



to **Fred Evander and Shawn Irvine, City of Independence**

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re **Final Draft Adoption-Ready Code Updates (Task 4.6)**  
**Independence Infill Code Update**

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## Introduction

The Independence Infill Code Update project is focused on updating Independence's residential development standards, including the design guidelines and standards, to increase opportunities for building a wide range of housing types and sizes. Overall, the project aims to:

- Update standards related to allowed housing types, lot sizes and densities.
- Address standards related to required public improvements.
- Create graphics that help illustrate standards and how they will be applied in Independence.
- Ensure new or revised standards for housing are clear and objective.
- Improve policy equity, consistency and simplification.

## Code Amendments Overview

The consultant team conducted a detailed review of the Independence Development Code (“Code”) to identify initial recommendations for code updates. Overall, the findings of the audit were related to general code usability and structure as it applies to housing, City staff identified code issues, and findings pertaining to the clear and objective nature of standards related to housing development. The subchapters listed below represent the highest priority changes to the code:

- **Subchapter 13:** Ensure definitions related to housing are consistent with state model code and applicable state statutes.
- **Subchapter 17:** Update use table to allow a greater variety of housing types in existing zones; consider adding housing types that would be new for Independence like cottage clusters.
- **Subchapter 18:** Update lot development standards (density, setback, etc.) to allow for a broader range of housing types in each zone.
- **Subchapter 19:** Create a menu-based approach for basic design standards to encourage high-quality residential design while simplifying the development application process.
- **Subchapters 20-22:** Ensure all standards are clear and objective.
- **Subchapter 73:** Update parking standards to align with housing types and community need.

- **Subchapter 90:** Ensure utility, road, and other improvements standards are clear and objective and meet the City’s level of service targets, as needed or required by state law; allow for a discretionary path that incorporates negotiation with City Public Works staff to identify appropriate improvement standards in situations where the City’s current standards cannot be met. Identify steps needed to ensure compliance with state Middle Housing Land Division requirements.

The list above is not an exhaustive overview of the recommended code updates. The following section includes detailed code update recommendations for all applicable code subchapters and sections.

### Draft Code Update

Proposed Code modifications are presented in underline/~~strikeout~~ legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. Text that is double underline or ~~double strikeout~~ shows existing code text that was moved to a new location in the code update. Proposed amendments are organized under existing Code chapters/sections. A description and summary of the proposed updates are provided in the gray text boxes for each section. In addition, specific “discussion items” may be included where the project team is seeking specific input from the City Council (see “City Council Discussion Item”). Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

### Subchapter 11

#### Section 11.002: Applications and Review Procedures

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

[...]

#### E. Middle Housing Land Divisions.

Middle Housing Land Divisions shall be processed in accordance with the procedures described in Section 90.115 of this code. Approval of a Middle Housing Land Division constitutes approval of development but is not considered to be a land use or limited land use decision.

### Subchapter 13: Definitions

Housing type definitions have been updated to reflect state statutes and development related definitions have been added or consolidated in order to make it easier for applicants to find and understand terms.

Definitions will be reorganized and inserted into Subchapter 13 in alphabetical order in subsequent drafts of these code updates.

## Housing Type Definitions

- Accessory Dwelling Unit (ADU)
  - “Accessory Dwelling Unit” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
- Apartment
  - ~~“Apartment” means a dwelling unit that is part of an apartment house.~~
- Apartment house
  - ~~“Apartment House” means three or more dwelling units within the same building or sharing one or more common walls on one lot or parcel and designed for occupancy by three or more families living independently of each other. (Same as dwelling, MULTIPLE-FAMILY.)~~
- Common Courtyard
  - “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
- Cottage
  - “Cottage” means an individual, detached dwelling unit that is part of a cottage cluster.
- Cottage Cluster
  - “Cottage cluster” means a grouping of no fewer than five detached or attached dwelling units per parcel, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.
- Cottage Cluster Project
  - “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
- Dwelling Unit
  - ~~“Dwelling Unit” means one or more habitable rooms occupied or intended or designed to be occupied by one family and having facilities for living, sleeping, cooking, and eating; such definition shall not include a hotel, motel, single room occupancy, campground, or recreational vehicle.~~ means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. This definition shall not include a hotel, motel, single room occupancy unit, campground, or recreational vehicle.
- Dwelling, Accessory
  - ~~“Dwelling, Accessory” means a single dwelling unit, either attached or detached, that is a subordinate use on the same lot with any single-family dwelling unit.~~

- Dwelling, Single-Family Unit
  - ~~"Dwelling, Single-Family Unit" means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-unit dwellings may be constructed off site, e.g., manufactured homes or prefabricated dwellings. means a single detached dwelling unit designed exclusively for occupancy by one family.~~
- Dwelling, Townhouse
  - "Dwelling, Townhouse" means a single-family unit structure, which is attached on one or more sides to another single family unit structure, and so designed that each individual dwelling unit is located upon a separate lot or parcel.
- Dwelling, Two-Family (Duplex)
  - ~~"Dwelling, Two-Family (Duplex)" means two dwelling units sharing one or more common walls on one lot or parcel two attached or detached dwellings in any configuration on a lot or parcel, other than a lot or parcel created by a middle housing land division.~~
- Dwelling, Triplex
  - ~~"Dwelling, Triplex" means 3 attached or detached dwelling units in any configuration on a lot or parcel.~~
- Dwelling, Quadplex
  - ~~"Quadplex" means 4 attached or detached dwelling units in any configuration on a lot or parcel.~~
- Dwelling, Multiple-family
  - ~~"Dwelling, Multiple-Family Unit" means three five or more dwelling units within the same building or sharing one or more common walls on one lot or parcel, excluding cottage cluster developments, and designed for occupancy by three or more families living independently of each other. (Same as APARTMENT HOUSE.)~~
- Shared trash storage facility
  - ~~"Shared trash storage facility" means an enclosure used to store trash and/or recycling materials for more than one dwelling unit.~~

### Historic Preservation Definitions

- "Contributing Resource," for the purpose of Subchapter 59 of this code, means a building, Site, or object, originally constructed within the applicable Period of Significance that retains and exhibits significant integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, as indicated on the Local Historic Register.
- "Demolition" means the intentional destruction of all or a part of a building or structure.
- "District" or "Historic District" means an area designated pursuant to Subchapter 59 of this code which includes buildings, properties or sites of historical or architectural significance. National Historic District means a District listed on the National Register of Historic Places. Local Historic District means a District listed on the Local Historic Register. Certain Resources may be designated within both Local and National Historic Districts.

- “Historic Preservation Commission” means the body of appointed officials established in Independence Municipal Code (IMC) Section 2-260. For purposes of review procedures under this Subchapter, the Historic Preservation Commission replaces the Planning Commission as the initial review body.
- “Historic Preservation Officer” means the city official responsible for the administration of this code.
- “Historic Residential Overlay” means a portion of a historic district, defined on a map that has been adopted by the City of Independence which is typified by residential dwellings. The residential standards for new construction apply to the area, even if a commercial use or multifamily dwelling is proposed within the structure.
- “Independence National Historic District” means the District designated on the National Register of Historic Places through the 1989 Record of Designation, as shown on City of Independence official zoning map.
- “Listed Resource” means an individual historic resource, which has not been designated as part of a larger district, which has been placed on the Local Historic Register.
- “Local Historic Register” means the list of historic Resources officially recognized by the City of Independence as important in its history and afforded protection under this subchapter.
- “National Register of Historic Places” or “National Register” means the nation’s official list of buildings, Sites, objects, and districts that are important for the nation’s history and maintained by the National Park Service in Washington, D.C. The list includes “national register resources” as designated by OAR 660-023-0200(8).
- “Noncontributing Resource” means a building, Site, or object that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to contribute to an existing or potential historic District in its current condition. Noncontributing Resources may include “historic Noncontributing Resources,” which are historic, and “out-of-period Noncontributing Resources,” which are not considered historic. By virtue of their location within a historic district, Noncontributing Resources are nonetheless subject to the requirements of this subchapter.
- “Period of Significance” means the span of time when a Resource or District attained its significance to meet the local or National Register Criteria.
- “Record of Designation” means the official document that describes how a resource meets the criteria for listing in the Independence Local Historic Register. For properties listed in the Independence National Historic District, the Record of Designation includes the 1989 designation document for the district, and subsequent updates to the designations approved by the State Historic Preservation Office and the National Park Service.
- “Relocation” means the movement of a Resource from its current location.
- “Resource” means a building, Site, object, or district that is listed in the Local Historic Register. A Resource may also be called a “Landmark.”
- “Site,” for the purpose of Subchapter 59 of this code, means the location of a significant event, prehistoric or historic occupation or activity, or a building, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building or object.

**Subchapter 17: Allowed Uses in Residential Zones**

ALLOWED USES	ZONE			
	RS	RM	RH	MX
<del>Single-Family dwelling, with a floor area of not less than 1,000 square feet Dwelling, Single Unit</del>	P	P	P	P
Accessory Dwelling Unit	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
<del>Two-family dwelling (duplex) Dwelling, Duplex</del>	P	P	P	P
<del>Medium-density residential structure such as a townhouse or row houses, as part of a subdivision or planned unit development Dwelling, Townhouse (up to 4 attached townhouses per structure)</del>	P <sup>2</sup>	P	P	P
<del>Dwelling, Triplex or Quadplex</del>	P	P	P	P <sup>2</sup>
<del>Dwelling, Quadplex</del>	P	P	P	P
Cottage Cluster Development		P	P	P
<del>Multi-family buildings, including apartment houses, courtyard apartments and garden apartments Dwelling, Multi-Unit</del>			P	P
Manufactured Dwelling Park, in accordance with the provisions of Subchapter 61		CU	CU	
Single room occupancy use, subject to the requirements in ORS 197A.430	P	P	P	P
Dormitory			P	
Fraternity, sorority, or student house			P	
Residential home, as defined by this ordinance	P	P	P	
Residential facility, as defined in this ordinance	CU	P	P	
Nursing home			P	
Planned unit development	CU	CU	CU	CU
Parking area or structure for a multi-family dwelling		P	P	
Accessory uses and structures <sup>32</sup>	P	P	P	P

...

Notes:

1. Permitted in conjunction with single-unit dwellings.
- 2.— Allowance is limited to a maximum of two attached townhouse or rowhouse units.
- 3.— Permitted without a subsequent Site Design Review so long as the lot for the triplex or quadplex was identified, reviewed, and approved by the Planning Commission at the time of the underlying subdivision application.
- 4.— Must meet parking and access requirements of Subchapter 73.
  2. Accessory uses allowed in residential zones include:

- a. Customary residential accessory buildings and structures for private use, such as a pergola, greenhouse, hobby shop, patio, porch, deck, wood shed, shelter for domestic pets of the resident, fence, and fallout shelter;
- b. Private garage, as defined in this ordinance;
- c. Parking area for one commercial vehicle having a gross vehicle weight less than 20,000 pounds;
- d. Parking or storage area for a boat, camper, trailer, or recreational vehicle of the residents;
- e. Swimming pool for private use;
- f. Guest house or quarters not in the main building, when such house or quarters are dependent upon the main building for either kitchen or bathroom facilities or both and are not used for residential purposes;
- ~~g. Accessory dwelling units~~

**Subchapter 18: Density, Area, and Dimension Requirements in Residential Zones**

**DENSITY AND DIMENSION STANDARDS**

**ZONE**

		<b>RS</b>	<b>RM</b>	<b>RH</b>	<b>MX</b>
<b>Density</b>		8	12	20	
<b>Minimum Lot Area</b>					
	Detached Single Unit	4,800 sf	4,800 sf	4,800 sf	N/A <sup>1</sup>
	Townhouses/Rowhouses	2,500-2,400 sf	2,500-2,400 sf	2,500-1,800 sf	2,500-1,800 sf <sup>1</sup>
	Duplex, Triplex, Quadplex (average per unit)	2,400 sf	2,400 sf	1,800 sf	1,800 sf <sup>1</sup>
	Cottage Cluster Development	NA			
	Multiple Family Unit Dwellings	N/A	N/A	N/A	N/A <sup>1</sup>
	All Other	5,000-4,800 sf	5,000-4,800 sf	5,000-4,800 sf	None
<b>Lot Frontage</b>		25	25	25	
<b>Minimum Lot Width</b>					
	Townhouses/Rowhouses	25-20 ft	25-20 ft	25-20 ft	20 ft
	Multiple Unit Dwellings	N/A	N/A	N/A	6 ft/unit min 30 ft/unit max
	All Other	50 N/A	50 N/A	50 N/A	35 ft min 100 ft max
<b>Minimum Setbacks</b>					
<b>-Primary Structures</b>					
	Front	15-10 ft	10 ft	5 ft	10 ft
	Side	5 ft (10 ft on Corner Lot)			None
	Rear	15-10 ft	15-10 ft	15-10 ft	None
	Alley (Side or Rear)	5 ft	5 ft	5 ft	5 ft
<b>-Attached Garages</b>					

		RS	RM	RH	MX
	Front Garage entrances facing a public street access (driveway length)	19 ft (and 4 feet behind front façade)			
	Other	Same as primary structure			
	Other	1-ft	1-ft	1-ft	
<b>-Detached Garages</b>					
	Front	40 ft	40 ft	40 ft	N/A
	Side (Corner/Alley)	5 ft	5 ft	5 ft	
	Side (Interior)	0	0	0	
	Rear (Interior Lot)	0	0	0	N/A
	Rear (Abutting a Street or Alley)	1 ft	1 ft	1 ft	N/A
	Rear (Corner lot or Other)	Same as Primary Structure			
<b>-Detached Accessory Structures Other than Garages and Fences</b>					
	Front	Same as Primary Structure			
	Side and Rear	5 ft	5 ft	5 ft	N/A
<b>Maximum Lot Coverage</b>					
		40	40	40	40
	Single Unit Dwellings	40%	40%	45%	40%
	Multiple Unit Development	N/A	N/A	60%	70%
	All other Residential Development	45%	45%	50%	50%
	Non-residential development	40%	40%	45%	None
<b>Maximum Height</b>					
	Residential Uses	35 ft	35 ft	45 ft	35 ft
	Church/Public Service Buildings	45 ft	45 ft	45 ft	45 ft
	Other Primary Structure	35 ft	35 ft	45 ft	35 ft
	Accessory Building	15 (or, if primary building is multiple stories, the lesser of the height of the primary building or 25 feet)			

Notes:

1. The average density of residential development in the MX zone must be at least 9 units per acre.

**Subchapter 19: Residential Design Standards**

**Section 19.005: Residential Design Standards**

**A. Purpose.**

The purpose of the residential design standards is to:

- Establish a base for the quality of the design of new homes;
- Foster pedestrian activity and community interaction;
- Promote the historic residential development patterns found in the Independence Historic District;
- Promote community safety for neighborhood streets and front yards by providing “eyes on the street”; and
- Enhance community livability through the creation of attractive and well-designed housing and streetscapes.

For more information, see Appendix 3: Residential Development Standards, City of Independence (2009). Note: Information contained in Appendix 3 is for information purposes only. When a conflict exists between Appendix 3 and the Independence Development Code, standards contained in the Independence Development Code shall apply.

## B. Applicability.

- a. This section is applicable to:
  - i. All newly constructed residential dwellings except manufactured homes located in manufactured home parks.
  - ii. Projects that propose to expand, remodel or alter an existing structure. The standards shall only apply to the portion of the building that will be changed. Provided that if a proposal seeks to continue a feature on the existing building such as the window orientation or style, roof dimension, or siding, the relevant standard may be waived.
- b. The section is not applicable to:
  - i. Normal repair of a building.
- c. For developments permitted before January 2, 2033, per ORS 197A.400, detached single-unit, duplex, triplex, quadplex, townhouse and cottage cluster developments with 20 or more units are exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including standards regulating the following elements. All other design and siting standards in this code shall apply to the dwellings.
  - i. facade materials, colors or patterns;
  - ii. roof decoration, form or materials;
  - iii. accessories, materials or finishes for entry doors or garages;
  - iv. window elements such as trim, shutters or grids;
  - v. fence type, design or finishes;
  - vi. architectural details, such as ornaments, railings, cornices and columns;
  - vii. size and design of porches or balconies;
  - viii. variety of design or floorplan; or
  - ix. front or back yard area landscaping materials or vegetation.

This section is applicable to:

- ~~All newly constructed residential dwellings except manufactured homes located in manufactured home parks.~~
- ~~Projects that propose to expand;~~

remodel or alter an existing structure. The standards shall only apply to the portion of the building that will be changed. Provided that if a proposal seeks to continue a feature on the existing building such as the window orientation or style, roof dimension, or siding, the relevant standard may be waived.

The section is not applicable to:

- Normal repair of a building.



[1]



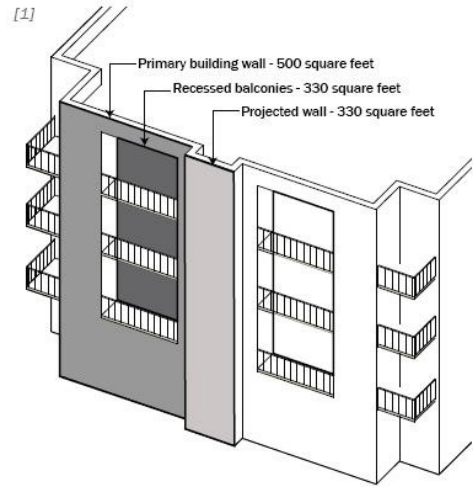
[2]

**Street Facing Facade.** [1] Attached garages on multi-dwelling units should not exceed 50% of the total building length as viewed from the street. [2] The maximum number of detached garages for attached or multi-family units is 4 attached garages that are a maximum of 24 feet wide each.

C. Large Building Elevation

The front elevation of buildings with over 500 square feet of surface area shall be divided into distinct planes consisting of 500 square feet or less. This can be achieved by:

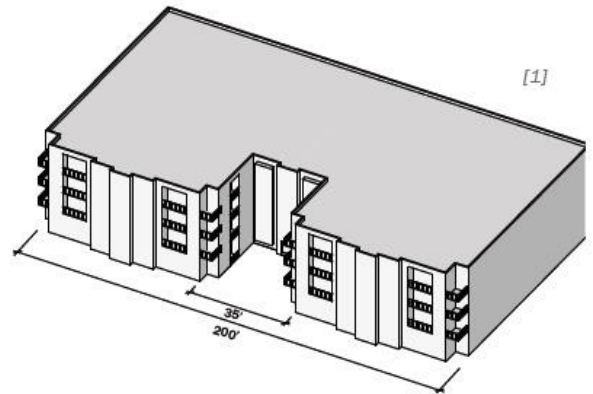
1. Incorporating elements such as a porch or a dormer into the wall plane.
2. Recessing the building a minimum of two (2) feet over ~~six~~ a distance of six (6) feet.  
(6) feet.
3. Providing a bay window that extends a minimum of two (2) feet from the primary street-facing facade.



**Large Building Elevation.** [1] The front elevation of buildings with street-facing facades greater than 500 square feet should carve the building face into smaller, distinct planes, which can be accomplished by [2] incorporating a porch or dormer into the wall plan or [3] recessing the building a minimum of 2 feet over 6 feet.

D. Building Length

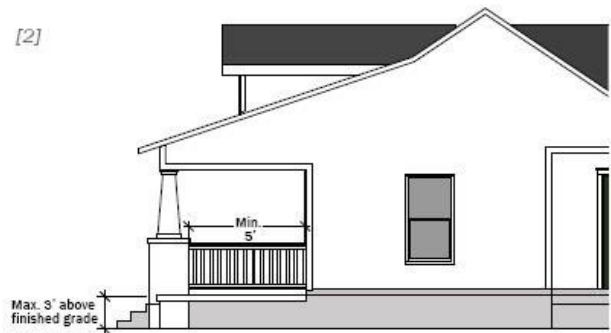
1. The maximum building length for multiple-dwelling buildings that face the street shall be 100 feet. This maximum length can increase to 200 feet if a courtyard, portal, or other shared open space is provided in order to create a break in the building wall. This open space shall be a minimum of 35 feet in width and depth.
2. The maximum building length for row houses shall not exceed four (4) units, or 100 feet (from end-wall to end-wall), whichever is less.



**Building Length.** In order to control the bulk of buildings and maintain a sense of pedestrian safety and intrigue [1] the maximum building length for multi-dwelling buildings shall be 100 feet, which can increase to 200 feet if a break is provided that is a minimum of 35 feet deep and wide [2] A break can be a portal or space between buildings or [3] a courtyard that provides a transition from the public realm to the private realm.

E. Main Entrance

1. Buildings shall have their primary pedestrian orientation and pedestrian entrance(s) oriented to the street that serves the project site.
2. If a proposal seeks to construct a duplex, townhouse, triplex, quadplex or multifamily multi-unit structure and the project is situated on two streets, the project shall orient one or more units to each street. Provided that, the units may be oriented to the same street, if the parking is accessed off the other street.
3. Primary pedestrian entrance(s) shall connect to the sidewalk via a straight path that is a minimum of five (5) feet wide. Where there is a continuous paved connection between the sidewalk and the front entrance, and if the driveway is within 20-feet of the front door, the driveway may be used to meet this standard.



Triples, quadplex, and multiple-family unit building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units).

Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway, a minimum of five (5) feet wide, is provided between the building entrance and the street. In this case, at least one entrance shall be



**Main Entrance.** Buildings should have [1] front doors that face the street and connect to the sidewalk via a 5 foot wide path at a minimum [2] Porches should be an extension of the living space and be at a minimum 5 feet clear in depth.

provided not more than 20 feet from the closest sidewalk or street.

Porches and stoops shall not be constructed more than three (3) feet above the finished exterior grade (except if the dwelling is in a designated floodplain).

Porches and stoops shall be a minimum of 25 square feet in area and five (5) feet deep, clear from column face to the face of the primary facade to allow for handicap access.

4. For ~~triplex, quadplex, and multi-family unit~~ buildings, ~~direct~~ pedestrian connections shall be created between the front doors of all buildings and the street-facing sidewalk. These connections shall ~~be meet well lit and landscaped, preferably using some type of ADA accessible permeable paver or material be paved with a material that meets ADA accessibility standards.~~

#### F. Vehicular Access and Garages

##### 1. Vehicular Access

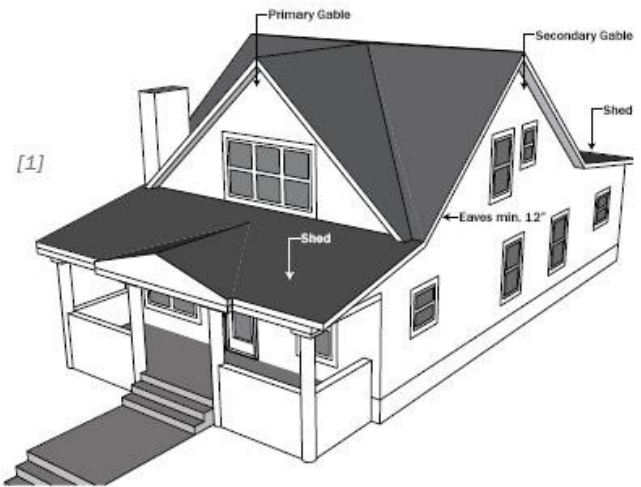
- a. When a project is proposed on a corner lot along an arterial or collector road, the ~~parking garage~~ shall be accessed off the lower classified street or an adjacent alley, unless the applicant demonstrates ~~to the satisfaction of the Public Works Director (per consistent with the Public Works Design Standards)~~ that the access via the lower classified street or alley is not possible.
- b. Townhomes, rowhouses, ~~and duplexes, triplexes, quadplexes and other configurations of more than two dwelling units on a lot 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 storm water management.:~~
  - i. Where an alley serves a lot, the required parking shall be taken from the alley. Provided that, parking may occur via a current driveway if one exists.
  - ii. When a property is a corner lot, at least 50 percent of

- the required parking shall be accessed off the side of the lot with the largest frontage measurement.
- iii. Surface parking shall not exceed 50 percent of the lot dimension along any street frontage. The calculation of the parking dimension shall include the width of any driveways.
  - iv. Adjacent units shall share one driveway 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, before building permit issuance.
2. When garages face the street, they shall be recessed behind the façade by a minimum of 4 feet.
  3. ~~2-~~ Any street-facing attached garage on duplex, triplex, quadplex, townhouse, or multiple-dwelling units shall not exceed 50% percent of the overall building length as viewed from the street. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
  4. ~~3-~~ The maximum number of detached garages for attached or multiple-dwelling units is four (4) attached garages of a maximum width of 24 feet each (corresponding to a two-car garage).
  5. ~~4-~~ Detached car ports are allowed provided that:
    - a. They meet all standards for garages.
    - b. ~~a-~~ They do not exceed the overall lot coverage requirement.
    - c. ~~b-~~ They have a capacity of no more than eight (8) vehicles.

## G. Roof Forms

For pitched or hipped roof residential buildings:

1. Except for manufactured dwellings, the primary roof shall incorporate a minimum 4/12 roof pitch. Lower roof pitches are allowed on porches.
2. In order to reinforce the pedestrian realm, roof forms shall consist of a primary gable or hip roof with one of the following additional roof forms oriented to the street:
  - a. A secondary gable of equal or smaller size that is oriented to the street and extends from the primary roof form.
  - b. Two or more smaller dormers or a single large dormer that is oriented to the street and extends from the primary roof form.
  - c. A covered front porch that encompasses a minimum of 50% of the street facing living space.
3. All roof eaves (overhangs) shall be a minimum of 12 inches wide.
4. Window(s), trimmed vent(s), changes in siding material, knee braces, or a thick



~~frieze board along the roofline or some other type of decorative element~~ shall be incorporated into the gable. For homes set on a corner lot, these features shall also be incorporated when a gable is oriented to the secondary street.

**Roof Forms.** *[1] Roof pitches less than 4 over 12 are prohibited and roof forms will consist of more than a single large roof form [2] Gables shall be decorated with window(s), trim or a vent [3] Roof eaves will project at a minimum 12 inches.*

## H. Exterior Siding and Cladding

1. The following siding and cladding materials shall be allowed outright and must be used on all sides of the dwelling and accessory structures:

a. Horizontal wood or cementitious siding that has a maximum of 7 inches in width revealed. Horizontal siding or banding with a reveal exceeding 7 inches may be used for secondary purposes.

b. Wood or cementitious shingles that have a maximum of 12 inches in width revealed.

c. Board and batten vertical siding.

d. Brick or stone veneer.

2. In order to promote high-quality buildings that will be maintained for generations, the following materials shall be prohibited:

a. T-111 or similar sheet materials.

b. Plastic or Vinyl. This requirement does not apply to trim materials.



[1]



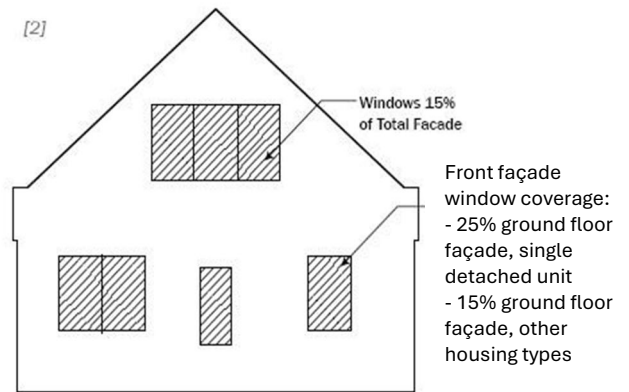
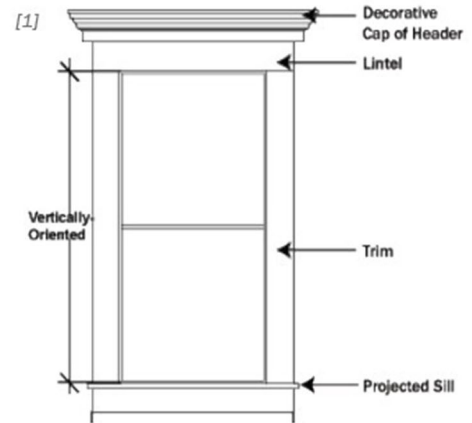
[2]

**Exterior Siding and Cladding.** [1] Wood or cementitious siding that has a maximum of 7 inches in width revealed and [2] wood or cementitious shingles that have a maximum of 12 inches in width revealed are allowed outright along with board and batten vertical siding and brick or stone veneer.

I. Required Street and Alley Windows

1. All detached single-family dwellings, townhouses, rowhouses, ~~and~~ duplexes, triplexes, quadplexes, and cottage cluster dwellings shall have vertically-oriented windows along required street and alley facades. Square or horizontal windows shall be formed by combining multiple window sashes into groupings. Transom windows and other windows placed above a door or window for ornamental or decorative purposes are exempt from this requirement.

2. Windows shall occupy a minimum of ~~15%~~ the alley and street-facing facades shown in Table 19.005-1:



**Table 19.005-1 – Street and Alley Façade Window Requirements<sup>1</sup>**

	<b>Front – Ground Floor Living Façade Area Façade<sup>2</sup>(Percent)</b>	<b>Side – Ground Floor Living Façade Area<sup>2</sup> for Corner Lots (Percent)</b>	<b>Front or Side – Overall Façade Area<sup>3</sup></b>	<b>Rear – Ground Floor Living Area and Total Façade Area</b>
Detached, Single- Unit Building	25	15	15	0
Other Development	15	15	15	0

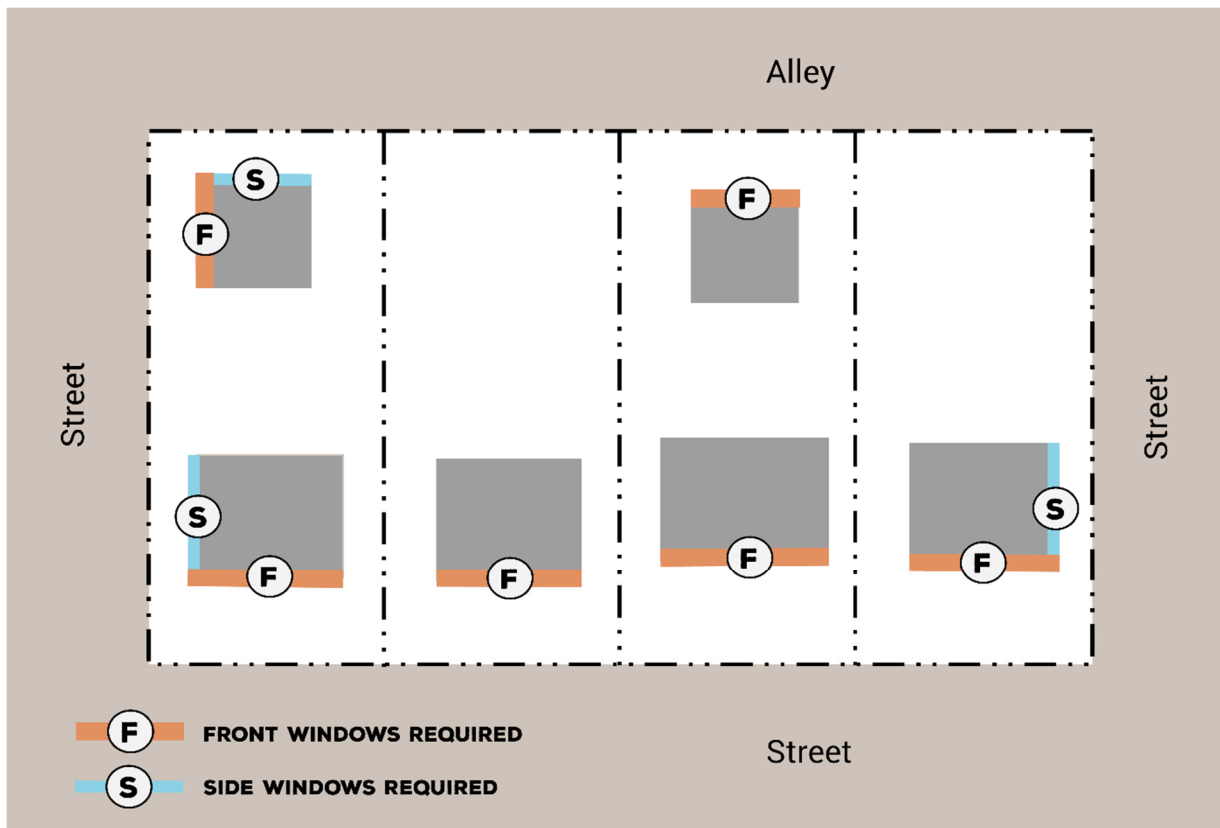
<sup>1</sup> Front or side window requirements only apply to streets and alleys. No windows are required on the rear of a structure so long as the required windows are provided on the front and sides of the structure.

<sup>2</sup> Ground floor living façade area is the length of the home facing the street or alley multiplied by the height of the first floor. The area does not include any area included in a garage.

<sup>3</sup> Overall facade area is the length of the home facing the street or alley multiplied by the height of the structure. The area does not include any areas included in a triangle created by a sloped roof.

Examples of the location of required windows are provided in Figure 19.005-1

**Figure 19.005-01**



- ~~3. For detached housing, a minimum of 25% of the ground floor living area façade that faces the street (defined as the first habitable floor level of a building directly accessible from the exterior finished grade) shall consist of windows. This can include windows in the front door.~~
- ~~4. 3. 4. Structures set on a corner lot must have windows on at least 15% of the ground floor living area façade that faces the secondary street. The windows must meet the requirements of IDC 19.005(l)(45).~~
- ~~5. 4. The following types of windows are ~~shall be~~ prohibited along street and alley facing facades:
  - a. Horizontal slider windows.
  - b. Windows that use “mirror” or reflective glass.~~
- ~~6. 5. All windows on the street and alley-facing façades shall incorporate all of the following elements:
  - a. A decorative header/cap.
  - b. Continuous trim.
  - c. Projected windowsill.~~

~~7. J. Non-Required Windows. All non-required street facing windows shall incorporate continuous trim.~~

← J. Doors

Doors shall be made of wood, metal-clad wood, metal, or cast fiberglass, provided that the material reflects a traditional wood door and can be painted.

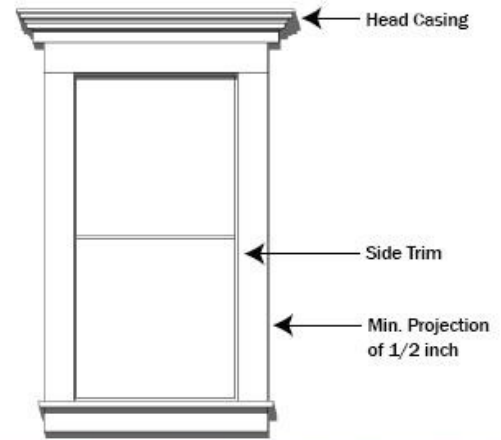


**Doors.** All residential doorways should face the street in order to connect the interior of the residence with the sidewalk and street in order to foster a more inviting and safe pedestrian environment.

Trim

1. All required street and alley facing windows and doors shall have side trim and head casings. Windows shall also have a projected or articulated windowsill.
2. All non-required ~~street facing~~ windows shall have continuous trim.
3. Trim shall be a minimum of 3 ½ inches wide and project no less than a ½ an inch from the wall.

[1]



[2]



**Trim.** [1] All street-facing windows and doors shall have side trim and head casings [2] Trim shall be at a minimum 3½ inches wide and project no less than ½ an inch from the wall.

L.M. Foundations

1. Concrete block, poured in place concrete, or brick shall be allowed as foundation material on all residential types, provided that the foundation material is no more than three (3) feet above the street facing finished grade (except if the dwelling is in a designated floodplain).



2. All street facing concrete block and poured in place concrete foundations shall be landscaped with a continuous line of a range of planting materials that are a minimum of 50% site obscuring and three (3) feet high at maturity.



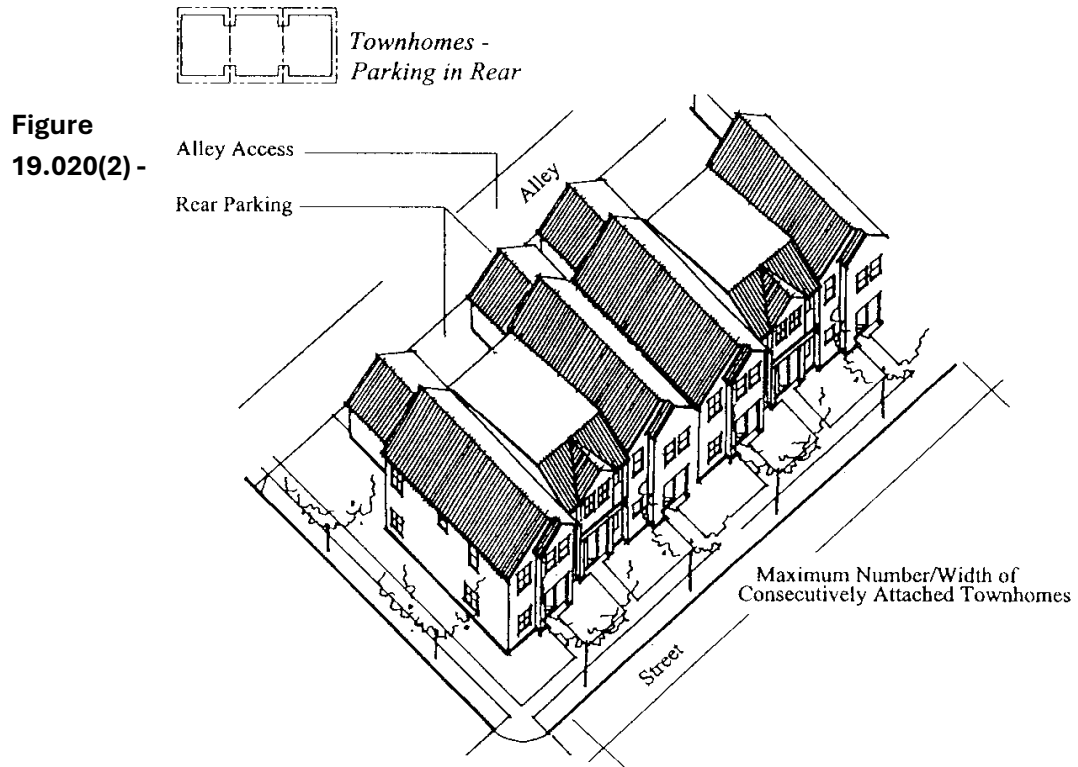
Exposed foundations or front porches can be sheathed with wood siding (clapboard) as an extension of the primary façade.

**Foundations.** Allowed foundation materials include concrete block, poured in place concrete, and brick [1] Concrete block and poured in place concrete should be landscaped with a continuous materials that obscure the foundation [2] These planting materials should be 50% obscuring and 3 feet high at maturity [3] The landscaped area should be 3 feet deep and covered with ground cover where not planted with site planting materials.

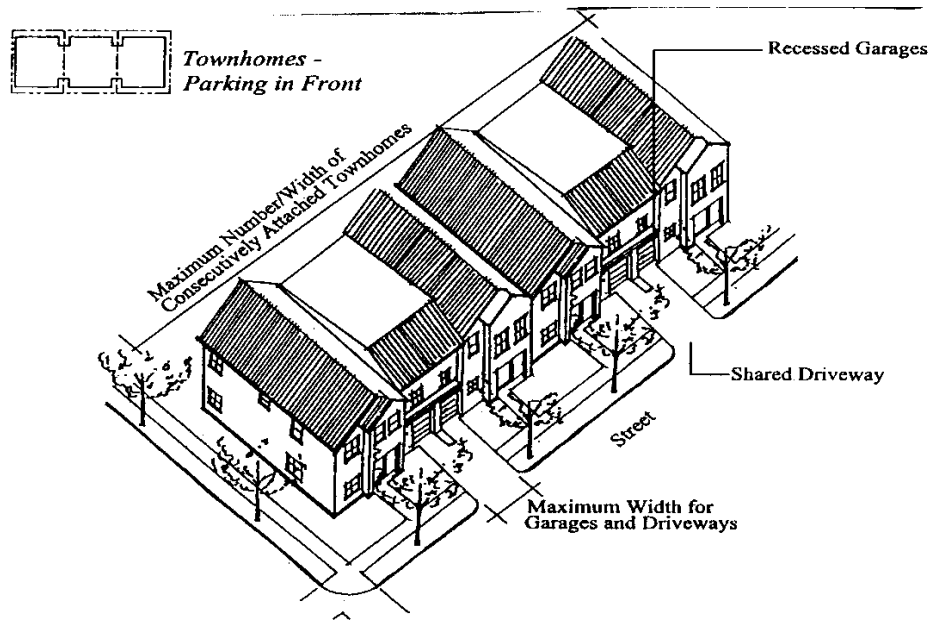
**Section 19.020: Special Standards for Certain Uses**

- A. ~~Single-family Unit~~ Attached Townhomes, Rowhouses, ~~Triplexes and Quadplexes~~. ~~Single-family unit~~ attached housing (townhome units on individual lots), rowhouse, ~~and duplex triplex and quadplex~~ developments shall comply with the standards in 1-~~34~~, below. 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. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four (4) units, or 100 feet (from end-wall to end-wall), whichever is less.
  2. Provision of Alleys. Townhome, rowhouse and duplex subdivisions (4 or more lots) may receive vehicle access from a rear alley. Proposed new ~~a~~Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).

Figure 19.020 (1) - Townhomes With Alley Access



Townhomes With Street Access



3. ~~Street Access Developments.~~ Townhomes, rowhouses, and duplexes 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 storm water management.:
- a. ~~When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.~~
  - b. ~~The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.~~
  - c. ~~Two adjacent garages shall share one driveway 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, before building permit issuance.~~
43. Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.

- B. Multiple-unit housing. Additional standards for ~~multifamily~~ multi-unit housing are listed in the applicable underlying zone.

## Subchapter 21: Medium-Density Residential (RM) Zone

### Section 21.065: Development Standards for Multiple-Family Unit Development

[...]

- C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Un~~sightly Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.
- ~~D. Recreation Area. Each lot having a multiple-family unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards. The required recreation area shall be planted with. Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities: or otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.~~
- E. ~~D.~~ Access. Access points to property from a street shall be located to minimize traffic congestion, ~~and maximum effort shall be made to and~~ avoid directing traffic into residential areas. Existing access roads and access points shall ~~be used to the maximum extent possible to serve the greatest number of uses, comply with the Public Works Design Standards.~~ All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

## Subchapter 22: High-Density Residential (RH) Zone

### Section 22.065: Development Standards for Multiple-Family Unit Development

[...]

- C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Un~~sightly Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street. ~~Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:~~
- D. Recreation Area. Each lot having a multiple-family unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards. ~~The required recreation area and shall be planted with~~ include a combination of planted grass and hardscape areas. ~~Hardscape areas shall not account for more than 50% of the total area.~~ Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities: ~~or otherwise developed and landscaped in a manner suitable for pedestrian traffic and recreation.~~

- a. Outdoor seating.
  - b. Small play structures or nature play structures.
  - c. Planted grass areas.
- E. Access. Access points to property from a street shall be located to minimize traffic congestion, ~~and maximum effort shall be made to~~ and avoid directing traffic into residential areas. Existing access roads and access points shall ~~be used to the maximum extent possible to serve the greatest number of uses, comply with the Public Works Design Standards.~~ All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

## **Subchapter 23: Mixed Density Residential (MX) Zone**

### **Section 23.010: Density**

To achieve balance and integration of a range of housing types, sizes, and densities, the Mixed Density Residential (MX) Zone relies on two criteria.

- A. The intent of the MX Zone is to achieve a minimum average density of nine (9) dwelling units per net acre of residential land, while allowing a mix of lot sizes and densities. Net acres of residential land means the total site area devoted to residential uses, not including the area of streets, other rights-of-way to be dedicated to the public, or protected wetland or riparian areas. Net acres does include any area to be devoted to the trail/stormwater/drainage corridors located along the edges of the planning area and adjacent to riparian and wetland areas or corridors.
- B. To reflect the demand for higher-density housing within the region, at least 15 percent of the units must be either in multiple-family or attached single-family structures.

### **Section 23.025: Building Setbacks**

Move standards to table in Subchapter 18.

### **Section 23.030: Density, Area and Dimension Requirements**

Move standards to table in Subchapter 18.

### **Section 23.035: Building Height**

Move standards to table in Subchapter 18.

### **Section 23.065: Development Standards for Multiple-Family Development**

- A. ~~Multiple-family unit housing.~~ Multiple-family unit housing is allowed per the Site Design Review process within the Mixed Residential (MX) Zone. ~~Multiple-family housing means housing that provides three (3) or more dwellings on an individual lot.~~ Multiple-family unit developments shall comply with all of the following standards:
  - 1. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently ~~reserved as~~ reserved as usable common open space in developments ~~that are at least three (3)~~

- ~~acres in size~~ with more than ~~120~~ multiple-family unit or attached single-family unit dwellings as specified by Subsection 23.010(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
2. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
    - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
    - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
    - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-unit family residences, trash receptacles, parking and drives to the greatest extent practicable.
  3. Exemptions. Exemptions to the common open space standard may be granted for the land area associated with the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), ~~lighted~~, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.
  4. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.
  5. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened ~~with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet~~ the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.
  6. Signs. Signs shall be subject to the provisions of Subchapter 58.

### **Subchapter 34: Downtown Riverfront Zone**

#### **Section 34.050: ~~Duplex, Triplex, Quadplex, Townhomes, Rowhouses and Multifamily Multiple-Unit Standards~~**

- A. ~~Single-family Attached Townhomes, Rowhouses, and Triplexes, Quadplexes, and Townhouses~~

B. ~~Single-family attached housing (townhome units on individual lots), and rowhouse~~ Triplex, quadplex, and townhouse developments shall comply with the standards in 1-4, below. 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. ~~Windows. All detached single-family dwellings, triplexes, quadplexes, and townhouses, rowhouses~~ shall have vertically-oriented windows. Square or horizontal windows shall be formed by combining multiple window sashes into groupings. Transom windows, and other windows placed above a door or window for ornamental or decorative purposes are exempt from this requirement.
2. **Building Mass Supplemental Standard.** Within the Downtown Riverfront Zoning District, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four(4) units, or 120 feet (from end-wall to end-wall), whichever is less.
3. ~~Townhome, rowhouse~~ subdivisions (4 or more lots) may receive vehicle access from a rear alley. Alley(s) shall be created at the time of subdivision approval. As necessary, the city shall require dedication of right- of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).
4. **Street Access Developments.** Triplexes, quadplexes, and 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 face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
  - b. The maximum allowable driveway width facing the street ~~is 24 feet~~ per dwelling unit shall comply with the Public Works Design Standards. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.
  - c. Two adjacent garages shall share one driveway 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, before building permit issuance.
5. **Common Areas.** “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city before building permit approval.

B. ~~Multiple-family~~ Unit housing.

~~Multiple-family housing means housing that provides three (3) or more dwellings on an individual lot. New multiple-family unit developments shall comply with all of the following standards:~~

- ~~1.—Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in developments that are at least three (3) acres in size with more than 10 multiple-family or attached single-family dwellings. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.~~
- 2: 1. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
  - a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper floor housing means housing units that are more than 5 feet above the finished grade; and
  - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-unit family residences, trash receptacles, parking and drives to the greatest extent practicable.
- ~~3.—Exemptions. Exemptions to the common open space standard may be granted for multiple-unit developments of up to 10 units. Exemptions may be granted for the first 20 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children’s play area, sports courts, walking/fitness course, or similar facilities.~~
- 4: 2. Landscaping. All development is subject to the landscaping provisions in Subchapter 54, except as amended in subsection 34.055(B). Recreation areas may be included as part of the required landscaping.
- 5: 3. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened with a sight obscuring fence, wall and/or sufficient landscaping which meets to meet the standards of Section 54.010(C) of the Independence Development Code. ~~Unightly~~ Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.

5. 4. Design Review. All new developments and expansion of an existing development shall be subject to the Site Design Review procedures of Subchapter 80.

### Section 34.055: Additional Development Standards

[...]

C. Access. Access points to property from a street shall be consolidated and located to minimize traffic congestion, ~~and maximum effort shall be made to avoid directing traffic into residential areas.~~ Existing Access roads and access points shall be used to the maximum extent possible to serve the greatest number of users comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

### Subchapter 54: Buffering, Screening, Landscape and Ash Creek Setback Requirements

#### Section 54.005: Applicability

- A. ~~All subject properties developed development within the city, except for single-unit dwellings or duplexes in residential zones, are is required to be buffered, screened and landscaped in accordance with the provisions of this Subchapter. All planting materials, species, sizes and installation details shall be in substantial conformance with the Independence Urban Forestry Management Plan. The requirements of this subchapter are in addition to any yard setback requirements or other requirements contained in the zoning or city code.~~ Development shall mean land use, limited land use, building permit, or development permit applications of any kind or the erection, or construction of buildings, structures, parking lots and streets and roads in all zones.
- B. All planting materials, species, sizes and installation details shall be in substantial conformance with the Independence Urban Forestry Management Plan. The requirements of this subchapter are in addition to any yard setback requirements or other requirements contained in the zoning or city code. ~~Development shall mean land use, limited land use, building permit, or development permit applications of any kind or the erection, construction or exterior remodeling of buildings, structures, parking lots and streets and roads in all zones, except for single-family dwellings or duplexes in residential zones.~~

[...]

#### Section 54.010: Buffering and Screening Requirements

[...]

- C. Screening shall be used to eliminate or reduce the visual impacts of the following:
1. service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas;
  2. outdoor storage and outdoor display areas;
  3. parking areas of 6 or more vehicles for a multiple-family, mixed-use or commercial development, when the parking is directly adjacent to a single-unit family home,

- duplex, townhouse, or residential zone and the screening can be used to screen the adjacent residential use from the parking area;
4. parking areas for 30 or more vehicles for industrial uses;
  5. at and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners; and
  6. any other area or use as required by this Ordinance.
- D. ~~Screening of shared storage facilities for trash and recycling receptacles that serve more than one dwelling and all outdoor storage facilities for trash and recycling for commercial and industrial uses may shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques. meet the following standards:~~
1. The storage facility shall be screened by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
  2. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
  3. The storage facility shall not be located between the front lot line and a structure. The facility shall be located in an alley where one exists.
- E. Other screening required under this section shall meet the following standards:
1. Any facility or feature that requires screening, other than those listed in 54.010(D) shall be screened from view from residences and neighboring streets by a wall, solid fence, or evergreen hedge that is of a minimum height of at least one foot taller than the facility or feature being screened. Solar collecting panels are exempt from this requirement.
- F. ~~E-~~When a required screen or buffer is adjacent to a street, the required fence structures shall be located so that the landscaped portion of the buffer is oriented toward the right-of-way.
- G. ~~F-~~All mechanical equipment on roofs shall be screened when abutting a residentially designated property or an arterial street. Screening shall obscure mechanical equipment at elevation. Solar collecting panels are exempt from this requirement.

[...]

#### **Section 54.105: Ash Creek Setbacks Required**

- A. There shall be a 25' greenway setback required along the banks of Ash Creek for all development except middle housing development (triplex, quadplex, cottage clusters, and townhomes). The 25' shall begin at the top of the bank or at the high water mark, whichever is higher. There shall be no development within the required setbacks. Middle housing shall have a 100' setback, beginning at the top of the bank or at the high water mark, whichever is higher.

#### **Section 54.205: Landscaping Requirements**

- A. Site Landscaping Standards

1. Multiple-family-unit residential developments or dwelling structures containing ~~three (3)~~ five (5) or more units and are not cottage cluster development:

[...]

## Subchapter 59: Historic Preservation

### Section 59.40: Definitions

Words, phrases and terms used in this subchapter shall have the following meanings:

~~“Contributing Resource” means a building, Site, or object, originally constructed within the applicable Period of Significance that retains and exhibits significant integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, as indicated on the Local Historic Register.~~

~~“Demolition” means the intentional destruction of all or a part of a building or structure.~~

~~“District” means an area designated pursuant to this Chapter which includes buildings, properties or sites of historical or architectural significance. National Historic District means a District listed on the National Register of Historic Places. Local Historic District means a District listed on the Local Historic Register. Certain Resources may be designated within both Local and National Historic Districts.~~

~~“Height” means the height of a Building, as defined in Independence Development Code (IDC) Subchapter 13. Height includes foundation walls, porch roofs, and main roofs.~~

~~“Historic Preservation Commission” means the body of appointed officials established in Independence Municipal Code (IMC) Section 2-260. For purposes of review procedures under this Subchapter, the Historic Preservation Commission replaces the Planning Commission as the initial review body.~~

~~“Historic Preservation Officer” means the city official responsible for the administration of this code.~~

~~“Historic Residential Overlay” means a portion of a historic district, defined on a map that has been adopted by the City of Independence which is typified by residential dwellings. The residential standards for new construction apply to the area, even if a commercial use or multifamily dwelling is proposed within the structure.~~

~~“Independence National Historic District” means the District designated on the National Register of Historic Places through the 1989 Record of Designation, as shown on City of Independence official zoning map.~~

~~“Listed Resource” means an individual historic resource, which has not been designated as part of a larger district, which has been placed on the Local Historic Register.~~

~~“Local Historic Register” means the list of historic Resources officially recognized by the City of Independence as important in its history and afforded protection under this subchapter.~~

~~“National Register of Historic Places” or “National Register” means the nation’s official list of buildings, Sites, objects, and districts that are important for the nation’s history and maintained by the National Park Service in Washington, D.C. The list includes “national register resources” as designated by OAR 660-023-0200(8).~~

~~“Noncontributing Resource” means a building, Site, or object that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling and association) to contribute to an existing or potential historic District in its current condition. Noncontributing Resources may include “historic Noncontributing Resources,” which are historic, and “out-of-period Noncontributing Resources,” which are not considered historic. By virtue of their location within a historic district, Noncontributing Resources are nonetheless subject to the requirements of this subchapter.~~

~~“Period of Significance” means the span of time when a Resource or District attained its significance to meet the local or National Register Criteria.~~

~~“Record of Designation” means the official document that describes how a resource meets the criteria for listing in the Independence Local Historic Register. For properties listed in the Independence National Historic District, the Record of Designation includes the 1989 designation document for the district, and subsequent updates to the designations approved by the State Historic Preservation Office and the National Park Service.~~

~~“Relocation” means the movement of a Resource from its current location.~~

~~“Resource” means a building, Site, object, or district that is listed in the Local Historic Register. A Resource may also be called a “Landmark.”~~

~~“Site” means the location of a significant event, prehistoric or historic occupation or activity, or a building, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building or object.~~

**Subchapter 73: Parking**

**Section 73.010: Required Number of Parking Spaces**

A. Residential Uses	Minimum Number of Spaces Required
1. All residential zones Single-Unit Dwellings and Duplexes	1 space per unit

<u>2. Triplex and Quadplex</u>	<u>1 space per unit</u>
<u>3. Townhouses</u>	<u>1 space per unit</u>
<u>4. Cottage Cluster Development</u>	<u>1 space per unit</u>
<del>2.5.</del> <u>Multiple-family unit or attached dwellings</u>	1 space per unit
<del>3.6.</del> <u>Residential unit in a mixed-use building</u>	1 space per unit
<u>4.7. Single room occupancy use</u>	1 space for every 3 single room occupancy units
<u>8. Accessory Dwelling Units</u>	<u>No parking spaces required.</u> <u>Maximum 1 space per unit.</u>

## Subchapter 74: Accessory Structures

### Section 74.005: General Provisions Regarding Accessory Uses

Accessory uses, including accessory dwelling units, shall comply with all requirements for the principal use except when specifically modified by this section.

[...]

### Section 74.010: Specific Standards for Accessory Dwelling Units

- B. Accessory dwelling units shall be subject to the following criteria:
1. One accessory dwelling unit is allowed per legal building lot as a subordinate use in conjunction with any detached single-unit family structure.
  2. Accessory dwelling units are required to meet the applicable Residential Design Standards, except as modified below:
    - a. If an accessory dwelling unit is oriented to a street or an alley, the structure is required to have windows on 15 percent on the front of the building (rather than the 25 percent required in IDC 19.005(I)).
    - b. If an accessory dwelling is set behind a building and is not adjacent to a street or alley, no minimum window requirements apply.
  3. No off-street parking is required for an accessory dwelling unit.
  4. Accessory dwelling units shall not be more than 800 square feet in size, excluding any related garage area that is constructed for the use. All accessory dwelling units shall be permanently affixed to the ground.

5. Where an accessory dwelling unit is proposed inside or attached to a single-family unit residence, only one entrance to the main building is permitted in the front of the principal residence. A separate entrance for the accessory unit shall be located off the side or the rear of the building.
6. Accessory dwelling units shall meet all technical code standards including building, electrical, fire, plumbing, and other applicable code requirements.
7. An accessory dwelling unit and the primary structure on the lot shall ~~have a be~~ be served by a single water meter, ~~and~~ The water bill for the primary structure and the accessory dwelling units shall be in the name of the property owner.
8. System Development Charges shall be charged ~~at the same level as required for a second unit in a duplex.~~ per the adopted system development charge methodology.
9. Addressing for an accessory dwelling unit shall be approved by the City of Independence.

## Subchapter 75: General Development Standards

### Section 75.030: Average Setback from Street

- ~~A.—Every building in the RS Zone shall be set back from the front lot line at least 15 feet, except where the average setback of other buildings on the same side of the street is less than 15 feet.~~
- ~~B.—The average setback shall be found by measuring the distance from the front lot line to the closest part of the foundation for all dwellings which are within 200 feet of the subject property and which adjoin the same side of the street as that abutting the subject property. Buildings closer than 10 feet or farther than 20 feet from the front lot line shall not be counted in determining average setback.~~
- ~~C.—When other sections of this ordinance or any other ordinance require a greater setback than is specified in this section.~~

### Section 75.060: Zero-Side-Yard (Townhouse) Dwelling Units

~~Zero side yard townhouse~~ Townhouse units permitted in residential zones or authorized in approved subdivisions or Planned Unit Developments shall meet the following use and development standards:

- A. Number of attached units. The number of townhouse units constructed as an adjoining structure shall not be more than four (4) dwelling units, each on a lot held in separate ownership. More than one such structure may be allowed per subdivision or planned unit development.
- ~~B.—Yards adjacent to a street. This Section does not relieve the requirements of this Ordinance for yards adjacent to a street.~~
- ~~C.~~ B. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and

replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with Polk County prior to issuance of the permit.

**(NEW SECTION) Section 75.070: Cottage Cluster Developments**

- A. Siting Standards. The siting standards in the table below apply to the development of a Cottage Cluster on a lot.

<b>Siting Standards - Cottage Cluster</b>	
<b>Minimum Number of Cottages per Cottage Cluster</b>	5 cottages
<b>Maximum Number of Cottages per Cottage Cluster</b>	8 cottages
<b>Average Cottage Size.</b> Based on average floor area of all cottages and community buildings within the cottage cluster.	1,400sf or less
<b>Average Cottage Footprint</b>	
<ul style="list-style-type: none"> <li>• <u>Average of cottages with height of 15 feet or less</u></li> </ul>	1,400 sf or less
<ul style="list-style-type: none"> <li>• <u>Average of cottages with height over 15 feet</u></li> </ul>	900 sf or less
<b>Maximum Building/Structure Height</b>	25 ft
<b>Minimum Site Perimeter Setbacks</b>	Same as underlying zone.
<b>Maximum Lot Coverage</b>	45%
<b>Minimum Required Open Space - Courtyard</b>	150 sf per cottage
<b>Vehicle Parking</b>	See Section 73.010.
<b>Areas Owned in Common</b> Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the city prior to issuance of a building permit.	

- B. Design Standards

1. Cottage orientation. Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards:
  - a. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
  - b. A minimum of 50 percent of cottages within a cluster must:
    1. Be within 10 feet from the common courtyard, measured from the façade of the cottage that includes the main entrance to the nearest edge of the common courtyard; and
    2. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.

- c. Exceptions. An existing dwelling included within a cottage cluster may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.
  2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard that meets the following standards:
    - 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 be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum required open space area standard in the table in Section 75.070(A).
    - d. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, 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.
    - e. Pedestrian walkways must be included in a common courtyard. Walkways 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 the table in Section 75.070 (A).
    - b. If a community building meets the definition of a dwelling unit and has a footprint that exceeds the maximum footprint in the table in Section 75.070 (A) and/or would exceed the maximum number of cottages in a cottage cluster, a covenant must be 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 walkway must be provided that connects the main entrance of each cottage to the following:
      1. The common courtyard;
      2. Shared parking areas;
      3. Community buildings; and
      4. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
    - b. The walkway must be hard-surfaced and a minimum of 5 feet wide.
  5. Windows and Doors. Standard. Cottages that face a street or alley lot line must meet the following standards:

- a. The front façade must have a minimum of 25 percent windows or pedestrian entrance doors.
  - b. Alley facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
  - c. All other street-facing facades must have a minimum of 15 percent windows or pedestrian entrance doors.
  - d. Exceptions. The following facades are exempt from these standards:
    1. Facades separated from the street lot line by a dwelling or buildable lot.
6. Parking Design.
- a. Parking location and access. Parking areas shall meet the standards of Section 19.020.
  - b. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    1. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
    2. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
    3. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
    4. Clustered parking areas may be covered.
  - c. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - d. Garages and carports.
    1. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
    2. Individual detached garages must not exceed 400 square feet in floor area.
    3. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
7. Accessory Structures.
- a. Accessory structures must not exceed 400 square feet in floor area.
  - b. Accessory structures must not be located between a cottage and common open space or courtyard.
8. Existing Structures. On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- a. The existing dwelling may be nonconforming with respect to the requirements of this code.
  - b. The existing dwelling may be expanded up to the maximum height or the maximum building footprint in Section 75.070 (A); however, existing

dwelling that exceed the maximum height and/or footprint of this code may not be expanded.

- c. The floor area of the existing dwelling shall not count towards the average cottage size of a cottage cluster.
9. Trash Storage. Shared trash storage facilities for trash and recycling receptacles as defined in Chapter 13 of the IDC shall meet the screening standards of 54.010(C).

**Subchapter 90: Subdivision Regulations****Section 90.40.015 Filing an Application for a Minor Partition Action.**

The City Manager or designee shall examine each application to ascertain if the appropriate forms have been completed, the appropriate fees have been paid and if all required documents and information have been submitted. Three copies of a sketch map 18 by 24 inches in size containing the date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned shall be submitted to the City Manager or designee along with the following information:

- A. The name and address of the owner of record and of the person who prepared the map.
- B. The names and addresses as compiled from the most recent county property tax assessment roll of all property owners within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- C. The approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partition.
- D. For land adjacent to and within the parcel to be partitioned, the locations, names and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and power poles.
- E. Outline, location and setback dimensions to property lines of existing buildings to remain in place.
- F. Outline, location, approximate date of original construction and dimensions of existing building and other structures to be removed.
- G. Lot layout, showing size and relationship to existing or proposed streets and utility easements.
- ~~H. Such additional information as required by the City Manager or designee.~~

**Section 90.40.025: Standards for Minor Partition Requests.**

The City Manager or designee may approve the minor partition application upon a finding that:

- A. The proposed division complies with the requirements for its submittal, all requirements of the Comprehensive Plan, the intent and purposes of this Chapter and all other applicable laws and regulations;
- B. The proposed division is not contrary to previous conditions imposed upon the use or development of the subject parcel by the Planning Commission; and

- C. The proposed division is consistent with the extension of existing or planned City improvements such as streets and has dedicated necessary rights-of-way and easements for the improvements.
- ~~D. The City Manager or designee may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the City's Comprehensive Plan standards, land use regulations and other applicable legal requirements. In no event, however, shall the City Manager or designee require greater dedications or conditions than could be required if the parcel were subdivided.~~
- E. D. If the parcel of land to be partitioned exceeds five acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre, full compliance with all requirements for subdivisions ~~may be~~ is required if ~~the City Manager or designee should determine that~~ the entire parcel being partitioned is in the process of being divided into small parcels.

## Section 90.80: Improvements

### Section 90.80.005: Improvement Requirements

The following improvements are summarily required in subdivision and major partitions, and may be applied to minor partitions as conditions for approval and shall be installed at the expense of the subdivider. Applicants may choose to follow the general/discretionary standards track or the Clear and Objective standards track, where offered, in the standards below:

- A. Water Supply. Lots within a subdivision shall be served by ~~a an adequate~~ a city water supply system conforming to ~~city specifications~~ Public Works Design Standards. Testing of new water lines is required using city approved methods. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.
- B. Sewage. All lots shall be served by ~~an adequate~~ a city sewage disposal system conforming to ~~city specifications~~ Public Works Design Standards. ~~The materials and methods of construction of any sewer line shall provide for a water-tight system. Testing of new sewer lines is required using city approved methods.~~
- C. Drainage. Such grading shall be performed and drainage facilities installed conforming to ~~city specifications~~ Public Works Design Standards. ~~as is necessary to provide property drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation. All drainage improvements must conform to Subchapter 80, Storm Water Management Requirements and applicable State and Federal laws.~~
- D. Streets.
1. General/Discretionary Standard: The subdivider shall grade and improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect in accordance with ~~city specifications~~

Public Works Design Standards. ~~The paving line of existing streets shall be "saw-cut" to provide the most stable joint with the new street construction. Treatment of the joint created at this point will conform with general road construction standards. Section design will be based on an on-site soils investigation, report and recommendation by a licensed geotechnical foundation engineer. The road sub-base, base and asphalt overlay shall be tested for compaction requirements outlined in the engineer's report or as recommended by the city.~~

2. Clear and Objective Standards:
  - a. Wherever existing streets are within, adjacent to, or provide access to a property proposed for subdivision or partition, those existing streets must be improved to the standards of Public Works Design Standards.
  - b. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in Public Works Design Standards.
  - c. During consideration of the tentative plan for the subdivision or partition, the Public Works Director, shall determine whether improvements to existing streets adjacent to or within the tract, are necessary to meet the Public Works Design Standards. If so determined, such improvements shall be required as a condition of approval for the tentative plan.
- E. Pedestrian Ways. Sidewalks shown on the street sections shall be installed as located on those sections as a result of the subdivision or major partition. The date of sidewalk installation shall conform with the procedures outlined in Subsection 90.90.105.
- F. Bikeways. Bikeways consistent with ~~the Independence-Monmouth Bicycle Master Plan~~ and the Independence Transportation System Plan shall be installed in accordance with ~~City standards~~ Public Works Design Standards.
- G. Monuments. Monuments shall be installed in accordance with Public Works Design Standards and with the requirements of the Oregon Revised Statutes.
- H. Service Utilities.
  1. General/Discretionary Standard: Before approval shall be given of any plat or plan of any subdivision, the subdivider shall provide for the installation of all service utilities in underground conduits and for easements therefor in the manner as hereby set forth and subject to the conditions set forth in this ordinance. ~~The city may require installation of said utilities to any boundary line of the parcel being divided as to provide for the orderly extension of utilities or future development.~~
  2. Clear and Objective Standard: All permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities. The subdivision or partition shall:
    - a. Obtain a permit from the City for placement of all underground utilities;
    - b. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission; and

- c. The city shall require installation of said utilities to any boundary line of the parcel being divided as to provide for the orderly extension of utilities or future development.
- I. **Above-Ground Utility Prohibited.** In all new subdivisions in the City of Independence hereafter approved by the Commission it shall be unlawful for any service utility or utilities to be installed or used above the surface of the ground except on a temporary basis upon a special permit issued by the Building Official, but no use under such a special permit shall extend for a total period of more than six months from the date of issue of the first permit therefore. All new street light poles shall be metal. The developer is responsible for any initial cost for such poles (one time fee and concrete footings). The developer will contact and coordinate this work with the appropriate utility.
- J. **Manner of Installation.**
  1. General/Discretionary Standard: All service utilities installed as herein provided shall be installed at a depth and in the manner conforming to city specifications.
  2. Clear and Objective Standard: All service utilities shall be installed in public utility easements prior to the surfacing of such streets.
- K. **Acceptance of Public Improvements.** Acceptance of all public improvements will comply with ~~Section V – Acceptance Policies of the City of Independence Specifications and Standards for Public Works Construction~~ the City of Independence Public Works Standards.
- L. **Middle Housing Land Divisions.** For middle housing developments where a Middle Housing Land Division is proposed, the following conditions shall be met.
  1. Sidewalks are required for the parent lot and any child lots with street frontage.
  2. Each resulting dwelling unit shall be served by a separate water service line and sewer service line.
  3. Individual water service lines shall be connected to a public water main located either in the public right-of-way (ROW) or in a public easement on private property subject to the following conditions:
    - a. The public water main is constructed to the City’s Public Works Design Standards.
    - b. Future repair or replacement of the public water main will be the responsibility of the City of Independence.
    - c. If located in a public easement, the dimensions and location of the easement shall be approved by Public Works.
  4. Individual sewer service lines shall be connected to a public sewer main located either in the public right-of-way (ROW) or in a public utility easement on private property subject to the following conditions:
    - a. The public sewer main is constructed to the City’s Public Works Design Standards.
    - b. Future repair or replacement of the public sewer main will be the responsibility of the City of Independence.
    - c. If located in a public easement, the dimensions and location of the easement shall be approved by Public Works.

5. Public utility easements shall comply with the Public Works Design Standards.

### **Section 90.80.010: Improvement Procedures**

~~In addition to other requirements, All improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure: the Public Works Design Standards.~~

- A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City ~~and the developer enters into a development agreement with the City.~~ For evaluation of the subdivision proposal, the engineering plans will be required before approval of the final map or plat. All plans shall be prepared in accordance with ~~acceptable engineering standards by a registered engineer, licensed to practice in the State of Oregon~~ the Public Works Design Standards. The fee for engineering plan review shall be set by the City Council.
- B. Work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified. A pre-construction meeting with the city is required prior to any construction activity, including material storage and mobilization of equipment to the site.
- C. Required improvements shall be inspected by ~~and constructed to the satisfaction of the city to ensure they meet the Public Works Design Standards. The city may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.~~ The cost of improvement plan review and inspection will be paid by the developer in accordance with ~~90.60.075.24(L).(1) the fee schedule set by the City Council. The fee for construction inspection shall be set by the City Council.~~ The developer shall submit cost estimates for such improvements to the City for review and approval. The cost estimates must be prepared and stamped by a licensed engineer, registered in the State of Oregon.
- D. Underground utilities, television cables, telephone lines, sanitary sewers and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, television cable, telephone lines, and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- E. ~~Two (2) copies and one (1) reproducible copy of the plans showing public improvements a~~ As-builts shall be filed with the city Public Works Department in compliance with the Public Works Standards by the subdivider/developer or his their agent upon completion of the improvements.

### **Section 90.80.015: Specifications for Improvements**

~~Specifications for improvements shall be adopted by or under authority of city ordinance.~~

### **Section 90.90: Design and Development Standards**

90.90.005 Principles of Acceptability.

Subdivisions and major partitions shall conform to any development plans and shall take into consideration tentative plans made in anticipation thereof. Subdivisions and major partitions shall conform to the requirements of state law and the standards established by this chapter.

#### 90.90.10 Streets

- A. General. The location, width, and grade of streets, bikeways and pedestrian facilities shall be considered in their relation to existing and planned streets, bikeways and pedestrian facilities, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All streets, bikeways and pedestrian facilities shall connect to other said facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development. Where location is not shown in the Independence Transportation System Plan, Public Works Design Standards, or another a development plan, the arrangement of streets in a subdivision shall ~~either: provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas.~~
- 1.—~~Provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas; or~~
  - 2.—~~Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets, bikeways and pedestrian facilities impractical.~~
- B. Widths of street rights-of-way and paving design for streets shall ~~not be less than those set forth in the table below. The street section shall be designed in accordance with Subsection 90.80.005-D: comply with the Public Works Design Standards. Provided that S streets within the Southwest Independence Concept Plan area shall be designed in accordance with the street cross sections provided in the Southwest Independence Concept Plan, except when modified by the Independence Transportation System Plan. Where applicable, the street cross-sections provided in the Southwest Independence Concept Plan supersede any conflicting standards in this section.~~ Engineering staff may make exceptions to the standards based on individual site conditions.
- C. The width of street rights-of-way ~~provided in the table below~~ shall comply with the Public Works Design Standards and be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets, and the applicant shall dedicate additional rights-of-way, as determined by the City ~~in accordance with such table,~~ for any such adjacent street where the existing width of rights-of-way for such street is less than the minimum in said table.
- D. Street Standards: See Public Works Design Standards for right of way, street lanes, bike lanes, planter strip, and sidewalk widths.
- E. Slope Easements. Slope easements shall be dedicated in accordance with ~~specifications adopted by the City Council:~~ the Public Works Design Standards.

- F. Reserve Strips or Block. The City may require the land divider to create a reserve block controlling the access to a street, said block to be placed under the jurisdiction of the Council City to:
1. ~~To p~~ Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
  2. ~~To p~~ Prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the above table.
  3. ~~To p~~ Prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.
  4. ~~To p~~ Prevent access to land unsuitable for building development.
- G. Alignment. As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, ~~wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet~~ comply with the Public Works Design Standards.
- H. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips or blocks may be required to preserve the objectives of street extensions.
- I. Intersections of Streets:
1. ~~Angles: Streets shall intersect one another at an angle as near to the right angle as is practicable considering topography of the area and previous adjacent layout. Where not practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the City may determine in accordance with the purpose of Section 90.10.010 of this chapter. Angles of street intersections shall comply with the Public Works Design Standards.~~
  2. ~~Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least 500 feet; and in no case shall there be an offset of less than:~~
    - a. ~~(250 feet) on a minor arterial street. To the greatest extent possible the City shall also encourage consolidation of curb cuts and access points on arterial streets.~~
    - b. ~~(125 feet) on local and collector streets.~~

Opposing intersections shall be designed in compliance with the Public Works Design Standards to ensure that no offset creates dangerous conditions for the traveling public.

3. Collector and Residential Lot Access to Arterials and Collectors: When residential development abuts an existing or proposed arterial or collector street, lot access shall connect to internal local streets or alleys and comply with the Public Works Design Standards.

~~When a residential development abuts an existing or proposed arterial or collector, the Planning Commission shall require that access to such streets be limited by one of the following means:~~

- ~~a. — The lots of the development back onto the arterial or collector and front onto a parallel local street.~~
- ~~b. — A series of cul-de-sacs, U-shaped streets, shared driveways, or short loops entered from and designed generally at right angles to the arterial or collector street and where no lots derive direct access to the arterial or collector street.~~
- ~~c. — Lots that would only have access to an arterial or collector shall be restricted to the collector street.~~

- J. Topography. The layout of streets shall ~~give suitable recognition to surrounding topographical conditions~~ be in accordance with the purpose of Section 90.10.010 of this chapter and comply with the Public Works Design Standards.
- K. Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through boundary lines to provide for the orderly division of such adjacent land or the transportation and access needs of the community.
- L. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width with regard to right-of-way and/or roadway pavement, additional right-of-way and/or roadway pavement shall be provided by the developer(s) at the time of subdivision.
- M. Cul-de-sac. ~~The use of cul-de-sacs is discouraged and may only be approved upon a showing by the applicant that there are unusual or unique circumstances that justify the cul-de-sac. There shall be no cul-de-sacs more than 400-200 feet long or serving more than 20 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in this subchapter. The use of cul-de-sacs shall be discouraged and may only be approved upon a showing by the applicant of unusual or unique circumstances justifying the cul-de-sac. A public access way connecting two (2) cul-de-sacs shall be required consistent with the standards for public accessways in Section 90.90.015(D).~~

For purposes of this section, “unusual or unique circumstances” exist when one of the following conditions prevent a required street connection:

1. Slopes are equal to or greater than 12 percent;
2. A wetland or other water body is present which cannot be bridged or crossed; or
3. Existing development on adjacent property prevents a street connection.

- When cul-de-sacs are used, each cul-de-sac shall comply with the Public Works Design Standards. There shall be no cul-de-sacs more than 400 feet in length or serving more than 20 single-unit dwellings.
- A public access way shall be required to connect two (2) adjoining cul-de-sacs consistent with the standards for public accessways in Section 90.90.015(D).
- N. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the City of Independence, Planning Commission, and need written approval by the Polk County Fire District #1 and the Independence Police Department, and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City.
- O. Grades and Curves. ~~Grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, or 230 feet on all other streets and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.33 percent. and curves shall comply with the Public Works Design Standards.~~
- P. Streets Adjacent to Railroad Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- Q. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection or residential properties and to afford separation of through and local traffic. Access shall comply with 90.90.010(10)C of this section.
- R. Alleys. Alleys shall be provided in commercial and industrial districts, and residential developments per 90.90.010(V), unless other permanent provisions of access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.
1. Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 90.10.010 of this chapter.
  2. Width. Width of right-of-way and paving design for alleys shall ~~be not less than 20 feet.~~ comply with the Public Works Design Standards. Slope easements shall be

- dedicated in accordance with specifications in the Public Works Design Standards, adopted by the City Council.
3. Corner Cut-Offs. Where two alleys intersect, 10 feet corner cut-offs shall be provided.
  4. Grades and Curves. Grades and curves shall comply with the Public Works Design Standards, not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
  5. Other Requirements. All provisions and requirements with respect to streets in this subchapter shall apply to alleys the same in all respects as if the word "street" or "streets" therein appear as the word "alley" or "alleys" respectively.
- S. Street trees are required in all new subdivisions in the amount of one tree for every 35 feet of street frontage. Species, size, location and installation construction will conform to the Independence Urban Forestry Management Plan, as adopted by the City Council and shall comply with the Public Works Design Standards. Street trees shall be installed prior to final plat approval or as allowed by an agreement with the City Manager or designee. Temporary irrigation may be required at the time of installation and shall ~~will~~ be maintained by the developer as long as required by dry/hot weather conditions.
- T. Mail Boxes. Plans for mail boxes to be used, including type and location, shall be approved by the Independence Postmaster.
- U. Paving, strip, and signage. All street plans shall include all required street signs, traffic control signs, and pavement striping. ~~All pavement striping shall use a heat tape process. The developer shall furnish and install these items to city standards. In accordance with the Public Works Design Standards.~~
- V. Access Management. New access to arterials and collectors shall be limited. Shared or consolidated access shall be required for development or land divisions adjacent to these facilities unless demonstrated to be unfeasible.
1. Number of Access Points. All proposed development shall have access to a public right-of-way. Spacing requirements for access points and intersections on arterials and collector streets shall comply with the Public Works Design Standards, be as shown in the following two tables:  
[...]
  2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.
  3. Frontage on Service Roads and Common Drives or Use of Alleys.
    - a. Projects proposed on arterials shall include a frontage or service road or use an alley and shall take access from the frontage road facility rather than the arterial. ~~Frontage road design shall conform to ODOT standards.~~ This access requirement may be met through the use of interconnecting parking lots which abut the arterial.
    - b. Adjacent uses may share a common driveway provided that appropriate access easements are granted between and among property owners.

4. Alternative Designs. Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically unfeasible, alternate designs ~~may~~ shall be approved in accordance with the Public Works Design Standards.
  5. Access to Residential Lots. All lots in a proposed residential subdivision shall have frontage on and access from a local ~~or collector~~ street ~~or alley.~~
- W. Bicycle Requirements. Bike lanes or shared bike lanes shall be provided during the construction, reconstruction, or relocation of arterial and collector streets. Design and construction of bikeways, or other public paths shall conform to the requirements of the Public Works Design Standards, American Association of State Highway and Transportation Officials (AASHTO) as revised and adopted in the “Oregon Bicycle and Pedestrian Plan”.
- X. Pedestrian Requirements.
1. Sidewalk shall be constructed along all arterial, collector, and local service streets.
  2. The design and construction of sidewalks and other public paths shall conform to the requirements of the Public Works Design Standards, “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Monmouth standards.
- Y. Accessways. Where required:
1. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and cyclist destinations. A reasonably direct connection is a route which minimizes out-of-direction travel for most of the people likely to use the multiple-use path considering terrain, safety, and likely destinations.
  2. The design and construction of accessways shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Independence standards.
- Z. Lighting. ~~No illumination of pathways that are off street or in riparian areas shall be allowed, unless otherwise allowed by the Independence Public Works Director. Lighting of sidewalks along roadways shall comply with the Public Works Design Standards and IESNA Lighting Standards. Illumination of all sidewalks and bicycle paths will be provided in conjunction with all new development. Adequacy of the lighting plan will be consistent with AASHTO standards and approved by the City Manager or designee. Metal street light poles with concrete bases are required.~~

**(NEW SECTION) Section 90.115 Middle Housing Land Divisions.**

A Middle Housing Land Division (MHL) is a partition or subdivision of a lot or parcel on which middle housing is developed or proposed. MHLs are regulated by this Code and ORS 92.031. The purpose of an MHL is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables the units to be sold and owned individually.

- A. Applicability. MHLs are available in zoning districts where middle housing is permitted under this Code. Middle housing development that is eligible for an MHL may consist of:

1. A single duplex, triplex, quadplex, cottage cluster, or structure containing townhouses;
  2. Any retained or rehabilitated existing units on the lot or parcel that is part of the middle housing development.
  3. An MHLD creates two (2) or more lots or parcels from a single parent lot on which middle housing is developed or proposed. After a MHLD is completed, the resulting lots or parcels are “child lots” or “middle housing lots.” The approved development is still subject to the requirements and development standards that applied to the parent lot prior to the MHLD. In addition, the resulting development is still defined as and subject to the development standards that apply to the original middle housing type after an MHLD is completed (e.g., a duplex that undergoes an MHLD does not become a townhouse development; the structure and property are still subject to requirements/standards for a duplex).
- B. Application Timing and Sequencing.**
1. An application for an MHLD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant’s responsibility to submit a complete application that addresses the review criteria of this Section.
  2. An application for a tentative plan for an MHLD may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing.
  3. An application for a tentative plan for an MHLD may be submitted at the same time as an application for a standard subdivision or partition. The standard land division would create the parent lot(s), and the MHLD would further subdivide the lot(s) into middle housing child lots.
  4. An application of one or more than one MHLD submitted at the same time as an application for a standard subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard subdivision or partition.
  5. Within the same calendar year as an original partition that was not an MHLD, one or more of the resulting vacant parcels may be further partitioned into 3 or fewer parcels through an MHLD.
  6. Approval of the creation of MHLD parent lots does not constitute approval of a MHLD on such lots unless all of the requirements of Section 90.115 are satisfied.
- C. Tentative Plan Approval Criteria.** Approval of a tentative plan for an MHLD will be granted if the City Planning Official finds that the applicant has met all of the criteria in Subsections (1) through (6), below. The City’s standard tentative plan approval criteria do not apply.
1. The middle housing development, including all existing and proposed structures, complies with:
    - a. The Oregon Residential Specialty Code; and
    - b. The middle housing regulations applicable to the parent lot, including, but not limited to the provisions in this Code.
  2. Exactly one dwelling unit will be located on each resulting child lot except for:
    - a. Lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted; or
    - b. Lots or parcels with an existing detached single-unit dwelling and accessory dwelling unit or an existing duplex, as allowed under Subchapter 17. Such

- existing units shall be considered a single middle housing unit for the purposes of the MHLD.
3. Utility service connections will be provided for each child lot and associated dwelling as described in Section 90.80.005 of this Code.
  4. Easements will be provided as necessary for each dwelling unit on the site for:
    - a. Locating, accessing, replacing, and servicing all utilities;
    - b. Pedestrian access from each dwelling unit to a private or public road;
    - c. Access to any common use areas or shared building elements; and
    - d. Access to any dedicated driveways or parking.
  5. Buildings or structures on a resulting child lot will comply with applicable building code provisions.
  6. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to requirements of Sections 90.80 and 90.90 of this ordinance and consistent with the Public Works Design Standards.
- D. Tentative Plan Submittal Requirements. An application for an MHLD tentative plan shall include the following:
1. The boundaries, dimensions, and area of the lot;
  2. The location, width, and names of all proposed streets, flag lot accessways, and public accessways, including those abutting the perimeter of the lot;
  3. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
  4. The location of all existing and proposed off-street parking and vehicle use areas;
  5. The location of all existing or proposed public utility connections for each dwelling unit, demonstrating compliance with approval criterion 90.115 (C) and with Sections 90.80 and 90.90;
  6. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion in Section 90.115(C)..
  7. A description of the manner in which the proposed land division will satisfy the approval criteria in Section 90.115(C).
  8. Copies of approved building permits or building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in Section 90.115(C).
- E. Tentative Plan Conditions of Approval. The City may attach conditions of approval of a tentative plan for an MHLD to:
1. Prohibit further division of the resulting child lots.
  2. Require that a notation appear on the final plat indicating:
    - a. The approval was given under ORS 92.031.
    - b. The type of middle housing approved on the subject site and noting that the middle housing type shall not be altered by the MHLD (e.g., a duplex that undergoes an MHLD does not become another type of middle housing or a single family detached home; the structure and property are still subject to requirements/standards for a duplex).
    - c. Accessory dwelling units are not permitted on resulting child lots.

3. The City may require that all public improvements and site improvements needed to satisfy approval criteria in Section (C) and the applicable standards of the City's code are constructed or guaranteed prior to the approval and signing of the final plat for the development.
  4. The preliminary approval of an MHL D is void if and only if a final MHL D plat is not recorded within 3 years of the preliminary approval.
- F. Tentative Plan Procedure. An application for a MHL D can utilize the following procedures:
1. Expedited Procedure. Unless the applicant requests to use the City's standard land division procedure or a MHL D is submitted concurrent with a standard subdivision (and is requested to be reviewed concurrent with the subdivision), the City shall apply the procedure used for an Expedited Land Division, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
    - a. The City Planning Official shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application, as described in ORS 227.178. Notice shall not be provided to any other person.
    - b. The MHL D review process does not include a hearing and the City does not accept public comment from third parties.
    - c. The City shall issue a written determination of compliance or noncompliance with the approval criteria in Subsection (C). An approval may include conditions of approval pursuant to Subsection (E) to ensure that the application meets all applicable requirements.
    - d. The written determination shall include a summary statement explaining the determination, and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
    - e. The applicant shall pay a fee according to the City's fee schedule.
    - f. Only the applicant may appeal a decision for an MHL D processed as an Expedited Land Division made under this section.
  2. Standard Procedure. If requested by the applicant as an alternative to use of the Expedited Procedure described in subsection (a) above or a MHL D is submitted at the same time as an application for a standard subdivision or partition (and the applicant requests a concurrent review), the City shall review an MHL D under the same procedure that applies to a standard land division.
- G. Final Plat Requirements. An application for an MHL D final plat shall meet the City's requirements and approval criteria that apply to a standard subdivision or partition final plat per Subsection 90.60.075.