# Land Use Code Audit

Planning Commission Meeting
March 18, 2019

# Agenda

1. Project scope, purpose and schedule
2. Project approach
3. Missing middle prototypes
4. Example of a barriers assessment
5. Some preliminary findings

# DLCD Grant

- This project is funded by a grant from the Oregon Department of Land Conservation and Development (DLCD).
- Grant project must be complete by June 2019.
- Focus is on issues identification… finding solutions will take longer!

**The fine print…**

The recommendations and findings are not a final determination, legal opinion or evaluation of these code provisions by DLCD.

The recommendations do not have to be adopted by, and are not a final decision of, the City.

# Project Purpose and Scope

Attachment A

**Purpose:** Prepare an analysis of the City's land use code. Determine whether the code:

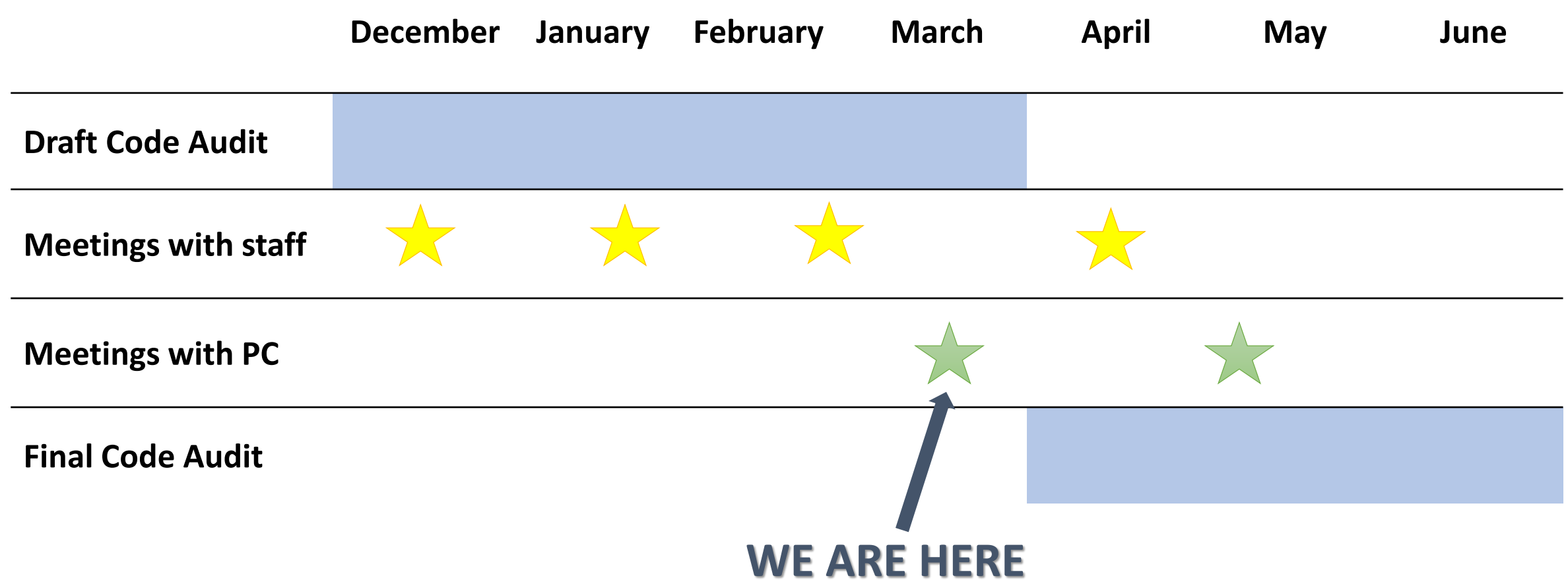
1. Includes criteria or procedures that may hinder housing development (barriers)
2. Could more effectively and efficiently implement statutory requirements
3. Ensures a mix and density of allowed housing to accommodate housing needs

**Scope:**

- Draft Code Audit
- Final Code Audit with a preliminary code update schedule
- Meetings with staff and Planning Commission

# Project Schedule

Attachment A

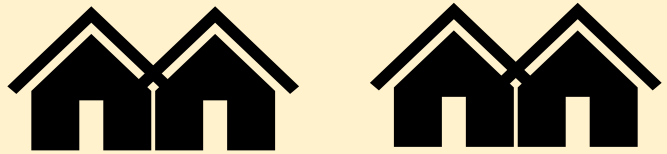


# Project Approach

1. Identify a set of building prototypes that are reasonable, but not necessarily allowed or encouraged by the current code.
2. Test the current code using prototypes.
3. Identify and assess “barriers” to building the prototypes.

**What’s a prototype?**

In this case, it’s a set of numeric assumptions that describe a particular building and development.



# PROTOTYPES

Accessory Dwelling Units

Small Lot Detached Houses

Row Houses

Duplexes

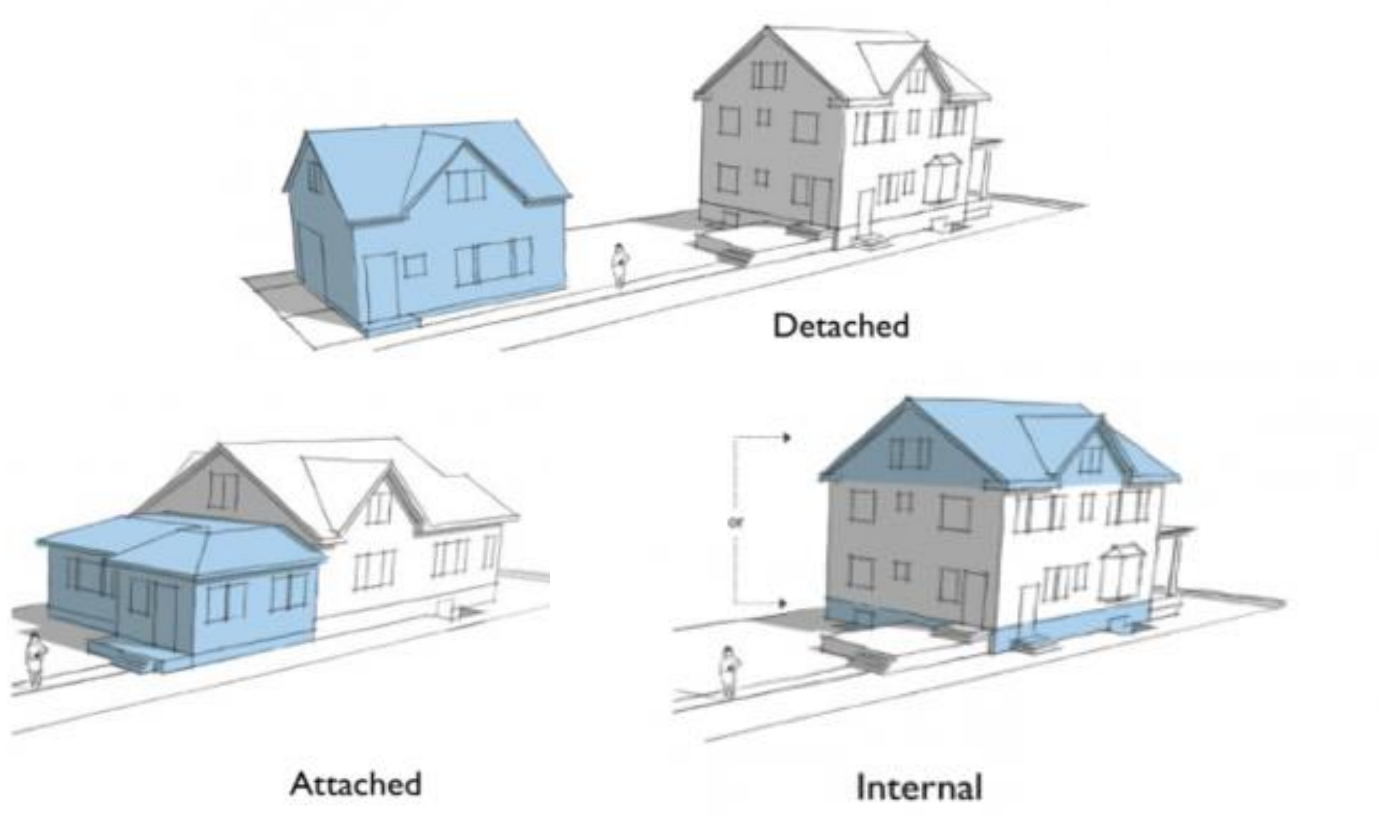
Triplexes and Fourplexes

Courtyard Apartments (and other small-scale multi-family)

Cottage Cluster Housing

# Accessory Dwelling Units

**Dwelling, Accessory.** An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.




# Prototype – Accessory Dwelling Units

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Structured/ Garage Parking | Surface Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **ADU (Detached)** | 1 ADU<br>1 primary | 14 | 28 | 392 | 1.5 | 20 | 0 | 1 | 40 | 100 | 4,000 |
| **ADU (Attached)** | 1 ADU<br>1 primary | 14 | 28 | 392 | 1.5 | 20 | 0 | 1 | 40 | 100 | 4,000 |
| **ADU (Internal)** | 1 ADU<br>1 primary | N/A | N/A | N/A | N/A | N/A | 0 | 1 | 35 | 80 | 2,800 |

# Small Lot Detached Houses

The defining characteristic of “small lot detached houses” is that they are built on smaller lots than conventional detached houses.  Depending on the size of the structure, they may have smaller setbacks and greater lot coverage than a typical single-family house.

# Prototype – Small Lot Detached Houses

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units/ ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Small Lot Detached (3-Story)** | 1 | 15 | 65 | 975 | 3 | 35 | 1 (garage) | 25 | 80 | 2,000 | 22 |
| **Small Lot Detached (2-Story)** | 1 | 15 | 65 | 975 | 2 | 25 | 1 (garage) | 25 | 80 | 2,000 | 22 |

# Row Houses

**Dwelling, Row House.** A dwelling that shares 1 or more walls with 1 or more dwellings and which is located on a row house lot.

# Prototype – Row Houses

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units /ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Row House Row (3-Story)** | 5 | 100 | 80 | 8,000 | 3 | 35 | 5 (garage) | 140 (site) 20 (ea. lot) | 120 | 16,800 | 13 |
| **Row House Row (2-Story)** | 5 | 100 | 80 | 8,000 | 2.5 | 30 | 5 (garage) | 140 (site) 20 (ea. lot) | 120 | 16,800 | 13 |

# Duplexes

**Dwelling, Duplex.** A building designed and used as dwellings for 2 families living independently of each other and having separate housekeeping facilities for each family that are connected either by common walls or common ceiling/floor connection. A building is not a duplex if one of the dwellings is an accessory dwelling.

Side-by-Side Duplex

Stacked Duplex

Stacked Duplex

Side-by-Side Duplex

# Prototype – Duplexes

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units/ ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Duplex Stacked** | 2 | 25 | 60 | 1,500 | 2 | 25 | 2 (rear) | 40 | 100 | 4,000 | 22 |
| **Duplex Side-by-Side** | 2 | 35 | 50 | 1,750 | 2 | 25 | 2 (garage) | 50 | 80 | 4,000 | 22 |

# Triplexes and Fourplexes

**Dwelling, Tri-Plex.** A building designed and used as dwellings for 3 families living independently of each other and having separate housekeeping facilities for each family.

**Dwelling, Four-Plex.** A building designed and used as dwellings for 4 families living independently of each other and having separate housekeeping facilities for each family

Side-by-Side Triplex

Stacked Triplex

Stacked Fourplex

# Prototype – Triplexes and Fourplexes

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units/ ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Triplex Stacked** | 3 | 25 | 60 | 1,500 | 3 | 35 | 2 (rear) | 40 | 100 | 4,000 | 32 |
| **Triplex Side-by-Side** | 3 | 60 | 50 | 3,000 | 2 | 25 | 3 (garage) | 70 | 80 | 5,600 | 23 |
| **Fourplex Stacked** | 4 | 35 | 60 | 2,100 | 3 | 35 | 2 (rear) | 50 | 100 | 5,000 | 34 |
| **Fourplex Side-by-Side** | 4 | 80 | 50 | 4,000 | 2 | 25 | 4 (garage) | 90 | 80 | 7,200 | 24 |

# Courtyard Apartments (and other small-scale multi-family)



**Dwelling, Multiple-Family.** One or more buildings on a single lot or parcel that are designed and used for 3 or more families, all living independently of each other, and having separate housekeeping facilities for each family. The dwellings may share common walls, common roofs, or common foundations. Multiple-family dwellings include condominium and apartment units without regard to ownership status.

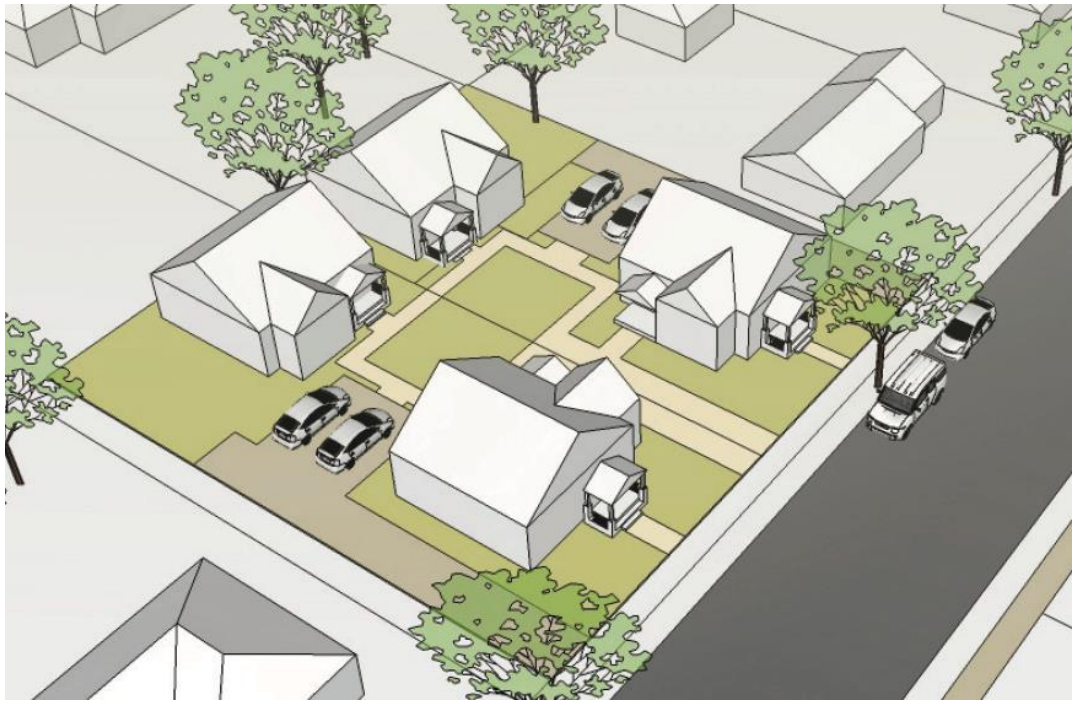
# Prototype – Courtyard Apartments (and other small-scale multi-family)

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units/ ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Courtyard Apartments** | 8 | Varies (U-Shape) | | 6,200 | 1 | 15 | 6 (rear or side) | 120 | 120 | 14,400 | 15 |

# Cottage Cluster Housing

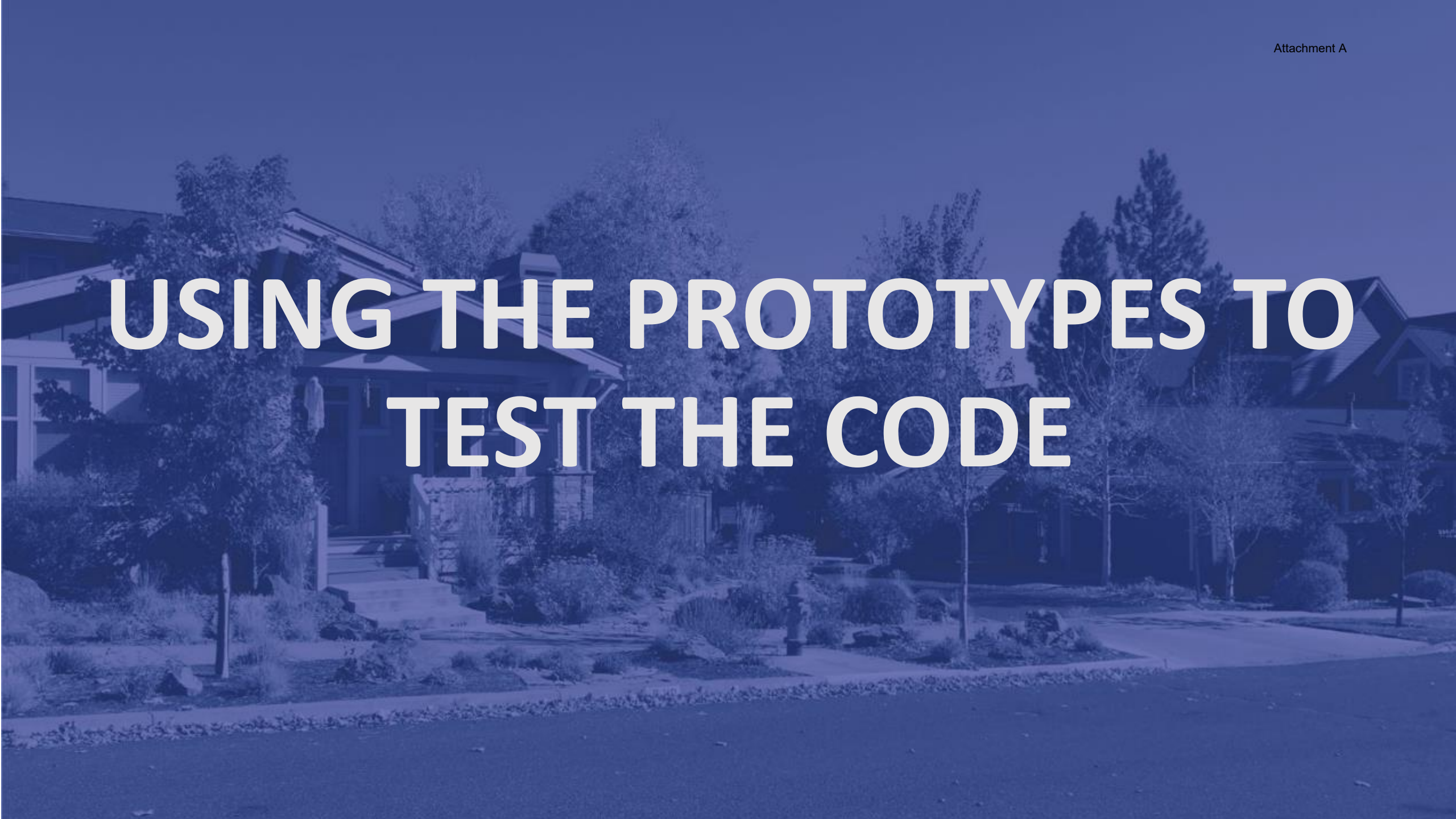
Cottage Cluster Housing could be classified as One-Family Dwellings or as Multiple-Family Dwellings depending on whether the land is divided so that each house is on its own lot



# Prototypes – Cottage Cluster Housing

Attachment A

| Housing Type | # of Units | Bldg. Width (ft) | Bldg. Depth (ft) | Bldg. Footprint (sq. ft) | Stories | Bldg. Height (ft) | Parking | Needed Lot Width (ft) | Needed Lot Depth (ft) | Needed Lot Size (sq. ft.) | Density (units/ ac.) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Cottage Cluster (Small)** | 4 | Varies | | 4,200 | 1.5 | 20 | 4 | 120 | 120 | 14,400 | 12 |
| **Cottage Cluster (Large)** | 8 | Varies | | 8,400 | 1.5 | 20 | 8 | 120 | 120 | 21,600 | 16 |



# USING THE PROTOTYPES TO TEST THE CODE

# ADUs – Preliminary Barriers Assessment

Attachment A

| Standard | Barrier? | Assessment |
|---|---|---|
| **Use Regulations** | ⛔ | Allowed in all zones, but some development standards are barriers |
| **Min. Density** | ✔ | |
| **Max. Density** | ⚠ | Significant barrier in R-1 – limits eligible lots |
| **Max. Height** | ⛔ | Potential barrier for sloped lots, conversion of existing structures |
| **Min. Setbacks** | ✔ | |
| **Max. Lot Coverage** | ⛔ | Potential barrier on smaller lots |
| **Min. Lot Area** | ⚠ | Significant barrier in R-1 – limits eligible lots |
| **Building Size** | ⛔ | Cap at 600 sq. ft. may limit appeal of ADUs |
| **Owner Occupancy Required** | ⚠ | May discourage investment in ADUs, complicate financing options |
| **Parking Standards** | ⚠ | Significant barrier on some lots |

# Duplexes – Preliminary Barriers Assessment

Attachment A

| Standard | Barrier? | Assessment |
|---|---|---|
| **Use Regulations** | ⚠ | Allowed in all zones, but special use limitations are barriers |
| **Min. Density** | ⊖ | Potential barrier in R-3 and R-4 zones |
| **Max. Density** | ⚠ | Significant barrier in R-1, requires larger lot than prototype |
| **Max. Height** | ✓ | |
| **Min. Setbacks** | ✓ | |
| **Max. Lot Coverage** | ⊖ | Potential barrier on smaller lot |
| **Min. Lot Area** | ⚠ | Significant barrier in R-1, requires larger lot than prototype and would preclude meeting maximum density. |
| **Min. Lot Width** | ⊖ | Potential barrier in R-1, requires wider lot than prototype |
| **Parking Standards** | ⊖ | Potential barrier on smaller lots |

# Cottage Cluster – Preliminary Barriers Assessment

Attachment A

| Standard | Barrier? | Assessment |
|---|---|---|
| **Use Regulations** | ⊖ | Allowed in all zones, but some development standards are a barrier |
| **Min. Density** | ⊖ | Potential barrier in R-3 and R-4 |
| **Max. Density** | ⊖ | Potential barrier in R-1 |
| **Max. Height** | ✓ | |
| **Min. Setbacks** | ⊖ | Potential barrier if applied to individual lots in the cluster |
| **Max. Lot Coverage** | ✓ | |
| **Min. Lot Area** | ⚠ | Significant barrier if applied to individual lots in cluster |
| **Min. Lot Width** | ⚠ | Significant barrier if applied to individual lots in cluster |
| **Multiple-Family Standards** | ⊖ | Maximum setback and entrance standards are a potential barrier |
| **Parking Standards** | ✓ | |

# Preliminary Barriers Assessment – Summary by Zone

Attachment A

| Prototype | R-1 | R-1.5 | R-2 | R-3 | R-4 | Key Barriers |
|---|---|---|---|---|---|---|
| **ADU** | ⚠ | ⚠ | — | — | — | Max density, min lot area, parking, owner occupancy |
| **Small Lot Detached** | — | ⚠ | ✓ | — | — | Max density/min lot area in R-1, min density in R-3 & R-4 |
| **Cottage Cluster** | — | ⚠ | — | ⚠ | ⚠ | • Max density/min lot area in R-1, min density in R-3 & R-4<br>• Cluster subdivision and PUD requirements<br>• Multiple-family standards |
| **Rowhouses** | ⚠ | ✓ | ✓ | — | — | Max density/min lot area in R-1, min density in R-3 & R-4 |
| **Duplex** | ⚠ | ⚠ | ✓ | — | — | Max density/min lot area in R-1, min density in R-3 & R-4 |
| **Triplex/Fourplex** | ⚠ | ⚠ | — | — | — | • Max density/min lot area in R-1, min density in R-3 & R-4<br>• Multiple-family standards |
| **Courtyard Apartments** | ⚠ | ⚠ | ✓ | — | — | Max density/min lot area in R-1, min density in R-3 & R-4 |

# (VERY) PRELIMINARY FINDINGS

1. ADUs: Owner occupancy requirement, off-street parking and minimum lot area requirements may be significant barriers.
2. R-1 zone standards present barriers for all missing middle housing types.
3. Density standards are key barriers for most housing types, yet density is a imprecise measure of compatibility.
4. Off-street parking standards present barriers and tradeoffs with good urban design.
5. Multiple-family standards present barriers for triplexes, fourplexes, and courtyard apartments.
6. Cluster Subdivision and Planned Unit Development options are valuable for larger projects, but present significant barriers for small cottage clusters.

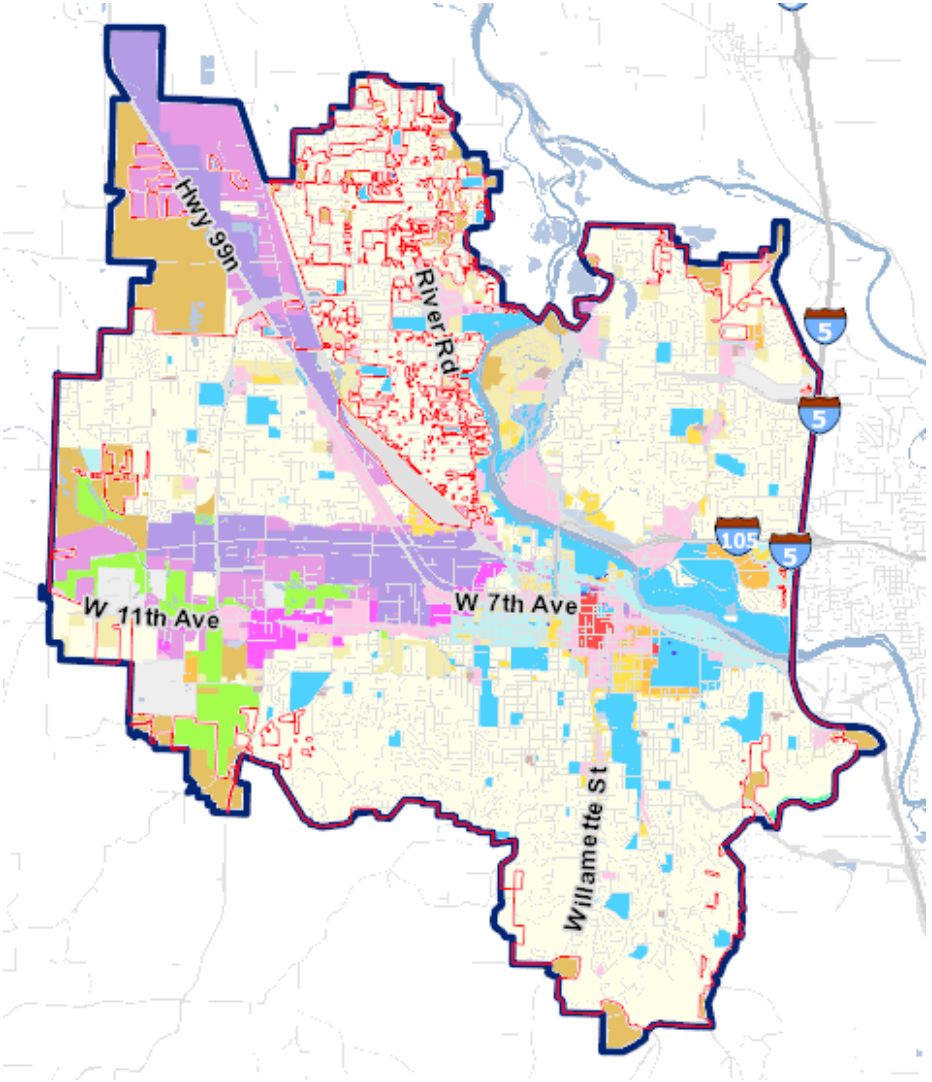
# ADU Requirements

- **Owner occupancy** may discourage investment, complicate financing options
- **Off-street parking** requirement can be difficult to meet because many lots were not originally designed to accommodate two spaces.
- **Minimum lot area** standards restrict eligible lots:
  - Citywide standard - 6,100 sf: 15% of all lots are smaller
  - University Area – 7,500 sf: 50% of lots are smaller


# R-1 Zone Standards

Attachment A

- **Maximum density** of 14 units per acre is a potential barrier to all missing middle housing types.
- **Minimum lot area, width, other lot requirements** for duplexes, triplexes, and fourplexes limit the number of eligible lots.
- **Maximum lot coverage** of 50% can be a barrier to small lot detached, rowhouses, duplexes, and triplexes/fourplexes.
- **University Area** prohibition on duplexes, triplexes, fourplexes, and rowhouses limits the number of eligible lots.



# Key Issues: Density



**Duplex**
Density: 17 units per acre
Floor-Area-Ratio: 0.55
Lot Coverage: 42%

**Single-Family House**
Density: 8 units per acre
Floor-Area-Ratio: 0.53
Lot Coverage: 41%

# Off-Street Parking

- **Minimum standard** of one space/per unit is not a significant barrier for most missing middle types, except for triplex/fourplex on a small lot.
- **Requiring parking** may potentially result in less attractive street frontages than if parking were not required.
- **Internal conversions** from a house to duplex, triplex, etc. may find parking to be a greater barrier than new development.
- **Prohibition on tandem parking** eliminates potential option for meeting standards.

# Multiple-Family Standards

- **Maximum setback for 40-60% of lot frontage** may be a potential barrier for triplexes/fourplexes, courtyard apartments.
- **Minimum open space requirements** may be difficult to meet for triplexes/fourplexes on a smaller lot.
- **Entrance orientation** requirement that ground floor units face the street is a significant barrier for several missing middle types

# Cluster Subdivision/PUD Standards

## Cluster Subdivision Standards:

- **Minimum of 6 units** may be a barrier for smaller cottage cluster projects.
- **Requirement to meet maximum density** may be a barrier in R-1 zone to cottage clusters.

## PUD Standards

- **Minimum open space requirements** may be difficult to meet for smaller cottage clusters.
- **Minimum 30 foot landscape buffer** may be a barrier for smaller cottage clusters.
- **Type III review** is a potential barrier due to uncertainty, cost, and complexity of process.

# DISCUSSION:
# Other known barriers?

*This project is funded by a grant from the Department of Land Conservation and Development*