



CITY OF
West Linn

PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

Background Materials Meeting #3

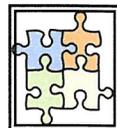
July 28, 2010

Infill and Redevelopment Code Handbook.....**A**

Innovative Design and Development Code: Contextual Design**B**

Infill Design Toolkit: Best Practices for Context – Responsive Infill Design.....**C**

Model Cluster Residential Development Ordinance**D**



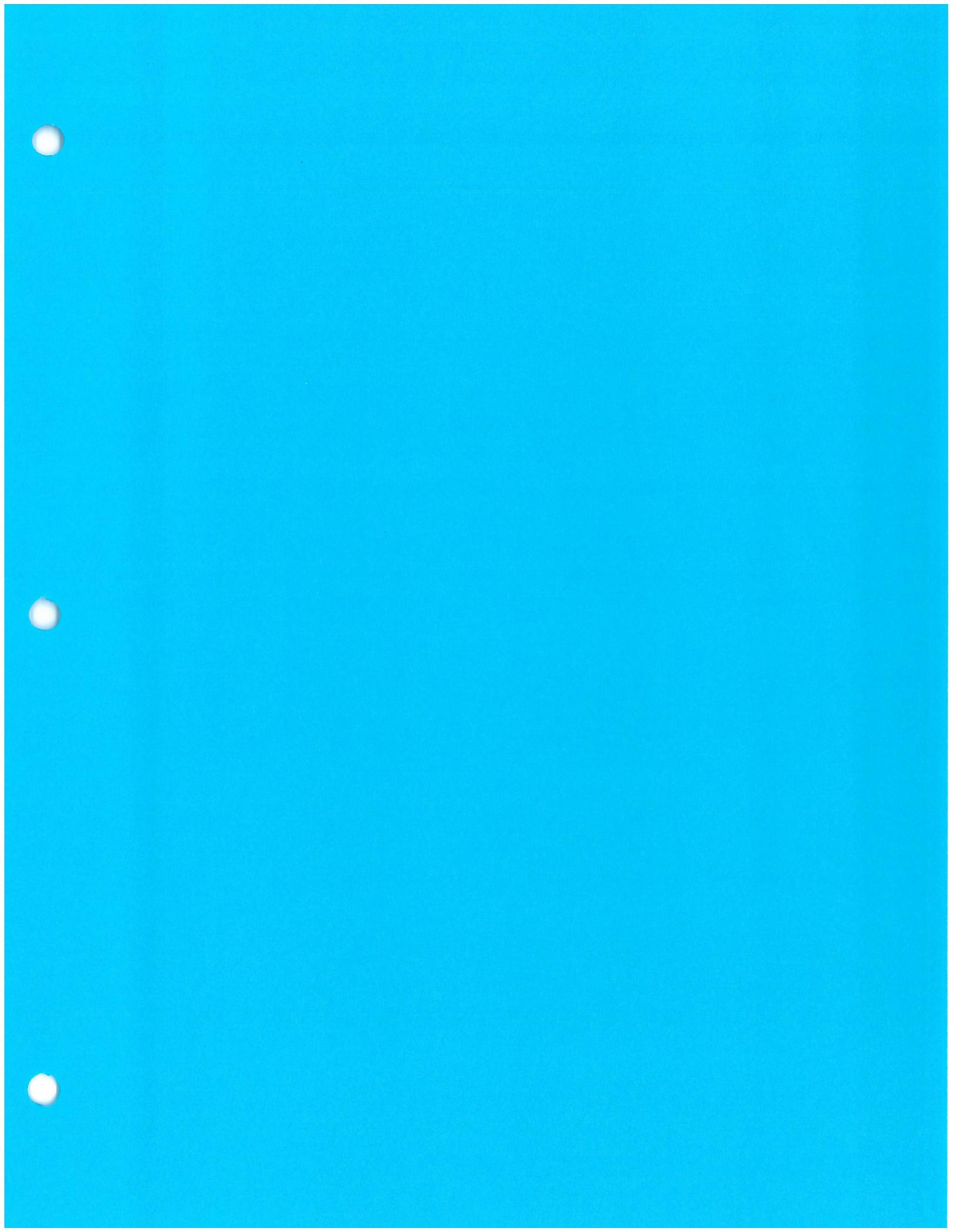
Task Force meeting #3:

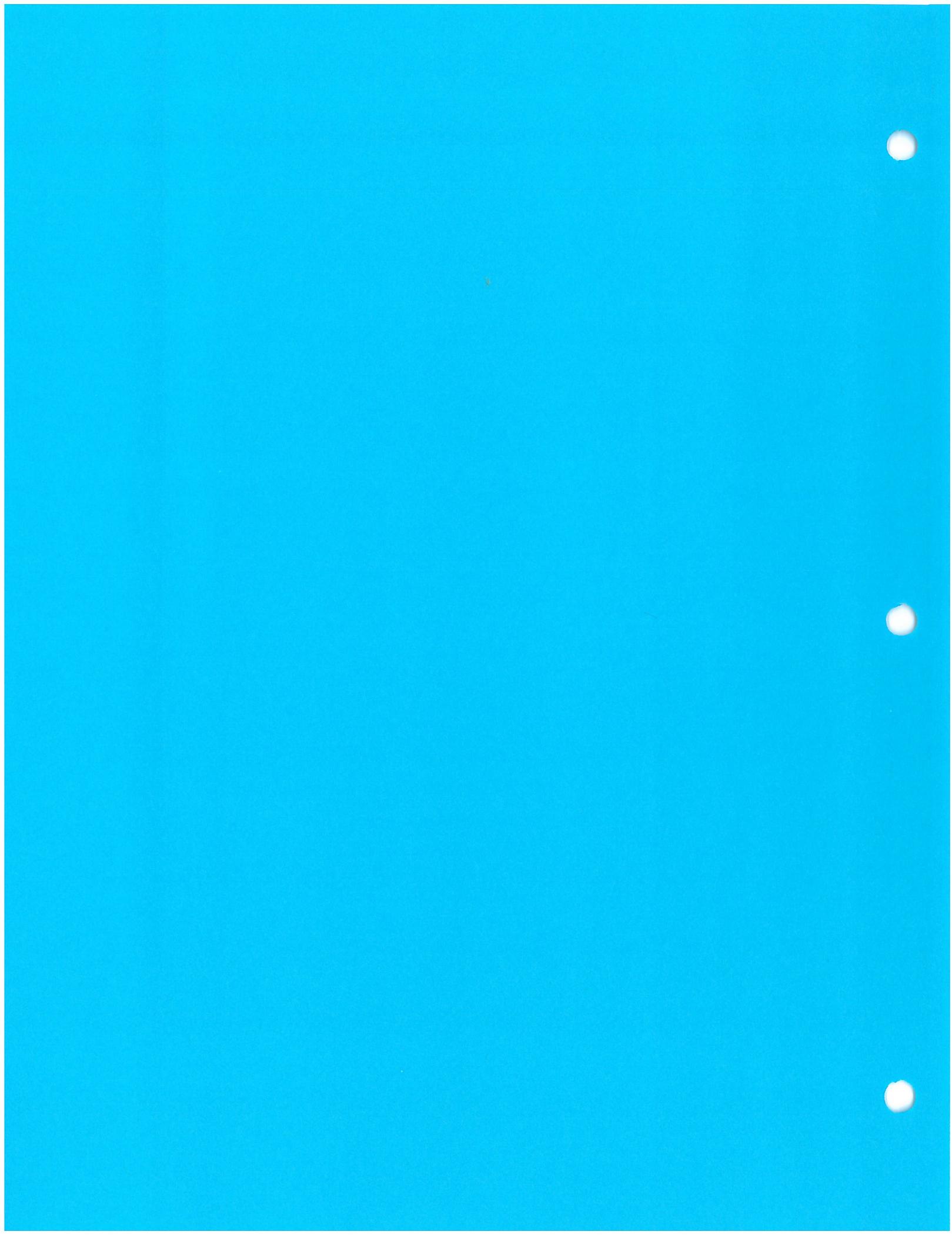
Staff will begin the meeting by briefly finalizing the discussion on the applicable regulations currently found in the City's CDC that impact infill developments and small-scale PUD's. The July 28th meeting will consist of a discussion of the relevant sections of the model codes and best practices for preparing/modifying zoning regulations to provide for infill development. The examples provided focus on addressing contextual design issues related to infill. Additionally, we will review my results of the current vacant/underdeveloped land inventory and estimation of potential infill properties which I introduced at our last meeting.

(I will have hard copies of this document for everyone at our meeting.)

NOTE:

For the following meeting (August 11th) we will review exact infill and small-scale PUD approaches from other communities and look at specific examples of successful/unsuccessful developments. Towards this end, please start to think about specific examples (inside and outside of West Linn) of projects for us to review at our next meeting.





ATTACHMENT A

Infill and Redevelopment Code Handbook

Produced under the Transportation and Growth Management Program,
Oregon Department of Transportation

This is an excerpt of the relevant portions of the States Handbook on Infill Code. It provides an excellent primer on the appropriate format for writing infill Code. This Handbook discusses, and provides a template using clear language for each section, suggesting subsections for 'problem', 'objective' and 'strategy'. While it does include provisions for commercial and mixed use developments, the most important portions for our discussions are on pgs.21-22 and 30-63.

Part 3 — Sample Code Provisions

3.1 *How to Use This Section*

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

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

■ **How to Apply the Code Provisions**

The sample code provisions can be used to:

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

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

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

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

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

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

Conclusion

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

■ Format of This Section

Under each code section, the handbook provides examples of:

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

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

3.2 *Sample Code Provisions*

■ Purpose and Intent

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

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

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

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

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

Permitted Uses in a Mixed Use Zone - Sample Code Provision

Permitted Uses in Happy Hollow Neighborhood Center Zone:

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

Discussion:

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

■ Development Standards and Guidelines

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

□ Lot Coverage

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

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

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

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

Lot Coverage - Sample Code Provisions:

1. Maximum Lot Coverage. *As applicable, the following standards shall apply in the [R-1 and R-2 zones / Happy Hollow Neighborhood (HH) zone]:*
 - a. *Single Family Detached Housing - 40 percent*
 - b. *Duplex and Triplex Buildings - [40-60] percent*
 - c. *Single Family Attached Townhomes - [60-70] percent*
 - d. *Multiple Family Housing Developments - [40-60] percent*
 - e. *Neighborhood Commercial and Mixed Use Buildings - [70-100] percent*

2. Lot Coverage Defined. *“Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished and natural grade; except for covered front porches, covered (non-enclosed) bicycle parking, pergolas, porticos, balconies, overhangs and similar architectural features placed on the front (e.g., street facing) elevation of a building.*

Discussion:

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

□ Building Setbacks

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

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

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

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

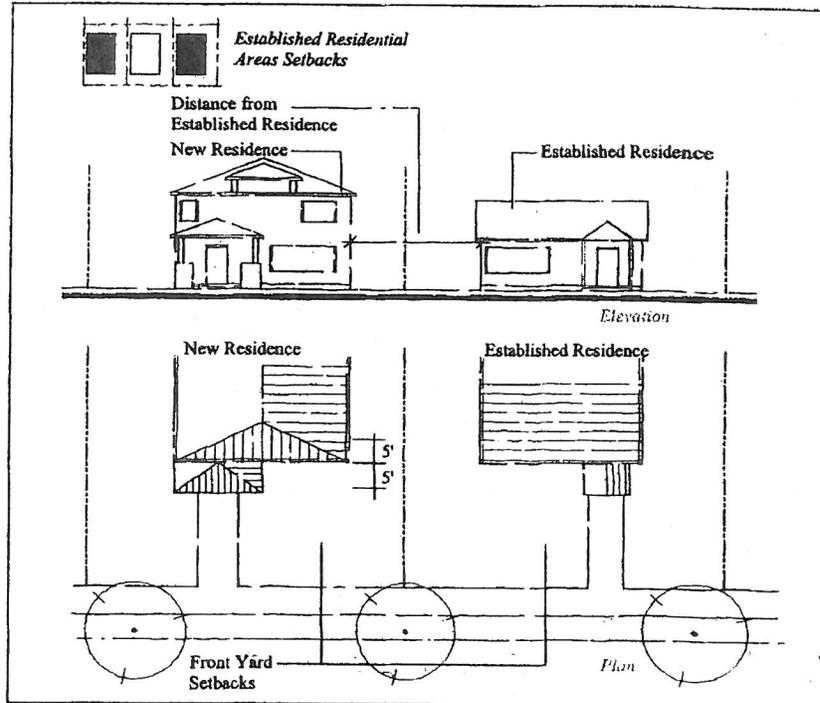
Building Setbacks - Sample Code Provisions:

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

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

Continued...

Building Setbacks - Sample Code Provisions (continued)



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

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

Discussion:

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

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

□ Building Heights

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

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

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

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

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

□ Street Frontage, Access and Circulation

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

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

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

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

Mid-Block Developments and Flag Lots - Sample Code Provisions

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

(Continued)

Mid-Block Developments and Flag Lots - Sample Code Provisions

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

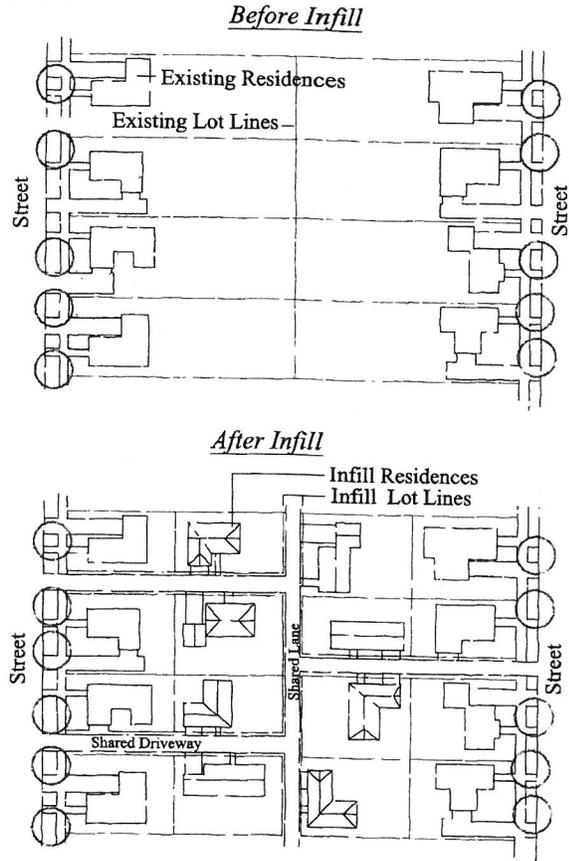


Mid-Block Infill

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

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

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



❑ Residential Density Standards

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

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

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

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

Residential Density Standards - Sample Code Provisions

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

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

Continued...

Residential Density Standards - Sample Code Provisions (continued)

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

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

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

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

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

□ Residential Building Size

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

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

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

Residential Building Size - Sample Code Provisions:

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

Discussion:

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

□ Commercial Floor Area

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

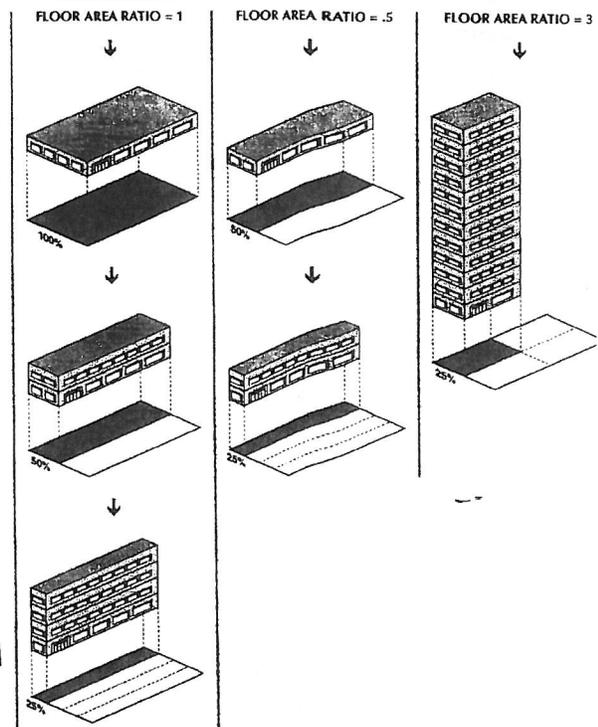
Objective: To require more efficient use of land in the downtown and provide incentives for higher-intensity development (i.e., to improve the retail shopping environment).

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

Floor Area Ratio - Sample Code Provisions:

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

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



Discussion:

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

■ Building and Site Design

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

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

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

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

□ Building Orientation

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

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

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

Building Orientation - Sample Code Provisions

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

□ Residential Open Space

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

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

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

Open Space Standard - Sample Code Provisions

Discretionary Standard:

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

Clear and Objective Standard:

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

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

□ Landscaping

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

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

Strategy: See the sample code language, below:

Landscape Standard - Sample Code Provisions

Discretionary Standard:

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

Clear and Objective Standard:

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

□ Parking

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

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

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

Parking Space Standards - Sample Code Provisions:

Combined Discretionary and Clear and Objective Standard:

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

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

□ Building Design

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

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

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

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

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

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

□ Safety and Security

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

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

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

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

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

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

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

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

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

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

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

■ Special Use Standards

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

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

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

Special Use Standards - Sample Code Provisions

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

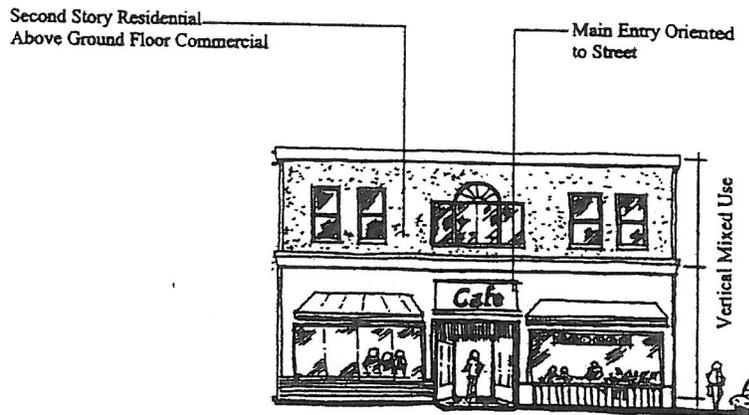
Duplexes, triplexes and townhomes (not to exceed 4 consecutively attached units) are permitted in the HH zone, subject to all of the following standards:

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

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

Special Use Standards - Sample Code Provisions (continued)

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



- a. Mixed uses shall conform to the standards for Neighborhood Commercial uses, as provided in Section 4;
- b. Residential uses shall not exceed the maximum density permitted by the HH zone;

The maximum building height may be imposed and a developer is not required to make any changes based on neighbors' comments). Code requirements should focus on ensuring proper notification of meetings. Most experienced developers will take meeting notes and share them with the neighborhood association, anyway,

or brochure for infill and redevelopment projects. For example, the guide should provide answers to "Frequently Asked Questions", contact information for permit

■ Application Requirements and Review Procedures

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

□ Before Submitting an Application

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

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

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

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

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

agencies and neighborhood associations, and project checklists for applicants.

Preapplication Conferences - Sample Code Provisions:

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

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

□ The Application

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

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

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

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

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

□ The Completeness Check

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

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

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

□ Review Procedures and Appeals

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

Problems:

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

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

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

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

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

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

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

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

