

Draft Amendments- Final

1.202.02- Definitions


Accessory Dwelling Unit: An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a detached primary single-family dwelling.

Building Footprint: The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

Cottage: An individual dwelling unit that is part of a cottage cluster.

Manufactured Home: Manufactured Home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction and sited on a single-family residential lot outside a manufactured home park, meeting the following standards:

- A. The manufactured home shall enclose a space of not less than 700 square feet; 
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located above grade to a height comparable to the height of nearby single-family, site-built homes, with not more than 24 inches of foundation exposed;
- C. The manufactured home shall have a pitched roof of a slope not less than a nominal three (3) feet in height for each 12 feet in width (3/12);
- D. The manufactured home shall have exterior siding and roofing material commonly permitted on residential dwellings under the Uniform Building Code;
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010, as amended. Any unit manufactured within 10 years from the date of application shall be deemed to meet this subsection; and
- F. The manufactured home shall have a garage or carport constructed of like materials enclosing a space of not less than 300 square feet, which shall be completed not more than 18 months after the date of approval of the application to site the manufactured home.

G. A manufactured home shall not be sited in any area designated in an acknowledged Comprehensive Plan or land use regulation as an historic district or on residential land immediately adjacent to an historic landmark.

Tiny Home: A permanent single family-dwelling attached to a foundation not more than 400 square feet in size. All permanent tiny homes must comply with all applicable provisions of both the State Building Code and federal standards.

2.101.03 PERMITTED USES

- A. Single Family Dwellings, including Tiny Homes as defined in this Ordinance
- B. Manufactured Home as defined in this Ordinance and developed pursuant to 2.209.02.
- C. Manufactured Home Park pursuant to Section 2.209.06.
- D. Two-family Dwelling (Duplex).
- E. Public Park and Recreation Area.
- F. Planned Unit Developments developed pursuant to 3.211.
- G. Child care facility, as defined by Oregon Revised Statutes Chapter 657A.
- H. Residential home, as defined by this ordinance. All residential care homes shall be duly licensed by the State of Oregon.
- I. Cottage Clusters pursuant to Section 2.212.J. Attached Dwellings (maximum of two contiguous units).

2.101.06 DEVELOPMENT STANDARDS

A. Dimensional Standards

- 1. Single-family dwellings and manufactured homes on individual lots:
 - a. Minimum Lot Area: 7000square feet.
 - b. Minimum Lot Width: 50 feet at the front building line.
 - c. Minimum Average Lot Depth: 100 feet.
- 2. Duplex and triplex dwellings:
 - a. Minimum Lot Area: 8,000 square feet for the first unit, plus 3,000 square feet for each additional unit.
 - b. Minimum Lot Width: 80 feet at the front building line.
 - c. Minimum Average Lot Depth: 100 feet.
- 3. Apartments, cottage clusters, and condominiums
 - a. Maximum permitted density: 12 units per acre

4. Townhouses

- a. Maximum lot coverage for townhouses: 60%
- b. Maximum permitted density: 12 units per acre
- c. Minimum lot width: 30 feet

B. Structure Setbacks:

1. The front yard setback shall be a minimum of 20 feet.
2. The minimum side yard setback for single-family dwellings, manufactured homes on individual lots, duplex units and triplex units shall be five (5) feet, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.
3. Apartment and condominium units shall maintain a minimum setback of 10 feet from the perimeter side yard of the project, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.
4. Townhouse units shall maintain the following minimum setbacks:
 - a. Front, Streetside: 15
 - b. Side: 5, except attached dwellings may have a zero lot line.
 - c. Rear: 20
5. The rear yard setback for any permitted use shall be a minimum of 20 feet, except that an accessory structure of 200 square feet or less shall maintain a minimum of a 5-foot rear yard.

C. Structure Height: Structure height shall not exceed 35 feet.

D. Site Design Review: apartment, townhouse and condominium dwellings shall be subject to site design review in accordance with the provisions of Section 3.104. 2.101.07

EXCEPTIONS TO DIMENSIONAL STANDARDS

A. The dimensional standards of this zoning district may be modified as provided in Sections 2.200 and 2.201, and under Section 2.212 for cottage cluster development.

B. The uses permitted and dimensional standards of this district may be modified in accordance with the provisions of Section 3.211, Planned Unit Development.

2.102 COMMERCIAL-RESIDENTIAL ZONE (CR)

2.102.01 PURPOSE To provide for a mixture of residential uses and general commercial uses in areas of mixed land use.

2.102.02 AREA OF APPLICATION This district is to be applied to those areas designated Commercial-Residential on the Comprehensive Plan Map.

2.102.03 PERMITTED USES

- A. Any primary use permitted in the Residential zone.
- B. Retail sales outlet including but not limited to food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types of retail activities.
- C. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department customarily a secondary activity to the retail use.
- D. Service-related businesses such as barber shops, beauty shops, advertising agencies, self serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers.
- E. Preschools, nurseries and kindergartens.
- F. Nonprofit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- G. Public automobile parking as specified in Section 2.202, Off-street Parking and Loading.
- H. Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations, churches and houses of worship, and hospitals.
- I. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.
- J. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and miscellaneous offices such as detective agencies, drafting services or contractors offices.
- K. Professional offices.
- L. Banks and other financial institutions.
- M. Mortuary, including crematorium.
- N. Greenhouse and garden supply.
- O. Restaurants, drive-ins, taverns, snack shops and other types of eating and drinking establishments.
- P. Amusement and recreation related businesses such as bowling alleys, miniature golf, pool halls, motion picture theaters, video arcades, and other types of amusement and recreational businesses.
- Q. Hotel and Motel.
- R. Residences which are located on the second story above a permitted-use commercial building.
- S. Temporary Hardship Dwelling, pursuant to Section 2.209.03
- T. Cottage Cluster Dwellings pursuant to Section 2.212.

U. Attached Dwellings (Maximum of two contiguous dwellings).

2.102.06 DEVELOPMENT STANDARDS AND SIGNS

A. Commercial uses shall be subject to the development standards, sign provisions and limitations on use set forth in the Commercial-Industrial Zone.

B. Residential uses shall be subject to the sign provisions of the Residential Zone and to the development standards of the Residential Zone which apply to the type of dwelling proposed.

1. Cottage Cluster Development is subject to the provisions of Section 2.212.

2.102.07 LIMITATIONS ON USE

A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following: 1. Off-street parking or loading. 2. Drive-through windows or service stations. 3. Temporary display and sales of merchandise provided it is under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation. 4. Business which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations.

B. Not more than 50 percent of the floor area of the building and not more than 25 percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

2.102.08 DIMENSIONAL STANDARDS The following minimum dimensional standards shall be required for all development in the Commercial-Residential Zone.

A. Dimensional Standards

1. Single-family dwellings and manufactured homes on individual lots:

- a. Minimum Lot Area: 7000square feet.
- b. Minimum Lot Width: 50 feet at the front building line.
- c. Minimum Average Lot Depth: 100 feet.

2. Duplex and triplex dwellings:

- a. Minimum Lot Area: 8,000 square feet for the first unit, plus 3,000 square feet for each additional unit.
- b. Minimum Lot Width: 60 feet at the front building line.
- c. Minimum Average Lot Depth: 100 feet.

3. Apartments, cottage cluster, and condominiums

- a. Maximum permitted density: 12 units per acre

4. Townhouses

- a. Maximum lot coverage for townhouses: 60%
- b. Maximum permitted density: 12 units per acre
- c. Minimum lot width: 30 feet

B. Structure Setbacks:

1. The front yard setback shall be a minimum of 20 feet.
2. The minimum side yard setback for single-family dwellings, manufactured homes on individual lots, duplex units and triplex units shall be five (5) feet, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.
3. Apartment and condominium units shall maintain a minimum setback of 10 feet from the perimeter side yard of the project, except that the side yard adjacent to a street on a corner lot shall be a minimum of 20 feet.
4. Townhouse units shall maintain the following minimum setbacks:
 - a. Front, Streetside: 15
 - b. Side: 5, except attached dwellings may have a zero lot line.
 - c. Rear: 20
5. The rear yard setback for any permitted use shall be a minimum of 20 feet, except that an accessory structure of 200 square feet or less shall maintain a minimum of a 5-foot rear yard.

C. Structure Height: Structure height shall not exceed 35 feet.

D. Site Design Review: apartment, townhouse and condominium dwellings shall be subject to site design review in accordance with the provisions of Section 3.104. 2.101.07

E. Nonresidential uses in the Commercial-Residential Zone: Unless otherwise provided in Sections 2.200 and 2.201, and as required below, there shall be no minimum lot area and no required yards.

1. The side yard shall be not less than 15 feet when adjacent to the Residential Zone.
2. The rear yard shall be not less than 20 feet when adjacent to the Residential Zone.

2.102.09 EXCEPTIONS TO DIMENSIONAL STANDARDS The dimensional standards of this district may be modified as provided in Section 2.200 and 2.201.



2.203 ACCESSORY STRUCTURES

2.203.01 GENERALLY Accessory structures shall comply with the following requirements.

2.203.02 RESIDENTIAL ZONE

A. Location and Number. Accessory structures shall be located within the rear or interior side yard. A maximum of two (2) accessory structures are permitted.

B. Height. The maximum allowable height is 20 feet, except that no accessory structure shall exceed the height of the primary building.

C. Property Setbacks. For structures 10 feet or less in height there shall be a minimum five (5) foot setback along the side and rear property lines. For buildings greater than 10 feet in height there shall be a setback of five (5) feet along each side property line and 10 feet along the rear property line.

D. Building Separation. Accessory structures shall be separated from the primary building by a minimum of six (6) feet.

E. Building Size. In no case shall the accessory structure occupy more than 20 percent of the rear yard. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.

F. Exterior Finish. The accessory structure shall have an exterior finish that is residential in character.

G. A building permit is required for all accessory structures that exceed 200 square feet in size or 10 feet in height.

2.203.03 COMMERCIAL-RESIDENTIAL, COMMERCIAL-INDUSTRIAL, AND FORESTRY ZONES

A. Location and Number. Accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures with the exception that only one accessory dwelling unit shall be permitted per primary single-family residence

B. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.

C. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.

D. Building size. There is no limitation, provided the building complies with the setback and height limitations of the underlying zone.

E. A building permit is required for all accessory structures that exceed 200 square feet in size or 10 feet in height.

Section 2.203.04- Accessory Dwelling Units

A. Purpose and Intent: The purpose and intent of allowing accessory dwelling units is to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing.

3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.

4. Provide housing for persons with disabilities.

5. Protect stability, property values, and the residential character of a neighborhood.

B. Permitted Uses: A maximum of one (1) accessory dwelling unit is permitted per lot containing an approved single-family dwelling in the Residential (R) or Commercial-Residential (CR) zone. Density standards within the R and CR zones do not apply to and accessory dwelling units meeting the provisions of this section.

C. Review Process: All permits for accessory dwelling units shall be processed under Falls City's building permit review process.

D. Criteria for the development of an accessory dwelling unit are as follows:

1. One accessory dwelling unit shall be allowed for each detached single-family dwelling on a lot. A manufactured home meeting the requirements of Section 2.209.02 Manufactured Homes, and placed on a permanent perimeter foundation is allowed as a detached accessory dwelling unit. A "tiny home" placed on a permanent perimeter foundation and constructed in accordance with the applicable building codes for single-family dwellings is allowed as a detached accessory dwelling unit.



2. A new separate outside entrance serving an accessory dwelling unit shall be on the side or rear of a detached accessory dwelling unit, and on the side or rear of the primary dwelling for an attached or interior accessory dwelling unit.



3. The maximum gross habitable floor area (GHFA) of the accessory dwelling unit shall not exceed fifty (50) percent of the GHFA of the primary dwelling on the lot, or shall not exceed a maximum of nine hundred (900) square feet, whichever is less. An accessory dwelling unit resulting from the conversion of a level or floor, including but not limited to a basement, attic, or second story, of a primary dwelling may occupy the entire level or floor.

4. An interior, attached or detached accessory dwelling unit shall not be enlarged beyond the maximum size in subsection 3, and shall not be the subject of a variance to allow such enlargement.

5. Off-Street Parking. No on-site parking is required.

6. An accessory dwelling unit shall not be located in a front yard.

7. The accessory dwelling unit shall not exceed the height restriction of the zone in which it is located.

Section 2.212 Specific Standards for Cottage Clusters: When applicable, standards within this standard shall override conflicting standards within the FCZDO

A. Permitted use and Approval Process

1. Permitted use: Cottage Cluster development is permitted where indicated as a permitted use in the applicable zone.

2. Approval Process: Cottage Cluster developments shall be reviewed in accordance with the SDR (Site Development Review) Type III process. Pre-application meetings shall be required for cottage cluster development.

3. Sufficient Infrastructure: The applicant shall provide evidence that sufficient infrastructure is provided, will be provided, or will be provided upon submittal of a cottage cluster development application.

4. Definition: Cottage Clusters are groupings of 4-12 detached dwellings with a minimum square footage of 250 SF and a maximum square footage of 900 SF.

5. A cottage cluster unit must be placed on a permanent foundation.

6. Ownership model: Cottage clusters are permitted in either Apartment-style, Fee Simple or Condo ownership types. Fee Simple development shall be subject to applicable subdivision standards in addition to the development standards within this section.



B. Development Standards

1. Applicability

a. Cottage Cluster developments shall meet the standards of section 2.212, along with the applicable zone-based development standards and general development standards listed within FCZDO Section 2.200



b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):



1. Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).

2. Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.



3. The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone so long as a cottage cluster development is capable of meeting all applicable development standards.

3. Density

a. Minimum Density: 4 units per acre.

b. Maximum Density: No maximum density; however all cottage cluster development must meet all applicable development standards.

4. Setbacks and Building Separation.

a. Setbacks

1. Front setback: 10 feet

2. Side setbacks: 5 feet

3. Rear setback: 10 feet

b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

5. Unit Size and Building Footprint

a. The maximum average floor area for a cottage cluster dwelling unit is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

b. Where a dwelling unit within a cottage cluster has an attached garage or carport, up to 200 square feet of the attached garage or carport may be excluded from the maximum building footprint calculation for that unit. For purposes of this subsection, building footprint means the horizontal area of the building, measured from outside of all exterior walls and supporting columns. It includes the dwelling, garage, and carport, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered porches, or projections which do not have a post touching the ground or ramps and stairways required for access.

6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.

C. Design Standards Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this **Section (C)**.

1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):

a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path.

c. Cottages within 20 feet of a street property line may have their entrances facing the street.

d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
- d. The common courtyard must have no dimension less than 15 feet.
- e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site, or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
- ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
- iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
- iv. Clustered parking areas may be covered.

b. Off-Street Parking.

a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is one (1) space per unit. Spaces may be provided for individual cottages or in shared parking clusters.

b. Except as otherwise provided in this section, parking areas shall:



- i. Shall not be located between the front property line abutting a street and those dwelling units within the cottage cluster that are located closest to the front property line abutting a street;
- ii. Shall be setback a minimum of 20 feet from the property line abutting a street; and
- iii. Shall be setback a minimum of 10 feet from all other property lines, except property lines abutting an alley where there is no minimum required setback.

c. When a cottage cluster is located on a corner lot or double frontage lot, off-street parking, vehicle storage, and vehicle maneuvering areas shall conform to the location and setback requirements included under subsection (b) of this section, except that such areas may be located between the dwelling units and a property line abutting a street on the side or rear of the lot, but shall be setback a minimum of 10 feet from the property line abutting such street.

d. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area. Accessory structures shall be permitted through the City of Falls City building permit process. ADUs shall not be permitted within cottage cluster development.

