# 33.405 Alternative Design Density Overlay Zone

# 405

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## General

### 33.405.010 Purpose

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

### 33.405.020 Short Name and Map Symbol

The Alternative Design Density Overlay Zone is referred to as the ADD zone, and is shown on the Official Zoning Maps with the letter “a” map symbol.

### 33.405.030 Applying the Alternative Design Density Overlay Zone

The Alternative Design Density Overlay Zone may be established or removed as the result of an area planning study, reviewed through the legislative procedure. Establishment or removal of the Alternative Design Density Zone through a quasi-judicial procedure is prohibited. The ADD zone has no effect on projects in RH, RX, IR, C, E, or I zones. When property is rezoned to one of these zoning designations from a zone that is accompanied by the "a," the ADD zone will be deleted from the Official Zoning Map.

## Development Standards

### 33.405.050 Bonus Density for Design Review

**A.** **Purpose.** This section is intended to encourage the provision of well designed housing that is attractive and compatible with an area’s established character. Increased density through this bonus provision is allowed in areas zoned for multi-dwelling development. These areas include those within the ADD zone that have a base zone of R1, R2, or R3.

**B.** **Where the bonus may apply.** The bonus density for design review is applicable in areas within the ADD zone that are zoned R3, R2, or R1. It is not, however, allowed on sites in design or historic resource zones.

**C.** **Bonus density.** Fifty percent more dwelling units than allowed by the base zone is granted for projects that voluntarily go through a Type III design review process. If a land division is required or requested, the design review process must be concurrent with the land division. Design review must be approved in order for the land division to be approved. The development will be judged against the Community Design Guidelines.

**D.** **Relationship to other density bonuses.** Development taking advantage of the provisions of this section is not eligible for density bonus allowed by other sections of the code, including Section 33.120.265, Amenity Bonuses.

### 33.405.060 Attached Houses on Vacant Lots in the R5 Zone.

**A.** **Purpose.** The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new development ensures that the new housing will make a positive contribution to the neighborhood's character.

**B.** **Attached houses.** Attached houses are allowed in the R5 zone if all of the following are met. Adjustments to this section are prohibited:

1. The proposed attached housing development will be on a lot or lot of record that was created at least five years ago;

2. There has not been a dwelling unit on the lot or lot of record for at least five years;

3. The density requirements of Chapter 33.611 must be met, and each attached house must be on a lot that meets the lot dimension standards of Chapter 33.611;

4. Attached houses must meet the following development standards:

   a. Height and front setback standards. Attached houses must meet the height and front setback standards of the R5 zone; and

   b. All other development standards. The attached house must meet all other development standards for attached housing projects in the R2.5 zone;

5. Design review required:

   a. Generally. Attached residential development must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

   b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

c. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.

d. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

### 33.405.070 Alternative Development Options in the R2 and R2.5 Zones

**A. Purpose.** The provisions of this section offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached or low-density multi-dwelling residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

**B. Triplex.** Triplexes are allowed, if they meet all the following requirements:

1. The proposed development conforms with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district; and

2. The maximum density allowed under this provision is one dwelling unit for each 1,600 square feet of site area. However, no more than three dwelling units may be placed on a single lot.

**C. Flag lots averaging 2,500 square feet.** Lots in the R2 and R2.5 zone may be developed as flag lots with an average area of 2,500 square feet when the proposed development meets all of the following requirements:

1. Both attached and detached dwellings are allowed;

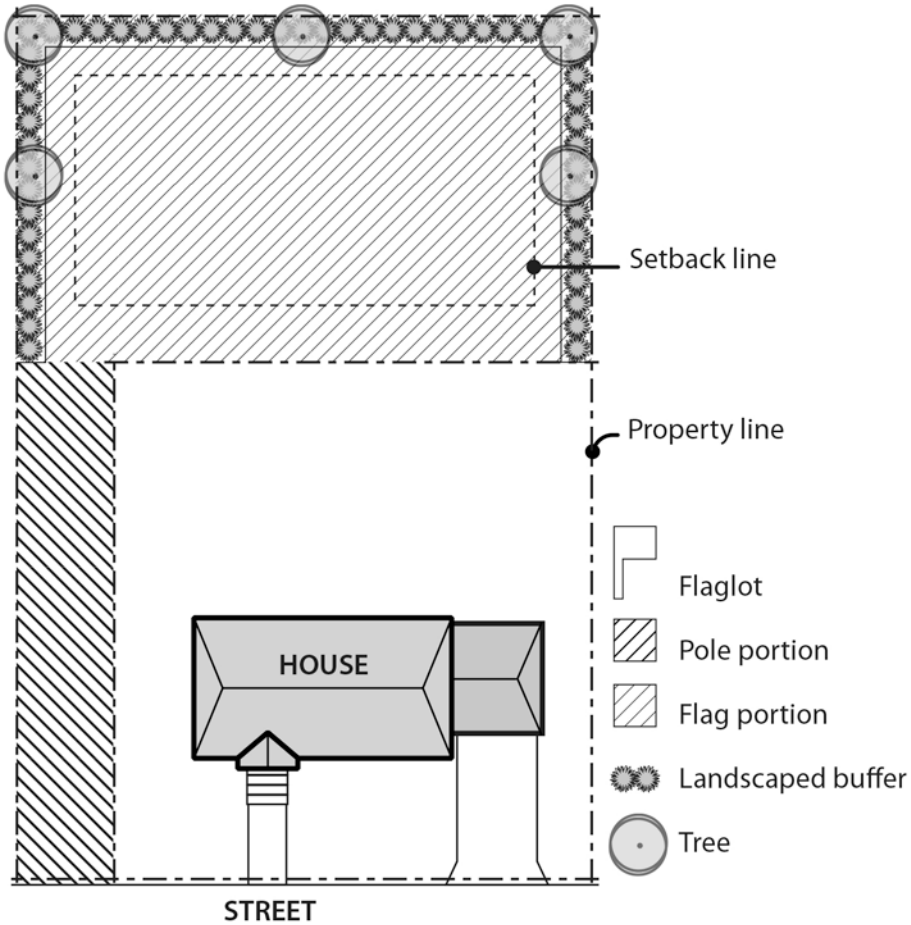
2. The average area of the lots created must be at least 2,500 square feet. Each must be at least 1,600 square feet;

3. The pole portion of the flag lot must be part of the flag lot, must connect to a street, and must be at least 12 feet wide for its entire length;

4. Detached structures on a flag lot are required to have an eight foot setback from all lot lines. Attached structures on flag lots are required to have an eight foot setback along those lot lines that abut a lot that is not a part of the flag lot development; and

5. Required setbacks must include a landscaped buffer area. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 405-1.

**Figure 405-1**
**Flag Lot Description and Buffer**




**D. Design review required.**

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

3. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.

4. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

### 33.405.080 Nonconforming Multi-Dwelling Housing

**A. Purpose.** These provisions are intended to foster the continuation of housing that is both affordable and compatible with its surroundings.

**B. Damage or destruction.** When a residential structure that contains nonconforming residential density is damaged or destroyed by fire or other causes beyond the control of the owner, the nonconforming residential density rights are maintained if the structure is rebuilt within 5 years. The structure may be rebuilt with the old number of units, and the development standards imposed by Section 33.258.060.B.2 Nonconforming Residential Densities, will not apply to the building's coverage, setbacks, length, number of parking spaces, location of parking, height, amount of landscaped area and amount and location of outdoor areas. If not rebuilt within 5 years, the lot is considered vacant and is subject to the base zone density and development standards.

**C. Design review required.**

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

### 33.405.090 Design Review and Community Design Standards

**A. Purpose.** Design review is required for projects taking advantage of the provisions of the Alternative Design Density Overlay Zone. In some cases, the ADD zone permits densities and types of development that would otherwise not be allowed. Design review ensures that development is compatible with the positive qualities of the surrounding area.

**B. Design review required.** Development taking advantage of the provisions of this chapter is subject to design review.

**C. Community Design Standards.** The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective Community Design Standards. If the proposal meets the Community Design Standards, no design review is required.

1. When Community Design Standards may be used. The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

   Unless excluded by Paragraph C.2, below, proposals that are within the maximum limits of Table 405-1 may use the Community Design Standards as an alternative to design review.

**Table 405-1**
**Maximum Limits for Use of the Community Design Standards**

| **Zones** | **Maximum Limit—New Dwelling Units or Floor Area** |
|---|---|
| Single Dwelling Zones | 5 dwelling units |
| R2 & R3 Zones | 10 dwelling units |
| R1, RH, RX, C, & E Zones | 20,000 sq. ft. of floor area |
| I Zones | 40,000 sq. ft. of floor area |
| IR Zone | See institution's Impact Mitigation Plan or Conditional Use Master Plan. |
| **Zones** | **Maximum Limit—Exterior Alterations** |
| All except IR | • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade.<br>• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area. |
| IR Zone | See institution's Impact Mitigation Plan or Conditional Use Master Plan. |

2. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

   a. In the Central City plan district (See Map 510-1);

   b. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

   c. For alterations to sites where there is a nonconforming use;

   d. For mixed-use or non-residential development in the RF through R1 zones; and

   e. If the proposal uses Section 33.405.050, Bonus Density for design review.

**33.405.100 Review for Timeliness**

The ADD zone must be reviewed for possible changes in both map application and content at or before the first update of the Albina Community Plan.

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*(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169763, effective 3/25/96; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No 187216, effective 7/24/15.)*