

**ORDINANCE NO. 2018-01**

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-05 AND EXHIBIT C of ORDINANCE 2011-03 AS AMENDED; AMENDING THE DEFINITION OF ALLEY; ADDING A DEFINITION FOR TOWNHOMES; ADDING TOWNHOMES AS A PERMITTED USE IN THE CRMX AND CMX ZONES; ADDING TOWNHOME DEVELOPMENT REGULATIONS TO SECTION 12 SPECIAL USES; ADDING A MINIMUM FRONTAGE REQUIREMENT FOR TOWNHOMES; AND SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

WHEREAS, the City of La Pine (“City”) adopted Ordinance Nos. 2012-05 (as amended the “Zoning Ordinance”) and 2011-03 (with respect to Exhibit C thereto, and as amended, the “Land Division Code”) establishing land use and development regulations within the City;

WHEREAS, City initiated Planning File No. 2018-01IF to amend the Zoning Ordinance and Land Division Code, to allow townhomes in the CRMX and CMX Zones and to establish development regulations for townhomes;

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development and all other parties entitled to notice of the proposed amendments;

WHEREAS, City’s Planning Commission, after receiving public testimony at a public hearing held January 17, 2018 and deliberating fully on the proposed amendments, voted to recommend approval of the amendments to the La Pine City Council (the “Council”);

WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on February 14, 2018, the members of the Council present voted to approve the recommended amendments by adopting this Ordinance No. 2018-01 (this “Ordinance”).

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. The above-stated findings and the findings in the staff report for Planning File No. 2018-01IF, attached as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. Zoning Ordinance Amendments. The amendments to the Zoning Ordinance and Land Division Code contained within the attached Exhibit B, incorporated herein by this reference, are hereby approved and adopted. The foregoing amendments are hereby made part of the Zoning Ordinance and Land Division Code. The provisions of the Zoning Ordinance and Land Division Code that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such

actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Scott, Mayor

ATTEST:

\_\_\_\_\_  
Cory Misley, City Manager

Exhibit A  
Staff Report for Planning File No. 2018-01IF

**EXHIBIT A - STAFF REPORT TO CITY COUNCIL**

**CASEFILE:** 2017-01IF

**APPLICANT:** City of La Pine

**HEARING DATES:** January 17, 5:30 pm, Planning Commission  
February 14, 6:00 pm, City Council

**REQUEST:** Consider a proposal to amend the text of Sections 8, 10 and 12 of the City of La Pine Zoning Ordinance No. 2012-05 and Section 10.2.0 of the Land Division Code, Exhibit C of Ordinance No. 2011-03.

**STAFF CONTACT:** Tammy Wisco, PE, AICP, Planning Consultant, (210) 896-3432  
Melissa Bethel, Community Development Director, (541) 536-1432

**I. INTRODUCTION**

The City has proposed legislative text amendments to City of La Pine Zoning Ordinance No. 2012-05 and the Land Division Code, Exhibit C of Ordinance No 2011-03. The proposal is to create a definition for townhomes and add them as an allowed use in the CMX and CRMX zones. The proposed amendments also establish use-specific regulations, clarify the permitting process and set minimum lot sizes for townhome lots. The proposed amendments are listed in Exhibit A.

**II. APPLICABLE CRITERIA**

1. City of La Pine Ordinances:
  - a. La Pine Land Use Procedures Code, Section 3.0.0
2. City of La Pine Comprehensive Plan
3. Oregon Administrative Rules (OARs)
  - a. 660-015, Oregon Statewide Planning Goals

**III. PROPOSED AMENDED SECTIONS**

Proposed Amendments to La Pine Zoning Ordinance, 2012-05:

AMENDMENT 1: Section 8. Definitions

AMENDMENT 2: Section 10. Permitted Uses

AMENDMENT 3: Section 12. Special Uses

Proposed Amendments to La Pine Land Division Code, Exhibit C of Ordinance 2011-03:

AMENDMENT 4: Section 10.2.0 Lots and Blocks

#### **IV. FINDINGS OF FACT**

**Proposed Amendments:** The amendments in Exhibit A are proposed to update the City of La Pine Zoning Ordinance, 2012-05 and the Land Division Code, Exhibit C of Ordinance 2011-03.

**Public Notice:** The Department of Land Conservation and Development (DLCD) was noticed on November 24, 2017. Public notices for the Planning Commission hearing were posted on December 29, 2017 at the La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice for the Planning Commission hearing was published in the local newspaper, *Wise Buys*, in their December 19, 2017 through January 2, 2018 weekly editions.

Notice of the City Council public hearings to consider the proposed ordinance amendments was posted on February 2, 2018 at the same locations and published in the *Bend Bulletin* on February 9, 2018. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes.

**Planning Commission Hearing:** A public hearing was held at the City's Planning Commission meeting on January 17, 2018, at 5:30 pm. Wade Watson, representing Habitat for Humanity, provided testimony in support of the amendments. No other testimony was given. The Planning Commission unanimously voted to recommend approval of the amendments to City Council.

#### **V. CONCLUSIONARY FINDINGS**

##### **1. Conformance with the La Pine Land Use Procedures Code, Ordinance 2011-03**

##### **SECTION 3.0.0. LEGISLATIVE PROCEDURES**

##### **Section 3.1.0. Hearing required**

##### **Section 3.2.0. Notice**

##### **Section 3.3.0. Initiation of legislative changes**

##### **Section 3.4.0. Hearings Body**

##### **Section 3.5.0. Final decision**

##### **Section 3.1.0. Hearing required.**

**No legislative change shall be adopted without review by the Planning Commission and a public hearing before the City Council. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director or other designated City representative, unless otherwise required by state law.**

**FINDING:** A public hearing was held before the Planning Commission on January 17, 2018 at 5:30 pm. The Planning Commission unanimously voted to recommend approval of the amendments to the City Council. A public hearing before City Council is scheduled for February 14, 2018 at 6:00 pm.

##### **Section 3.2.0. Notice**

**1. Notice of a legislative change shall be published in a newspaper of general circulation.**

**2. The notice shall state the time and place of the hearing and contain a statement describing in general detail the nature of the proposed change.**

**A. Posted Notice.** Notice shall be posted at the discretion of the Planning Director or other duly designated City representative and where necessary to comply with ORS 203.045.

**B. Individual Notice.** Individual notice to property owners, as defined in Section 2.2.0 (A), shall be provided at the discretion of the Planning Director or other duly designated City representative, except as required by ORS 215.503

**FINDING:** Notice of the planning commission public hearing to consider the proposed zoning ordinance amendments was posted on December 29, 2017 at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and the City's website. Notice was published in the local newspaper, *Wise Buys*, in their December 19, 2017 through January 2, 2018 weekly editions. Notice of the City Council public hearings to consider the proposed ordinance amendments was posted on February 2, 2018 at the same locations and published in the *Bend Bulletin* on February 9, 2018. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes. The notices stated the time and place of hearings, as well as a general description of the nature of the proposed changes.

### **Section 3.3.0. Initiation of legislative changes**

**Legislative Changes may be initiated by application of individuals upon payment of required fees as well as by the City Council or the Planning Commission with the consent of the City Council.**

**FINDING:** The proposed text amendments were initiated by City after discussion in a November City Council work session.

### **Section 3.4.0. Hearings body**

**A. The following shall serve as hearing or review body for legislative changes in this order:**

- 1. The Planning Commission.**
- 2. City Council.**

**B. Any legislative change initiated by the City Council should be reviewed by the Planning Commission prior to action being taken by the City Council.**

**FINDING:** A public hearing was held before the Planning Commission on January 17, 2018 at 5:30pm. The Planning Commission unanimously voted to recommend the amendments for approval to City Council, and a hearing before City Council has been scheduled for February 14, 2018.

### **Section 3.5.0. Final decision**

**All legislative changes shall be adopted by ordinance.**

**FINDING:** The proposed legislative changes are contained in an ordinance, for consideration and adoption by City Council.

## **2. Conformance with the La Pine Comprehensive Plan**

### **Chapter 2, Citizen Involvement Program**

This chapter identifies State rules related to citizen involvement, along with the community's purpose and intent with regard to citizen involvement. This chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One of the CACs that are identified in this chapter is a Planning Commission, which the City has established for planning and land use purposes. *This application and request has been processed and reviewed in accordance with the public notification procedures that have been established in the Procedures Ordinance, and a hearing was held before the Planning Commission on January 17, 2018. As such, the application will be reviewed by the appropriately established citizen advisory committee, in accordance with the adopted notification procedures, and will be consistent with this chapter.*

### **Chapter 3, Agricultural Lands**

This chapter addresses agricultural lands within counties. Although La Pine is not required to plan for agricultural lands in the City, there continues to be agricultural uses in some areas within the city limits and the City's Comprehensive Plan sets out goals and policies related to agriculture. *The proposed amendments do not impact the City's ability to achieve the goals and policies within this chapter, as the proposed amendments address uses on lands designated for mixed uses, not agricultural lands.*

#### **Chapter 4, Forest Lands**

Chapter 4 implements State Planning Goal 4, which defines “forest lands” and requires counties to inventory and conserve such lands. However, planning for forest lands is not required within city limits. *This chapter does not apply to the proposed amendments.*

#### **Chapter 5, Natural Resources and Environment**

This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. *The proposed amendments do not impact the City’s ability to implement this chapter or Statewide Planning Goals 5, 6, and 7, as they are not related to natural resources, historic areas, open spaces, air, water and land resources protection from natural hazards.*

#### **Chapter 6, Parks, Recreation and Open Space**

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages cooperation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City. *The proposed amendments do not impact the City’s ability to implement this chapter or Statewide Planning Goal 8, as they are not related to parks, recreation and open space.*

#### **Chapter 7, Public Facilities and Services**

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 1,687 (PSU 2015 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. *The policies of this chapter do not apply directly to the proposed amendments, which are not associated with specific development.*

#### **Chapter 8, Transportation**

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Additionally, this chapter addresses long range planning needs, air and rail, pipelines, and funding. *The majority of the policies of this section have been incorporated into the Zoning Ordinance and implementing regulations, which are imposed upon site plan application of commercial development and are proposed through these amendments to be imposed for any townhome development with three or more proposed townhomes. At this time, the policies of this chapter do not specifically apply to the proposed text amendments, however, they will be reviewed at time of site plan application.*

#### **Chapter 9, Economy**

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development, which requires local jurisdictions to plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare and prosperity of its citizens. The overall intent is to ensure that there are adequate lands and infrastructure for new business and industry, as well as identifying any obstacles. This Chapter includes an analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community. *The goals of this chapter relate to strategic planning and land inventories to satisfy urban development needs of the City. While the proposed amendments do not relate specifically to these goals, the addition of townhomes as an allowed use in certain*



*zones increases housing opportunities within the City, which indirectly supports businesses by providing an opportunity for employees to have a variety of housing options that may be more affordable than typical single-family dwellings.*

## **Chapter 10, Housing**

This chapter addresses housing and Statewide Planning Goal 10 to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary - UGB (city limits in this case) to support a range of housing types necessary to meet current and future needs. *The proposed text amendments support this chapter, as they diversify the housing options within the City. The proposed text amendments would allow townhomes in the CMX and CRMX zones, providing an opportunity for housing that may be more affordable than single-family dwellings.*

Selected Chapter 10 Policies:

**It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.**

...

**It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing neighborhoods and new residential areas.**

...

**Development code regulations will need to be modified to encourage needed housing types within the UGB.**

**FINDING:** The proposed text amendments to allow townhomes in the CMX and CRMX zones directly support these policies by diversifying the types of allowed housing within the city limits. Additionally, townhomes generally provide a more affordable housing type than typical detached single-family dwellings, while providing an opportunity for densification in specific areas of the city.

## **Chapter 11, Energy Conservation**

This chapter carries out Oregon State Planning Goal 13. This chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter encourage increased residential density, along with development and design desires, aimed to reduce energy usage throughout the city.

Selected Chapter 11 Policy:

**Land use patterns shall achieve greater density for new residential development, including greater density along primary roadways where multi-modal transportation options are more practical.**

**FINDING:** The proposed text amendments support this policy by providing an opportunity for greater residential density in the commercial mixed use (CMX) and commercial residential mixed use (CRMX) zones. Some of the policies of this chapter may be imposed during future site plan review, as some of the policies are implemented through the adopted Zoning Ordinance provisions.

## **Chapter 12, Urbanization**

This chapter addresses Statewide Planning Goal 14 to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The chapter highlights the City's desire to create live-work neighborhoods within the mixed use commercial residential districts. *The proposed text amendments do not impact the City's ability to provide an orderly and efficient transition from rural to urban land or to manage the balance of types of land, as the proposed amendments create more options for efficient use of land through livable communities. Further, the proposed townhome amendments directly support this chapter's focus on creating live-work neighborhoods within the mixed-use zones.*

### **3. Conformance with the State Administrative Rules (OARs)**

#### **OAR 660-015, Statewide Planning Goals**

##### **Goal 1 - Citizen Involvement**

Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

**FINDING:** The Department of Land Conservation and Development (DLCD) was provided notice of the proposed amendments on November 24, 2017. Notice of the public hearing to consider the proposed amendments was posted on December 29, 2017 (for Planning Commission hearing) and February 2, 2018 (City Council Hearing) at La Pine City Hall, Deschutes County Library - La Pine Branch, Ace Hardware Store and on the City's website. Notice was also published in the local newspaper (*Wisebuys*) in the December 19, 2017 through January 2, 2018 weekly editions (PC hearing) and the *Bend Bulletin* on February 9, 2018 (Council hearing). Citizens are provided the opportunity to comment on the proposed amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings.

##### **Goal 2 - Land Use Planning**

Goal 2 outlines the basic procedures of Oregon's statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

**FINDING:** As required by Goal 2, the City adopted criteria and procedures (zoning ordinance, land use procedures code) to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan.

##### **Goal 3 - Agricultural Lands**

Goal 3 requires counties to inventory agricultural lands and to "preserve and maintain" them through farm zoning outside of urban growth boundaries.

**FINDING:** Lands within an Urban Growth Boundary are not required to comply with Goal 3. Additionally, the proposed amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

#### **Goal 4 - Forest Lands**

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**FINDING:** The proposed amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of forest lands within La Pine.

#### **Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources**

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

**FINDING:** The proposed amendments are consistent with Goal 5 and its implementing policies, as they do not adversely impact the ability of the City to protect historic resources or designated natural resources and environmental elements within the City.

#### **Goal 6 - Air, Water and Land Resources Quality**

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

**FINDING:** The proposed amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect the quality of air, water, and land resources. Any future development related to the proposed amendments to allow townhouses in the CRMX and CMX zones within the city will be required to submit site plan applications, which are reviewed for compliance with water, sewer, stormwater, and transportation requirements.

#### **Goal 7 - Natural Hazards**

Goal 7 focuses on local government planning to protect people and property from natural hazards.

**FINDING:** The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks.

#### **Goal 8 - Recreational Needs**

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**FINDING:** The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors.

### **Goal 9 - Economic Development**

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**FINDING:** The proposed amendments are consistent with Economic Development (Goal 9) and Goal policies by increasing and diversifying economic development opportunities through expanding allowable uses within the zoning ordinance and providing an opportunity for increased housing options.

### **Goal 10 - Housing**

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**FINDING:** The proposed amendments support and improve City's ability to provide for the housing needs of its citizens through diversification of housing options. The proposed amendments will not reduce residential inventories, but rather, will allow a new housing type in La Pine in the CMX and CRMX zone that may be more affordable than single family dwellings.

### **Goal 11 - Public Facilities and Services**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**FINDING:** The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities.

### **Goal 12 - Transportation**

The goal aims to provide "a safe, convenient and economic transportation system." It requires communities to address the needs of the "transportation disadvantaged."

**FINDING:** The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will not have measurable impacts on the intensity of development permitted in the CMX or CMRX zones, or on the traffic generation potential of such development, as equivalent residential uses are already permitted (detached single family homes, duplexes, triplexes, and apartments) and uses with higher trip generating potential are already permitted within these zones such as restaurants, retail outlets, and office buildings. Therefore, the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. As such, compliance with Goal 12 is maintained.

### **Goal 13 - Energy Conservation**

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**FINDING:** The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. Further, the proposed amendments would allow construction of townhomes in the CMX and CRMX zones, potentially increasing density, which is one criteria for improving energy conservation. As such, compliance with Goal 13 is maintained.

**Goal 14 - Urbanization**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists criteria to be applied when urbanizable lands (lands designated for urban uses, but not presently served with urban services) within a UGB is to be converted to urban uses.

**FINDING:** The proposed amendments do not adversely impact the City's ability to accommodate urban populations and employment inside the urban growth boundary, but rather, they diversify the available housing types within the UGB. The proposed amendments do not encourage sprawl or lower targeted densities, but rather, provide opportunity for increased density through reduced setback requirements for townhomes. The management of the City's land use inventories is unaffected by the proposed amendments and therefore compliance with Goal 14 is maintained.

**Goals 15-19**

**FINDING:** These goals pertain only to areas in western Oregon and are not applicable to these amendments.

**V. CONCLUSION**

Based on the above findings, the proposed amendments to the Zoning Ordinance and Land Division Code meet the La Pine Land Use Procedures Code criteria, La Pine Comprehensive Plan goals and policies, and are consistent with applicable State land use laws.

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**END of STAFF REPORT**

Exhibit B  
Zoning Ordinance and Land Division Code Amendments

[attached]

EXHIBIT B TO ORDINANCE NO. 2018-01

Double underlined words are words added

~~Strikethrough~~ words are words deleted

**Amendment #1: Amending Ordinance No. 2012-05, Section 8. Definitions**

8. Definitions

...

~~Alley. The space or area between the rear or side lot lines of lots which has a minor right-of way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.~~ A public or private narrow way, twenty (20) feet or less or as otherwise approved by the City, serving more than one lot or parcel primarily for vehicular access to the back or side of properties.

...

Townhomes. A permanent building designed for and used exclusively for occupancy by one family that is located on an individual lot, but attached to one or more other townhomes through a party wall(s) located on a common property line(s).

...

**Amendment #2: Amending Ordinance No. 2012-05, Section 10. Permitted Uses**

10. Permitted Uses

...

<b>CRMX Commercial/Residential Mixed-use Zone</b>	
<u>Principal uses</u> ... <u>Townhomes subject to Section 12(O)</u>	<u>Conditional uses</u> ...
<b>CMX Mixed-use Commercial Zone</b>	
<u>Principal uses</u> ... <u>Townhomes subject to Section 12(O)</u>	<u>Conditional uses</u> ...

**Amendment #3: Amending Ordinance No. 2012-05, Section 12. Special Uses**

12. Special Uses

...

O. Townhomes. Townhome developments with three or more dwelling units shall require site plan approval. All townhome developments shall comply with the standards in subsections (1) through (9) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Setbacks and lot width. Notwithstanding anything in this ordinance to the contrary, there shall be no required side yard setback between attached townhomes (i.e. where a party wall is sited). Townhomes shall otherwise comply with the applicable setbacks in the underlying zone. The minimum lot width for townhome lots shall be 25 feet.

2. Building Mass and Facade Variation Supplemental Standard. The number and width of consecutively attached townhomes shall not exceed five units. The facades of townhomes in groups of three or greater shall be varied by changed front yard setbacks so that not more than two abutting townhouses will have the same front yard setback for its full width.

3. Garages. Every townhome shall include, at a minimum, a single car garage.

4. Alley Access Developments. Townhome developments in newly created subdivisions shall receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (5) of this section for standards for street access developments). Alley(s) shall be created at the time of subdivision approval.

5. Street Access Developments. Where available, townhomes shall take access from an alley. Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks



by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

a. When garages or carports face the street, the garage or opening shall set back a minimum of 20 feet from the property line fronting the street.

b. Except where required to be shared, the maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit facing the street is 50 percent of the total building width.

c. Two adjacent garages shall share one driveway, with a maximum width of 30 feet, when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, acceptable to the City, prior to building permit issuance.

6. Common Areas. All areas commonly owned by the owners within a townhome development shall be maintained by a homeowners association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the City shall be recorded prior to issuance of a building permit.

7. Party Walls. If not addressed through covenants, conditions, and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the City shall be recorded prior to issuance of a building permit.

8. Waste Disposal and Mechanical Equipment Screening. All waste disposal collection areas and mechanical equipment areas shall be screened from public view.

9. Fences. Front yard fencing shall be three (3) feet or less in height and constructed of split rails, wood pickets, wrought iron, or similar materials and design, as approved by the City. Fences shall not be placed within the site vision triangle.

**Amendment #4: Amending Exhibit C - Ordinance No. 2011-03, Section 10.2.0. Lots and Blocks**

...

(C) Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise approved by the city for townhome lots or lots fronting on a curvilinear street or cul-de-sac. The minimum lot width for townhome lots shall be 25 feet; which shall be but in no case shall a width of less than 35 feet be approved for lots other than townhome lots.