

Flag Lots discussion

Current CDC language:

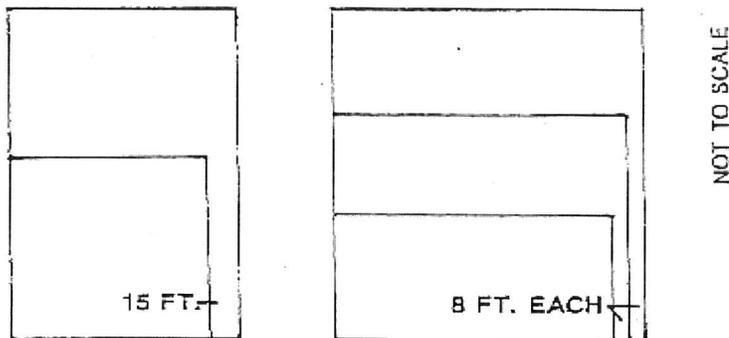
(Definition)

Flag lot. A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right of way via an access strip no less than 15 feet in width. (ORD. 1463)

(Subdivision)

7. Flag Lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be 8 feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:

FLAGLOT STEMS



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- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.
- d. The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street
 - from which the flag lot gains access.
- e. As per Section [48.030](#), the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be

accessed from the public street by an access easement of a minimum 15 foot width across intervening property. (ORD 1442)

- 8. Large Lots. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. Alternately, in order to prevent further partition of oversized lots, restrictions may be imposed on the subdivision or partition plat.

(Typical height and setback requirements (R-10))

5. The minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of Section 41.010 shall apply; and as specified in Section 26.040(D) for the Willamette Historic District. (ORD. 1175)
- b. For an interior side yard, 7 1/2 feet; except as specified in Section 26.040(D) for the Willamette Historic District.
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

6. The maximum building height shall 35 feet, except for steeply sloped lots in which case the provisions of Section [41.000](#) shall apply. (ORD. 1538)

7. The maximum lot coverage shall be 35 percent.

8. The minimum width of an accessway to a lot which does not abut a street or a **flag** lot, shall be 15 feet.

9. The floor area ratio shall be .45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of .30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a “non-conforming structures” permit under CDC Chapter [66](#). (ORD 1538)

10. The sidewall provisions of CDC Chapter [43](#) shall apply. (ORD 1538)

Potential Flag Lot CDC amendments:

To address the desire for more compatible flag lot developments, some alternative code language is provided for your consideration and discussion.

Purpose statement:

Residential flag lots allow lots to be created in situations where there is adequate lot area to divide the property into or more lots but not enough street frontage to meet the standard minimum requirement and when creation of a public through street is not required to meet the connectivity standards. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. The standards in this Section include additional restrictions on the development of flag lots in order to protect the privacy of the abutting adjacent residences and to minimize any disruption to the character of the neighborhood.

Criteria:

Flag lots can be created only where it can be shown that no other reasonable street access is possible to achieve the requested land division. Flag lots shall not be permitted unless the applicant can demonstrate compliance with the following standards.

A. The existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.

B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.” (Oregon City)

Code provisions for your consideration:

1. Access

- Permit access driveways that will terminate to be reduced to ten feet in width. Any additional width requirements beyond this must be permeable surface or specialty material (TVFR).
- Require landscaping and/or six foot fence within a buffer (4') along driveway (stem) portion (City of Portland/San Jose)
- Require access drives to extend through the partition site, “and be extended to abutting developable property to provide a continuous connecting access lane where practicable” (Lake Oswego) This could be done through an access easement until such time as connection is possible.
- No parking is permitted in the access strip (driveway) of a flag lot (Hillsboro)

2. Setbacks/ht. restrictions:

- Uniform 10 foot setbacks all sides, except for alley, then a 0' setback. (Gresham)

- If no possibility of future extension of the access, and if the garage is oriented away from the street, only have s/s/r. (Hillsboro)
- Require front setback from the access lane (Lake Oswego)
- Tiered setback requirements: example 10' to first floor, 20' for second floor (San Jose/Lake Oswego)
- FAR or building height restriction – (e.g. 28' for flag lots) (L.O.) However, should consider that if the building is setback over “X” feet from the property line, or on an oversized lot, could be exempt.
- Permit flexible setbacks, except for minimum 10' setback to access lane, (20' for garages). Side and rear yards established at time of flag lot creation: sum of which shall be greater than 50 or 45 feet, depending on the district, but never less than 10'. (Lake Oswego)

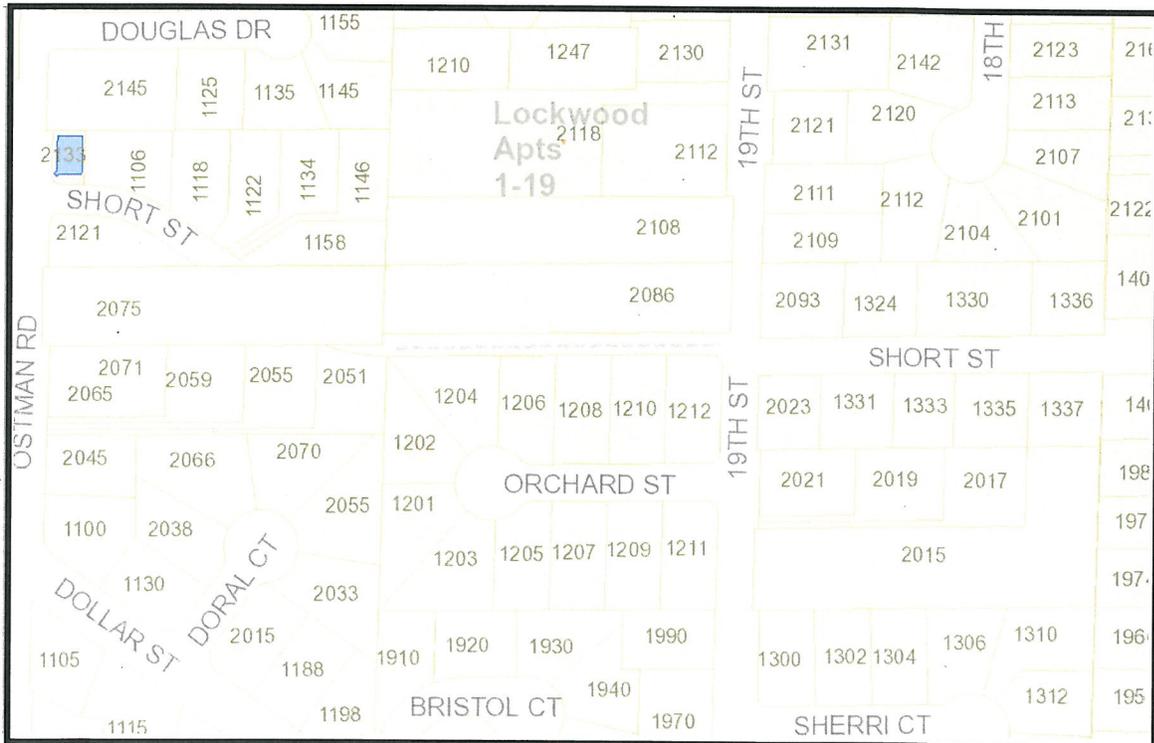
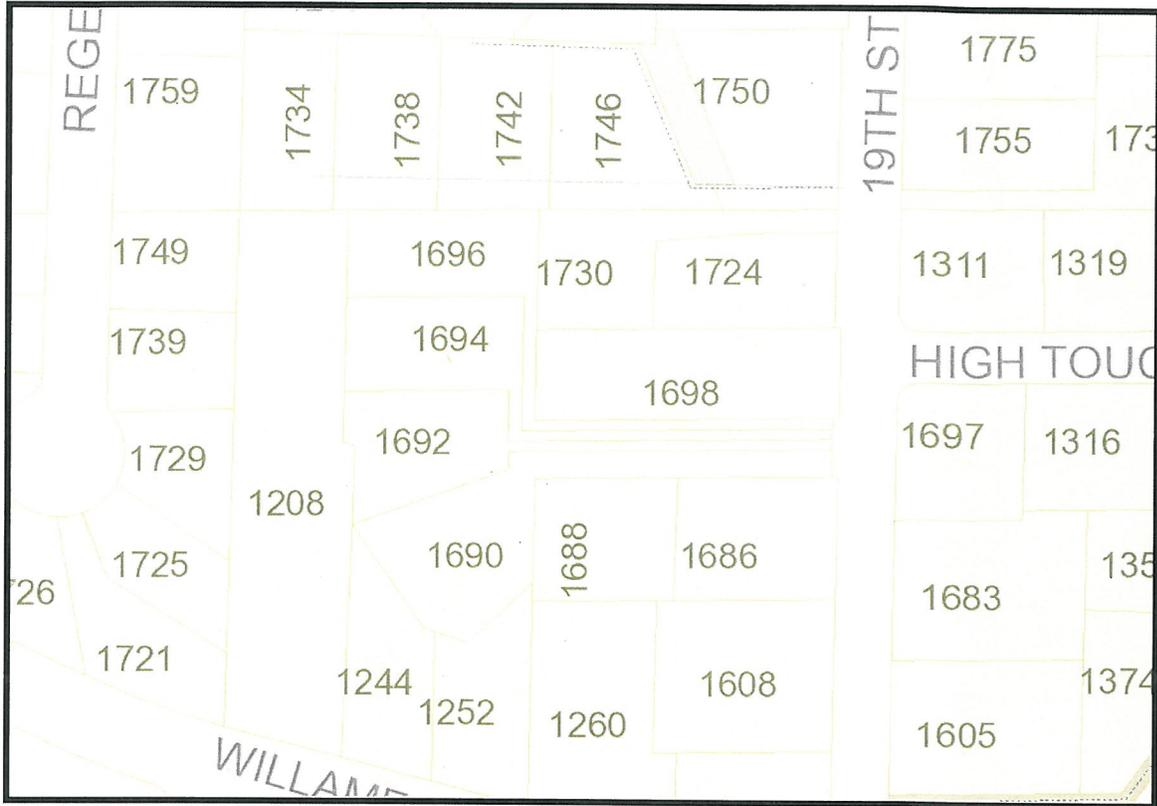
3. Privacy

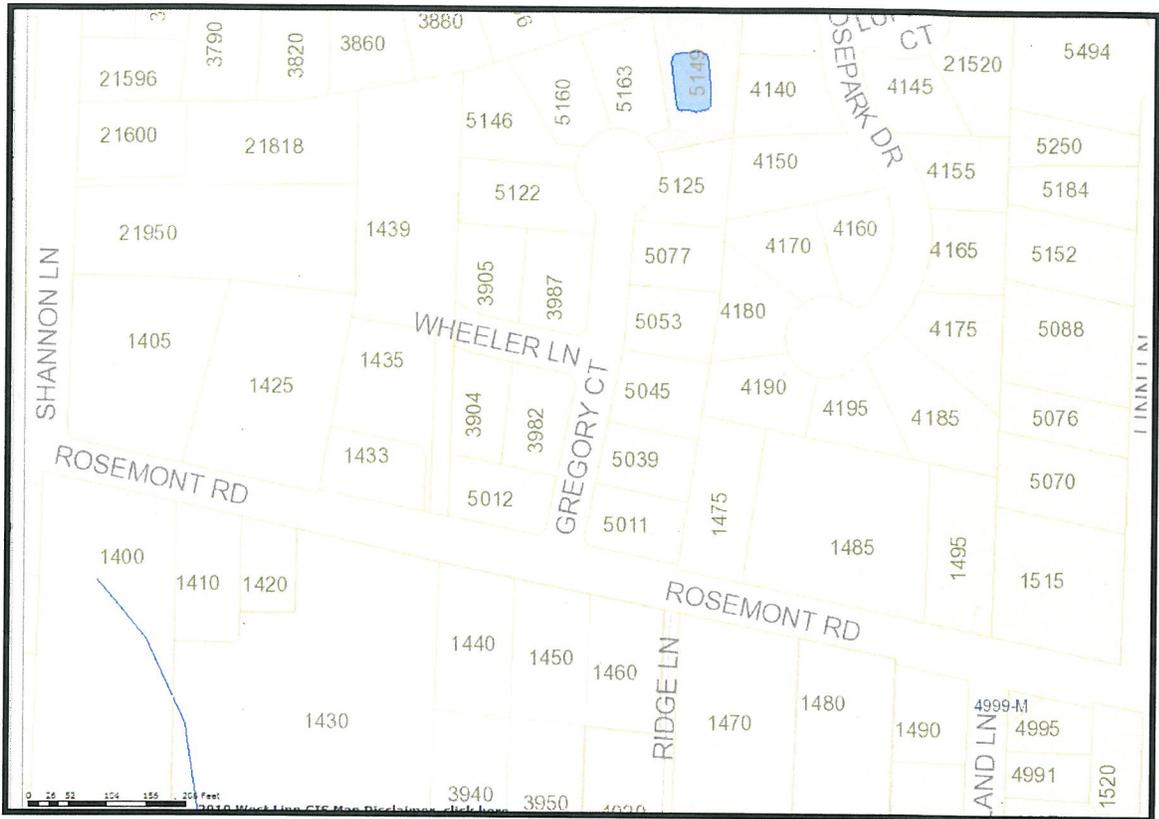
- Second floor windows and decks shall, “orient towards on-site yards, not to surrounding properties”. (Lake Oswego)
- No lot dimensions – except neither can be less than min. width of district. (Lake Oswego)
- Require 6-foot high landscaping or fence/wall adjacent to residential lots that abut the “flag” portion of the property. This would not apply to the lot line internal to the original land division site (the line between the existing home facing the street and the flag lot home behind) (City of Portland/Gresham/San Jose)
- Permit decision maker discretion and authority to apply conditions of approval (e.g. conditional use):

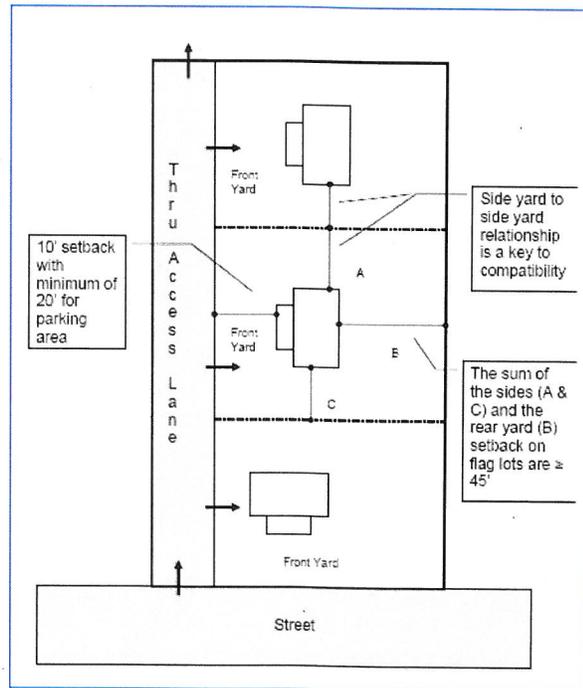
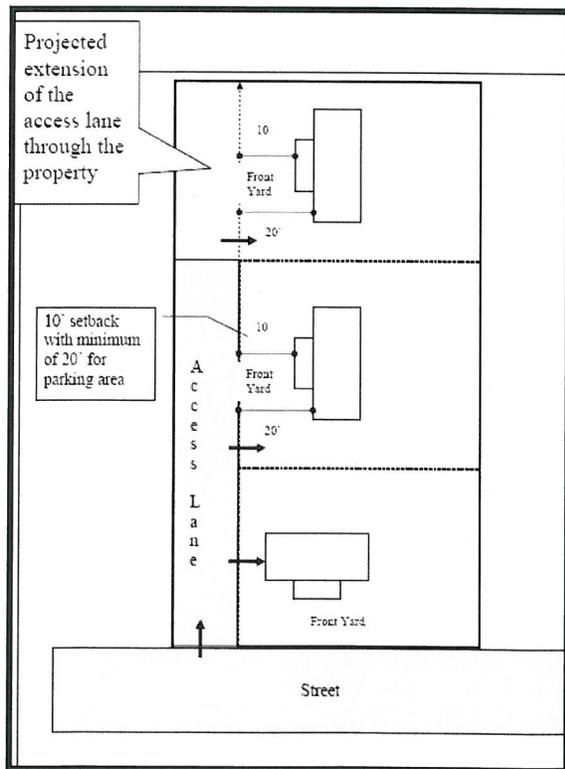
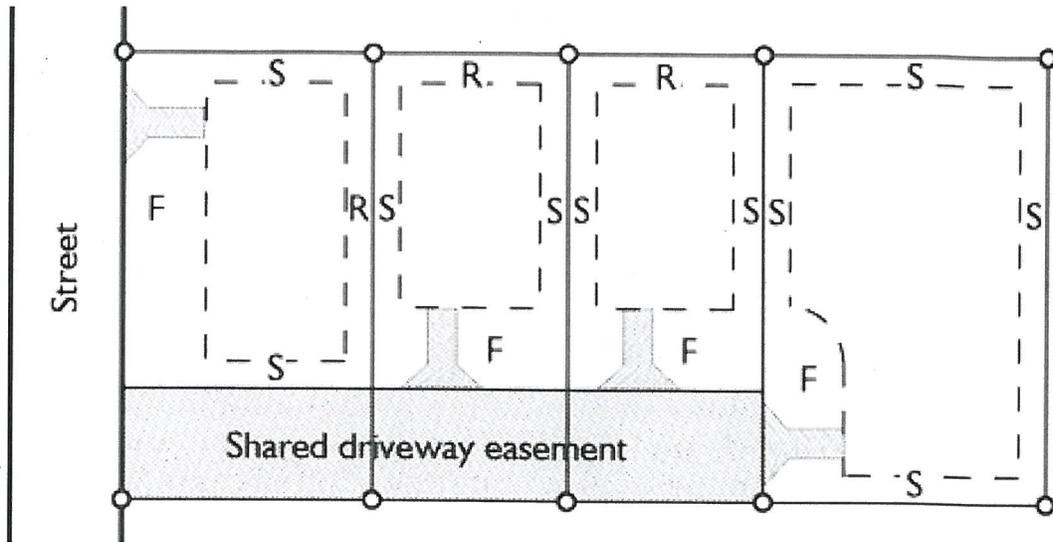
The Planning Director may impose conditions on the approval of a flag lot partition which it finds are necessary to assure compatibility with other homes in the vicinity. These conditions may include, but are not limited to, the following:

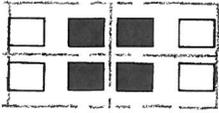
- 1. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.*
- 2. Requiring additional setback areas, lot area, or lot depth, or width.*
- 3. Limiting the building height or location of the building on the site.*
- 4. Requiring landscaping, screening of accessways.*
- 5. the number, size, location, height, and lighting of signs.*

- Limit building openings on side yards: for example windows may occupy maximum 15% of the second floor when setback is less than 25 feet. Outdoor balconies/patios in excess of 12 feet in height are prohibited within 25 feet of the property line.
- Prohibit accessory dwelling units and home occupations on flag lots (San Jose)



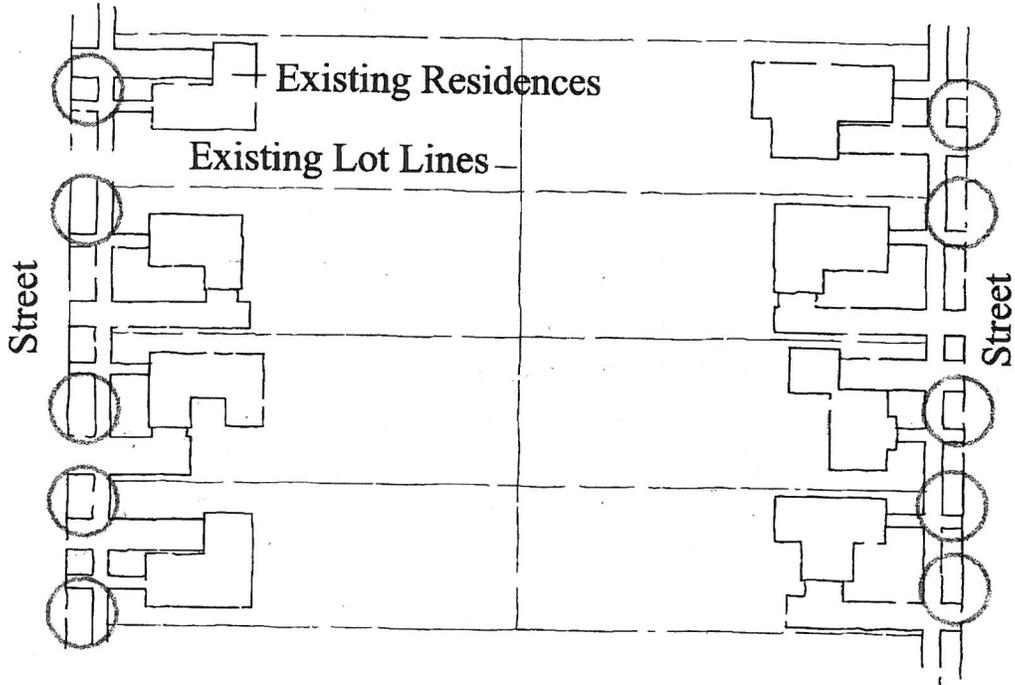






Mid-Block Infill

Before Infill



After Infill

