard; i.e., a design standard modification that the applicant does not specifically request in the application does not require a finding by the Director, and is not subject to review under this Section. Requests to modify the standards of SDC 4.7.380 by more than 20 percent requires review under SDC 5.21.130.

(B) General Criterion. The adjustment is necessary due to topography, natural features, easements, or similar physical or legal constraints that precludes full compliance. Self-imposed conditions do not satisfy this criterion.

(C) Building Orientation. The adjustment results in a better overall streetscape. For example, design elements include: protecting and preserving vegetation and trees five inches (dbh) in caliper or greater; providing pedestrian amenities (i.e., between buildings and the street); providing building mass and architectural detailing that compliment adjacent uses and landscaping; and similar elements that effectively accomplish the intent of the standard.

(D) Building Form

(1) The adjustment provides equivalent neighborhood compatibility either by providing similar building mass and architecture, or through protection of vegetation and trees greater than five inches (dbh) in caliper (i.e., screening allows for contrasting building form).

(E) Open Space

(1) The adjustment results in protecting vegetation and preserving trees five inches (dbh) in caliper or greater; providing pedestrian amenities; or providing locations for common open space which enhances safety and visibility.

(2) The Director may approve an adjustment in the common open space requirements for developments with 61 units or more if up to 50 percent if the site is within 1/4 mile (measured walking distance) of a public park with active recreation areas [as defined by SDC 4.7.385(F)(2)(a)(ii)(da)]; and there is a direct, improved, permanent, public,

ADA - accessible, lighted, maintained pedestrian trail or sidewalk between the site and the park.

- (3) The Director may approve a reduction in either the required private open space or required common open space areas if the proposal includes a proportional increase in the other type of required open space. This adjustment does not apply to required active recreation areas.

(F) Landscaping

- (1) The adjustment results in a better overall transition from neighboring R-1 designated property, such as: protecting and preserving trees five inches (dbh) in caliper or greater; and
- (2) The adjustment provides an equivalent degree of privacy, visual separation, and visual enhancement for residents and adjacent R-1 designated property.

(G) Pedestrian Circulation

- (1) The adjustment provides an equivalent degree of pedestrian circulation, safety, and comfort, as provided by the pedestrian circulation standards.
- (2) The Director may approve an adjustment in the pedestrian circulation standard, notwithstanding Subsection (B), above and SDC 4.7.385(H) if the residents do not require an internal sidewalk system in full compliance with the pedestrian circulation standards.

4.7.400 Emergency Medical Hardship

(A) Purpose

- (1) The Emergency Medical Hardship allows the placement of temporary living quarters, on a property with a habitable primary dwelling, for a person who is determined by a licensed physician, as specified in Subsection (D)(2)(a), below to be either:
 - (a) Terminally ill; or
 - (b) Recuperating from an illness, surgery, or injury; and
 - (c) The person is not physically or mentally capable of self-maintenance and is dependent upon a care provider being on-site for assistance.
- (2) Temporary means a period of 24 months, unless otherwise permitted in Subsection (G), below. The 24-month period includes an approval timeline of 12 months with an opportunity to obtain up to two six-month time line extensions at the staff level.
- (3) Temporary living quarters means a road worthy, licensed, and insured recreational vehicle (RV). Tent trailers are not permitted as a temporary living quarters.

- (4)** The temporary living quarters must be occupied only by the person requiring medical assistance, or the care provider.
 - (5)** The care provider must be a person who lives on-site, either in the primary dwelling, or the temporary living quarters, and provides necessary medical procedures, monitoring, and attention to the person requiring that care.
- (B)** Applicability. The Emergency Medical Hardship process is permitted only on property designated Low Density Residential (LDR) on the Eugene Springfield Metropolitan Area General Plan diagram (Metro Plan) and zoned R-1 within the city limits or R-1/UF-10 within the City's urban service area.
- (C)** Review. The initial application and any timeline extensions are reviewed under Type 2 procedure.
- (D)** Submittal Requirements.
- (1)** The application must include a plot plan, drawn to scale, showing:
 - (a)** Existing structures on the property and their setbacks from property lines;
 - (b)** The proposed location of the temporary living quarters and its setbacks from property lines and other structures on the property; and
 - (c)** The required utility connections for the temporary living quarters.
 - (d)** For those applications within the City's urban service area, the plot plan must also show the location of any wells, septic tanks, and drain fields.
 - (2)** The application must also include:
 - (a)** A written report from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property.
 - (b)** A statement from the applicant addressing:
 - (i)** Whether the person requiring medical assistance or the care provider will reside in the temporary living quarters;
 - (ii)** The type of temporary living quarters proposed, either: a motor home, residential trailer, a travel trailer, truck camper, or other RV;
 - (iii)** Proof that the temporary living quarters is licensed and insured; and
 - (iv)** A statement explaining why the circumstances are temporary in nature (estimated at 12 months or less) and what steps are being undertaken to

address the circumstances prior to the elapsing of 12 months, or any extension thereof.

(E) Criteria. The Director must grant approval of the emergency medical hardship application if all the following criteria are met, including any conditions imposed in accordance with Subsection (F), below.

- (1)** A written report is provided from a licensed physician, therapist, or professional counselor on official letterhead that indicates that the patient has a medical or physical hardship that requires care and attention in such a manner that the caretaker must reside on the same property.
- (2)** The temporary living quarters must house either the person requiring medical assistance or the care provider.
- (3)** The temporary living quarters must be located on the same legal parcel as the primary dwelling. Only one temporary living structure is allowed on a property.
- (4)** The temporary living quarters is not permitted within the front yard or street side yard setback, except within an approved driveway.
- (5)** All residential trailers and other similar units used as temporary living quarters must be connected to sewer, water, and electrical services as proscribed by the Oregon State Building Code as adopted by the City. Travel trailers and similar units must have sewer, water, and electrical services that meet state requirements for RV parks.

(F) Conditions

- (1)** The following conditions of approval are applied to all medical hardship approvals:
 - (a)** No change in occupancy of the temporary living quarters is allowed under the permit; either the person requiring care or the care provider must reside within the temporary living quarters.
 - (b)** The temporary living quarters use is limited to the use permitted in this Section and is not transferable to other persons or property. Under no circumstance can the temporary living quarters be used as a rental unit.
 - (c)** The temporary living quarters use must cease upon the occurrence of the first of the following events:
 - (i)** The medical hardship no longer exists; in this case, the temporary living quarters must be removed within 30 calendar days of cessation of the provision of care; or
 - (ii)** Within 12 months of the date of application approval, unless there is an approved extension as specified in Subsection (G), below.

- (2) Additional conditions of approval may be imposed to the extent necessary to satisfy the approval criteria in Subsection (E), above.
- (G) Time Line Extensions. A request for an extension will not require a new application; however, a written request must be submitted to the Director 30 days prior to the expiration of the initial 12-month approval timeline. The request must include written verification from a licensed physician stating that the person requiring care as specified in Subsection (D)(2)(a), above continues to need care. Staff must review the request to ensure that the applicant remains compliant with the approval criteria specified in Subsection (E), above and any conditions of approval required under Subsection (F), above. Upon expiration of the initial 12-month approval timeline, the temporary living unit may be extended as follows:
 - (1) Staff Approved Timeline Extensions. The applicant may obtain no more than two six-month timeline extensions from staff.
 - (2) Criteria of Approval for Timeline Extensions. Staff approval of any timeline extension request is based upon:
 - (a) The physician's verification of condition that the patient still requires care; and
 - (b) Staff's verification that the temporary living quarters is still in compliance with the initial conditions of approval.
- (H) Compliance. The temporary living quarters must maintain compliance with all conditions of approval. Violation of the provisions of this Section, or determination that the need can no longer be verified, is the basis for termination of approval.

4.7.405 Affordable Housing

- (A) The purpose of this section is to allow development of affordable housing consistent with the requirements of ORS 197.308. This section is not intended to limit development of affordable housing that is otherwise permitted in accordance with this code.
- (B) As used in this section, "affordable housing" means residential property whose affordability is enforceable as described in ORS 456.270 to 456.295 for a duration of no less than 30 years, and:
 - (1) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council; or
 - (2) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income
- (C) Affordable housing is permitted if the proposed affordable housing is on property that is:
 - (1) Owned by:

- (a) A public body, as defined in ORS 174.109; or
 - (b) A nonprofit corporation that is organized as a religious corporation; or
 - (2) Within the PLO, NC, CC, MRC, GO, MS, MUC, BKMU, Glenwood CMU, or Glenwood OMU Districts; or
 - (3) Is a lawfully existing hotel or motel.
 - (D) Affordable housing permitted under subsection (C)(1) is permitted on property zoned CI, LMI, MUE, or Glenwood EMU Districts, only if the property is:
 - (1) Publicly owned;
 - (2) Directly abutting an R-1, R-2, R-3, MUC, or PLO district; and
 - (3) Not designated Heavy Industrial or Special Heavy Industrial on the comprehensive plan map or a refinement plan map.
 - (E) Notwithstanding subsections (C) and (D), the requirement to allow affordable housing under this section does not apply to the following:
 - (1) Properties in the UF-10 district;
 - (2) Properties that the review authority determines cannot or will not be adequately served by water, sewer, storm water drainage or streets at the time that the development is complete;
 - (3) Properties that contain a slope of 25 percent or greater as determined under SDC 3.3.520(A);
 - (4) Properties in the Floodplain Overlay District within the area of special flood hazard;
 - (5) Properties prohibited for development under the standards applicable in the Hillside Overlay District;
 - (6) Within Water Quality Limited Watercourse riparian areas specified in SDC 4.3.115(A); and
 - (7) Within development setbacks for locally significant wetlands and riparian areas as specified in 4.3.117(C).
 - (F) Except where the code specifically states otherwise, development of affordable housing under this subsections (C) and (D) is subject to the following standards:
 - (1) Lot area, dimensions, and coverage standards applicable within the underlying land use district;

- (2) Setbacks applicable within the underlying land use district;
 - (3) Height standards applicable within the underlying land use district;
 - (4) On-site infrastructure standards applicable under Chapter 4.
 - (5) Architectural Design Standards in Section 4.7.375 and Multiple Unit Housing (Clear and Objective Standards) in Section 4.7.380.
- (G) Affordable housing within the R-1, R-2, R-3, MUR, and Glenwood RMU districts, is subject to the following maximum height and density standards, as required under ORS 197.308(4).
- (1) R-1 District: 28 units per net acre maximum density; 47 feet maximum building height.
 - (2) R-2 District: 42 units per net acre maximum density; 74 feet maximum building height.
 - (3) R-3 District: 63 units per net acre maximum density; no maximum building height.
- (H) The density or height allowed under subsection (G) may be reduced based upon findings that the reduction is necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal.