

**PROPOSED CHANGES:** Shown as ~~strikeout~~ text for deletions, and underline text for new language. (Changes begin on page 2.)

**50.06.003 CIRCULATION AND CONNECTIVITY**

**1. ACCESS/ACCESS LANES (FLAG LOTS)**

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**a. Definition of Access**

For the purposes of this section, access shall be defined as: "area within public right-of-way directly affected by the traffic generated by the particular development and necessary to provide safe and efficient ingress and egress to the property."

**b. Applicability**

This section is applicable to all major developments and to the following minor developments:

- i. Construction or alteration of multi-family dwelling;
- ii. Construction or alteration of major public facilities;
- iii. Construction or alteration of commercial development;
- iv. Construction or alteration of institutional development;
- v. Construction or alteration of industrial development; and
- vi. Land divisions (partitions and subdivisions).

**c. Standards for Approval**

- i. Every residentially zoned lot shall abut a street for the following minimum length:

<b>TABLE 50.06.003-1: MINIMUM STREET FRONTAGE</b>	
Residentially Zoned Lot	Minimum Street Frontage
Rowhouse	17 ft.
Flag Lot	LOC 50.07.007.2.c
All Other	25 ft.

- ii. Access design shall be based on the following five criteria:
  - (1) Topography;
  - (2) Traffic volume to be generated by the development;
  - (3) Classification of the public street from which the access is taken (residential, collector or arterial);
  - (4) Traffic volume presently carried by such street; and
  - (5) Projected traffic volumes.
- iii. Direct permanent access from a development to an arterial street is prohibited where an alternate access is either available or is expected to be available. A temporary access may be allowed only where approved by the City Engineer under LOC Chapter 42.
- iv. Direct access from a development or a structure to a local residential street is required unless such access is not available.
- v. The City may require shared access with a neighboring site or an extension of residential streets across adjacent properties to provide access to the development if necessary to prevent adverse impacts on traffic flow.
- vi. If no satisfactory access from a public street to a development is available, the City shall require postponement of the development until such time as a satisfactory access becomes available.
- vii. Access lanes created by a partition or private streets created by a subdivision shall contemporaneously provide an option of dedication to the City.

**d. Standards for Access Lanes**

**PARKING AND NUMBER OF LOTS SERVED BY AN ACCESS LANE**: Three options for amendments to the Access Lane Standards are proposed below.

Access lanes shall serve not more than eight primary dwelling units and shall meet the following minimum standards:

- i. Twenty-ft. wide easement.
- ii. Access to two to four dwelling units – 12 ft. of pavement with a four ft. shoulder on each side.
- iii. Access to five to eight dwelling units – 16 ft. of pavement with a two ft. shoulder on each side.

- iv. When providing access for four to six primary dwelling units, the access lane shall be designed to provide "on-lane" or "off-lane" parking for a minimum of two standard vehicles. ~~When providing access for seven to eight primary dwelling units, the access lane shall be designed to provide "on-lane" or "off-lane" parking for a minimum of four standard vehicles or provide an "off-lane" parking area for a minimum of four standard vehicles.~~

<u>Table 50.06.003-1: On- or Off-Lane Parking Requirements</u>	
<u>Primary Dwelling Units Served by Access Lane</u>	<u>Standard Parking Spaces Required</u>
<u>4-6</u>	<u>2</u>
<u>7-8</u>	<u>4</u>

**PARKING OPTION 1 (ABOVE) – STANDARDS FOR ACCESS LANES:** This amendment clarifies the maximum number of dwellings served by an access lane is currently eight. It also requires two additional parking spaces when an access lane serves 4-6 dwellings (4 parking spaces were already required for lanes serving 7-8 dwellings). This will affect density in some developments as the area within the access lane/parking is deducted from density calculations.

May 2017: "Primary" added to clarify that SDUs are not counted. Table added for better readability; table will be provided for any adopted parking standard that includes a similar range.

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**d. Standards for Access Lanes**

Access lanes shall serve not more than eight primary dwelling units and shall meet the following minimum standards:

- i. Twenty-ft. wide easement.
- ii. Access to two to four dwelling units – 12 ft. of pavement with a four ft. shoulder on each side.
- iii. Access to five to eight dwelling units – 16 ft. of pavement with a two ft. shoulder on each side. **iv.** When providing access for four to eight primary dwelling units, the access lane shall be designed to provide "on-lane" or "off-lane" parking at a ratio of one standard parking space per dwelling unit served by the access lane. ~~seven to eight dwelling units, the access lane shall be designed to provide "on-lane" parking for a minimum of four standard vehicles or provide an "off-lane" parking area for a minimum of four standard vehicles.~~

**PARKING OPTION 2 (ABOVE) – STANDARDS FOR ACCESS LANES:** This option also clarifies the maximum number of dwellings served by an access lane is eight. Under this amendment, no additional parking would be required for access lanes that serve two or three lots. For access lanes serving 4-8 dwellings, one “on-lane” parking spot is required for each dwelling served. This will affect density in some developments as the area within the access lane/parking is deducted from density calculations.

May 2017: “Primary” added to clarify that SDUs are not counted.

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**d. Standards for Access Lanes**

Access lanes shall serve not more than six primary dwelling units and shall meet the following minimum standards:

- i. Twenty-ft. wide easement.
- ii. Access to two to four dwelling units – 12 ft. of pavement with a four ft. shoulder on each side.
- iii. Access to five to ~~six eight~~ dwelling units – 16 ft. of pavement with a two ft. shoulder on each side.
- iv. When providing access for ~~seven to eight~~ four to six primary dwelling units, the access lane shall be designed to provide "on-lane" or “off-lane” parking for a minimum of four standard vehicles ~~or provide an "off lane" parking area for a minimum of four standard vehicles.~~

**PARKING AND LIMITS ON LOTS: OPTION 3 (ABOVE) – STANDARDS FOR ACCESS LANES:** The amendment reduces the number of lots that may be served by a private access lane from eight to six. It also would require four “on-lane” standard parking spaces for access lanes that serve four to six dwelling units. This will affect density in some developments of four or more dwelling units, as the area within the access lane/parking is deducted from density calculations, and the number of flag lots served by an access lane is limited to six. Public street frontage will be required for developments (or combined developments) of seven or more lots, which will likely reduce density due to right-of-way dedication and additional area needed for a wider street and required turnaround compared to access lanes. This option would also potentially increase the number of short public street segments that the City would need to maintain; Engineering has reviewed.

May 2017: “Primary” added to clarify that SDUs are not counted.

- v. Access lanes shall align with existing and/or planned streets or access lanes where practicable.
- vi. All new or modified ~~driveways~~ access lanes shall follow access spacing as shown in Table 50.06.003-2, Access Spacing, where practicable, and, as determined by the City Engineer, shall not create a traffic operational or safety conflict.

TABLE 50.06.003-2: ACCESS SPACING	
Functional Classification	Minimum Spacing
	<del>Private Driveways</del> Access Lanes (ft.)
Major Arterial	300
Minor Arterial	200
Major Collector	150
Neighborhood Collector	100
Local Residential Street	50
Local Commercial/Industrial Street	50

**ACCESS LANES:** These amendments clarify that these design standards apply to access lanes (which currently serve 2-8 dwelling units), and do not apply to driveways, which only serve one dwelling unit. Note title of the subsection: "Standards for Access Lanes."

**e. Traffic Study**

Determination of the location and configuration of an access shall be based on a traffic study, unless otherwise approved by the City Manager.

**f. Expenses Borne by Developer**

The expense related to modification of an existing street to accommodate proposed access including all traffic control devices and lighting shall be paid for by the developer.

**g. Distance between Access and Nearest Intersection**

Except for partitions, access from a development to a collector or an arterial shall be not less than 100 ft. from the nearest intersection of street centerlines.

## 50.07.007 LAND DIVISIONS

### 1. REQUIREMENTS FOR LAND DIVISIONS

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All land divisions shall meet the requirements of this Code including all zone district standards and dimensions except as modified in this section.

### 2. FLAG LOTS

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#### a. Purpose; Applicability

- i. The purpose of the flag lot section is to:
  - (1) Enable the efficient use of residential land and public facilities and services,
  - (2) Provide standards for site, building, and design compatibility of the new development with the existing neighborhood character,
  - (3) Reduce the area of impervious surface resulting from redundant access paving, and improve the appearance where pavement is necessary, and
  - (4) Minimize the disturbance of natural resources.
- ii. The provisions of this section shall apply to all land divisions and lot line adjustments creating flag lots in residential zones, and to any development occurring on a flag lot in a residential zone created after September 6, 1998.

Exception: These provisions do not apply to existing flag lots that are reconfigured through a Lot Line Adjustment; the standards in effect at the time of the existing flag lot's creation remain applicable.

- iii. Compliance with Zone Standards. Flag lots shall comply with the requirements of the underlying zone except where noted in this article. A land division or lot line adjustment creating a flag lot shall also comply with any specific residential design criteria contained within an applicable adopted neighborhood plan.

Exception: Specific residential design criteria contained within an applicable adopted neighborhood plan do not apply to existing flag lots that are reconfigured through a Lot Line Adjustment.

**CREATION OF FLAG LOT:** Under the legal lot determination analysis, "creation" of a lot includes reconfiguration through a Lot Line Adjustment (LLA). Because orientation and setbacks of flag lots changed considerably in 2010, a LLA that "creates" a new flag lot could create non-conformities with setbacks and orientation. This amendment exempts applicability of current flag lot standards to existing flag lots (developed or undeveloped) that have their boundaries adjusted through a LLA.

May 2017: Previous proposed amendment would exempt only developed flag lots that are reconfigured by LLA. But even applying new standards/orientation to vacant flag lots will create non-conformities, particularly with fence and landscaping locations. Clarified that the standards in effect at the time of the existing flag lot's creation – and recorded on the property – remain applicable.

#### iv. Parcelization Plan

In addition to the general application requirements for land divisions or lot line adjustments, an application to create a flag lot shall include a conceptual plan of complete parcelization of the subject property [illustrating the maximum potential density](#), and shall include a site plan illustrating the location of existing structures on adjacent parcels. The reviewing authority may impose conditions in order to ensure that parcelization of the subject property will not preclude the development of surrounding properties. Such conditions may be related (but not limited) to access, circulation, building location, utility availability, and natural resource protection.

**May 2017:** Clarifies that the parcelization plan should show maximum potential density.

#### b. Exceptions

The reviewing authority may allow exceptions to this section without the need to obtain a formal variance pursuant to LOC Article 50.08, Variances, in one or more of the following circumstances:

- i. Landscaping required by LOC 50.07.007.2.f.i as separation between driveways, which would not result in screening or buffering as intended due to topography, lot configuration, or existing natural resources which would be preserved, may be modified or may not be required;
- ii. Setback adjustments of up to two ft. which are necessary to site a dwelling in compliance with this article, or will result in additional separation from existing dwellings on surrounding lots, may be permitted;
- iii. If an existing structure(s) would be located on a proposed flag lot created by partition and the structure(s) would become noncomplying with any regulation of this Code, the proposed partition may be approved if the standard causing the noncompliance can be adjusted under LOC 50.04.003.2, General Exception to Lot Area and Dimension Requirements.
- iv. Minimum driveway widths of 12 ft. required by LOC 50.07.007.2.c.iii may be reduced, when approved by the City of Lake Oswego Fire Marshal.

#### c. Access

**CONNECTED ACCESS LANES/ORIENTATION:** Two options for amendments to the flag lot Access Standard are proposed below. Both include clarifying amendments. The first option maintains the requirement that access lanes be planned to extend through a development site and connect to any abutting developable property. The second eliminates this requirement.

i. When creating flag lots, the reviewing authority shall require that access to the flag lots is consolidated into a single shared access lane with ~~access to the non-flag lot(s) parent parcel~~ or off site, wherever practicable. If not practicable, then new lots may have individual access points~~an additional access may be allowed on site or off site.~~

i.ii. Access lanes shall extend through the ~~partition~~ development site ~~and be extended~~ to abutting developable property to provide a continuous connecting access lane where practicable.

**MAINTENANCE 1:** The “parent parcel” ceases to existing after the LLA or land division that creates a flag lot; reference is changed from “parent parcel” to “non-flag lot(s)”.

**MAINTENANCE 2:** “Partition” site changed to “development” site because flag lots can be created through lot line adjustments, partitions and subdivisions.

**OPTION 1:** No change to the requirement to connect access lanes on abutting flag lot developments.

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**c. Access**

i. When creating flag lots, the reviewing authority shall require that access to the flag lots is consolidated into a single shared access lane with ~~access to the non-flag lot(s) parent parcel~~ or off site, wherever practicable. If not practicable, then new lots may have individual access points~~an additional access may be allowed on site or off site. Access lanes shall extend through the partition site and be extended to abutting developable property to provide a continuous connecting access lane where practicable.~~

**MAINTENANCE 1:** The “parent parcel” ceases to existing after the LLA or land division that creates a flag lot; reference is changed from “parent parcel” to “non-flag lot”.

**MAINTENANCE 2:** “Partition” site changed to “development” site because flag lots can be created through lot line adjustments, partitions and subdivisions.

**OPTION 2:** In addition to the maintenance amendments described immediately above, this option removes the requirement to extend the access lane to make potential connections to abutting developable property (i.e., remove last sentence of subsection c(i) above). This would not preclude connected access lanes if developers/property owners agreed to the connection, and all other standards (i.e., paving width, on-lane parking, limits on the number of lots served by an access lane) could be met by the connection.



- ii. Flag lots shall have access to a public or private street; however, actual street frontage shall not be required.
- iii. A driveway shall be used to serve a single property. An access lane shall serve no more than eight properties.
  - (1) Driveway widths shall be a minimum of 12 ft. Driveway length, construction standards, and turnaround requirements shall be determined by LOC 50.06.003.2, On-Site Circulation – Driveways and Fire Access Roads.
  - (2) See LOC 50.06.003.1.d, Standards for Access Lanes, for width of access lanes.
- iv. No more than two driveways or access lanes shall be permitted within a distance equal to the minimum lot width of the underlying zone, or within 50 ft. of each other if no minimum exists, as measured from the closest edge of each driveway or access lane.
- v. All ~~dwelling~~~~buildings~~ on flag lots must post an address at the beginning of the driveway or access lane. The address shall be no less than six in. tall, must be on contrasting background, plainly visible, and must indicate the direction to the ~~building~~~~dwelling~~.

**Note:** Subsection c(iii) will have to be amended if the number of lots served by an access lane is reduced.

**d. Lot Configuration Requirements**

**i. Determination of Front Yard**

**SETBACK ORIENTATION:** Two options are presented below for setback orientation on the “last” flag lot, or the flag lot furthest from the public street connecting to the access lane.

The front yard shall be determined as follows:

- (1) Except ~~for a lot that fronts on a public street, as provided below,~~ the front yard(s) of a flag lot shall be measured from the access lane or from a projected extension of the access lane through the property (see LOC 50.07.007.2.e.v for setback requirements).

**Exception 1:** For flag lots that are accessed by a “pole” that is part of the flag lot, and for flag lots where the access lane cannot be extended to connect to abutting developable property due to the presence of natural resources, slope or other constraints, the front yard setback shall apply and is measured from either the property line most parallel to the public street or the property line most parallel to the orientation of the access lane or “pole.”

**OPTION 1 (ABOVE): FLEXIBILITY WHEN ACCESS LANE CAN'T CONNECT:** The Planning Commission requested an option be presented that would maintain flexibility on flag lots where the access lane cannot extend/connect to abutting developable properties due to sensitive lands, topographic constraints, development pattern, etc. On properties with such constraints, this amendment would apply the zone front setback (25 feet in R-15, R-10, R-7.5; 20 feet in R-5, R-3 and R-0), measured from either the property line parallel to the public street (similar to the Uplands proposal) or to the property line parallel to the orientation of the access lane. As presented below, the Planning Commission is also seeking public input on whether access lanes should be required to connect to and through abutting developable properties where these impediments do not exist, as private access lanes do not provide public access. Where connectivity for public access is needed, a public street dedication or pedestrian access easement and future street plan would be required under a separate code provision (Street Connectivity).

May 2017: The current flag lot standards treat a single flag lot that accesses via a pole (i.e., it “fronts” on a public street) differently from a single flag lot that accesses through an easement (no frontage). In the former case, the 25-foot front yard is measured from the property line abutting the street. This discrepancy is identified in Exception 1 (moved from introduction). The flexibility proposed for the “last” flag lot should apply to the flag lot in two-parcel partitions: front either measured from property line parallel to the public street, or along property line parallel to access easement. [Prior to 2010, “front” always measured from property line most parallel to public street; the Flag Lot Amendments in 2010 which created the streetscape/orientation to the access lane created this discrepancy]. The option allows flexibility – the remaining setbacks would be distributed according to formula and abutting development pattern; the applicant’s burden is to show how the setback distribution responds to existing development on abutting properties. *Note to staff: check Uplands language and be consistent, if possible.*

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The front yard shall be determined as follows:

- (1) Except ~~for a lot that fronts on a public street,~~ as provided below, the front yard(s) of a flag lot shall be measured from the access lane or from a projected extension of the access lane through the property (see LOC 50.07.007.2.e.v for setback requirements).

**Exception 1:** For flag lots that are accessed by a “pole” that is part of the flag lot, and for flag lot(s) at the farthest end of the access lane, the zone front yard setback shall apply and is measured from either the property line most parallel to the public street or the property line most parallel to the orientation of the access lane.

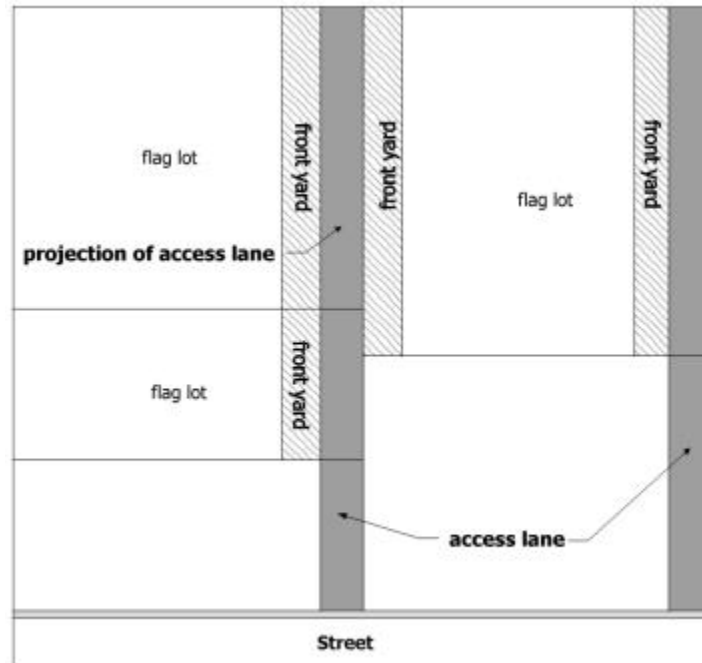
**OPTION 2 (ABOVE): DELETE REQUIREMENT TO CONNECT ACCESS LANES, ADD SETBACK FLEXIBILITY FOR “LAST” FLAG LOT:**

The Planning Commission requested an option be presented that would eliminate the requirement that private access lanes be planned to connect to abutting developable property. This option deletes the requirement that access lanes have to connect (now or in the future) to abutting developable properties. It also provides flexibility on setbacks for the “last” flag lot: the amendment would apply the zone front setback (25 feet in R-15, R-10, R-7.5; 20 feet in R-5, R-3 and R-0), measured from either the property line parallel to the public street (similar to the Uplands proposal) or to the property line parallel to the orientation of the access lane. Where connectivity for public access is needed, a public street dedication or pedestrian access easement and future street plan would be required under a separate code provision (Street Connectivity).

May 2017: See previous note about setbacks applied to flag lots that access via pole v. easement. Add flexibility to option recommended by PC.

~~(2) A front yard occurs on either side of the access lane of the flag lot. See Figure 50.07.007 A: Flag Lot Front Yard.~~

**Figure 50.07.007 A: Flag Lot Front Yard**



**DOUBLE FRONT YARD ON FLAG LOTS:** May 2017: The situation described in the graphic – i.e., that access lanes are located on two sides of a flag lot – has never occurred in the 8 years that this has been effective. This requirement sets up the impossibility of requiring a dwelling to “orient” in two opposite directions – see e(i)(1), Building Orientation, below. Staff recommends deleting this subsection and graphic.

**ii. Lot Width**

Lot width shall be measured by a line connecting two points on opposite side yard property lines, that will result in a line parallel to the front yard.

**iii. Lot Size**

Area of access easement or flagpole shall be deducted from the gross acreage of the flag lot. The "flag" portion of the lot shall be equal to or exceed the square footage of the underlying zone.

**e. Building and Site Design Standards**

**i. Building Orientation**

**ORIENTATION OPTIONS:** Two options are presented below for Orientation, dependent upon whether the requirement to connect access lanes is retained or removed.

The reviewing authority shall require the following:

- (1) New dwellings on flag lots shall have the front of the house oriented towards the access lane or from a projected extension of the access lane through the property.

Exception: This provision does not apply to dwellings on flag lots where the access lane cannot be extended to abutting developable property due to the presence of natural resources, slope or other constraints.

**OPTION 1 (ABOVE): FLEXIBILITY WHEN ACCESS LANE CAN'T EXTEND:** The Planning Commission requested an option be presented that would maintain flexibility on flag lots where the access lane cannot extend/connect to abutting developable properties due to sensitive lands, topographic constraints, development pattern, etc. If an access lane cannot be extended to abutting property, there is little reason to require the front of the house to orient toward an access lane extension that will never be used. [The stated reason for this 2010 orientation amendment was to create a "streetscape" along the access lane.] This amendment adds flexibility to the location of the front of the house (Note: the "front of the house" does not have to coincide with the front setback).



**i. Building Orientation**

The reviewing authority shall require the following:

- (1) New dwellings on flag lots shall have the front of the house oriented towards the access lane or from a projected extension of the access lane through the property.

Exception: This provision does not apply to flag lot(s) at the furthest end of the access lane.

**OPTION 2 (ABOVE): FLEXIBILITY ON "LAST" FLAG LOT, NO CONNECTION REQUIRED:** The Planning Commission requested an option be presented that would eliminate the requirement that private access lanes be planned to connect abutting development. If the requirement to connect access lanes is removed, this amendment deletes the orientation standard for the "last" flag lot(s) along an access lane. With no connection, there is no reason to provide orientation to the lane for improved "streetscape".

(2) Buildings shall be oriented to provide the maximum separation and privacy from existing dwellings on abutting lots outside of the partition site. The reviewing authority may require conditions of approval to include measures such as specific building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings.

~~ii. Garage placement shall be reviewed at the time of building permit application to ensure minimum visibility of the garage from the street. Garage placement shall meet the following requirements:~~

~~(1) Be side loading where a turning radius can be provided that allows for a minimum of 24 ft. separation from the garage door and any obstructions or property lines, or~~

~~(2) Be placed such that no more than 40% of garage wall area is visible from the intersection of the flag lot driveway and street.~~

~~(3) Garage Wall Facing Street. When a garage has wall(s) facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least 10% of the garage wall. When the lot is a corner lot (abutting two or more streets), this subsection is applied to each wall that faces a street.~~

~~(a) To demonstrate compliance with this standard, building elevations shall be submitted which depict the facade area facing the street at a width equal to the access easement.~~

~~(b) The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall facing the street. For buildings with more than one wall (plane) along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.~~

**GARAGE APPEARANCE AND LOCATION STANDARDS:** Deleted in entirety because garages on flag lots are never close enough to a public street for these standards to have any practical effect. The Garage Appearance and Location standards are meant to minimize the appearance of a garage from the street. The garage design standards that apply to Non-Flag lots are not applicable to garages that are at least 60 feet from a public right-of-way, regardless of whether the garage doors face the street. In flag lot developments in all zones, the garage face on a flag lot could be no closer to the street than 75 feet. For example, using minimum dimensional standards of the R-5 zone (20-foot front setback and 20-foot rear setback on non-flag lot), and assuming only a 25 foot deep building envelope, plus a 10 foot side setback on the abutting flag lot, the flag lot dwelling is 75 feet from the street.

### iii. Maximum Structure Height

The height of a single-family residential structure and any accessory structures on a flag lot shall not exceed:

**(1)** For flag lots created after August 14, 2003, the taller of:

**(a)** Twenty-two ft., or

**(b)** The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the development site:

**(i)** The maximum height permitted in the underlying zone shall be used for calculating the average, except:

1. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average.

**(2)** For flag lots created before August 14, 2003, the taller of:

**(a)** The maximum building height limitation established at the time of creation of the flag lot. The methodology used to calculate the maximum building height permitted by this subsection shall be the same methodology used at the time of lot creation to establish the maximum building height, or

**(b)** Twenty-two ft. (see LOC 50.10.003.2, Height of Building, for methodology).

The City Manager may execute and record amendments to previously recorded development restrictions, upon the owner's or adjacent property owner's request, or at the City's discretion, if necessary to reflect a taller building height limitation than previously approved.

### **(3) Modification of Approved Building Height**

The maximum building height of single-family residential structures and accessory structures on a flag lot (whether created prior to or after August 14, 2003) may be modified from that previously determined at the time of creation of the flag lot to the average height of all dwellings on properties abutting the development site. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average. Where an existing structure on an abutting lot exceeds the maximum height allowed by the

underlying zone, then the maximum height permitted by the underlying zone shall be used for purposes of calculating the average.

An application for modification of maximum building height for a flag lot shall be processed pursuant to LOC 50.07.003.11, Modification of Development Permits, as a new application. The City Manager may execute and record amendments to previously recorded development restrictions.

#### **(4) Exceptions to Maximum Structure Height**

A greater height than otherwise permitted for roof forms or architectural features, such as cupolas or dormers, may be allowed pursuant to LOC 50.04.001.1.g.ii, 50.04.001.2.g.ii, or 50.04.001.3.f.v(2).

#### **iv. Access Lane Siting**

The access lane shall be located no closer than five ft. to any existing dwellings.

#### **v. Setback Requirements**

**Setback Options:** Two options are presented below for the front yard setback, dependent upon whether the requirement to connect access lanes is retained or removed.

- (1)** The standard front yard setback of the zone shall be superseded by the following front yard requirement: A minimum ~~15~~<sup>ten</sup>-ft. front yard setback is required from the access lane, except that a 20-ft. setback is required from the access lane to the front of a garage or carport when the garage or carport opening faces the access lane. For flag lot partitions that receive a minor variance to the determination of the front yard, per LOC 50.08.002.2.m, the setbacks from the access lane described above shall apply. For purposes of this standard, the access lane shall include the projected extension of the access lane through the property as illustrated in Figure 50.07.007-B: Access Lane.

**Exception:** This provision does not apply to dwellings on flag lot(s) at the farthest end of the access lane where the access lane cannot be extended to abutting developable property due to the presence of natural resources, slope or other constraints. In such case, the zone front yard setback shall apply and be measured either from the property line most parallel to the public street or the property line most parallel to the orientation of the access lane.

**FRONT SETBACK INCREASE:** Front Setback, as measured from the access lane, is increased from 10 feet to 15 feet; Planning Commission felt that 10 foot setback creates crowded feeling along access lane. Where the zone setback is required, the front yard would be 25 feet in R-15, R-10, R-7.5; or 20 feet in R-5, R-3 and R-0.

**OPTION 1 (ABOVE) - FLEXIBILITY WHEN ACCESS LANE CAN'T EXTEND:** Where an access lane is not extended, this amendment would apply the zone front setback (25 feet in R-15, R-10, R-7.5; 20 feet in R-5, R-3 and R-0), measured from the property line (not access lane extension).





**v. Setback Requirements**

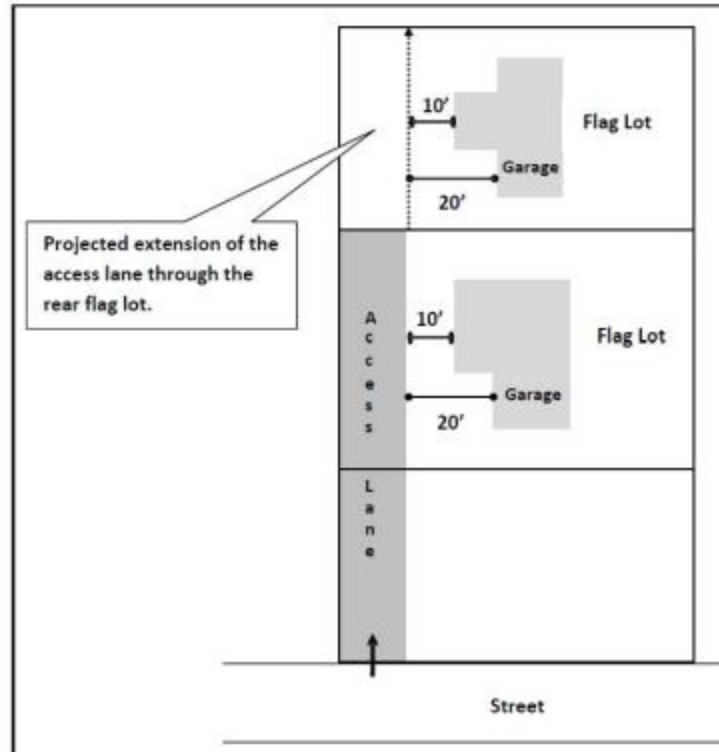
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Exception: This provision does not apply to the flag lot(s) at the farthest end of the access lane. In such case, the zone front yard shall apply and be measured from either the property line most parallel to the public street or the property line most parallel to the orientation of the access lane.

**FRONT SETBACK INCREASE:** Front Setback, as measured from the access lane, is increased from 10 feet to 15 feet. Where the zone setback is required on a rear lot, the front yard would be 25 feet in R-15, R-10, R-7.5; or 20 feet in R-5, R-3 and R-0.

**OPTION 2 (ABOVE) – FRONT SETBACK FLEXIBILITY IF ACCESS LANE CONNECTION REQUIREMENT DELETED:** If the requirement to connect access lanes is removed entirely, this amendment provides flexibility to the flag lot at the farthest end of the access lane. This amendment would apply the zone front setback (25 feet in R-15, R-10, R-7.5; 20 feet in R-5, R-3 and R-0), measured from either the property line most parallel to the public street or the property line parallel to the orientation of the access lane.

Figure 50.07.007-B: Access Lane



- (2) Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards ~~which that~~ have abutting property lines.
- (3) The side and rear yard setbacks shall be established at the time of flag lot creation, subject to the following requirements:
- (a) The sum of the side and rear yard setbacks on flag lots shall be not less than:
- (i) ~~50~~Fifty ft. in R-10 and R-15 zones; and
  - (ii) ~~45~~Forty five ft. in ~~the R-7.5 zone~~residential zones other than R-10 and R-15.; ~~and~~
  - (iii) ~~35~~ 35 ft. in the R-5, R-3 and R-0 zones.
- (b) In applying the flexible standard, provide yard dimensions that are similar to the yard dimensions of primary structures on abutting properties that are not part of the partition site and that abut the rear or side yards of the flag lots, but in no event shall the rear or side yard established under this section be less than:
- (i) ~~7~~Ten ft. in the R-15, R-10 and R-7.5 zones, and
  - (ii) ~~7.5~~ 7.5 ft. in the R-5, R-3 and R-0 zones.

**LANDSCAPING/BUFFER ALONG ACCESS LANE:** Removes requirement that buffer must be provided along the interior (house-side) of access lane. As illustrated in the graphic below, landscaping would only be required between the access lane and the exterior property line of the parent parcel. If access is provided in the middle of the site, no landscaping on either side of the access lane would be required.

**SETBACK DISTRIBUTION:** In the R-5, R-3 and R-0 zones, the cumulative rear and side setbacks had to add to 45 feet on flag lots, which was 15 feet more than the cumulative rear and side setbacks on non-flag lots. Staff could find no legislative history that this discrepancy was intentional, and the stated reason for the setback distribution was to “provide flexibility while maintaining the same overall combined setback total.” The cumulative side and rear setbacks on non-flag lots is 30 feet (20 ft. rear and 5 ft. on each side). The proposed cumulative of 35 feet, with nothing less than 7.5 feet, is closer to the non-flag distribution and will generally ensure that one yard is bigger (i.e., a rear yard). [Flag lot opportunities in R-5, R-3 and R-0 zones are fewer than in the other zones. This amendment does not affect density.]

May 2017: Updated number conventions to match rest of Chapter 50: Only numbers below eleven are written out.

#### vi. Lot Width Requirements

The lot width dimension of a flag lot shall ~~be not~~ be less than the minimum lot width requirements of the underlying zone.

#### vii. Lot Coverage and Floor Area

For the purposes of calculating lot coverage and floor area on flag lots, the area of access easement or flagpole shall be deducted from the gross acreage of the flag lot.

**LOT COVERAGE AND FLOOR AREA BASED ON NET SITE AREA:** Consistent with the intent of 2010 Flag Lot Amendments, this section clarifies that lot coverage and floor area on a flag lot are calculated on the net area (i.e., the area in the access lane/flag pole is deducted from the gross lot size). Currently, lot coverage is based on net lot area on flag lots but floor area is based on gross lot area. Staff recommends stating this specifically in the Flag Lot section rather than amending numerous definitions in LOC 50.10.003.

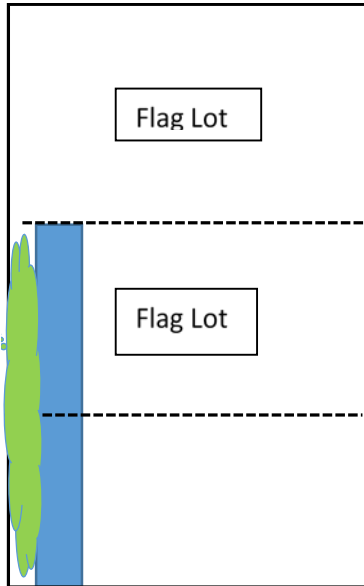
**f. Screening, Buffering and Landscape Installation**

- i. A minimum five-ft. landscape strip shall be provided between the access lane and the exterior lot line perimeter of the development site when the shared access lane is ~~provided~~ located along the perimeter of the development site, ~~site, and along both sides of the access lane when the shared access is provided at the interior of the development site, abutting both sides of the access lane serving flag lots except for pedestrian and vehicle access to the flag lot(s) served by the access lane.~~ Where land area is not sufficient to accommodate a ~~the~~ five-ft. wide landscape strip ~~on either side of the new access lane~~, the reviewing authority may impose conditions of approval to include measures that will provide effective buffering and screening. These measures may include landscaped islands, fencing, and meandering access lane.

The reviewing authority shall require the landscape strip to be planted with trees and shrubs in order to mitigate the visual impact of wide expanses of pavement, and to provide a visual buffer between the access lane and the affected dwelling(s) located on abutting parcels. Plant materials used for screening and buffering shall be of a size to provide an effective screen within two years of planting. Trees shall be a minimum two-in. caliper, and shrubs shall be a minimum of five-gallon at time of planting. Maintenance of the buffer is an ongoing obligation of the property owner.

Exception: Trees are not required when the City Engineer finds that trees would conflict with utilities.

**LANDSCAPING BUFFER ON INTERIOR SIDE OF ACCESS LANE:** The requirement to provide landscaping on the interior side of the access lane has been deleted; it is often removed by the homeowner and does nothing to buffer existing development from flag lot development impacts. Landscaping only required along exterior, as shown below:

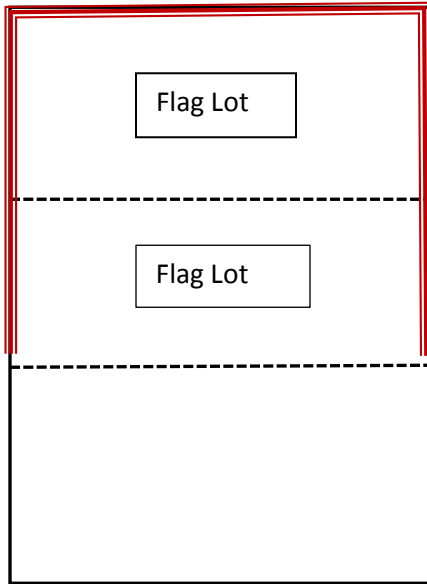


**CONFLICT BETWEEN UTILITIES AND FLAG LOT LANDSCAPING:** The Engineering staff noted the potential conflict between utilities (which are often placed within the access lane/easement) and the requirement of trees in close proximity; current policy is to prohibit trees within public easements. This amendment makes an exception to the tree requirement when utilities are present. [Note: the revisions to the flag lot fencing requirement should effectively buffer the access lane from the views of immediately abutting properties.]

- ii. Existing mature vegetation and trees shall be integrated as screening where practicable. The reviewing authority may require dwelling and garage placement or orientation in a manner that will minimize the removal of specific trees, hedges, or other vegetation that would serve to screen the proposed structures from existing and potential surrounding homes.

ii.iii. The perimeter of the~~rear and side yards of the~~ flag lot(s) shall be screened from abutting lots outside of the development~~partition~~ site with a six-ft. tall fence, except:

**FLAG LOT FENCING:** The “sides and rear” of flag lots must be fenced, but with the change in orientation in 2010, the “sides and rear” were rotated 45-degrees. This amendment would require fencing at the perimeter of any new flag lot. *Graphic to be developed – see rough outline below.*



- (1) Where a four-ft. fence is required by LOC 50.06.004.2.b.i, Fences, or where such screening would conflict with standards for Sensitive Lands Overlay Districts; or
- (2) Where the fence would be located within a wetland or stream channel;~~or.~~

- iv. A landscaped buffer within the ~~rear~~ deepest side or rear yard provided in compliance with the flexible setback standard of LOC 50.07.007.2.v(3), ~~setback~~ a minimum of six ft. in width, shall be created along the ~~rear~~ property line and planted with a deciduous or evergreen hedge, a minimum four ft. in height at planting, which shall grow to a height of six ft. within two years and shall be maintained at a minimum of that height. ~~This above requirement s pertaining to the "rear yard" is are~~ not applicable where the deepest~~rear~~ yard abuts Oswego Lake or railroad rights-of-way.

**FLAG LOT LANDSCAPING:** The “rear” of a flag lots must provide a landscaping buffer, but with the change in orientation in 2010, the “rear” was rotated 45-degrees. This amendment would require landscaping in the deepest side or rear yard provided on a flag lot [Note: A “rear” is always opposite a “front”, but because of the flexible/cumulative setback standard, the “rear” may not be the largest yard; the largest yard, which provides the activity area, should have the buffering. *Graphic to be developed if necessary.*

May 2017: Clarified that the landscape buffer applies along a rear or side property line (in some cases, the front setback could be the largest).

**iv. Tree Removal Mitigation**

A minimum of one evergreen or deciduous tree shall be planted at a 1:1 ratio where practicable in order to mitigate the removal of existing trees necessary for site development as a part of the creation of the lot or for the first dwelling constructed on the lot. The mitigation trees shall be of a species which will attain a minimum of 30 ft. in height. Deciduous trees at planting shall be a minimum of two-in. caliper and evergreen trees shall be a minimum of eight ft. tall.