

## **Model Ordinance**

The following model ordinance is drawn from one prepared by the Oregon Transportation and Growth Management Program.

### **Purpose and Intent**

[An explicit purpose and intent statement helps to clarify the legal and policy basis of incentives for infill development if they are challenged in court. They also provide direction for interpretation and discretionary decisions. This purpose statement can be tailored to support the community's vision and its objectives for infill and redevelopment.]

The purpose of this district is to encourage infill development in areas with existing infrastructure investments as a means of achieving balanced growth with efficient land use and cost-effective delivery of urban services. The provisions of this district recognize the design challenges inherent in developing successful infill properties, and ensure that new development is consistent in character and scale with established neighborhoods and business districts.

The specific objectives of this ordinance as related to infill and redevelopment are to [select or modify as appropriate]:

- allow flexibility in housing location, type and density within the densities allowed by the Comprehensive Plan;
- provide flexibility in lot size, configuration, and vehicle access to facilitate infill development;
- provide clear development standards that promote compatibility between new and existing development and promote certainty in the marketplace;
- encourage development of needed housing in close proximity to employment and services;
- promote neighborhood preservation and enhancement through redevelopment of blighted distressed, and underutilized properties;
- provide standards of 'historic appropriateness' for redevelopment and alteration of historic buildings;
- encourage mixed use development to complete neighborhoods and provide housing close to jobs;
- encourage development and preservation of affordable housing through infill development.

## **Applicability**

[This section answers the questions, "When? Where? How? and By whom? the code standards are applied. Choose one of the two alternative applications provided by this section. The first option applies infill development standards generally in the ordinance "by definition" as a "floating zone" without pre-determined geographic locations. It then can be applied at the developer's option whenever and wherever the specified conditions of applicability pertain. The second alternative is applied when the infill provisions are contained in a mapped overlay district within fixed geographic limits.]

Option 1 - Standards applied "by definition":

These infill development standards shall apply to all lots and parcels that are adjacent to developed land on two or more sides. "Developed land" means lots and/ or parcels that have the following urban services with adequate capacity located at or near the property line: public water, public sanitary sewer, stormwater management facilities, and access to a public street.

Option 2 - Standards applied "by district":

This district implements the Infill Development Overlay District [IDOD]. The provisions of this district apply to all parcels designated "IDOD" on the official zoning map.

All land uses and development, including buildings, drives parking areas, landscaping, streets, alleys, greenways, tree protection, and pedestrian/bicycle ways, shall be located and developed in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this chapter.

## **Permitted Uses**

[Some infill development districts could allow non-residential uses at a residential scale to increase the jobs-housing balance and to provide a mixed-use transition between existing residential and commercial developments. Design standards are necessary to ensure compatibility].

### *Accessory Apartments*

An accessory dwelling is a secondary unit permitted on a single family lot. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house.

Standards:

1. The structure must comply with all residential building, health, safety, and fire codes.
2. A maximum of one accessory dwelling unit is permitted per lot.
3. The accessory dwelling shall not exceed 650 square feet in floor area.

4. Accessory units may contain no more than one bedroom and no more than one bathroom.
5. No accessory dwelling unit shall be permitted on lots containing less than 5,000 square feet.
6. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and colors, roof form and pitch, window style and placement and landscaping.
7. Separate entrances shall be oriented towards the side or rear yards.
8. The placement and design of windows on detached accessory dwellings shall ensure privacy for abutting properties. Privacy is maintained by orienting windows away from sight lines (i.e., above or out of view into adjacent yards or opposing windows of adjacent dwellings) or by using obscure glass.
9. A minimum of one parking space shall be provided for each accessory dwelling. The parking space may be provided on a street in front of the lot, if on-street parking otherwise permitted.

Refer to the GQGP quality growth tool: Mixed-Income Housing

#### *Non-residential Uses*

The following non-residential uses are permitted as neighborhood conveniences as infill uses on residentially zoned lots. Buildings may be new construction or alterations to existing residential structures. Non-residential buildings shall not exceed 3,000 square feet of heated space per lot. Lots must have at least 75 feet of frontage on a public street, be located on a corner lot across from other commercially zoned property or along a street abutting office or commercial development on at least one side, not including the rear property line:

1. Neighborhood Retail Sales and Services uses listed below are permitted subject to design review and conformity with design standards below.
  - Child Care Center
  - Restaurant, excluding drive-through service.
  - Laundromats and dry cleaners
  - Neighborhood convenience store, excluding sales of gasoline, kerosene or diesel fuel.
2. Lodging - limited to Bed and Breakfast Inns, subject to the design standards below.
3. Personal and professional services listed below, not to exceed 3,000 square feet of heated space per lot and subject to design standards.
  - Medical and dental offices and clinics
  - Counseling services
  - Barber shops, beauty shops, nail and pedicure, and similar uses

- Attorneys, life insurance, real estate sales, and repair services except for auto related repair and services
- Uses similar to the above when approved by the Planning Director.

### **Design Standards for Permitted Non-Residential Uses**

Neighborhood commercial, personal and professional uses, and Bed and Breakfast uses permitted above shall conform to the following design guidelines:

#### *Location and Access:*

1. Permitted non-residential uses shall be located adjacent to non-residentially zoned property or on corner lots which are contiguous to commercial uses on at least one opposite corner.
2. The site shall have frontage on a collector or arterial street.
3. When two or more such uses abut one another, driveways shall be at least 100 feet apart or be provided by a shared driveway subject to a cross-access easement.
4. No building shall contain more than 3,000 square feet.
5. If more than one use shares a single building, no single use shall contain less than 1,000 square feet.

Hours of Operation: 6 a.m. to 10 p.m.

Outdoor Storage: No outdoor storage shall be permitted.

Waste containers: All waste containers shall be enclosed by a wall or opaque screening.

Parking areas. The following vehicle parking standards shall be met:

1. On-street parking may be credited toward the minimum parking requirements except where otherwise prohibited.
2. All off-street parking must be provided in the rear or side yards and screened by an opaque wall or landscaping at least four feet in height.
3. No commercial vehicle may be parked on the street or on the premises over night except in an enclosed garage or basement.

#### *Setbacks for Buildings in Established Areas:*

[The intent of these provisions is to provide flexibility in meeting the setback requirements, so that lots that have remained undeveloped and parcels legally existing prior to 1960 and which do not conform to present-day lot width and lot area requirements, may be developed without the necessity for variances.]

#### **Front Yard Setback**

When a new or redeveloped building is proposed to be constructed on a lot adjacent to one or more existing structures having the same or similar permitted use, then the setback for the proposed building shall be not more than five feet

greater than the average setback of the two closest buildings on the same side of the street. In the case of a corner lot, or where an adjacent lot is vacant, the setback of the proposed building shall be not less than five feet more than the average of the front yard setback of the adjacent building and the minimum front setback required by the underlying zoning district.

#### Side Yard Setback

1. For infill development, the minimum required side yard may be met by computing the average of the area lying between the side wall of the main building and the side property line, divided by the length of the side wall.
2. The sideyard setback shall be met by all portions of the applicable side of the building except for roof overhangs, gutters, downspouts, cornices, chimneys, and uncovered or unenclosed decks, driveways, or porches.
3. No portion of a side wall of a proposed structure, including roof overhangs, gutters, downspouts, cornices, chimneys, and uncovered, or unenclosed decks, driveways, or porches be closer than three feet from the adjacent property line.
4. The distance between the closest points of adjacent residential structures in a single-family detached zoning district shall not be less than fifteen feet.
5. Zero-lot line buildings require an access easement not less than ten feet in width running the entire length of the side wall to be granted by the adjacent property owner and filed as a covenant running with the titles for both properties.
6. The placement and design of windows on the proposed building shall support privacy for the occupants of the abutting lot. Windows on the portion of a side wall directly opposite an existing residence that is closer than fifteen feet from the proposed building shall be limited to obscure glass or similar material approved by the Building Inspector.

#### *Lot Size Averaging*

[Lot size averaging allows the developer flexibility to establish lots on properties of irregular shape or topography. Exterior lots should be consistent with abutting developed lots.]

When a new infill subdivision of not fewer than five lots and not more than 25 lots is proposed, the minimum lot area required in the applicable zoning district may be satisfied by the average area of all lots in the subdivision, provided that no lot shall have a lot size of less than 75 percent of the minimum lot area required by the Zoning Ordinance and proposed lots that abut an adjacent lot containing an existing residence shall have no less than the minimum lot area required by the zoning district in which it is located.

### *Building Height*

[For infill compatibility, building heights need to reflect those of adjacent buildings.]

For a proposed new or enlarged building located between two existing buildings in the same zoning district, the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five feet above the average height of the adjacent buildings measured in a like manner. Chimneys, flues, vents, pipes, antennae, and other small projections less than 24 inches in width shall not be included in the above measurement.

### **Architectural Standards**

All new development (residential and non-residential) shall be of a compatible design with residences located on the same block and shall follow these design standards:

1. Building materials shall be of siding, brick, stone or other materials that are similar in color and otherwise in common with other buildings located on the same block face.
2. Buildings shall not be more than 150 feet in length and shall not exceed six attached units in one building.
3. Buildings shall provide offsets, projections, and or recessed entries located at least every 30 feet along a facade facing a public street.
4. Buildings shall use at least three of the following design elements along the facades facing public streets:
  - dormers
  - gables (pitch not less than 4:12)
  - recessed entries
  - covered porch entries
  - cupolas
  - pillars or posts
  - bay or bow window (minimum 12 - inch projection)
  - eaves (minimum 6 - inch projection)
  - off-sets in building face or roof (minimum 16-inches)