

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF LAKE OSWEGO**

A REQUEST TO AMEND THE COMMUNITY) LU 15-0017 - 1869
DEVELOPMENT CODE TO ADDRESS DEVELOPMENT ON) (CITY OF LAKE OSWEGO)
LOTS THAT DO NOT MEET THE MINIMUM ZONED LOT AREA) FINDINGS, CONCLUSIONS & ORDER

NATURE OF APPLICATION

A request from the City of Lake Oswego for amendments to the Community Development Code (Code) to regulate how development occurs on existing lots that do not meet the minimum lot area or dimensional standards of the zone.

BACKGROUND

Currently the Code allows a property owner to develop on an underlying legally-created lot that does not meet the minimum dimensions of the zone (“substandard lot”) in the same manner and subject to the same procedures as development on a conforming lot. The Code also allows lot line adjustments involving substandard lots provided the degree of nonconformity is not increased. Residents of Hallinan Heights Neighborhood brought the issue to the Planning Commission and City Council in 2014 with concerns about development of substandard lots upon neighborhood compatibility and impacts, after a lot line adjustment and a series of building permits were issued on substandard lots in the neighborhood.

The Commission held three work sessions on the subject: January 12, 2015, February 9, 2015 and March 23, 2015, where discussion centered on the origin of the current definition of “lot” and potential amendments that would enable the City to require public improvements as a condition of development approval on substandard lots and that would generally reduce development potential on substandard lots.

HEARINGS

The Planning Commission also held public hearings and considered this application at its meetings of April 27th, May 11th, and July 13th, with deliberations on June 22, 2015, and on July 13th (height and lot line adjustment criteria only). The following exhibits were submitted prior to or at the April 27th hearing:

- Exhibit G-2: E-Mail from David and Linda Rudawitz, 4/21/15
- Exhibit G-3: E-Mail from Candace Bonner, 4/22/15
- Exhibit G-4: E-Mail from Frank Whelan, 4/23/15
- Exhibit G-5: E-Mail from Evans Van Buren, 04/24/15
- Exhibit G-6: E-Mail from Joe Breimayer, 04/24/15
- Exhibit G-7: Letter from Lake Oswego Preservation Society, 04/24/15
- Exhibit G-8: Letter from Christian Manz, 04/27/15
- Exhibit G-9: Letter from Dylan Pollock, 04/27/15
- Exhibit G-10: Letter from Mary Bresnahan, 04/27/15
- Exhibit G-11: Letter from Paden Prichard, 04/27/15
- Exhibit G-12: Statement from Wendy McLennan, 04/27/15
- Exhibit G-13: Statement from Liz Martin, 04/27/15

1 The following exhibits were submitted after June 22 and prior to or at the July 13th hearing:
2

- 3 Exhibit G-14 Photographs submitted by Liz Martin, 7/13/15
- 4 Exhibit G-15 Letter from Susan Heichel, 7/13/15
- 5 Exhibit G-16 E-Mail from Christian Manz, 7/13/15

6
7 CRITERIA AND STANDARDS

8 A. City of Lake Oswego Comprehensive Plan
9

10 **Land Use Planning Goal:**

11 Development (Community Development Code)

12 Policy A-1.b

13 Policy A-1.g

14 Policy A-1.e

15 Policy A-2.a

16 Policy A-2.c

17 Policy A-3

18 Policy A-6

19
20 Development Review

21 Policy B-1

22 Policy B-2

23 Policy B-7

24 Policy B-8

25 Policy B-9

26 Policy B-13

27
28 Design Standards and Guidelines

29 Policy C-1.a

30 Policy C-1.e

31 Policy C-3

32 Policy C-5

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34 Land Use Administration

35 Policy D-1

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37 **Community Culture Goal:**

38 Civic Engagement

39 Policy 1

40 Policy 2

41 Policy 3

42 Policy 4

43 Policy 5

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45 **Inspiring Places and Spaces Goal:**

46 Goal 1: Policy 1.a
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Complete Neighborhoods and Housing Goal:

Housing Location and Quality
Policy A-2

Housing Choice and Affordability
Policy B-1

Complete Neighborhoods
Policy C-7

B. State Statute

ORS 197.307 Approval Standards for Certain Housing in Urban Growth Areas

C. City of Lake Oswego Community Development Code

- LOC 50.07.003.16.a Legislative Decisions Defined
- LOC 50.07.003.16.b Criteria for a Legislative Decision
- LOC 50.07.003.16.c Required Notice to DLCDC
- LOC 50.07.003.16.d Planning Commission Recommendation Required
- LOC 50.07.003.16.e City Council Review and Decision

CONCLUSION

The Planning Commission concludes that the recommended Code amendments in Attachment 2 (dated 07/16/15) of proposed Ordinance 2666 are in compliance with all applicable criteria, and is consistent with the City Council’s Neighborhood Livability Goal.

FINDINGS AND REASONS

The Planning Commission incorporates the staff report dated April 17, 2015 and memos, dated December 24, 2014, January 30, 2015, March 11, 2015, May 5, 2015, and July 1, 2015 (with all exhibits attached thereto) as support for its decision, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplementary matter herein and the staff report, the matter herein controls. To the extent they are consistent with the approval granted herein, the Commission adopts by reference its oral deliberations on this matter.

Following are the supplementary findings and conclusions of this Commission:

1. Aggregation of Substandard Properties

Due to the uncertainty of whether lot aggregation would occur at the time of development -- because the ownership status could change prior to development -- and the uncertainty of what the area of the aggregated lot would be, the Commission finds that the degree of certainty and predictability of development pattern desired by concerned citizens as to the future development of the substandard properties would not exist with a requirement for lot aggregation.

1 It was noted in public testimony that some of the policies and recommended action measures
2 (Community Culture , Historic Preservation, Policy 1 and Recommended Action Measure A;
3 Complete Neighborhoods and Housing, Recommended Action Measure B) in the City’s
4 Comprehensive Plan include preserving the historical resources of the community by maintaining
5 existing landmark structures. The Commission finds that preservation of existing historic landmark
6 structures should be encouraged.

7
8 The Commission also finds that existing development on substandard lots typically consist of
9 smaller, older residences. Allowing replacement of older or functionally obsolete residences on
10 substandard lots allows and potentially contributes to greater diversity in the housing stock, in
11 compliance with Complete Neighborhoods and Housing Policy B-1. Public testimony also stated that
12 different types of housing create a more vibrant community.

13
14 The Commission finds, in balancing the opportunities versus the impacts of aggregation, that the
15 Code should address the development standards for substandard lots to promote compatibility with
16 the neighborhood, rather than requiring property aggregation, in compliance with Complete
17 Neighborhoods and Housing, Policy C- 7 (Require infill housing to be designed and developed in
18 ways to be compatible with existing neighborhood character.) The Commission notes that some
19 owners of abutting substandard properties may choose to consolidate them, in order to develop in
20 the manner permitted for conforming lots.

21
22 The Commission finds, therefore, that rather than amending the definition of lot, a definition for
23 “substandard lot” should be added to the Definitions section, LOC 50.10.003.2, and that additional
24 standards should be imposed for development on substandard lots.

25
26 **2. Development Standards and Process for Substandard Lots**

27
28 The public hearing draft proposed two options for development criteria on substandard lots: a
29 quantitative (numerical) standard that reduced certain zone standards proportionally by the degree
30 that the lot size was substandard for the zone; and a compatibility standard, using discretionary
31 criteria similar to the current criteria for legalization of illegal lots, LOC 50.01.003.5.c. The
32 Commission notes that the City recently revised its housing standards for residential development to
33 provide clear and objective standards.

34
35 Complete Neighborhoods and Housing, Policy C- 7, requires infill housing to be designed and
36 developed in ways to be compatible with existing neighborhood character. Land Use Planning,
37 Policy B-8, allows development of permitted uses on legally created non-conforming lots subject to
38 all applicable land use regulations. The issue before the Commission is what the “applicable land
39 use regulations” should be for development on substandard lots that also promote neighborhood
40 compatibility.

41
42 The Commission received a presentation from Architect Ralph Tahrán, who has efficaciously
43 performed significant professional design work in the City and is familiar with the Code. Working in
44 consultation with staff, he produced basic design concepts for several substandard lot sizes in the R-
45 7.5 zone that comply with the zone standards. He testified to the Commission that the zone
46 standards, especially the Floor Area limitations that are based on lot size, work to limit how
47 development occurs on smaller lots.

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Clear and Objective Standards

Public testimony favored clear and objective standards in order to assure that both the property owner and neighbors have certainty on the development standards that would apply to substandard lots. The Commission finds that although neighborhood compatibility is subjective, impacts of development are not. Accordingly, the Commission recommends development standards for substandard lots that are quantitative as well as clear and objective, but that allow the impacts of substandard lots to be addressed.

Zone Dimensional Standards

The Commission finds that development standards with discretionary compatibility criteria are not necessary or appropriate for substandard lots for reasons including that the zone standards limit development through building design standards, such as front and side yard setback planes, setbacks, height, lot coverage, and in particular, floor area limitations. The Commission finds that the existing setbacks, lot coverage and FAR standards of the zone operate as intended to promote neighborhood compatibility because the allowed lot coverage and FAR are based on lot size, and the allowed scale of development is reduced when the size of the lot is substandard.

The Commission heard testimony, particularly at its reopened public hearing on July 13, 2015, that due to the constraints of a substandard lot, it was likely that structures would be developed near or to the maximum height permissible under the zone, in contrast with neighboring dwellings on standard lots. The Commission finds that height should be regulated on substandard lots to ensure that neighborhood character is maintained, understanding that a consequence could be that a limited variation of architectural styles may result. The “neighborhood” that a structure on a substandard lot should be compatible with is comprised of the dwellings on abutting lots, which does not include dwellings across the street from the substandard lot. The Commission finds that a method to assure that the height of a structure on a substandard lot is compatible with its surrounding dwellings is to limit height of structures on substandard lots by:

- (a) Prohibiting the additional height for roof forms allowed by right in the zone [LOC 50.04.001.g (low density zones), LOC 50.04.001.2.g (medium density zones) and LOC 50.04.001.3.f (high density zones)]; and
- (b) Establishing a maximum height in the same manner as height of structures on flag lots, per LOC 50.07.007.2: the average height of structures on lots abutting the substandard lot, but not greater than the height permitted by the zone.

Required Off-Street Parking Spaces – Increase to Two Spaces

The Commission received public testimony concerning the increased likelihood that residents of substandard lots would use off-site parking for vehicles, as a means to maximize on-site living area. The Commission finds that the one off-street parking space required of single family dwellings (Table 50.06.002-3: Minimum Off-Street Parking Space Requirements), should be modified as it pertains to substandard lots to require two spaces in order to minimize negative parking impacts in the neighborhood.

1 Limiting Additional Floor Area for Garages to 400 sq. ft.

2
3 The Low and Medium Density residential zones allow an additional floor area allowance per
4 residential unit providing a garage, ranging from 500 sq. ft. (R-5 and R-6) to 850 sq. ft. (R-15). See
5 Table 50.04.001-1: Residential Low Density Zones Dimensions; Table 50.04.001-3: Residential
6 Medium Density Zones Dimensions (R-5, R-6). The Commission finds, however, the additional floor
7 area allowance for a garage pursuant to the zone dimensional standard would be excessive on a
8 substandard lot because the lot is below the zone's minimum lot size, so a fixed square footage
9 amount is disproportionately greater on a smaller sized lot. Further, developers would likely provide
10 for a single car garage and use the extra floor area as living space, rather than for off-street parking.
11 The Commission finds that the allowance for additional floor area for garages should be reduced to
12 400 square feet on substandard lots, as it is the reasonable minimum amount of floor area needed
13 to accommodate a two car garage or parking area.

14
15 *Conditioning Authority to Mitigate Impacts Due to Substandard Size*

16
17 The Commission also finds that development on substandard lots may create impacts upon the
18 street, sidewalk, and other public infrastructure systems that are different from development on
19 lots that meet the minimum dimensional requirements of the zone. Development on substandard
20 lots is in effect an increase in the planned density of the area based upon the zone's minimum lot
21 sizes.

22
23 The City's authority to require conditions of approval to mitigate the impacts of development is
24 limited to minor or major development classifications. LOC 50.07.003.5.a.iii. Exercise of the
25 conditioning authority allows eliminating or mitigating "a negative impact on natural features or
26 processes or on the built environment of the neighborhood which is created or contributed to by
27 the proposed development." Classifying development on substandard lots as minor development
28 would allow the opportunity for conditions of approval to mitigate the specific identified impacts of
29 the development proposed on a substandard lot, as compared to development on a lot meeting the
30 dimensional standards of the zone. (The Commission finds this classification applies to new
31 construction and also applies to additions to existing development on substandard lots.)

32
33 *Eligibility for Variance to Zone Dimensional Standards Generally Prohibited*

34
35 As found above, clear and objective development standards help assure that both the owner and
36 the adjacent neighbors can anticipate with greater certainty the degree of development on a
37 substandard lot. The Commission finds, as supported by the public testimony, that the zone
38 dimensional standards, along with the specific development standards recommended for
39 substandard lots would generally enhance neighborhood compatibility *if* the standards are followed.
40 To assure greater certainty on the permitted scope of development, the Commission finds that
41 development on a substandard lot should not be eligible for a variance¹ to the zone dimensional
42 standards (other than a Minor Variance required to correct survey errors, LOC 50.08.002.2.i, or to
43 comply with state or federal law based on the rights of the occupant, LOC 50.08.002.2.o).

¹ The Commission notes the applicability section for a RID does not need to specify that a RID review is prohibited on substandard lots because Ordinance 2644, effective May 8, 2015, classified RID as a type of variance. The proposed code amendments to LOC 50.01.006.5.a. specifies no variances to any of the zone dimensional standards, and the amendment to LOC 50.08.001.2 Variances Not Allowed, includes on the list of variances not allowed, "the zone dimensional standards on a substandard lot".

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Required DRC Hearing

The Commission finds that classifying development on substandard lots, including lot line adjustments involving a substandard lot, to be minor development, with a required DRC hearing, allows for the opportunity of public review and comment, to better assure that the development complies with clear and objective substandard lot standards, and that the identified impacts of the substandard nature of the lot are appropriately mitigated per LOC 50.07.003.5.

Subconclusion

The Commission finds that the specific limitations to the zone dimensional standards, along with the classification of development on substandard lots as minor development, the required DRC hearing, and the limitation on variances to zone dimensional standards for substandard lots should materially advance and should to a significant degree implement the Comprehensive Plan and Commission’s objective of assuring that development on a substandard lot is compatible with development permitted on standard lots in the neighborhood.

3. Lot Line Adjustments

The public hearing draft proposed limiting the ability to obtain a lot line adjustment to instances where the resulting lots complied with the minimum lot size of the zone or aggregation was required of contiguous, commonly owned properties (to less than twice the minimum lot size of the zone.) The Commission received public testimony illustrating that a boundary adjustment of a lot that exceeds the minimum lot size of the zone should be permitted where the lot is not decreased below the minimum lot size and the abutting substandard lot’s area is increased. Some testified that the loss of the ability to make lot line adjustments of substandard lots that would decrease the degree of nonconformance would be a financial hardship to owners. Other persons testified that lot line adjustments should not be available to create more substandard lots.

Technically, a new “lot” is created through a lot line adjustment, though there is no increase in the number of lots. The Commission finds that lot line adjustments should be permitted, but the manner of development on substandard lots should result in neighborhood compatible development, with impacts mitigated. (See Finding #2 above). The Commission finds that the opportunity for lot line adjustments of a substandard lot should be limited to those instances where the resulting new lot would have a substantial degree of compatibility with zone’s minimum lot area and dimensions, e.g., at least 67% of the minimum lot area and dimensions of the zone. In addition, no lot conforming to the minimum lot size and dimensions can be adjusted to form a new lot that is less than the zone’s minimum lot size and dimensions. Accordingly, the Commission finds that the opportunity for a lot line adjustment shall be limited to a substandard lot that, following adjustment, is not less than 67% of the zone’s minimum lot area or dimension.

The Commission acknowledges that inexorably there are, and will remain, substandard lots that cannot be adjusted other than by consolidation with another lot. Nevertheless, the substandard lot may still be developed in accordance with the development standards for substandard lots.

Currently, lot line adjustments that do not increase density are classified as ministerial development under LOC 50.07.003.13.a.ii(4). However, for the same reasons that development on substandard lots may create impacts upon streets, sidewalks, parking, etc., that are different from standard lots,

1 so too may a lot line adjustment that involves a substandard lot, even though the degree of
2 nonconformity is decreased. The Commission, therefore, finds that a lot line adjustment involving a
3 substandard lot should be classified as minor development, with a hearing before the DRC, so that
4 conditions of approval can be imposed to mitigate the identified impacts resulting from the (still)
5 substandard lot.
6

7 4. The Commission finds that the code amendments, as originally proposed and as modified in the
8 attached Ordinance, comply with the Comprehensive Plan policies as outlined in the April 17, 2015
9 Staff Report. The changes to the amendments from what was originally proposed consist of the
10 following:
11

- 12 a. No amendment to the current definition of “lot” but the addition of a definition for
13 “substandard lot.” LOC 50.10.003.2.
- 14 b. Adding to the Non-Conforming Lot section additional specific development requirements for
15 substandard lots (parking, detached garage floor area). Those specific limitations are cross-
16 referenced in other sections of the code. LOC 50.01.006.5.a.
- 17 c. Limiting the eligibility of substandard lots to obtain variances to the zone dimensional
18 standards. LOC 50.08.001.2, 50.08.001.4.
- 19 d. Limiting height on substandard lots by (1) prohibiting height additions for roof forms
20 allowed in the zone and (2) limiting height of structures on substandard lots in the same
21 manner as for flag lots.
- 22 e. Classifying development (new construction, additions to existing structures, and lot line
23 adjustments), on a substandard lot as minor development, with a DRC hearing required.
24 Summary Procedures Table 50.07.001-1; LOC 50.07.003.2.4.d.ii; LOC 50.07.003.13, This
25 requirement is cross-referenced in other sections of the code.
- 26 f. Limiting lot line adjustments involving substandard lots to those that (1) result in an
27 adjusted substandard lot that is not less than 67% of the zone’s minimum lot area and
28 dimensions, or (2) the substandard lot is consolidated within another lot, resulting in one
29 lot.
30

31 The Commission finds that the revised code amendments on Attachment 2 of proposed Ordinance
32 2666, are in compliance with the Comprehensive Plan as follows:
33

34 Land Use Planning: The amendments promote compatibility between development, avoid
35 negative impacts on surrounding properties, maintain clear and objective standards for
36 development on substandard lots, allow the City conditioning authority to ensure that the
37 capacity of public facilities is sufficient, and require public notice and discussion of development
38 proposals on substandard lots.
39

40 Community Culture: As reflected in the Background section above, the Commission finds that
41 the City conducted a public process as required by the Citizen Engagement Goal.
42

43 Inspiring Spaces and Places: The amendments require development on substandard lots to be
44 processed as minor development to ensure that the development complements existing
45 development and gives the City conditioning authority to ensure that identified impacts are
46 addressed.
47

48 Complete Neighborhoods and Housing: The amendments require a minor development review
49 for development on substandard lots to ensure that residential densities are appropriately

1 related to site conditions and the capacity of public facilities and also to allow the opportunity to
2 develop an adequate supply and variety of housing types.

3
4 5. The Commission recommends to the City Recorder that, for the purpose of clarification, cross
5 references in the Code be added as follows:

6
7 Reference the limitation of a 400 square-foot allowance for garages on substandard lots in
8 LOC 50.01.006.5.a (proposed) to Table 50.04.001-1: Residential Low Density Zones
9 Dimensions and Table 50.04.001-3: Residential Medium Density Zones Dimensions

10
11 ORDER

12
13 IT IS ORDERED BY THE PLANNING COMMISSION of the City of Lake Oswego that:

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15 The Commission recommends that the City Council adopt Attachment 2 to proposed Ordinance 2666.

16
17 I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of
18 Lake Oswego.

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20 DATED this 27th day of July 2015.

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24 Randy Arthur /s/
25 Randy Arthur, Chair
26 Planning Commission

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30 Iris McCaleb /s/
31 Iris McCaleb
32 Administrative Support

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34
35 ATTEST:

36
37 ADOPTION OF FINDINGS AND ORDER - July 27, 2015

38
39 AYES: Arthur, A. Brockman, E. Brockman, Heape, LaMotte, Ward
40 NOES: None
41 ABSTAIN: None
42 EXCUSED: Gaar

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LU 15-0017 SUBSTANDARD LOTS - CODE AMENDMENTS

LOC 50.01: GENERAL PROVISIONS

50.01.006 NONCONFORMING USES, STRUCTURES, LOTS AND SITE FEATURES

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5. Non-Conforming (Substandard) Lots

a. Development Permitted

A nonconforming substandard lot in a residential zone that does not meet the minimum size or dimensional requirements of the zone in which it is located may be developed as permitted in that zone; provided it complies with all applicable code provisions, including but not limited to setbacks, height limits, floor area and lot coverage requirements, as modified by the following: provided that (i) the structure complies with all applicable Code standards or (ii) the applicant obtains a variance pursuant to LOC 50.08, Variances.

~~(1)~~ i. Only one dwelling unit is permitted (no secondary dwelling unit);

~~ii.~~ (2) Two off-street parking spaces are required;

~~(3)~~ iii. The additional floor area allowance per residential unit providing a garage is 400 sf;

~~(4)~~ iv. Substandard Lot Height Limitation.

(a). The height of the residential structure and any accessory structures shall not exceed:

(1) Twenty-two ft., or

(2) The average height of all dwellings on properties abutting the substandard lot, as determined at the time of application for development. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the substandard lot, the maximum height permitted in the underlying zone shall be used for calculating the average, except in cases where the abutting property is zoned to permit a height greater than that allowed on the substandard lot, then the maximum height for the zone in which the substandard lot is located shall be substituted and used to calculate the average.

(b). The standard for additional height for ~~Reef~~ roof forms or architectural features shall not be utilized (LOC 50.04.001.1.g.ii; LOC 50.04.001.2.g.ii; LOC 50.04.001.3.f.iv); and

~~(5)~~ v. Design variances and major variances may not be approved to any of the zone dimensional standards; eligibility for minor variances is limited (LOC 50.08.001.2).

b. Lot Line Adjustment

Lot lines may be adjusted provided that the degree of any existing nonconformity is not increased and no new nonconformity is created on any of the lots involved as a result of the adjustment.

involving substandard lots may be adjusted, subject to conditions of approval pursuant to LOC 50.07.003.5, if the lot line adjustment:

- i. (a) Does not reduce non-substandard lots to less than required by the applicable zone's minimum lot area and dimensional requirements; and (b) Increases a substandard lot's lot area and dimensions to not less than 67% of the zone's minimum lot area and dimensional requirements; or
- ii. Eliminates the common property line between abutting properties, thereby eliminating a lot.

LOC 50.03: USE REGULATIONS AND CONDITIONS

50.03.002 USE TABLE

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2. RESIDENTIAL USE TABLE

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE												
P = Permitted Use Blank = Not Permitted C = Conditional Use												
[x] Table notes located at the end of the table												
Use Cat.	Use Type	Residential										Use Specific Standards
		R-15 [9]	R-10 [9]	R-7.5 [9]	R-6 [9]	R-5 [9]	R-DD [9]	R-W [9]	R-3 [8,9]	R-2	R-0 [8]	
RESIDENTIAL USES												
Household Living	Dwelling unit, any type					P			P		P	
	Single-family detached dwelling	P [one per lot]				P	P	P	P	P	P	50.03.003.1
///	////		////		///	///	//	///	///	///	///	
Notes:	<p>///</p> <p>[8] If lot has multiple zones, e.g., R-0/EC, see LOC 50.02.002.2.e.</p> <p>[9] If lot is substandard, see LOC 50.01.006.5.a</p>											

LOC 50.04: DIMENSIONAL STANDARDS

Table 50.04.001-1

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1. RESIDENTIAL LOW DENSITY ZONES

a. Dimensional Standards

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TABLE 50.04.001-1: RESIDENTIAL LOW DENSITY ZONES DIMENSIONS					
		R-7.5	R-10	R-15	Comments/Additional Standards
////	////	////	////	////	////
MAX. FLOOR AREA					50.04.001.1.d
Base Calculation: 3,000 sq. ft. + [(actual lot size – 5,800 sq. ft.) x 0.19]		Additional floor area allowance per residential unit providing a garage (sq. ft.) [7]			
		600	750	850	
<p>////</p> <p>[6] Building height exceptions shall not exceed the building height of the primary structure.</p> <p>[7] Substandard Lot: See LOC 50.01.006.5.a</p>					

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Table 50.04.001-3

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2. RESIDENTIAL MEDIUM DENSITY ZONES

a. Dimensions

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TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
////				
MAX. FLOOR AREA				50.04.001.2.d
	2,750 sq. ft. + [(actual lot size – 6,000 sq. ft.) x 0.19]	Lot ≥ 5,000 sq. ft.	—	R-5 and R-6 districts: + 500 sq. ft. floor area allowance per residential unit providing a garage [6]
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.28]		
		Lot < 5,000 sq. ft.		

TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS

	R-6	R-5	R-DD	Comments/Additional Standards
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.48]		
////				
<p>[5] Lots with sloping topography – Maximum base height across the site shall be established by a flat plane measured at 28 ft. above the highest point of the natural grade within the building envelope. The base height shall not exceed 32 ft. above the natural grade. See Figure <u>50.04.001-A: Height Adjustment for Sloping Topography.</u></p> <p>[6] <u>Substandard Lot: See LOC 50.01.006.5.a</u></p>				

50.04.003 EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

///

2. GENERAL EXCEPTION TO LOT AREA AND DIMENSION REQUIREMENTS

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b. Substandard Lots or Dimensions

A **substandard** lot ~~which does not comply with the minimum lot area or dimensional requirements required by this Code at the time of application for development~~ may be occupied by a permitted use in the zone in which the lot is located **subject to the limitations of LOC 50.01.006.5.a**. Any proposed use of the lot must comply with all other applicable code provisions including ~~but not limited to setbacks, height limits, and lot coverage requirements. The lot lines of a lot which does not comply with the minimum lot area or dimensional requirements of this Code at the time of application may be adjusted as long as the adjustment does not increase the degree of noncompliance.~~

LOC 50.07: REVIEW AND APPROVAL PROCEDURES

50.07.001 SUMMARY PROCEDURES TABLE

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE										
Type of Decision	Code Section	Pre-App. Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	PC	DRC	HRAB	City Council
Ministerial Development	50.07.003.13	No	No	No	No	D				
Minor Development [2]	50.07.003.14									
<i>Subdivision or Planned Development</i>		Yes	Yes	Yes	Yes	R		D		A
<i>Development Review (Ed. Note)</i>		Yes	[1]	Yes	Yes [3]	R/D		D/A		A
<i>Development in the R-DD Zone</i>		Yes	[1]	Yes	Yes	R		D		A
<i>Historic Reviews:</i>										
<ul style="list-style-type: none"> • Designation or removal of a historic resource or district; • Establishment, modification or abolishment of a historic district; and • Demolition or moving of a landmark [4] 		No	No	Yes	Yes	R		D		A
<ul style="list-style-type: none"> • Alterations of historic resources defined as a minor development (historic preservation) in LOC 50.10.003.2; 			[1]	Yes	No	D		A		A

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-App. Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	PC	DRC	HRAB	City Council
<ul style="list-style-type: none"> Moving or demolition of a contributing resource; Alterations or additions of 30% or more floor area to noncontributing resources; and Minor developments on or to a landmark or within a historic district [4] 		Yes								
<u>Development or Lot Line Adjustment on Substandard Lot</u>		Yes		Yes	Yes			D [EPB1] [EPB2]		
Minor Variance	50.08.002	Yes	[1]	Yes	No [2]	R/D		D/A		A
Design Variance										
<ul style="list-style-type: none"> R-DD Design 	50.08.003.2.a	Yes	[1]	Yes	Yes	R		D		A
<ul style="list-style-type: none"> Downtown Redevelopment Design District 	50.08.003.2.b	Yes	[1]	Yes	Yes	R		D		A

////

50.07.002 LIST OF DECISION-MAKERS

////

4. DEVELOPMENT REVIEW COMMISSION

////

d. Minor development; in the R-DD zone

i. In the R-DD zone, or

ii. Development or lot line adjustment of a ^[EPB3] substandard ^[AD4]^[EPB5] lot; and

////

50.07.003 REVIEW PROCEDURES

////

13. MINISTERIAL DEVELOPMENT DECISIONS

a. Ministerial Development Classification

///

ii. Ministerial Development Types

///

- (2) Construction or exterior modification of a detached single-family dwelling, a single duplex on a lot, zero lot line dwelling or a structure accessory to such structures which:

////

(e) Does not require special design review by the zone, design district, prior development approval or Overall Development Plan and Schedule (ODPS) for the development in which the subject property is located; or

(f) Is not located in the Greenway Management Overlay District, as identified in LOC 50.05.009; and

(g) Is not located on a substandard lot.

////

- (4) Lot line adjustments which that: do not increase the allowable density on a site.

(a) Do not increase the allowable density on a site, and

(b) Do not involve a substandard lot

///

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

///

ii. "Minor development" under subsection a.i.(1) of this section includes:

///

(2) Construction or exterior modification of a detached single-family structure, duplex, zero lot line dwelling or a structure accessory to such structures which:

(a) Does not qualify as a ministerial decision pursuant to LOC 50.07.003.13.a.ii(1) or (2); or

///

(7) Lot line adjustments which ~~that~~ would ~~increase allowable density on the site.~~

(a) Increase allowable density on the site, or;

(b) Involve a substandard lot

///

LOC 50.08 VARIANCES

50.08.001 INTRODUCTION

////

2. VARIANCES NOT ALLOWED

No variance shall be granted for the following:

////

f. To zone dimensional standards on a substandard lot.

Exceptions: Minor Variance based on:

i. Survey errors (LOC 50.08.002.02.i.)

ii. State or federal law based on the rights of the occupant (LOC 50.08.002.2.o.)

LOC 50.10: DEFINITIONS AND RULES OF MEASUREMENT

50.10.003 DEFINITIONS

2. DEFINITION OF TERMS

Lot

A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation.

////

Lot, Substandard

A lot that does not meet the minimum lot size or dimension of the zone at the time of development, except lots that were created as part of a Planned Development Overlay.