

City of Florence

Community Development Department

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MEMORANDUM

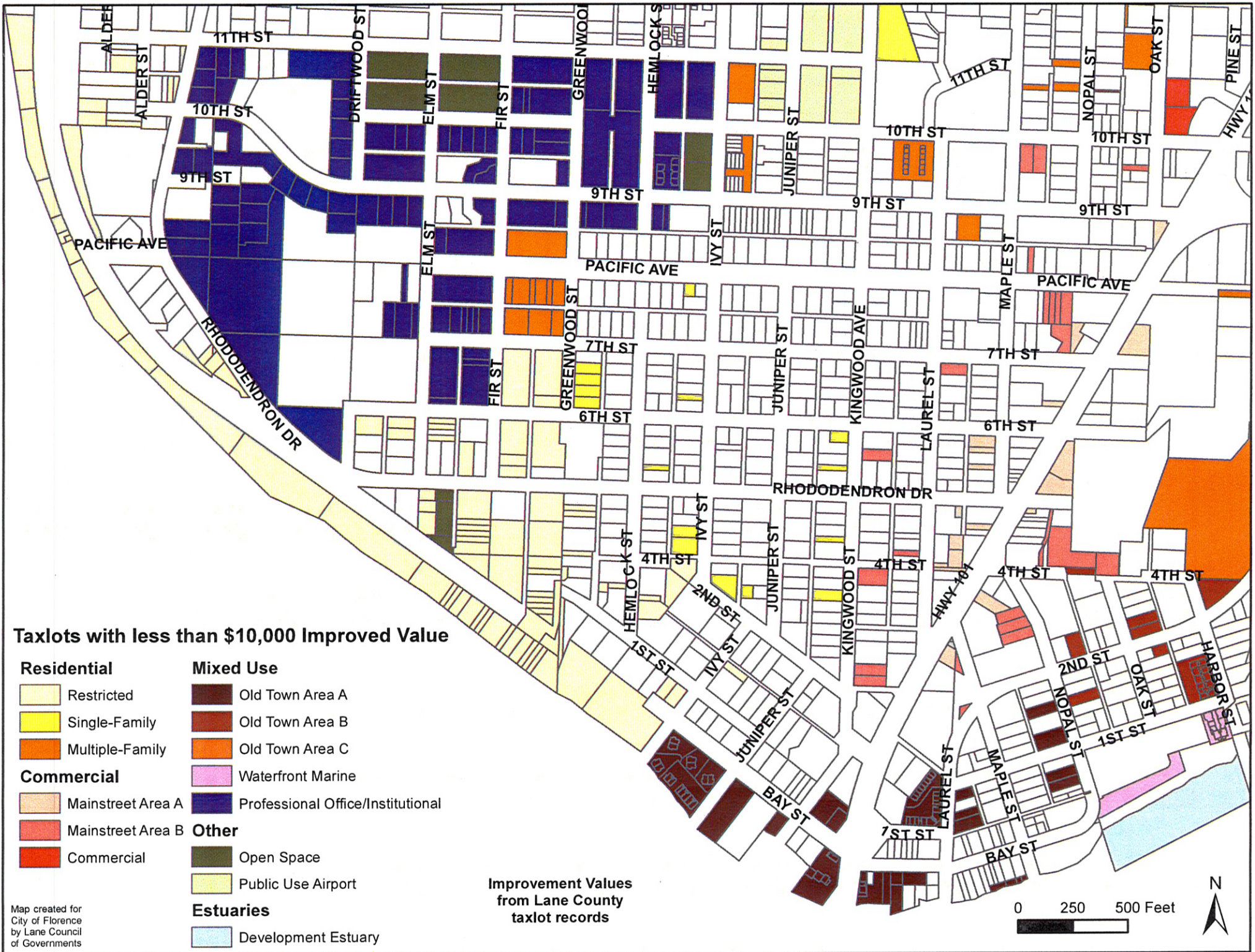
TO: Florence Planning Commission
FROM: Melissa Anderson, Associate Planner
DATE: May 18, 2011 (*meeting date 5/24/11*)
RE: **Work-session on Residential Code Update: Study Area #1 Mainstreet West
(west of Highway 101 and south of 10th Street)**

At the last housing code work-session on May 10, 2011, the Commission requested a map of the vacant properties in study area #1 and a description of the issues involved with the development of the Habitat for Humanity projects and with the house that the Mayor currently owns. This information is included in the attachments along with the draft minutes of the work-session.

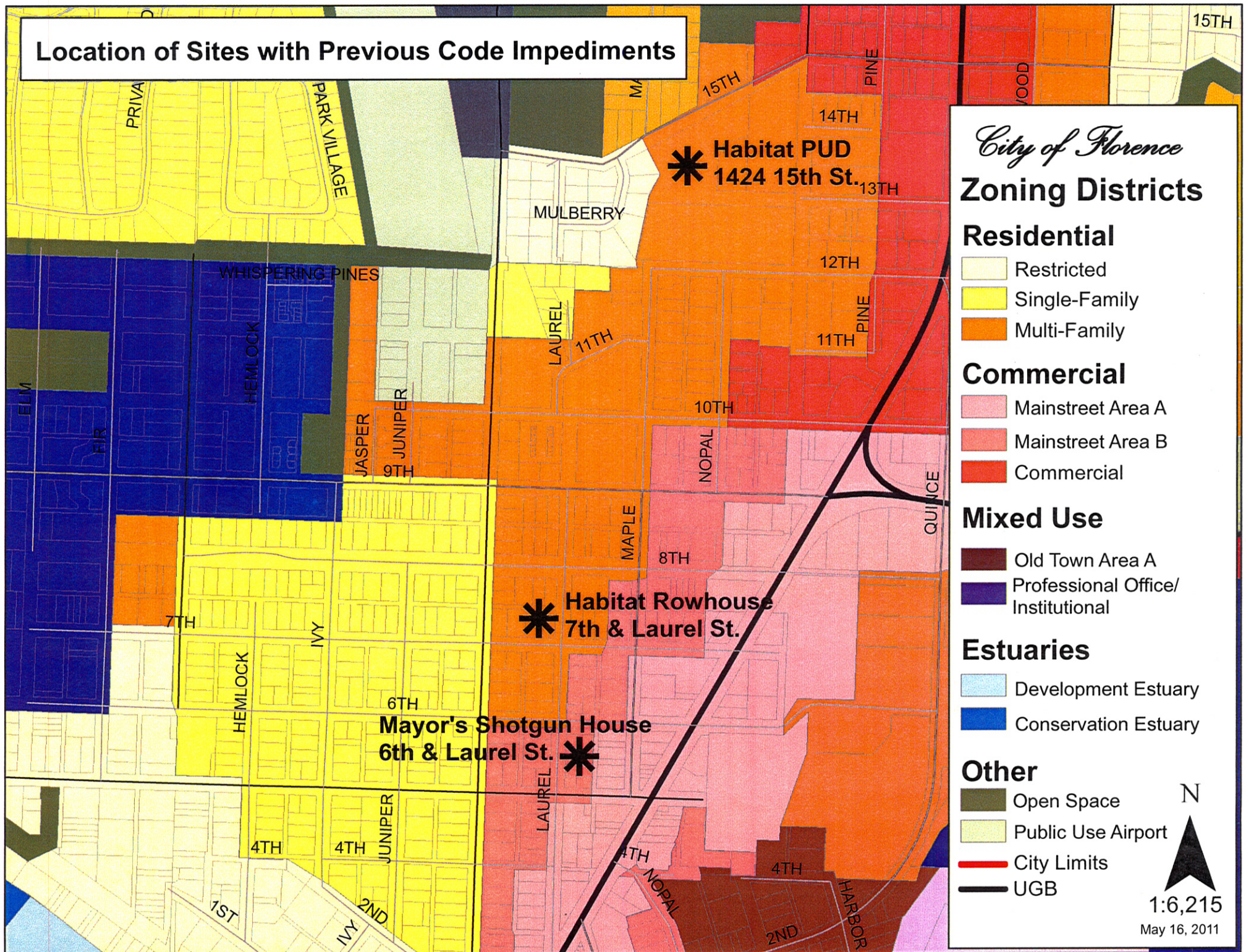
The Commission also agreed to survey study area #1 individually, in order to return on May 24th with some suggested code changes. These suggestions will be discussed by the Commission at this next meeting. In addition, some local builders will be invited to attend the meeting in order to discuss issues that may be impediments to the development of housing in Florence; their attendance will depend on availability for the meeting on the 24th.

ATTACHMENTS:

- Map of Vacant Lots in Study Area #1
- Map of Habitat for Humanity Projects and the Mayor's House
- Description of Issues involved with the Habitat for Humanity Projects and the Mayor's House
- Draft Minutes of May 10, 2011 Work-session on Housing Code Changes
- Table of Zones & Standards (e-mailed to you on May 11)
- Table of Code Options (e-mailed to you on May 11)



Location of Sites with Previous Code Impediments



Site Specific Cases of Code Impediments to Developing Housing

1) Mayor's Shotgun House:

Issue: Setback requirements too large to build the single-family home (as designed) on the small lot, and conditional use permit required for use of lot as a single-family home.

Variance Permit: Variance was necessary in order to reduce the front and side yard setback:

Front Yard Setback: Reduced from 20' setback to 5' setback for house

Side Yard Setback: Reduced from 5' setback to 1' setback for garage only

Conditional Use Permit: Conditional use permit was required in order to allow a single-family dwelling within the Mainstreet Area B Zoning District.

Site Description:

- Located on the southeast corner of Laurel and 6th Streets
- Mainstreet Area B Zoning District
- Dimensions are 26' x 120' original platted lot
- Corner lot with rear alley access
- Both Laurel and 6th Street are local streets, with a 66' right-of-way, so a reduction in the setback allowed because road would never be widened.

2) Habitat Rowhouses/Attached Single-family Dwellings:

Issue: Although townhouses/rowhouses are an allowed use within the Multi-family (RM) zone, they are not permitted in the zone if developed as attached single-family dwellings (with separate ownership for each dwelling) because of the side yard setback requirements. Additionally, the parcels are too small to meet the minimum lot size and dimensions of the RM zone.

Variance Permit: In order to construct three, two-story townhomes/rowhouses, a variance from the lot area, lot dimensions and side yard setback between the interior and end units was necessary.

Side Yard Setback: Reduced from 5' setback to 0' setback between the interior and exterior homes.

Lot Size¹: Reduced from a minimum of 6,000 s.f. lot size to 3,120 s.f. lot size.

Lot Dimensions: Reduced from a minimum of 50 feet wide by 80 feet in depth to 26 feet wide by 120 feet in depth.

Site Description:

- Located on the northwest corner of Laurel and 7th Streets (1285 7th Street)
- Multi-family (RM) Zoning District
- Three lots (26' X 120' each) that were originally platted in 1891
- Corner lot with rear alley access

¹ Typical lot size standard for attached single-family dwellings are between 1,500 s.f. to 2,500 s.f., per lot.

Site Specific Cases of Code Impediments to Developing Housing

3) Habitat Planned Unit Development

Issue: The Habitat for Humanity development project of attached single-family homes in the Multi-family (RM) Zoning District would not have been possible without flexibility through the Planned Unit Development (PUD) Process. Additionally, a conditional use permit was required for single-family homes in the RM zone.

Conditional Use Permit: Conditional use permit was required in order to allow single-family residential homes within the Multi-Family Residential District.

Planning Unit Development: Flexibility in the following standards was needed to development the site with attached single-family dwellings (summary table is listed on next page):

PUD Minimum Size: Reduced from a minimum of 5 acre PUD to a 3.7 acres PUD.

Lot Size: Lot size reduced from a minimum of 6,500 square foot lot (for new subdivisions) to a minimum of 3,234 square foot lot.

Lot Width: Reduced from a minimum of 65 feet wide to 33 feet wide.

Lot Frontage: Reduced from a minimum of 50 feet of street frontage to 33 feet.

Lot Depth for Lot #1: Reduced for Lot #1 only, from a minimum of 85 feet in depth to 70 feet in depth.

Front Yard Setback: Reduced from a minimum of 20 feet to 10 feet for the majority of the lots.

Side Yard Setback: Reduced from a minimum of 5 foot setback to 0 foot setback between all attached single-family homes.

Rear Yard Setback for Lot #1: Reduced for Lot #1 only, from a minimum of 10 feet to 5 feet.

Covered Parking Spaces: Reduced from 2 covered parking spaces to 1 covered parking space and a 20 foot driveway.

Site Description:

- Located at the former senior center site on the south side of 15th street (1424 15th Street)
- Multi-family (RM) Zoning District
- Total site area is 3.7 acres
- 15th Street is a collector street

Site Specific Cases of Code Impediments to Developing Housing

Habitat PUD Alternative Development Standards		
Code Citation	Code Standard	Alternative Standard
<i>Minimum Lot Dimensions</i> FCC 10-13-4-A and FCC 11-5-2-A-1 Exceptions FCC 11-5-2-B	Minimum Width 65 ft. Minimum Depth 80 ft.	Minimum Width 33 ft. Minimum Depth 70 ft (lot 1).
<i>Minimum Lot Area</i> FCC 10-13-4-B and FCC 11-5-2-A-2 Exceptions FCC 11-5-2-B	Lot Area 6,500 sf.	Lot Area 3,234 sf.
<i>Lot Frontage</i> FCC 11-5-2-A-3 Exceptions FCC 11-5-2-B	Frontage 50 ft. & 35 feet on a curve	Frontage 33 ft and 30 feet on a curve
<i>Front Yard Setback</i> FCC 11-5-2-A-3 PUD Option FCC 10-23-1-B & F	Front Yard 20 ft.	Front Yard 10 ft. for lot 13 through 19; 19 ft for lot 1
<i>Side Yard Setback</i> FCC 11-5-2-A-3 PUD Option FCC 10-23-1-B & F	Side Yard 5 ft.	No side yard between attached dwelling units on lots 3 & 4, 5 & 6, 7 & 8, 9 & 10, 11 & 12, 14 & 15, 16 & 17 and 18 & 19.
Rear Yard Setback FCC 11-5-2-A-3 PUD Option FCC 10-23-1-B and F	Rear Yard 10 feet accessory is 5 feet	Rear yard 5 ft. for lot 1
<i>Parking On-site</i> FCC 10-3-1-A PUD Discretionary Standard FCC 10-23-5-E	2 covered spaces per dwelling unit	1 covered space per dwelling unit with 20 ft. driveway provided for Lot Nos. 3 through 20. (lot 1 and 2 will meet standard with 2 per unit.)

P:\Community Development 2\All Post-2007 LU Decisions\Zoning Code Text Amendments\Housing Codes\PC
Mtg. 5-24-11\Issues on Habitat and Shotgun House.doc

CITY OF FLORENCE PLANNING COMMISSION
May 10, 2011 ** WORK SESSION MINUTES Draft**

CALL TO ORDER ~ ROLL CALL ~ PLEDGE OF ALLEGIANCE

Chairperson Nieberlein opened the meeting at 7:00 pm. Roll call: All Commissioners were present. Also present: CDD Belson, AP Anderson, AP Pezley and CM Willoughby. Commissioner Hoile led the Pledge of Allegiance. Mayor Brubaker was also in attendance for the Work Session.

WORK SESSION

Discussion with Mayor Brubaker regarding Council direction on Residential Code updates

Chairperson Nieberlein said she had invited Mayor Brubaker to the Work Session to help lead the discussion on what the Council is looking for on the Residential Code update. Mayor Brubaker said he wanted to talk about why the Council established the goal of encouraging better use of some of the infill areas within the City. He said the intent was to make something better than what we see there today in terms of vacant lots and distressed housing in a manner that would allow some incentives for builders to take advantage of the resources that are available to help create (and recreate in some cases) housing stock for the City. Mayor Brubaker said there are some cluster housing opportunities where the homes could be rented or owned and that could help fill some multi-family type of needs. He said one of the reasons why the Council was encouraging this was the City could use some economic stimulus. Mayor Brubaker said that the area discussed the previous night with Chairperson Nieberlein was the west side of Highway 101, up Maple Street at 6th, 10th and 12th Street. He noted it took years to get a distressed property removed at 17th and Spruce streets. Mayor Brubaker said the Council sees an opportunity to encourage the replacement or re-establishment of housing of a modest scale and not have the focus be on large-scale subdivisions.

Mayor Brubaker said the “how” is really up to the Planning Commission with the help of staff. He said the one issue that leaps out to him, that is begging for a change is Common-wall Townhouses, where there is a separate ownership on either side of the wall. Mayor Brubaker said he views this as an opportunity that will evolve in time and this might be a way to get our local builders building again. He said, however, the Council didn’t view this goal as urgent as getting an emergency generator at the Events Center or completing the Highway 101 pedestrian crossings. Mayor Brubaker said it is not focusing on the big undeveloped areas such as next to the Justice Center, but instead, individual lots.

Chairperson Nieberlein asked Mayor Brubaker if it was a problem with the Council if this code update was carried over to next year. Mayor Brubaker responded that his hope for this public discussion was that it will get members of the community to start thinking about infill’s potential. He said that this update is “not an emergency,” but “in due course, it is something the Council continues to be interested in.” Chairperson Nieberlein asked Mayor

Brubaker if the goal was to work on the code's "impediments" so an applicant didn't have to work on any variances. Mayor Brubaker said that one of the impediments that came up in the 598 Laurel house was the idea that there is a street right-of-way that couldn't allow any reduction in setbacks. He suggested looking into a grid system, where the City collectively decides that certain streets would not be allowed to widen in the future. Mayor Brubaker said that had that setback issue been a real problem, and had it not been resolved through the variance process, there might still be a dilapidated, single-wide trailer there with overgrown berry bushes and deer carcasses on the property. He said that if Councilor Roberts were in attendance, she would make clear that this update is long overdue.

Commissioner Tilton asked if the Council was thinking that the result of this update would be an increase in the final built-out density in some parts of town. Mayor Brubaker said he has learned through his government service that Oregonians hate two types of development: high-rise and sprawl. He said that leaves infill at a denser, urban standard.

Commissioner Muilenburg commented that a majority of the homes in Main Street Area 1 have parking accessed off an alley.

Commissioner Wise asked how the word gets out after changes are made. He commented that a lot of the public are not in tune with what the PC is doing and unaware of changes to code when they are made. Commissioner Wise asked rhetorically, what would happen if the PC sent a recommended code change to the Council for adoption at their next meeting? He asked, given the state of the economy, whether people would really be interested in this. Mayor Brubaker responded that there are some vacant lot opportunities throughout the area that would finally get some buyer interest. He said a lot of those lots already have their System Development Charges (SDC) paid and having a lot that would then be able to put two units on it makes it a lot more sellable. Mayor Brubaker said a large part of employment in town has been individual builder contractors who are eager to get back to work and he believes the word would get out quickly among those builders and Realtors about code changes.

Commissioner Tilton said one of the things that concerns him is how the PC would get feedback from residents in particular neighborhoods in regards to what types of zoning changes they feel would be compatible with their neighborhood. Mayor Brubaker agreed that there needs to be citizen participation and he said he believes the best way to start that is through the Realtors.

Commissioner Peters suggested bringing together builders and finding out what, exactly are the impediments to the current code that keeps them from building. He said they would also need to do some strategic work and identify properties that are distressed and has potential. Commissioner Peters said that would help them in creating a potential inventory of properties with potential. Mayor Brubaker said he, personally, would recommend focusing on vacant lots and using the Realtors experience and insight into the impediments builders are having. Commissioner Peters asked Mayor Brubaker what the next step should be. Mayor Brubaker recommended letting Realtors know of the staff changes the PC are considering in possibly a workshop setting. He said determining what the actual impediments are, is up to the PC.

Chairperson Nieberlein recommended Commissioners look at the Laurel Street infill project to see what kind of variances were granted on that.

Residential Code Update – Focus on Mainstreet West (west of Highway 101 and south of 10th Street)

AP Anderson said the PC had requested looking at code changes related to housing infill on a geographic basis.

Commissioner Muilenburg commented that it would be nice to know where vacant lots are located within the City. AP Anderson said staff would be working on that. Commissioner Muilenburg said he believed there was a lot of work to be done and said he wanted to address these updates zone by zone rather than bounce all over the place.

Commissioner Hoile suggested first identifying impediments in each zone/area.

Chairperson Nieberlein suggested looking at the variances granted to Mayor Brubaker's and the Habitat for Humanity homes for an idea on the impediments.

Commissioner Muilenburg suggested focusing on Restricted Residential at the end of the process.

Commissioner Tilton suggested looking at Main Street Areas A and B first. Chairperson Nieberlein asked the PC if they were comfortable starting on Main Street Areas A and B. Commissioner Peters said that he believes they are the least promising areas with little flexibility and doesn't think it is right for multi-family development. He believes there is a lot more promise in the areas immediately to the west.

Commissioner Muilenburg suggested looking at empty, vacant lots and determining what would help encourage builders to put homes on those.

CDD Belson suggested that each Commissioner come up with one recommended code amendment that would take place in the Mainstreet West area and bring it to the next PC meeting. Commissioner Peters asked if the PC were sufficiently aware of what the impediments are in order to come up with possible solutions. CDD Belson noted that staff had provided some direction in the staff report in regards to past issues and suggested solutions. Commissioner Wise said he agreed with Commissioner Peters and commented that he didn't think there was anything the PC could do to help encourage home sales. Commissioner Bare said he has spoken with a contractor who had built two spec homes in the City and he has had a hard time selling those. Commissioner Bare recommended starting with talking to the builders and contractors to find out what they believe the impediments are.

Commissioner Tilton said when he looked at the Mainstreet West area, it seemed to him that there were some restrictions that didn't make a lot of sense to him. He asked if a ten-foot minimum setback should be considered for front yards in Area B. Commissioner Tilton asked if detached single-family dwellings should be permitted rather than conditional. He suggested also having a conversation about duplexes and townhomes.

Commissioner Tilton asked if Multi-Family Housing should be allowed and mentioned looking at the 5-acre minimum requirement for Planned Unit Developments (PUD).

Chairperson Nieberlein said she is intrigued by the Cottage-style developments and stated she would be willing to do research on those.

Commissioner Peters asked about the protocol involved with him going out and talking to builders. CDD Belson said this is a Legislative process and the Commissioners were encouraged to go out and talk to the public. CDD Belson suggested the Commissioner each "adopt-a-builder" and possibly take them out to coffee. She also mentioned that staff has a list of contractors in the area and invitations could be sent out to invite them to give feedback. Chairperson Nieberlein reiterated that feedback from the contractors is important in understanding the actual impediments.

Chairperson Nieberlein brought up some projects had been given setback variances in that area and she asked if the PC was willing to adjust those setbacks. Commissioner Muilenburg said he was OK with looking at setbacks for Multi-Family in the Mainstreet area, but that he was "staying away" from Restricted Residential and Single-Family Residential setbacks. He said he was going to have to be "sold" on Accessory Dwelling Units.

Chairperson Nieberlein asked the PC to go through and look at changes they would even consider in the Mainstreet West area and they could go over those considerations at the next meeting.

Commissioner Muilenburg reminded staff that it would be helpful knowing what the impediments were with Mayor Brubaker's and the Habitat for Humanity homes. AP Anderson said that setbacks were an issue on the Habitat project in order to allow attached single-family homes. She said Mayor Brubaker's project had an issue with being an "undersized lot of record," and a variance was given for a reduction in the setbacks.

Standards & Uses	RR Restricted Residential	RS Single Family Residential	RM Multifamily Residential^{2,3}	Mainstreet Area A & B⁴	Old Town Area A⁵	Professional Office⁵
Minimum Lot Size	50' x 80' new subdiv. 80' x 85'	50' x 80' new subdiv. Width 65'	50' x 80' new subdiv. 65' x 80'	Width 25'	Width 25'	Width 100'
Minimum Lot Area	9,000 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	2,500 s.f.	1,500 s.f.	15,000 s.f.
Maximum Lot Coverage	35% & 65%	35% & 65%	sfd 35% & 75% mfd 50% & 75%	DRB may allow up to 90%	DRB may allow up to 90%	None Specified
Minimum Setbacks¹: Front Yard	20'	20'	sfd /duplex 20' mfd 5'	Area A: 0' to 10' max. Area B: sfd 20' mfd 5' non-res. 0'-10'	0' to 10' max.	20'
Side Yard	10'	5'	sfd /duplex 5' mfd 5'	Area A: 0' Area B: sfd 5' mfd 5' non-res. 0'	0'	0' or 15' if abutting residential district
Accessory Side Yard	5'	5'	sfd /duplex 5' mfd 5'	Area A: 0' Area B: sfd 5' mfd 5' non-res. 0'	0'	0' or 15' if abutting residential district
Rear Yard	10'	10'	sfd /duplex 10' mfd 5'	Area A: 0' Area B: sfd 5' mfd 5' non-res. 0'	0'	0' or 15' if abutting residential district

Standards & Uses	RR Restricted Residential	RS Single Family Residential	RM Multifamily Residential ^{2,3}	Mainstreet Area A & B ⁴	Old Town Area A ⁵	Professional Office ⁵
Accessory Rear Yard	5'	5'	sfd /duplex 5' mfd 5'	Area A: 0' Area B: sfd 5' mfd 5' non-res. 0'	0'	0' or 15' if abutting residential district
Maximum Height	28'	28'	28'	Area A & B: non-residential minimum 20' maximum 38'-50' w/DRB approval Area B: sfd & mfd 28'	2 stories @ 30'	28'
Maximum Accessory Height	15'	15'	15'	sfd & mfd 15'	2 stories @ 30'	28'
Parking	On-site 2 spaces 19'x9.5'	On-site 2 spaces 19'x9.5'	On-site See FCC 10-3 parking ratios	Area A & B: Non-residential Off- or On-site See FCC 10-3 parking ratios Area B: sfd 2 on-site mfd on-site, see FCC 10-3 parking ratios	Non-residential Off- or On-site See FCC 10-3 parking ratios	On-site See FCC 10-3 parking ratios
Single-family Dwellings- <i>Detached</i>	Permitted	Permitted	Conditional	Conditional	Not Allowed w/o Commercial	Not Allowed
Single-family Dwellings- <i>Attached</i>	Not Allowed	Not Allowed	Not Allowed	Area A Conditional (0' side yard) Area B Not Allowed (5' side yard)	Not Allowed w/o Commercial	Not Allowed
Duplexes	Not Allowed	Conditional	Permitted	Not Allowed	Not Allowed w/o Commercial	Not Allowed

Standards & Uses	RR Restricted Residential	RS Single Family Residential	RM Multifamily Residential^{2,3}	Mainstreet Area A & B⁴	Old Town Area A⁵	Professional Office⁵
Mobile Home/Manu- factured Home-Medical Hardship	Conditional	Conditional	Conditional	Not Allowed	Not Allowed	Not Allowed
Mobile Home/Manu- factured Home Subdivisions	Not Allowed	Conditional	Conditional	Not Allowed	Not Allowed	Not Allowed
Mobile Home/Manu- factured Home Park	Not Allowed	Not Allowed	Conditional	Not Allowed	Not Allowed	Not Allowed
Accessory Dwelling Unit	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed ⁵
Mixed-Use: Commercial and Residential	Not Allowed	Not Allowed	Not Allowed	Conditional	Permitted above Commercial Conditional on first floor	Permitted
Planned Unit Development	Permitted	Permitted	Permitted	Permitted	Not Allowed	Residential PUD Permitted (sub- area 2); minimum: 5 units/acre and 1 acre min.
Multi-family Dwelling	Permitted	Permitted	Permitted	Conditional	Allowed only with Commercial: Permitted above Commercial Conditional on first floor	Permitted (except sub-area 2)

¹ The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles.

² For single-family and duplex dwellings, front, side and rear yard regulations shall be the same as those in the Single-Family Residential District.

³ When a multiple use adjoins a single-family use, the multiple use shall be set back from all lot lines one additional foot for each foot of height over twenty eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line. The minimum separation between multiple-family buildings shall be thirty feet (30') unless the buildings are arranged end to end. In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

⁴ Residential units allowed conditionally, provided that the front 25' of the ground floor, and not more than 50% of the ground floor facing a principal commercial street. If access to the dwelling unit(s) is from the principal commercial street, it shall be a separate entrance not more than 6' wide or as required by ADA.

⁵ Accessory residential units permitted, provided that a dwelling does not occupy the front 25' of the building's ground floor facing the principal commercial street, except that one 6' wide entrance to the residential uses may be allowed off the principal commercial street at the ground floor.

**MAINSTREET WEST
HOUSING TYPES AND DEVELOPMENT STANDARDS**

Code Changes	RR Restricted Residential	RS Single Family Residential	RM Multifamily Residential	Mainstreet Area A & B	Old Town Area A	Professional Office
Attached single-family dwellings				A – permitted B - conditional	Not permitted w/o commercial	
Accessory Dwelling Units						
Mixed Use zoning (i.e. apartments over a business)				Conditional	2 nd floor Permitted 1 st floor Conditional	Permitted
Cluster zoning / Cluster Subdivisions or Cottage Housing (w/o going through the PUD process, but still requires a homeowners association for common areas and parking)						
Single-room Occupancy Apartments (i.e. dormitory or boarding house)						
Development on Existing Small Platted Lots (Change Section FCC 10-8-3-A-3 "Undersized Lots of Record" to allow original platted lots to be "buildable" regardless of ownership)						
Setbacks: (e.g. zero lot line; and reduce front yard setback to allow 10' with a driveway 19', and 5' side and rear yard or a minimum of 10' combined between houses)						
Lot Dimensions	50' x 80' new subdiv. 80' x 85'	50' x 80' new subdiv. Width 65'	50' x 80' new subdiv. 65' x 80'	Width 25'	Width 25'	Width 100'
Lot Size	9,000 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	6,000 s.f. new subdiv. 6,500 s.f.	2,500 s.f.	1,500 s.f.	15,000 s.f.
Lot coverage	35% & 65%	35% & 65%	sfd 35% & 75% mfd 50% & 75%	DRB may allow up to 90%	DRB may allow up to 90%	None listed