

Chapter 2.1 Residential (R) District

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- 2.1.110 - Permitted Land Uses
- 2.1.120 - Building Setbacks
- 2.1.130 - Lot Area and Dimensions
- 2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes
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2.1.100 Purpose.

The Residential District is intended to promote the livability, stability and improvement of the Town of Lakeview's neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

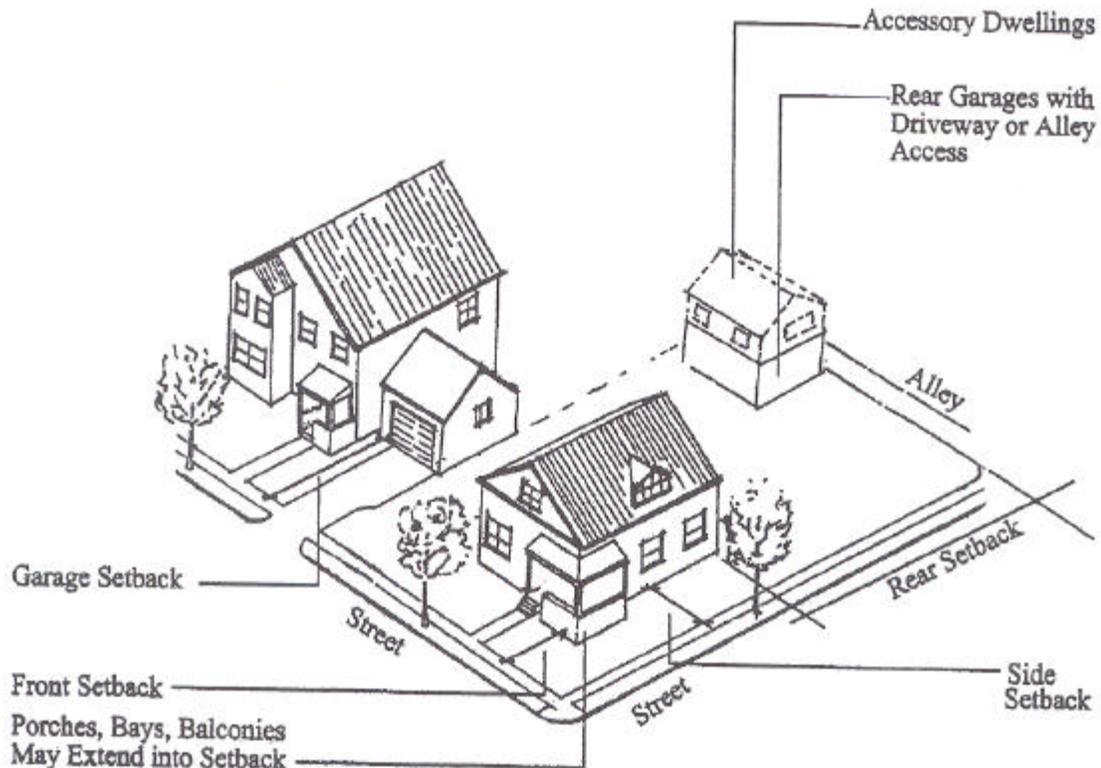
- ?? Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- ?? Accommodate a range of housing needs, including owner-occupied and rental housing.
- ?? Provide for compatible building and site design at an appropriate neighborhood scale.
- ?? Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- ?? Provide direct and convenient access to schools, parks and neighborhood services.
- ?? Maintain and enhance the Town's historic characteristics.

2.1.110 Permitted Land Uses.

- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.110.A, and land uses that are approved as "similar" to those in Table 2.1.110, may be permitted. Land uses identified as "Sub-district Only" are permitted only within the applicable sub-district. The land uses identified with a "CU" in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.1.110.A		
Land Uses and Building Types Permitted in the Residential District		
<p>1. Residential:</p> <p><i>Single-family</i></p> <p>a. Single-family detached housing (not allowed within any of the Sub-Districts)</p> <p>b. Single-family detached zero-lot line* (not allowed within any of the Sub-Districts)</p> <p>c. Accessory dwellings*</p> <p>d. Manufactured homes on individual lots* (not allowed within any of the Sub-Districts)</p> <p>e. Manufactured Dwelling Park (MDP Sub-District only)*</p> <p>f. Single-family attached townhomes (not allowed within any of the Sub-Districts except NC)*</p> <p><i>Two- and Three-Family</i></p> <p>g. Two- and three-family housing (duplex and triplex)*</p> <p><i>Multi-family</i></p> <p>h. Multi-family housing (MF and NC Sub-districts only)*</p> <p><i>Residential care</i></p> <p>i. Residential care homes and facilities*</p> <p>j. Family daycare</p> <p>2. Home occupations*</p>	<p>3. Public and Institutional*:</p> <p>a. Churches and places of worship (CU)</p> <p>b. Clubs, lodges, similar uses (CU)</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) (CU)</p> <p>d. Libraries, museums, community centers, and similar uses (CU)</p> <p>e. Private utilities (CU)</p> <p>f. Public parks and recreational facilities (CU)</p> <p>g. Schools (public and private) (CU)</p> <p>h. Transportation Facilities and Improvements:</p> <ol style="list-style-type: none"> 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU) <p>i. Uses similar to those listed above (CU)</p> <p>4. Accessory Uses and Structures * (Does not include Accessory Dwelling Units, which are included under “single family” in Section 1 of this table.)</p>	<p>5. Neighborhood Commercial (NC Sub-district only)*:</p> <p>Each of the following uses is “size limited” and subject to provisions in Section 2.1.200 Special Standards for Certain Uses:</p> <ol style="list-style-type: none"> a. Child Care Center (care for more than 12 children) b. Food services/Neighborhood markets, excluding automobile-oriented, drive-in, and drive-through uses c. Laundromats and dry cleaners d. Retail goods and services e. Medical and dental offices, clinics and laboratories f. Personal services (e.g., barber shops, salons, similar uses) g. Professional and administrative offices h. Repair services, conducted entirely within building; excluding auto-repair and similar services i. Mixed use building (residential with other permitted use) j. Other similar uses <p>6. Bed & breakfast inns and vacation rentals (CU)*</p> <p>7. Master Planned Neighborhoods (CU)*</p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Section 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. CU= Conditional Use Permit Required, Chapter 4.4.</p>		

Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in the Residential District.

2.1.120 Building Setbacks.
Figure 2.1.120 Building Setbacks

Building Setbacks

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the face of the building, excluding porches to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter 5.1 to modify any setback standard.

2.1.120 Building Setbacks. *(continued)***A. Front Yard Setbacks.**

1. Residential Uses (single family, duplex and triplex, multi-family housing types).
 - a. A minimum setback of 10 feet is required, except that an unenclosed porch may be within 8 feet, as long as it does not encroach into a public utility easement. See also, Section F, which provides special standards for Setbacks for new homes in Established Residential Areas.
 - b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 6 feet. Alternatively, garage and carport entrances (without walls) may be built flush with the front building elevation when the building is set back by at least 20 feet.
 - c. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.
2. Neighborhood Commercial Buildings.
 - a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 3.1.200.
3. Public and Institutional Buildings.

The standard minimum front setback in Section 2.1.120.A.2, above, (Neighborhood Commercial Buildings) shall also apply to Public and Institutional Buildings.

B. Rear Yard Setbacks.

The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots for all structures.

C. Side Yard Setbacks.

The minimum side yard setback shall be 5 feet on interior side yards, and 15 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 14 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See special standards for zero-lot line housing in Section 2.1.200.)

D. Setback Exceptions.

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Garages and carports may not extend into the front setback. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.200.

2.1.120 Building Setbacks. (continued)**E. Special Yards - Distance Between Buildings on the Same Lot.**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ($\frac{1}{2}$) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

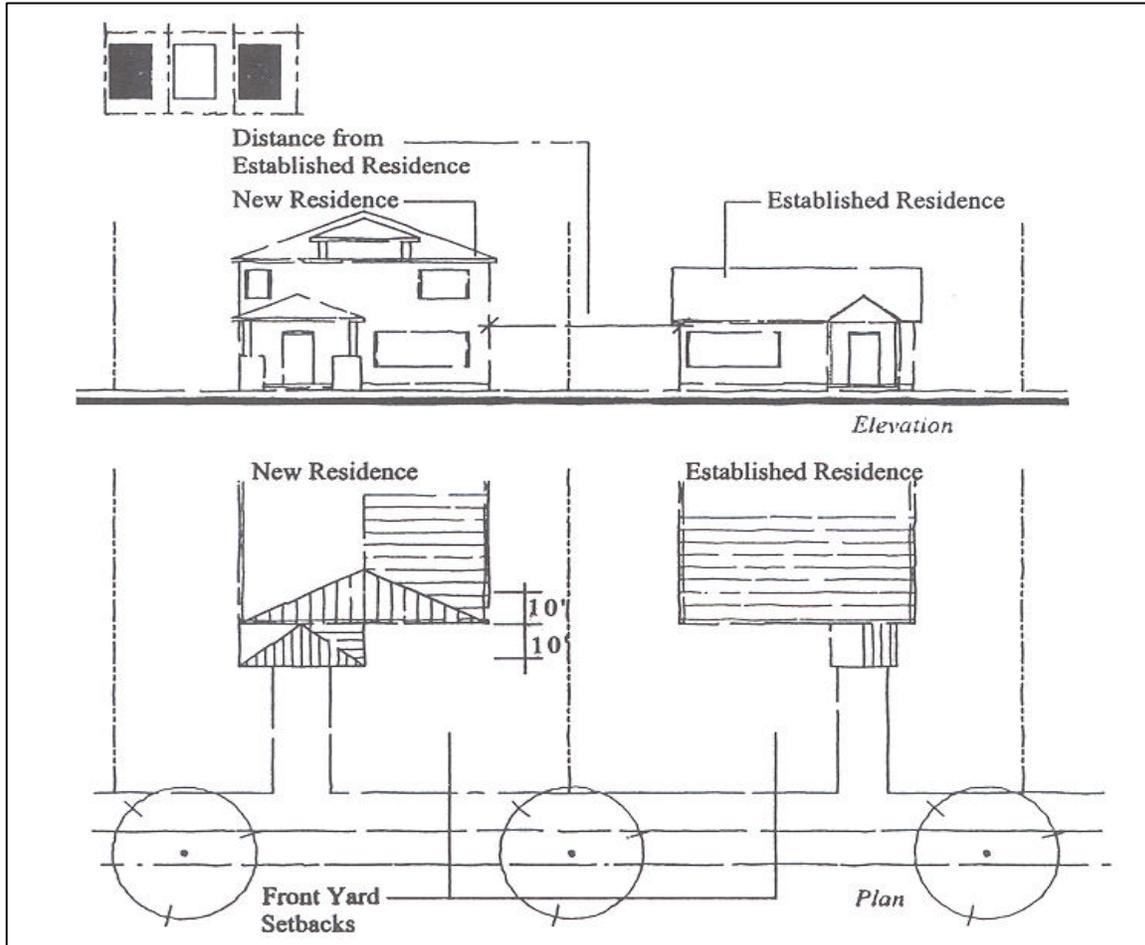
F. Setbacks for Infill Housing in Established Residential Areas.

“Established residential area” means an area within the Residential District that was platted prior to the effective date of this ordinance. In such areas, the following setback standards shall apply:

1. When an existing single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest single family residence shall be used. “Similar” means the setback is within 10 feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single family residence has a front yard setback 20 feet, then the new building shall have a front yard setback between 10 feet and 30 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 10 feet.
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.200.
3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands).

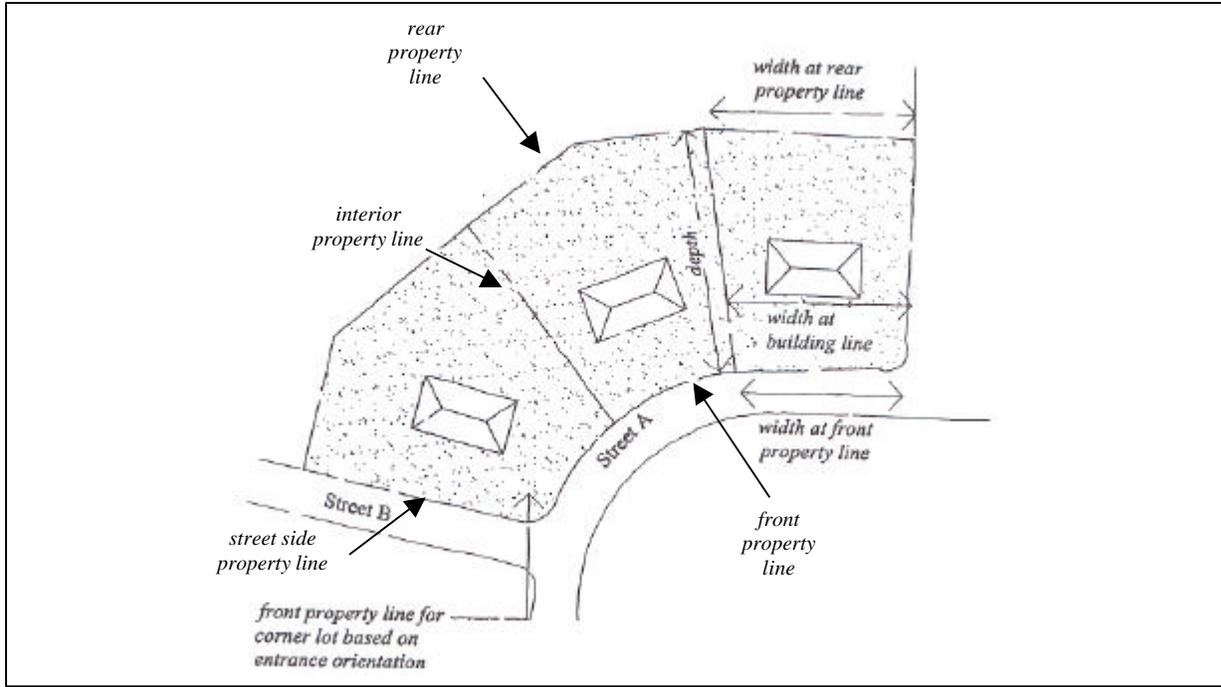
2.1.120 Building Setbacks. (continued)

Figure 2.1.120F - Infill/Established Residential Area Setbacks



2.1.130 Lot Area and Dimensions.

Figure 2.1.130 - Lot Dimensions



**Table 2.1.130.A
Lot Area and Dimensions Permitted in the Residential District**

<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Detached Single Family Housing; Manufactured Homes on Lots	Minimum area: 6,000 square feet	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
Two and Three-Family Housing (duplex and triplex)	Minimum area for two-family: 6,000 square feet. Minimum area for three-family: 7,200 square feet Maximum area: 9,000 square feet.	Minimum Width: 55 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as required to protect sensitive lands, etc.	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.

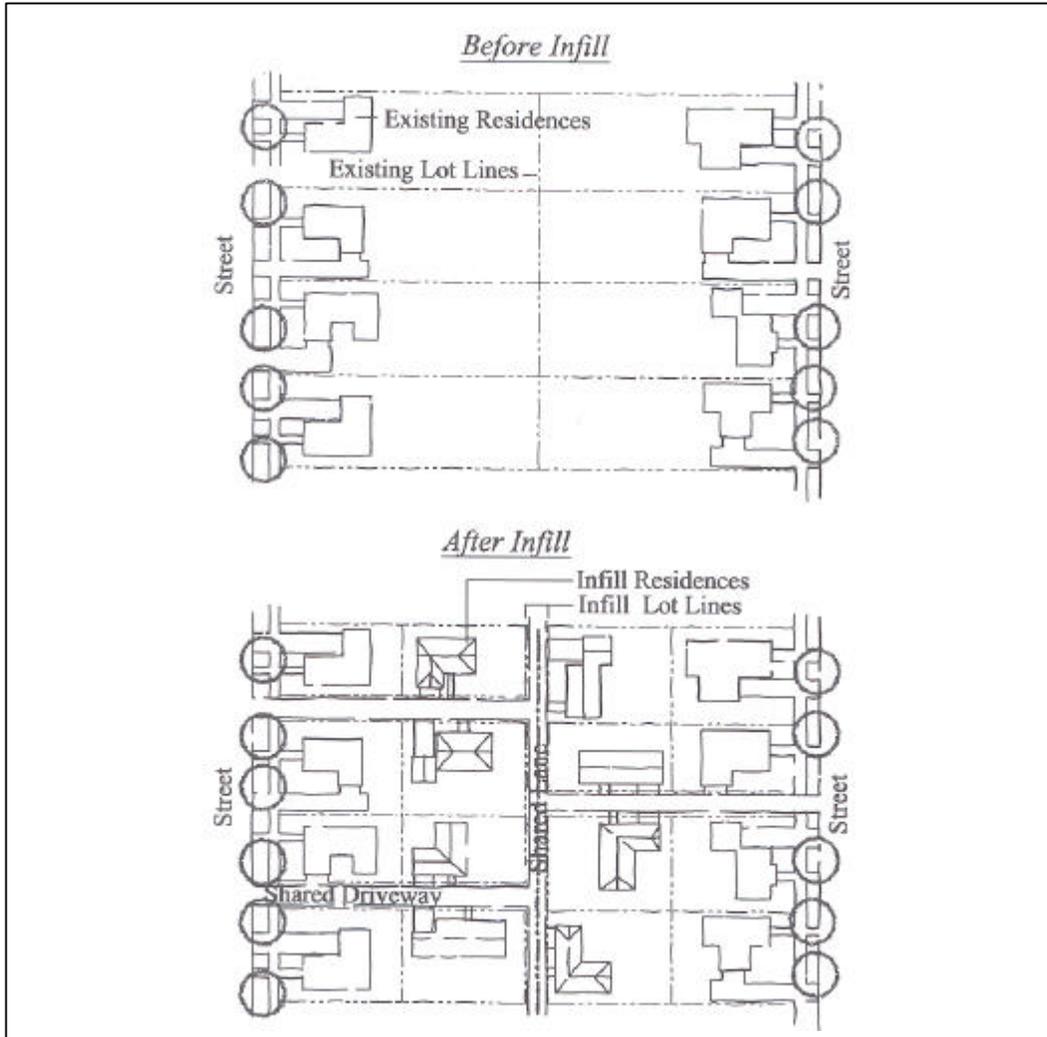
2.1.130 Lot Area and Dimensions. (continued)

Table 2.1.130.A			
Lot Area and Dimensions Permitted in the Residential District			
<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Attached (Townhome) Single Family Housing	Minimum area: 3,000 square feet. Maximum area: 4,500 square feet	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width, except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
Multi-family Housing (more than 3 units)	Minimum area: 10,000 square feet (4 units) 1,500 square feet for each additional unit 1,000 square feet for each additional unit if building is more than two levels. Maximum area: None. (see Special Standards for Certain Uses)	Minimum Width: 55 feet at front property line. Maximum Depth: 100 feet	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Manufactured Dwelling Park	See Section 2.1.600 for Manufactured Dwelling Park standards.		
Public and Institutional Uses	Minimum area: None. Maximum area: 80 acres	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Neighborhood Commercial Uses	Minimum area: None. See Section 2.1.400 Maximum area: None. (see Special Standards for Certain Uses)	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes.

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments”, as defined below:

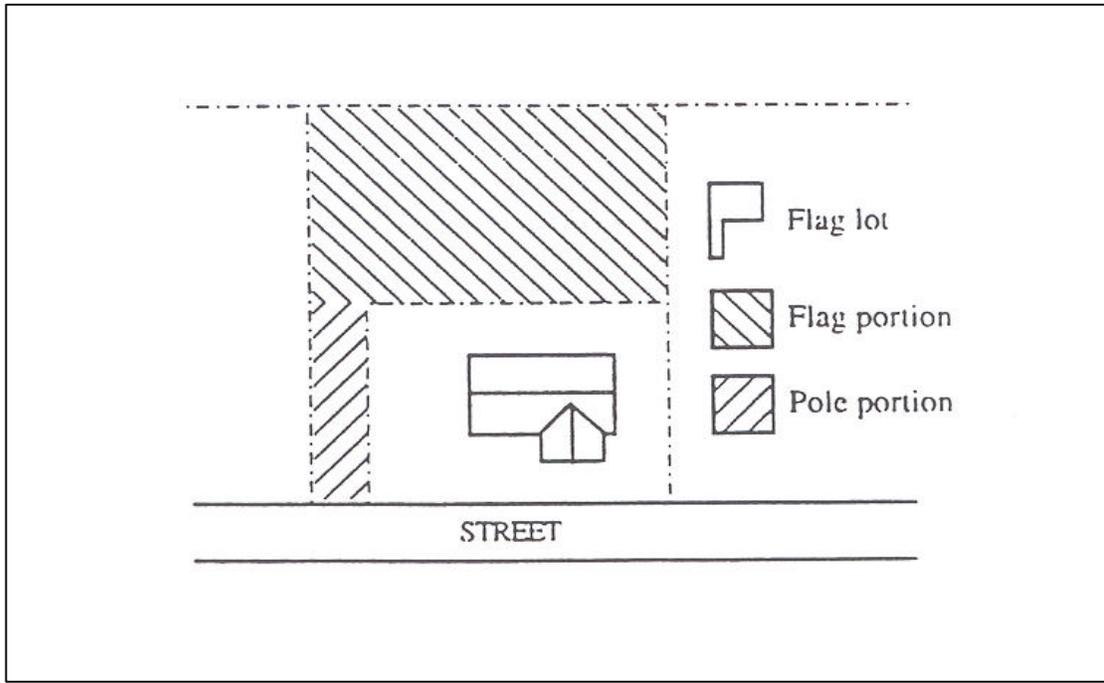
Figure 2.1.140A – Mid-Block Infill



A. Mid-block Lanes. Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, shown as a “shared lane” in the figure above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Chapter 3.4.100 and Sections 2.1.140.C-F, below.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes. (continued)

Figure 2.1.140B - Flag Lot (Typical)



- B. Flag Lots.** Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.
- C. Driveway and Lane Width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.
- D. Dedication of Drive Lane.** The owner shall dedicate 12 feet of right-of-way or record a portion of a 12-foot easement (i.e., 6 feet) from each property sharing a drive for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.
- E. Maximum Drive Lane Length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.
- F. Future Street Plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

2.1.150 Residential Density.

- A. Density Calculation.** Minimum and maximum housing densities are calculated by multiplying the parcel or lot area by the applicable density standard. For example, if the total site area is five (5) acres, and the minimum allowable density is 6 dwelling units per acre, then a minimum of 30 units is required. The equivalent average lot size (i.e., for single family dwellings) is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the site, then dividing the remaining (net) area by the number of units.

For example, a 5 acre site (217,800 square feet) with a minimum density of 6 units per acre with an allowance of 25 percent for streets and other non-buildable areas, would create an “average single family lot size” as follows: $(217,800 \text{ square feet} \times 0.75) / 30 \text{ units} = 5,445 \text{ square feet}$ average lot size. This is only one example; actual lot sizes will vary based on the parcel. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities. (See Figure 2.1.140B.)

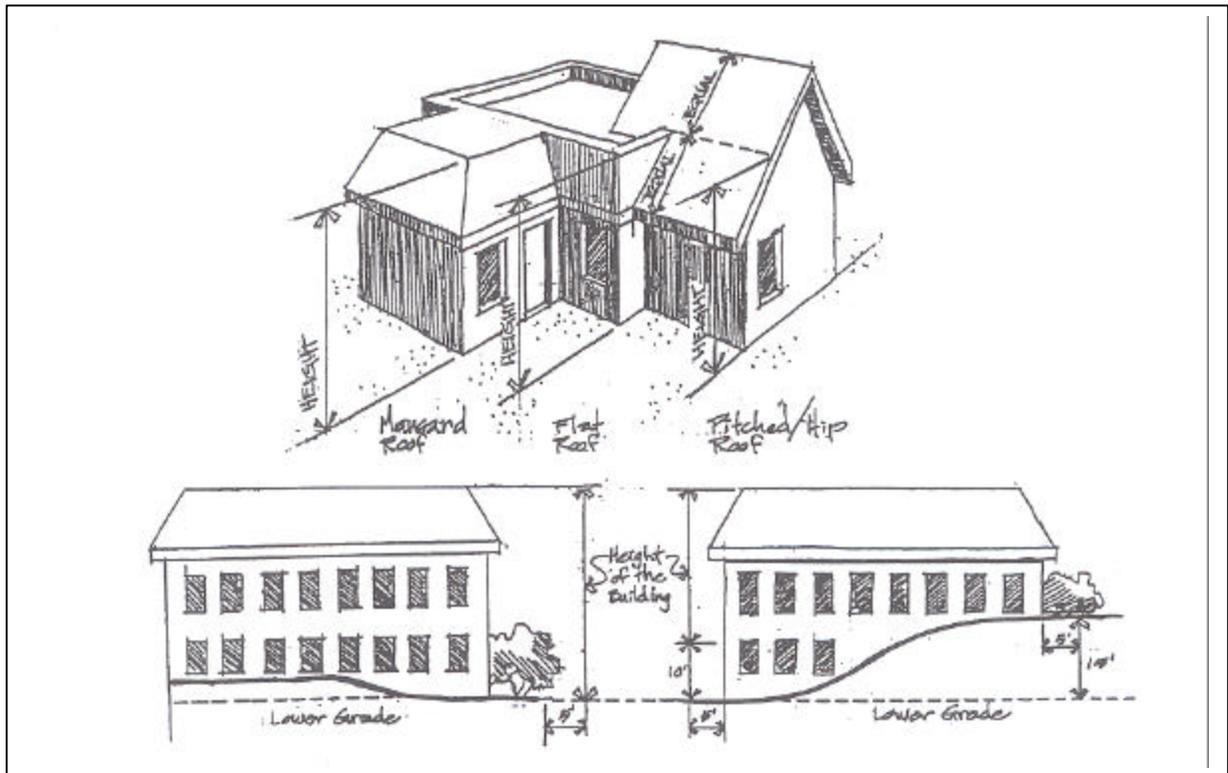
- B. Residential Density Standard.** The following density standards apply to all new subdivisions (creation of 4 or more lots). The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.
1. New subdivisions shall provide for housing at densities between 6 dwelling units per net acre minimum and 7 units per net acre maximum, except in sub-districts with different density standards.
 2. Development within the Multi-Family Sub-district shall provide housing at densities between 10 units per net acre minimum and 24 units per net acre maximum.
 3. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
 4. The following types of housing are exempt from the minimum density standards: Partitions of three lots or fewer and residential care homes/facilities, accessory dwelling units, bed and breakfast inns and subdivisions that includes 75% of land area on slopes greater than 25%.
 5. Development that is not a subdivision, such as a partition of three lots or less, or construction of a single family home, shall be planned so that land is used efficiently and future development can occur at minimum densities.

2.1.160 Maximum Lot Coverage.

- A. Maximum Lot Coverage.** The following maximum lot-coverage standards shall apply to all development in this district:
- a. Single Family Detached Houses - 60 percent
 - b. Duplexes and Triplexes - 60 percent
 - c. Single Family Attached Townhomes - 60 percent
 - d. Multiple Family Housing - 60 percent
 - e. Neighborhood Commercial and Public/Institutional Uses - 80 percent
- B. Lot Coverage Defined.** “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C. Lot Coverage Compliance.** Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

2.1.170 Building Height.

Figure 2.1.170 - Building Height Measurement (Composite of Several Roof Forms)



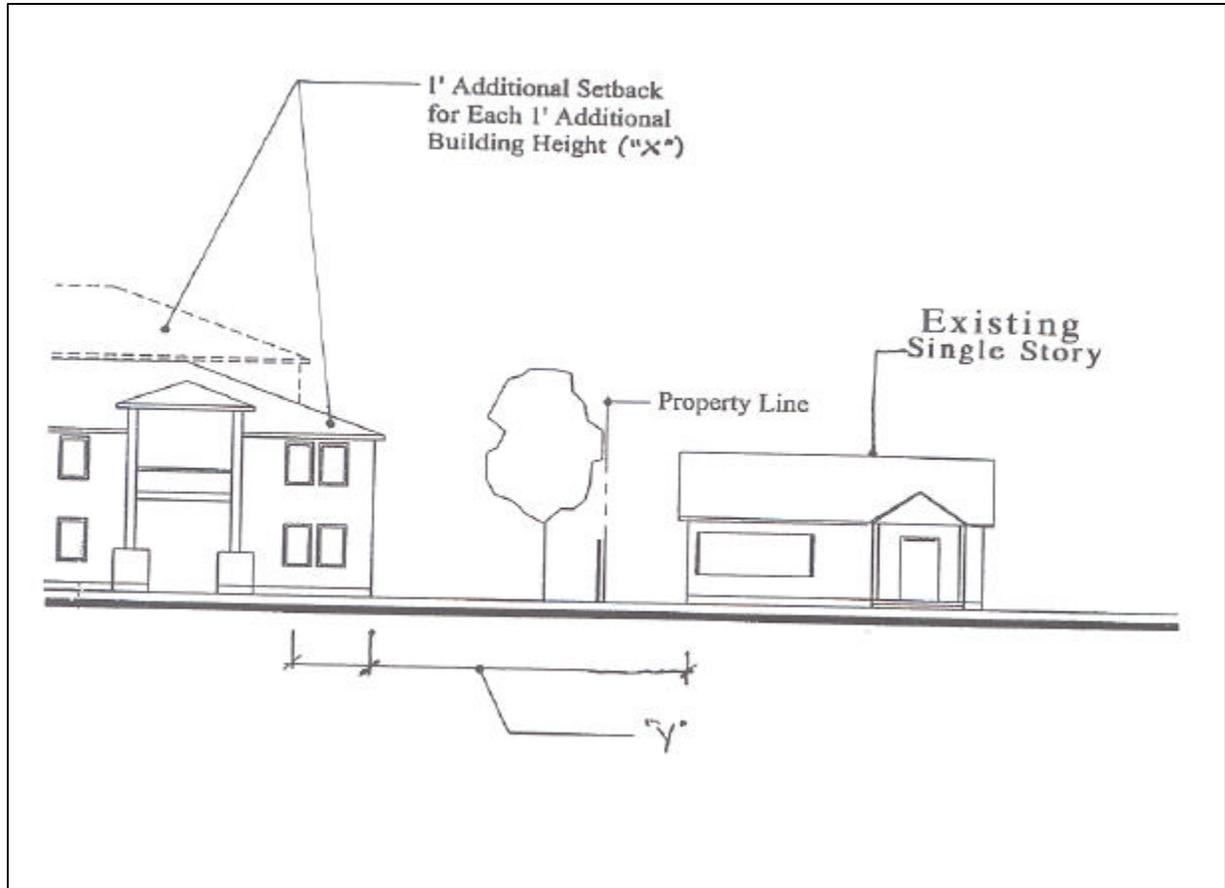
2.1.170 Building Height. *(continued)*

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

- A. Building Height Standard.** Buildings within the Residential District shall be no more than 30 feet or 2 ½ stories in height, whichever is greater, and buildings within the Multi-family Sub-district may be up to 35 feet or 3 stories, whichever is greater. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.
- B. Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
- a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 - b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

2.1.170 – Building Height. (continued)

Figure 2.1.170B - Building Height Transition



- C. Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
 2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

2.1.180 Building Orientation.

- A. Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- B. Applicability.** This section applies to: Single Family Dwelling including Manufactured Homes. It also applies to developments that require Site Design Review.
- C. Building Orientation Standards.** All developments listed in “B” shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. Compliance with the setback standards in Section 2.1.120.
 2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and Neighborhood Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 – Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
 3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard, except for Single Family Dwellings, Manufactured Homes and Attached Townhouses.
- D. Non-public Buildings.** The standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)
- E. Manufactured Home Orientation.** Manufactured homes and single-family dwellings may have the front door facing a side yard if windows make up at least 30% of the street-facing wall.

2.1.180 Building Orientation. (continued)

Figure 2.1.180A – Typical Building Orientation – Multi-Family/Attached Housing

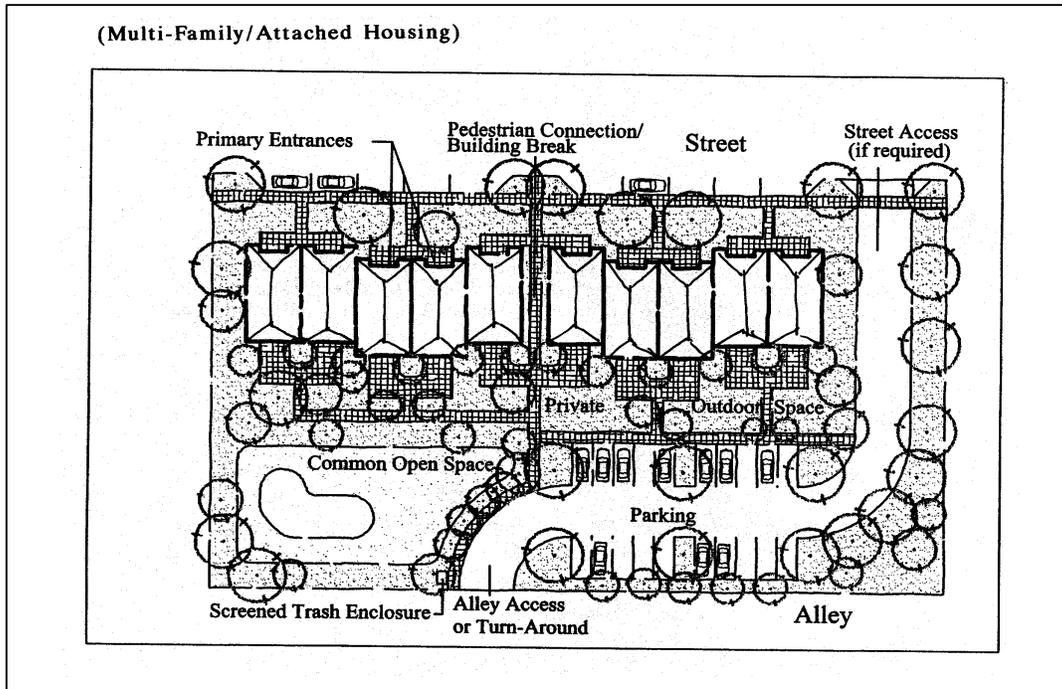
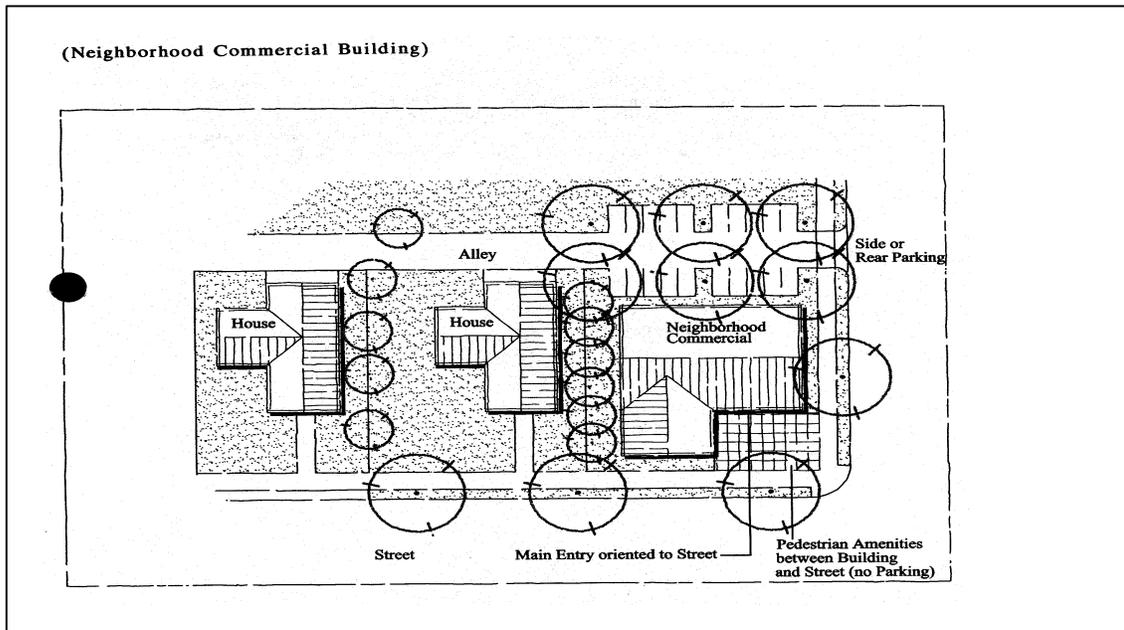


Figure 2.1.180B – Typical Building Orientation – Neighborhood Commercial Building



2.1.190 Design Standards.

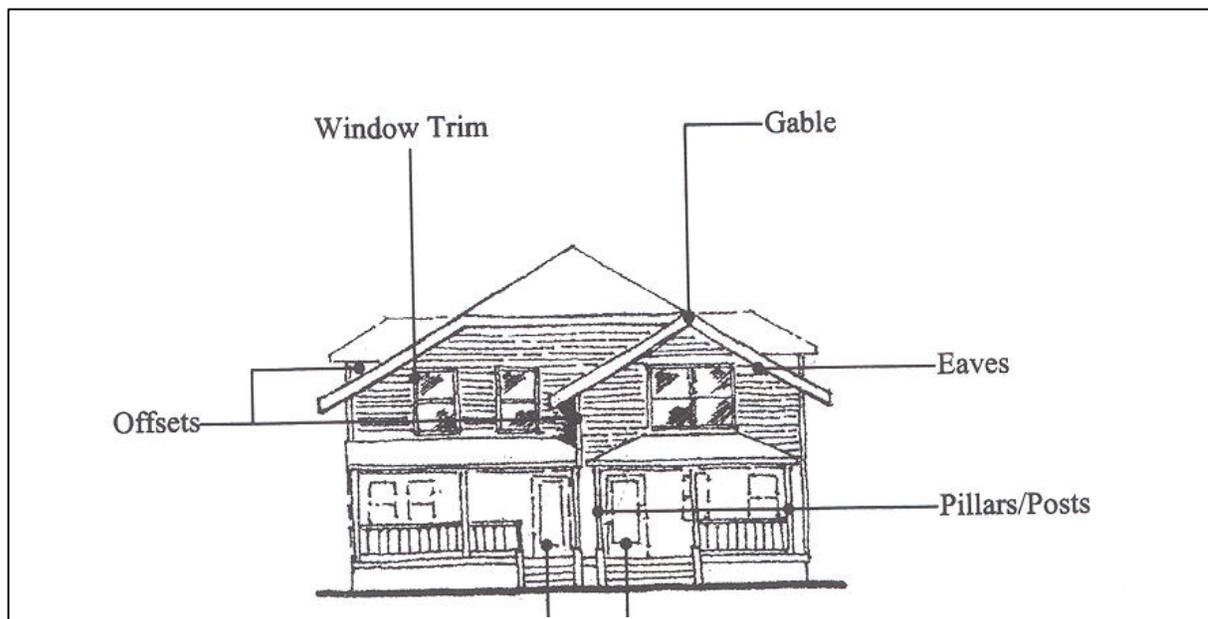
- A. **Purpose.** The architectural standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles.
- B. **Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Design Review:
- a. Duplexes and Triplexes
 - b. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
 - c. Multi-family housing;
 - d. Public and institutional buildings; and
 - e. Neighborhood Commercial and mixed use buildings.
- C. **Standards.** All buildings that are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

Figure 2.1.190A – Building Form (Multi-family Housing Example)



2.1.190 Design Standards. (continued)

1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 6 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
2. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 40 percent (30% for manufactured dwellings) of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

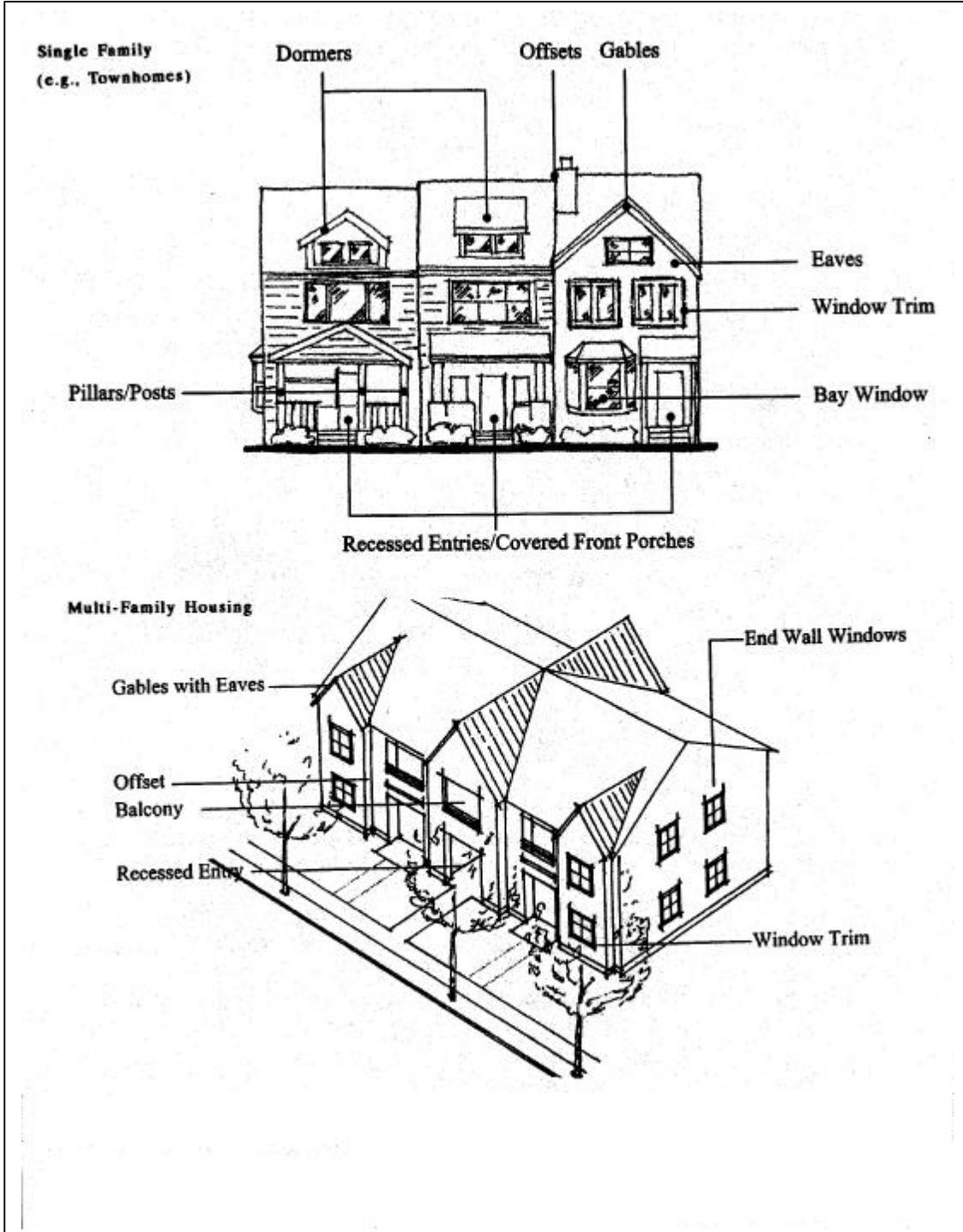
Figure 2.1.190B - Examples of Architectural Details

2.1.190 Design Standards *(continued)*

3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 3 of the following 14 architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
- a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas or towers
 - f. Pillars or posts
 - g. Eaves (min. 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)
 - i. Window trim (minimum 4-inches wide)
 - j. Bay windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornices and roof lines (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options a-m.

2.1.190 Design Standards. (continued)

Figure 2.1.190C – Examples of Architectural Details: Townhomes and Multi-Family

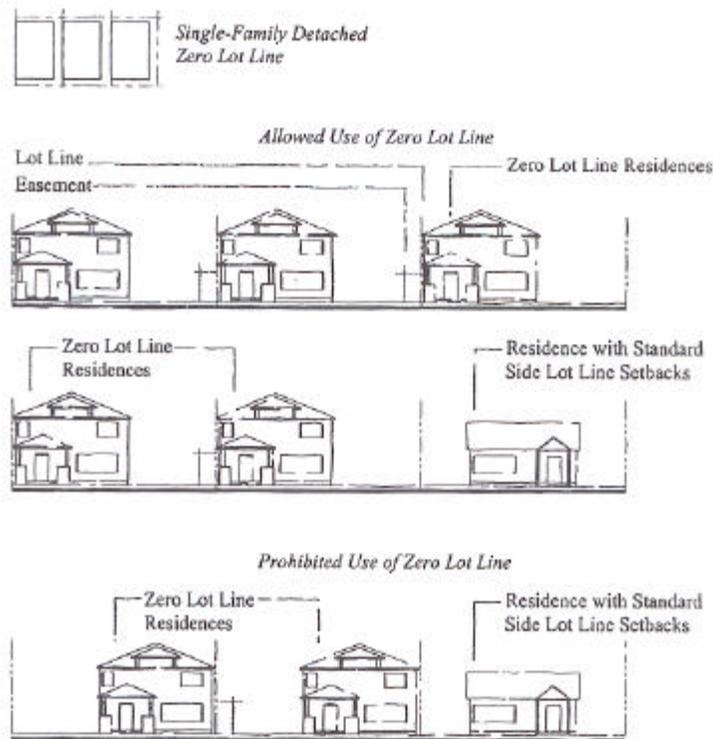


2.1.200 Special Standards for Certain Uses.

This section supplements the standards contained Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- A. **“Zero Lot Line” (Single Family Courtyard Home).** “Zero lot line” houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

Figure 2.1.200A – Zero Lot Line Housing



1. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the common property line by a minimum of 10 feet;
2. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and

2.1.200 Special Standards for Certain Uses. (continued)

3. **Buffering.** The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows.

B. Accessory Dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. **Oregon Structural Specialty Code.** The structure complies with the Oregon Structural Specialty Code;
2. **Owner-Occupied.** The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
3. **One Unit.** A maximum of one accessory dwelling unit is allowed per lot;
4. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed 40% of the primary unit and not more than 800 square feet;
5. **Building Height.** The building height of detached accessory dwellings (i.e., separate cottages and dwellings over detached garages) shall not exceed 25 feet, as measured in accordance with Section 2.1.170; and
6. **Buffering.** A minimum 4 foot high hedge or site obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

C. Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which were placed on lots within the Town prior to the effective date of this ordinance.

1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. **Roof.** The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

2.1.200 Special Standards for Certain Uses. (continued)

3. **Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
4. **Garages and Carports.** The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The Town may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
5. **Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;
6. **Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the foundation skirt. The foundation area of the manufactured home shall be fully skirted;
7. **Historic Districts.** The manufactured home shall not be located in a designated historic district.

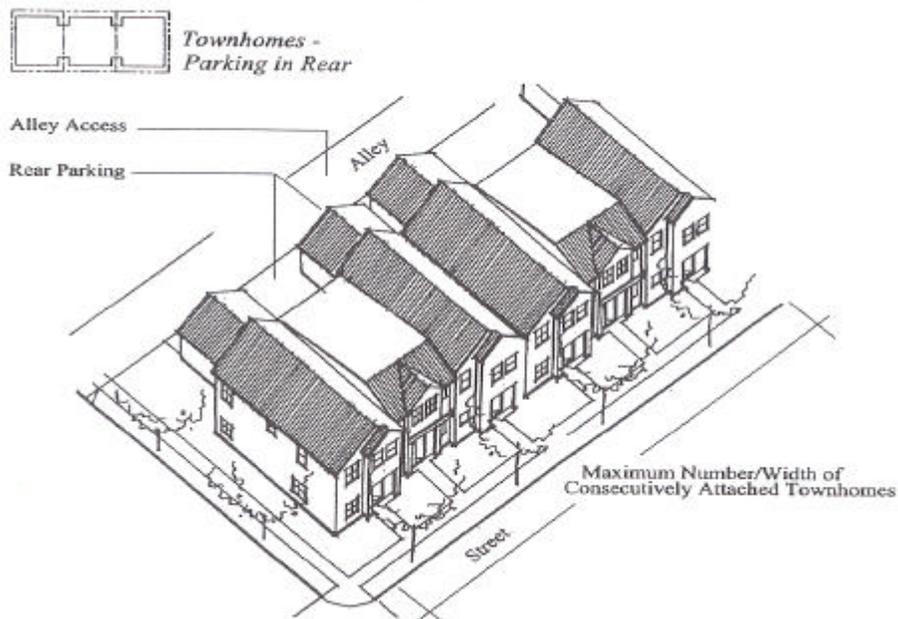
D. Residential care homes and facilities. Residential care homes and facilities are residential treatment or training homes or facilities or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for individuals who need not be related. To clarify, a residential care home accommodates (5) five or fewer individuals and a residential care facility accommodates between (6) six and (15) fifteen individuals. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. **Licensing.** All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. **Parking for residential care facilities.** A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 3.3 - Parking requirements.
3. **Development Review.** Development review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

2.1.200 Special Standards for Certain Uses. (continued)
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- E. Single-family Attached (townhomes), Duplexes and Triplexes.** Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in subsections 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.

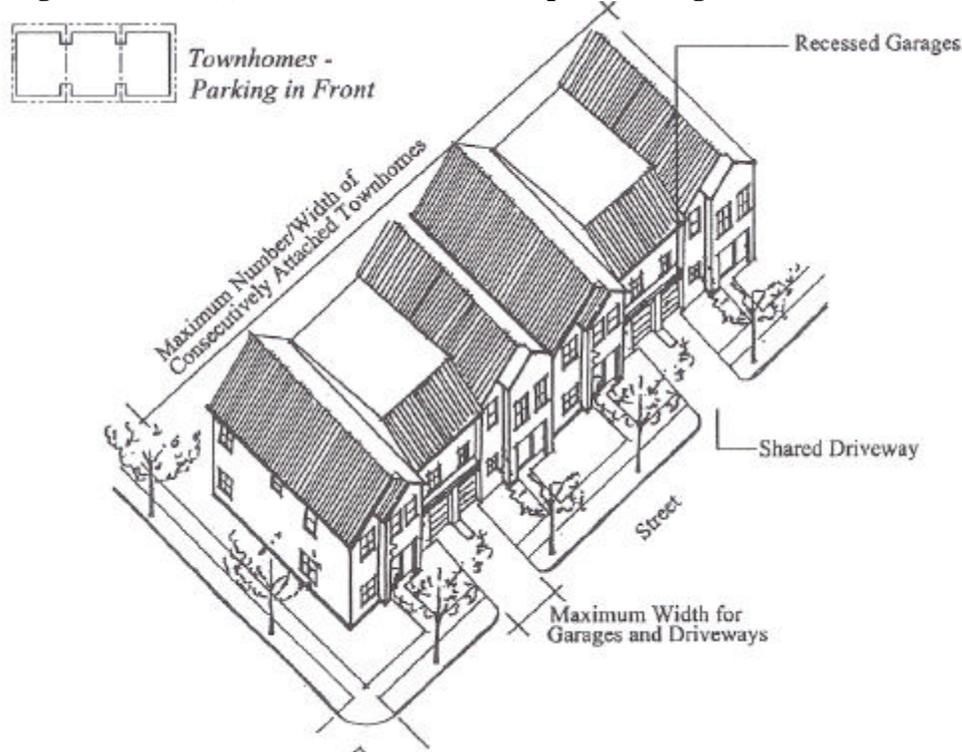
Figure 2.1.200E(1) – Townhomes and Multiplex Housing with Alley Access



1. **Building Mass Supplemental Standard.** Within the Residential District, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units. Within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall not exceed 6 units.
2. **Alley Access.** Townhome, duplex and triplex subdivisions (4 or more lots) are encouraged to receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Section 3.4.100 - Transportation Standards, and Chapter 4.3 - Land Divisions. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the Town shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 3.1- Access and Circulation.

2.1.200 - Special Standards for Certain Uses. (continued)
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Figure 2.1.200E(2) – Townhomes and Multiplex Housing with Street Access



3. **Street Access Developments.** Townhomes, duplexes and triplexes 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 12 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 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, prior to building permit issuance.

2.1.200 Special Standards for Certain Uses. (continued)

4. 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 Town prior to building permit approval.

F. Public and Institutional Land Uses. Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences. The uses listed in sections 3(a-g) and h.7-8 also require a Conditional Use Permit (Section 4.4.400 – Conditional Use):

1. Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.
2. Building Mass. The maximum width or length of a multiple family building shall not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.
3. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

G. Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. (This section does not apply to Accessory Dwellings. For standards applicable to Accessory Dwellings see Section 2.1.200.B.) All accessory structures shall comply with all of the following standards:

1. Primary use required. An accessory structure shall not be allowed on or before without another permitted use (e.g., as listed in Table 2.1.110.A).
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed 800 square feet.

2.1.200 Special Standards for Certain Uses. (continued)

5. **Building Height.** The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170; and
6. **Buffering.** A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

H. Home Occupations. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

1. **Appearance of Residence:**

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. **Storage:**

- a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. **Employees:**

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.

2.1.200 Special Standards for Certain Uses. (continued)

- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
 - d. Advertising and signs shall comply with Section 3.6.500. In no case shall a sign exceed the Residential District maximum standard of 8 square feet (e.g., 4 feet by 2 feet).
4. Vehicles, Parking and Traffic:
- a. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
 - c. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site or in the right-of-way abutting the lot.
5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday subject to Sections 1-4, above.
6. Prohibited Home Occupation Uses:
- a. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
 - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to Sections 2.1.200.H(1-5), above.
 - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;

2.1.200 Special Standards for Certain Uses. (continued)

- (3) Auto and other vehicle repair, including auto painting;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
7. **Enforcement.** The Planning Official or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.
- I. Bed and Breakfast Inns.** The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
1. **Accessory Use.** A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
 2. **Maximum size.** The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night.
 3. **Employees.** The bed and breakfast facility may have up to 2 non-resident employees for the facility.
 4. **Food Service.** Food services may only be provided to overnight guests of the bed and breakfast inn.
 5. **Owner-occupied.** The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
 6. **Signs.** Signs must meet the standards in Section 3.6.500, Signs.
 7. **Monitoring.** All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by Town staff upon request.
- J. Master Planned Neighborhood Development.** The purpose of this Section is to ensure the development of fully integrated mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
1. **Applicability.** This Section applies to parcels, and development sites with more than one parcel, in the Residential District which are 40 acres or larger; and

2.1.200 Special Standards for Certain Uses. (continued)

2. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 1, above. Master plans shall follow the procedures in Chapter 4.5 - Master Planned Developments, except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.
3. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design principles:
 - a. All neighborhoods have identifiable centers and outer boundaries;
 - b. Edge lots are readily accessible to Neighborhood Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);
 - c. Uses and housing types are mixed and in close proximity to one another;
 - d. Streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);
 - e. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the neighborhood.
 - f. Overall, the neighborhood plan achieves a housing density of 7 units per acre, in accordance with the Comprehensive Plan and Residential District standards.
 - g. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the Comprehensive Plan.
4. Implementation. Upon approval of a Neighborhood Development Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in Chapter 4.6 - Modifications.

2.1.300 Residential Sub-Districts.

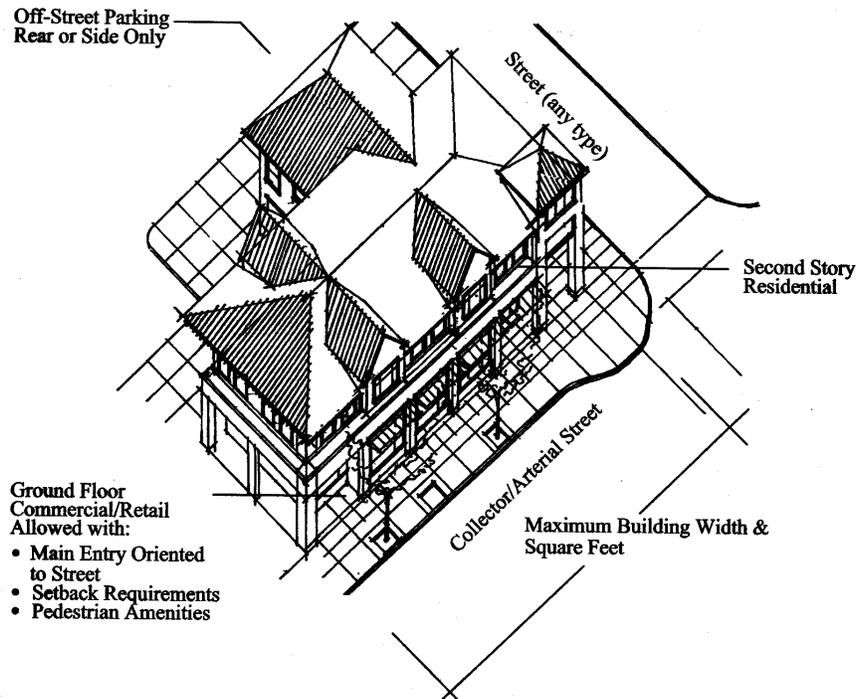
- A. **Sub-districts Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for commercial services within residential neighborhoods, and higher density and multi-family housing. Therefore, the Town has adopted the Neighborhood Commercial, Multi-Family, and Manufactured Home Park Sub-districts to address that need.
- B. **Applicability.** Sub-districts are identified on the Town's official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this Section.
- C. **Conflicts.** Where there are conflicts, the Sub-District standards supercede the standards of Section 2.1.100 to 2.1.200. Where there is no conflict the standards of 2.1.100 to 2.1.200 shall apply.

2.1.400 Neighborhood Commercial Sub-District (NC).

- A. **Purpose/Intent Statement.** The Neighborhood Commercial Sub District is designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All Neighborhood Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Neighborhood Commercial and residential uses:

2.1.400 Neighborhood Commercial Sub-District (NC). (continued)

Figure 2.1.200K – Neighborhood Commercial (Typical Site Layout)



B. Permitted Uses. Only those Neighborhood Commercial uses specifically listed in section 5 of Table 2.1.110.A may be permitted.

1. **Mixed Use Building or Development.** Residential and neighborhood commercial uses may be mixed “vertically” meaning that a residential use is developed above the commercial use or may be mixed “horizontally” meaning commercial and residential uses both occupy ground floor space.

C. Uses Not Permitted. Automobile-oriented uses, as defined in Chapter 1.3 are expressly prohibited.

D. Building Mass Supplemental Standard. The maximum width or length of a Neighborhood Commercial or mixed-use (residential and commercial) building shall not exceed 60 feet (from end-wall to end-wall).

E. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per Neighborhood Commercial site within the Neighborhood Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).

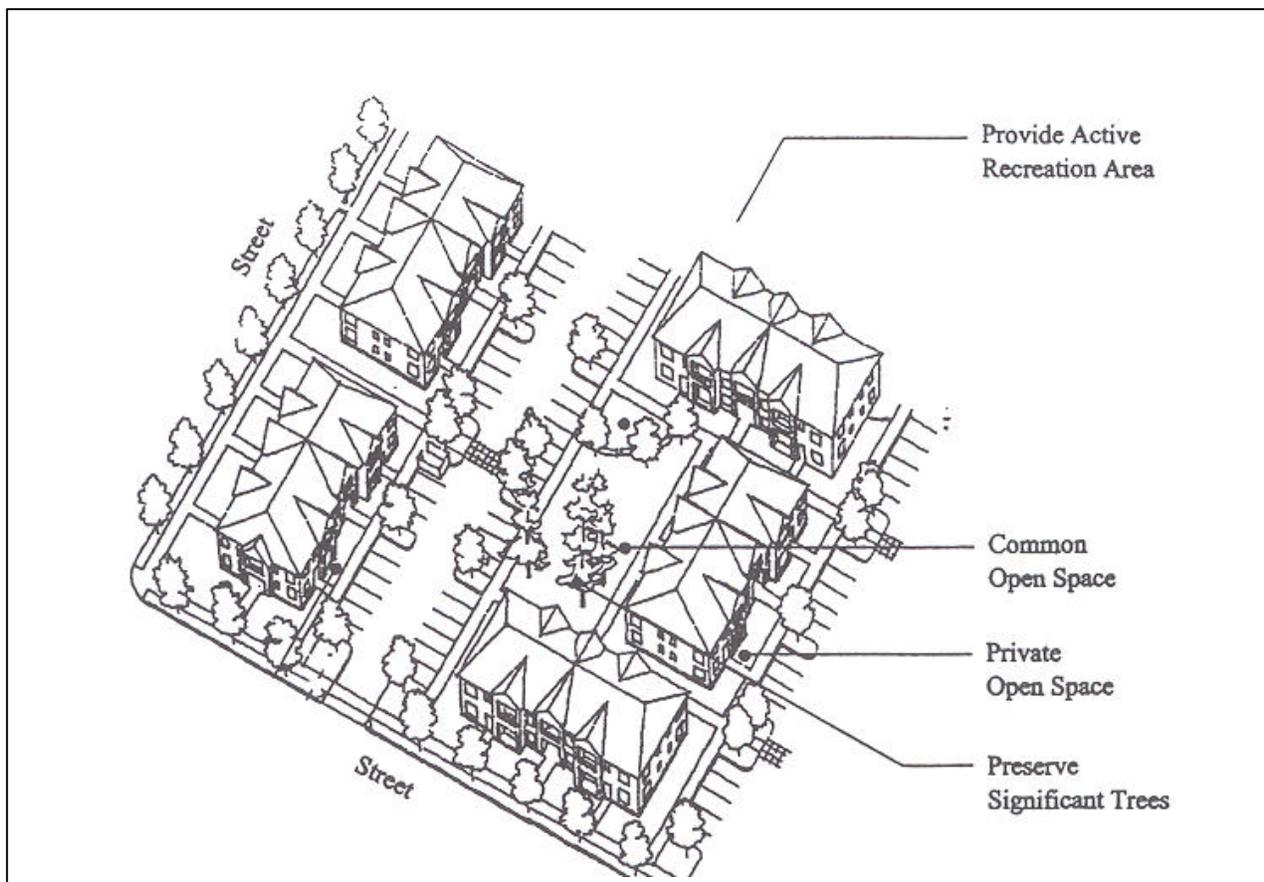
2.1.400 Neighborhood Commercial Sub-District (NC). *(continued)*

- F. Hours of Operation.** Neighborhood Commercial land uses shall be limited to the following hours of operation: 7 a.m. to 6 p.m.

2.1.500 Residential Multi-Family Sub District (MF).

- A. Standards for the Multi-Family Sub-District.** These standards replace the applicable standards listed in Sections 2.1.200 through 2.1.600.
- B. Purpose/Intent Statement.** The Multi Family Sub District is designed to provide land for larger multiple family housing development. Multi-family housing is housing that provides 4 or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards.

Figure 2.1.500F – Multifamily Housing (typical site layout)



2.1.500 Multi-Family Sub District (MF). (continued)**C. Multi-family Housing Development Standards.**

1. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. 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. Private open space areas shall be required for ground-floor and upper-floor housing units through compliance with all of the following standards:
 - a. Ground-floor housing units shall have front or rear patios or decks at least 4 feet deep and 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 at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;
 - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable; and
3. Exemptions. Exemptions may be granted for the first 10 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., federal Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk connecting the site to 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. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

2.1.600 Manufactured Dwelling Park Sub District (MDP).

- A. Manufactured Dwelling Park.** Manufactured dwelling parks are permitted on parcels of one (1) acre or larger within the Manufactured Dwelling Park (MDP) Sub-district, subject to compliance with Sections 2.1.600.A.1-5, below:
1. Permitted uses: Manufactured dwellings, manufactured dwelling park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Special Standards for Certain Uses, Section 2.1.200.H.
 2. Space. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
 3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built that serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
 4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the Town may require installation of fencing and planting of a 6 foot wide landscape buffer between the right-of-way and the manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
 5. House design (for parks smaller than 3 acres). Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
 - a. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
 - b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
 - c. Exception: Subsections a-b, above, do not apply to manufactured homes sited within the Town prior to the effective date of this ordinance.