

**ATTACHMENT 6
VARIOUS SECTIONS – SCRIVENER’S ERRORS**

OVERVIEW

The reformatted Springfield Development Code (SDC) was adopted by the Springfield City Council on September 17, 2007. The reformatting process was a substantial undertaking that resulted in the reorganization of hundreds of Code regulations in what were formerly 45 “Articles” into 6 Chapters. The volume of the reorganization task resulted in some unintentional omissions; some inaccurate references due to renumbering; and some errors in punctuation known as Scrivener’s errors. Thus, on December 3, 2007 the City Council adopted the first round of what are called Scrivener’s errors. The items listed below are the second, and hopefully the last round of Scrivener’s errors. The proposed amendments do not include policy or policy implementation changes.

ADDITIONAL SCRIVENER’S ERRORS PART 2

Commentary. *Proposed changes are highlighted. Revised text is underlined. [Deleted text is within brackets, with “strike out”]*

3.2-210 Schedule Of Use Categories

Commentary. *“Day Care Center” was previously changed to “Child Care Center” to be consistent with State regulations, but the “old SDC” listing for the use on collector and local streets was inadvertently omitted. This is the only use in this Section that is being amended.*

Use Categories/ Uses	Zoning Districts		
	LDR	MDR	HDR
Residential Uses			
Child Care Center -13 or more children (abutting a collector or local street) (Section 4.7-125)	<u>D</u>	<u>S*</u>	<u>S*</u>

Commentary. *Several footnotes are amended due to inadvertently deleted “old SDC” text when creating the table and/or for clarity. The footnotes to the base zone development standards are the only portion of this Section that is being amended.*

3.2-215 Base Zone Development Standards

- (1) 6,000 square feet in area for one duplex in the LDR District. This standard prohibits the division of the lot/parcel to create separate ownership for each duplex dwelling unit.
- (2) 10,000 square feet in area for one duplex in the LDR District as specified in this Section and Section 4.7-140. This standard ~~[is required to]~~ allows for the future the division of the lot/parcel to create separate ownership for each half of the duplex [dwelling unit].
- (3) The 45 percent coverage standard applies to covered structures only. On lots/parcels with more than 15 percent slope or above an elevation of 670 feet, the maximum impervious surface inclusive of structures, patios, and driveways, shall not exceed 35 percent, unless specified in Section 3.3-500.
- (14)** In the MDR and HDR Districts, the building height may be increased to 50 feet as specified in Subsection 3.2-240D.3.c.

3.2-235 Residential Manufactured Dwellings

Commentary. *The text added was inadvertently deleted during the SDC Reformat Project.*

The siting of manufactured dwellings in Low and Medium Density Residential Districts is permitted subject to the provisions of this Section:

- A. Manufactured Home - as a permitted use in manufactured home subdivisions, manufactured dwelling parks and all lots/parcels zoned and designated Low and Medium Density Residential provided that units placed on individual lots/parcels outside of existing platted manufactured home subdivisions shall be Type 1 classification and all density standards are satisfied. A Type 2 manufactured home may be sited in manufactured dwelling parks, interior lots of existing platted manufactured home subdivisions and in multi-family developments.

Commentary. *This CI Section requires amendment because the Master Plan is required. The Master Plan currently in SDC Sections 3.4-215 through 3.4-225 (the Glenwood Riverfront Plan District) will be addressed during the Glenwood Refinement Plan amendment process. No amendment is required for Section 3.2-630 (Mixed Use).*

3.2-440 CI District - Conceptual Development Plans and Master Plans

A Conceptual Development Plan is required for all new CI Districts over 50 acres in size approved after July 6, 2004, unless a Site Plan or Master Plan is proposed for the entire CI District. A Master Plan ~~[is required]~~ may be submitted when phased developments exceeding ~~[two]~~ 3 years in duration are proposed. A Master Plan shall comply with any applicable approved Conceptual Development Plan or upon approval of a Master Plan or Site Plan for the entire CI District, the Master Plan or Site Plan may supplant and take precedence over an approved Conceptual Development Plan. Master Plan approval for a CI District site shall be as specified in Section 5.13-100.

Commentary. *SDC Section 3.2-310 (under recreational facilities) lists non-alcoholic nightclubs as a special use; Section 4.7-205 limits where this use may be located. Section 3.2-610 (under recreational facilities) lists this use and should have the same reference. This is the only use in this Section that is being amended.*

3.2-610 Schedule of Use Categories

Categories/Uses	Districts		
	MUC	MUE	MUR
Recreational Facilities:			
Non Alcoholic Night Club <u>(Section 4.7-205)</u>	<u>[P]S</u>	P	N

3.2-715 Base Zone Development Standards

Commentary. *The Downtown Refinement Plan was amended in 2006. Specific setback regulations in the Downtown Exception area were revised, but the SDC was never amended.*

The following base zone development standards are established. The base zone development standards of this Section and any other additional provisions, restrictions or exceptions specified in this Code shall apply.

Development Standard	PLO Zoning District Requirement
Minimum Lot/parcel Size	None
Lot/parcel Coverage and Planting Standard	Parking, driveways and structures shall not exceed 65 percent of the development area. At least 25 percent of the development area shall be landscaped. EXCEPTION: <u>In the Downtown Exception Area, there shall be no minimum lot coverage standards and no minimum planted area, except for parking lots (6).</u>
Landscaped Setbacks (1), (2), (3) and(4)	
Street Setback	15 feet (6)
Residential Property Line	20 feet (6)
Parking and Driveway	5 feet
Maximum Building Height (5)	None, unless abutting a residential district
PLO District abuts Residential District	When a PLO District abuts a residential district, the maximum building height shall be defined as the height standard of the applicable residential district for a distance of 50 feet measured from the boundary of the adjacent residential zoning district. Beyond the 50 foot measurement, there is no building height limitation.

- (1) Where an easement is larger than the required setback standard, no building or above grade structure, except a fence, shall be built upon or over that easement.
- (2) When additional right-of-way is required, whether by City Engineering standards, the Metro Plan (including TransPlan), or the City’s Conceptual Street Plan, setbacks are based on future right-of-way locations. Dedication of needed right-of-way shall be required prior to the issuance of any building permit that increases parking or gross floor area.
- (3) Structural extensions may extend into any 5 foot or larger setback area by not more than 2 feet.
- (4) In the Downtown Exception Area, there are no minimum setbacks for administrative offices and other public uses listed under Section 3.2-710.
- (5) Incidental equipment may exceed the height standards.
- (6) In the Downtown Exception Area, there shall be no minimum planted area except for parking lots as specified elsewhere in this Code.**

3.3-815 Schedule of Use Categories when there is an Underlying Residential, Commercial, or Industrial District

Commentary. *Development in the Urban Fringe -10 Overlay zone is limited. The proposed amendments revises references to permitted development listed in Section 3.3-825. These are the only uses in this Section that are being amended.*

Use Category	Underlying Zoning District		
	Residential	Commercial	Industrial
Expansion or replacement of lawful uses permitted in the underlying commercial or industrial district (Section 3.3-825[H] <u>F.</u>)	N	P*	P*
Expansion or replacement of lawful Discretionary Uses in the underlying zoning district (Section 3.3-825[H] <u>F.</u>)	N	D*	D*
New Permitted and Specific Development Standards in the underlying zoning district within existing structures (Section 3.3-825[H] <u>F.</u>)	N	P*	P*

3.3-825 Additional Provisions

Commentary. *Development in the Urban Fringe -10 Overlay zone is limited. The proposed amendments to Section 3.3-815 were required due to the deletion of duplicative language in current Subsection G. Therefore, Subsection H. becomes the "new" Subsection G. These are the only items in this Section that are being amended.*

~~[G. New permitted uses and expansions of permitted uses in commercial and industrial districts shall demonstrate that the use will not generate singly, or in the aggregate, additional need for key urban services.]~~

[H] G. R.V. parks and campgrounds shall be located on land classified Public Land and Open Space (PLO) and be subject to the specific development standards specified Section 4.7-220.

3.3-910 Applicability

Commentary. *The Thurston Grange was inadvertently omitted from the Historic Landmark Inventory list.*

B. On the adopted Historic Landmark Inventory within the City or its urbanizing areas, including the following individually designated Historic Landmarks:

Historic Site/ Structure	Address
Stevens and Perkins Building	330 Main Street
I.O.O.F. Building	346 Main Street
Pacific Power & Light Building	590 Main Street
Southern Pacific Railroad Depot	101 South A Street
Brattain / Hadley House	1260 Main Street
Stewart House	214 Pioneer Pkwy. West
Douglas House	3362 Osage Street
<u>Thurston Grange</u>	<u>66th Street and Thurston Rd.</u>

Commentary. *The barbed wire standards apply in the residential, commercial and industrial zoning districts, except as specified in notation (8).*

Table 4.4-1

Yard Type	Base Height by Zoning District				
	Residential	Commercial	Industrial	PLO	MS
Front Yard (1)	6' (2)	6'	6' / 8' (3)	6'	6'
Street Side Yard (4)	6'	6'	6' / 8' (3)	6'	6'
Rear Yard	6'	6'	6' / 8' (3)	6'	6'
Height Exceptions	8' / 10' (5)	8'	8' (6)	8'	N/A
Vision Clearance Area (7)	2 ½'	2 ½'	2 ½'	2 ½'	2 ½'
Barbed/ Razor Wire/ Electric	Y (8)	Y (8)	Y (8)	Y/N (8)	N

- (1) The fence shall be located behind the front yard setback in all districts unless allowed in (2).
- (2) Fences may be allowed within the front yard setback as follows:
 - (a) 4' high unslatted chain link – this standard does not apply to multi-family developments.
 - (b) 3' high sight obscuring fence.
- (3) In the Campus Industrial District the base height standard is 6'. In all other industrial districts, the base height standard is 8'.
- (4) In the residential districts, a fence may be located along the property line. In all other districts, the fence shall be located behind the street yard setback.
- (5) Situations where the base fence height may be exceeded:
 - (a) 8' in residential, commercial and the PLO Districts for public utility facilities, school yards and playgrounds, provided that the fence is located behind the front yard and street side yard landscaped area and outside of the vision clearance area. Residential districts abutting these facilities, railroad tracks or residential property side and rear yards abutting streets with 4 or more travel lanes, may have fences of 8' along common property lines and right-of-way.
 - (b) 10' for residential properties abutting commercial or industrial districts along common property lines, and around permitted storage areas in residential districts. Yards of single-family homes shall not constitute permitted storage areas.
 - (c) In residential districts, any fence located within a required setback, and which exceeds the allowable fence height for that setback by more than 20 percent, shall be reviewed under Discretionary Use procedure for fences as specified in Section 5.9-100.
- (6) Special standards in the Campus Industrial District:
 - (a) No fencing shall be permitted within 35' of a CI District perimeter or 20 feet of any development area perimeter or within interior lots/parcels of development areas. **EXCEPTION:** 3' maximum height decorative fencing or masonry walls may be permitted as screening devices around parking lots.
 - (b) Chain link fences shall be permitted only when combined with plantings of evergreen shrubs or climbing vines that will completely cover the fence(s) within 5 years of installation (as certified by a landscape architect or licensed nursery operator).
 - (c) Painted fences shall match the building color scheme of the development area.
- (7) No fence shall exceed the 2½' height limitation within the vision clearance area as specified in Section 4.2-130.

- (8) Barbed wire, razor wire or electrified fencing shall be permitted atop a six foot chain link fence. The total height of the fence and barbed wire shall not exceed 8'. These materials shall not extend into the vertical plane of adjoining public sidewalks. Barbed wire or razor wire only fences are prohibited. Electrified fencing shall be posted with warning signs every 24 feet.

EXCEPTIONS:

- (a) In the PLO District in the Downtown Exception Area and in the MUC, MUE and MUR Districts, no barbed razor wire or electrified fences shall be permitted.
- (b) In the residential districts, barb-wire and electrified fencing on lots/parcels less than 20,000 square feet, and razor wire on any lot/parcel, regardless of size, shall be reviewed under Discretionary Use procedure as specified in Section 5.9-100, using the criteria specified in Subsection C., below.

Commentary. *The term "drainage" should be "stormwater" and the text added to Subsection 6. is for clarity.*

4.3-110	Stormwater Management
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E. A development is required to employ [~~drainage~~] stormwater management practices approved by the Public Works Director and consistent the *Engineering Design Standards and Procedures Manual*, which minimize the amount and rate of surface water run-off into receiving streams. The following [~~drainage~~] stormwater management practices may be required in order to relieve demand on the City's piped drainage system and to alleviate future costs of treating the piped discharge; to promote water quality, to preserve groundwater and the vegetation and rivers it supports, and to reduce peak storm flows:

1. Temporary ponding of water;
2. Permanent storage basins;
3. Minimizing impervious surfaces;
4. Emphasizing natural water percolation and natural drainageways;
5. Preventing water flowing from the street in an uncontrolled fashion;
6. Stabilizing natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion, as permitted/allowed by City, State and Federal regulations;
7. On-site filtration or skimming of run-off, which will enter natural drainageways to maintain water quality; and
8. On-site constructed wetlands.

Commentary. *The SDC does not exempt solar collectors from the building height limit. If a developer wants to go solar we require them to submit a Minor Variance application, which is a disincentive for energy conservation. The proposed text allows rooftop solar collectors as “incidental equipment”. The definition of “Incidental Equipment” in Chapter 6 is also amended.*

4.7-105 Accessory Structures

This Subsection regulates structures that are incidental to allowed residential uses to prevent them from becoming the predominant element of the site.

- A.** Accessory Structure Groups. Accessory structures are divided into 3 groups based on their characteristics. Accessory structures may be attached or separate from primary structures.
1. Group A. This group includes buildings and covered structures for example, garages, bedrooms or living rooms, including bathrooms that are not an accessory dwelling unit as defined in Section 5.5-100, art studios, gazebos, carports, greenhouses, storage buildings, boathouses, covered decks and recreational structures. Agricultural structures as defined in this Code are deemed Group A accessory structures if located on lots/parcels less than 2 acres in size.
 2. Group B. (Architectural extensions) This group includes uncovered, generally horizontal structures for example, decks, stairways, in ground or above ground swimming pools, tennis courts, and hot tubs.
 3. Group C. (Incidental equipment) This group includes generally vertical structures for example, flag-poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes and lampposts. This group also includes rooftop solar collectors. Fences are addressed in Section 4.4-115.

Commentary. *The amendment specifies that duplexes are permitted only on corner lots/parcels in the LDR District. This is the only item in this Section that is being amended.*

4.7-140 Duplexes

- A.** A duplex may be on located on corner lots/parcels of 6,000 square feet in the LDR District, unless as may be permitted below. A corner duplex or duplex lot/parcel in any residential district may be partitioned for the purpose of allowing independent ownership of each dwelling unit, if each of the two resulting lots/parcels meets the size standards specified in Section 3.2-215. Duplexes or duplex lots/parcels eligible for this type of partition shall meet the partition standards of Section 5.12-100 and the following:

4.7-190 Professional Offices

Commentary. *The MUC District is added to the list. The intent was to include all primary commercial districts. This is the only item in this Section that is being amended.*

- A. Professional offices in residential districts are permitted when:
1. The lots/parcels are adjacent to CC, MUC or MRC Districts; and
 2. The majority of the square footage of the structure on the lot/parcel is not more than 100 feet from CC, MUC or MRC Districts. Where public-right-of-way separates the residential district from the commercial district, the right-of-way width is not counted in the measurement.

5.1-120 Pre-Development Meetings

Commentary. *This Section reflects amendments to the Master Plan review process in Section 5.13-100. The Pre-Application Report has been and still is required during the Master Plan Review process. The Pre-Submittal Meeting is now required for the Master Plan Review process in order to guarantee a complete application at the initiation of the State mandated 120 day review time-line. These are the only items in this Section that are being amended.*

Pre-Development Options. The City has established three pre-development processes to assist prospective applicants through the application review process:

- B. Pre-Application Report. The purpose of the Pre-Application Report is to give a prospective applicant the opportunity to discuss an entire development proposal with City Staff. This meeting is recommended for large and/or complex proposals to avoid unanticipated costs or delay during the formal application process.

EXCEPTION: The Pre-Application Report is required for a Master Plan application as specified in Section 5.13-115.

- C. The Pre-Submittal Meeting. The purpose of the Pre-Submittal Meeting is to provide an opportunity for the property owner, applicant and the development team to meet with City staff to determine that an application is complete for processing prior to formal submittal to the City. A complete application will facilitate the review process. The Pre-Submittal Meeting will examine key elements of the application, including but not limited to: transportation, stormwater management, sanitary sewer facilities, and landscaping. The Pre-Submittal Meeting is mandatory for all Site Plan Review, Subdivision, ~~and~~ Partition and Master Plan applications. The Pre-Submittal Meeting is required even if the meetings specified in Subsections A. and B. have been utilized. Applications shall be reviewed by the Director within 30 days of receipt to determine if they meet the requirements specified in Section 5.4-105 and are complete.

5.3-115 Appeals of the Director's or Hearings Official's Type II Decision

Commentary. *In Subsection C., who is required to receive the notice of decision is now clearer and consistent with State regulations.*

- C. Notice. The Director shall provide notice of the public hearing to the property owner, applicant, if different, the appellant and all persons ~~[previously noticed]~~ who submitted comments or requested notice of the decision as part of the process leading to the Director's or Hearings Official's decision. The notice of the appeal hearing shall be as specified in Section 5.2-115.

5.14-110 Review

Commentary. *The term "Pre-Application Conference" in Subsection A was changed to "Development Issues Meeting" in 2005, but this reference was not revised at that time.*

- A. A ~~[Pre-Application Conference]~~ Development Issues Meeting is encouraged prior to a formal Metro Plan amendment application.

5.15-120 SDC Standards Applicable to MDS Approval

Commentary. *Subsection H is amended to be consistent with the "old SDC" by adding references to under grounding utilities (4.3-125) and to water service and fire protection (4.3-130).*

- H. The development shall connect to public utilities as specified in Sections 4.3-105, 4.3-110, ~~[and] 4.3-120,~~ 4.3-125 and 4.3-130 and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection 4.3-140.

5.15-125 Timelines and Conditions

Commentary. *Two references are proposed to be changed requiring this Section to be relettered.*

The property owner and/or applicant shall comply with the standards specified in Subsection ~~[D-]~~ 5.15-120 within 90 days of the Director's approval as follows:

- A. Submittal of a Final Plot Plan within 30 days of the Director's approval that states the starting date of all required improvements demonstrating compliance with all approval conditions required to meet the standards specified in Subsection ~~[D-, below]~~ 5.15-120. Submittal of a Final Plot Plan shall include the following additional material, where applicable:
1. The original recorded Improvement Agreement.
 2. Any required ODOT Right-of-Way Approach Permit.

EXCEPTION: If the ODOT Right-of-Way Approach Permit cannot be obtained by the time line specified in Subsection A., above, the Director

may defer the submittal of this document until the start of construction date specified in Subsection [A.4.b] C., below.

3. A copy of a recorded joint use access/parking agreement.
 4. A copy of a recorded private easement or the original public utility easement.
- [a] B. The signing of a Development Agreement by the property owner within 45 days of the Director's approval of the Final Plot Plan.
- [b] C. The construction of the required improvements shall begin within 90 days of the MDS decision. If this time line cannot be met, the applicant may submit a written request for a time line extension as specified in Subsection [B] D., below.
- [B] D. The Director may allow a one-time extension of the 90-day start of construction time line specified in Subsection [A.4.b] C., above due to situations including but not limited to, required permits from the City or other agencies, weather conditions, and the unavailability of asphalt or street trees. If the time extension is allowed, security shall be provided as specified in Section 5.17-150. The time line extension shall not exceed 90 days.
- [G] E. If the time line established in Subsection [A.4.b] C., above is not met and the applicant has not requested an extension as specified in Subsection D., above, then the Director shall declare the application null and void if the property is occupied and the property owner shall be considered in violation of this Code.
- [D] F. If the time line established in Subsection [A.4.b] C., above is not met and the applicant has requested an extension as specified in Subsection D., above and that time line as not been met, then the Director may require that the improvements be installed as specified in Subsection 5.17-150.

5.16-120 Submittal Requirements

Commentary. *Duplicative language regarding submittal requirements for Property Line Adjustments in Subsection B.3., is deleted. The remaining Subsections are renumbered accordingly. Consent language is found in reformatted Section 5.4-105B.2., which applies to all applications, but is not listed in this document.*

- B.** The following additional information shall be submitted with the Preliminary Survey:
1. A brief narrative explaining reason for the proposed Property Line Adjustment and the existing use of the lots/parcels.
 2. A copy of the current deeds for the lots/parcels.
 - ~~3. If the applicant is not the property owner, written permission from all property owners is required.]~~

- [4] 3. A draft of the Property Line Adjustment deeds. For serial Property Line Adjustments that are reviewed under Type II procedure, separate deeds shall be prepared for each adjustment.
- [5] 4. For serial Property Line Adjustments reviewed under Type II procedure, the following shall be submitted:
- a. A written explanation of the sequencing of adjustments; and
 - b. A diagram identifying each adjustment, in sequence, cross referenced to the Property line Adjustment deeds required in Subsection 4., above.

5.20-120 Submittal Requirements

Commentary. *The text proposed to be deleted in Subsection 5.j. is duplicative. Virtually the same text is found in reformatted Subsection C.1.*

- C.** The application shall include:
- 1. A legal description of the public rights-of-way, easement or Plat to be vacated prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director;
 - 2. The reason for the Vacation;
 - 3. The proposed use of the property after Vacation;
 - 4. For citizen initiated Vacations of public rights-of-way or Partition and Subdivision Plats, the petition of affected property owners;
 - 5. A map prepared by an Oregon Licensed Land Surveyor or other professional approved by the Director of the area proposed to be vacated. The map shall show:
 - a. The date, north arrow, and standard scale;
 - b. The Assessor's Map and Tax Lot numbers of the affected properties and adjacent properties;
 - c. A Vicinity Map on the Site Plan (Vicinity Map does not need to be to scale);
 - d. All adjacent streets including street name, alleys, and accessways, and right-of-way and paving widths;
 - e. All dimensions of existing public utility easements and any other areas restricting use of the parcels, for example: conservation areas, slope easements, access easements;
 - f. Existing dimensions and square footage of the lots/parcels involved;

- g. Proposed dimensions and square footage of the lots/parcels involved (applies to Vacations of undeveloped Subdivision Plats and right-of-way Vacations);
- h. For public easement and right-of-way Vacations, clearly show dimensions of entire easement or right-of-way on or adjacent to the subject lots/parcels. Also clearly show dimensions of that portion proposed for Vacation, including square footage; and
- i. For right-of-way Vacations, demonstrate compliance with the boundary requirements of ORS 271.080 et seq.
- ~~j. The legal description of the easement, right-of-way or Plat, or portion thereof, proposed to be vacated.]~~

Commentary. *The proposed new Section and text explains a part of the current vacation process. Vacated right-of-way has always assumed the zoning of the abutting property.*

5.20-140 Zoning of Vacated Right-of-Way

Vacated right-of-way is incorporated into the abutting property, typically to the centerline. However, in cases where only one abutting property dedicated right-of-way, all the vacated right-of-way would be incorporated into that property. In any case, the vacated right-of-way acquires the zoning of the abutting property, without the need of a separate Zoning Map amendment.

CHAPTER 6 DEFINITIONS

Commentary. *The Downtown Exception Area was modified during the Downtown Refinement Plan approval process in 2006. The SDC was not amended at that time.*

Downtown Exception Area. An area defined by the Willamette River on the west, [10] 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

Commentary. *The SDC does not exempt solar collectors from the building height limit. If a developer wants to go solar we require them to submit a Minor Variance application, which is a disincentive for energy conservation. The proposed text allows rooftop solar collectors and also small satellite dishes as “incidental equipment”. See also the amendment of Subsection 4.7-105C, above.*

Incidental Equipment. Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas, chimneys solar collectors, small satellite dishes and flagpoles, but excluding ~~[solar collectors and]~~ large satellite dishes (See also **Accessory Structure**).

Commentary. *The terms “major or minor” partition no longer apply. This definition is now consistent with ORS 92.010(9).*

Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a ~~[major or minor]~~ partition.